Unwholesome for Man’s Body?: Concerns about food quality and regulation in London c1600 – c1740

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Abstract:

This thesis examines representations of concern about food quality in early modern England. It shows that such concerns are a recurring issue, although definitions of wholesomeness and fraud, and the methods of commission and detection of quality offences as well as the scale of the problem may change over time. This challenges the current historiography of English food concern, which presents widespread food fraud as a modern issue, emerging in the nineteenth century with the publication of Frederick Accum’s treatise on fraud and its detection, if not later. In focusing on London in the seventeenth and early eighteenth centuries, this study identifies and addresses a significant gap in the study of food fraud in England. Previous work in this field has largely ignored the early modern period, instead eliding the early modern era with scant evidence from medieval records, presenting the pre-modern past as an unchanging monolithic whole and the early nineteenth century as a time of dramatic change.

Conclusions about early modern food fraud have been drawn from limited evidence for a very restricted range of food trades. This examination of early modern food concern investigates a more representative range of trades, including the butchers, flour and meal sellers, fishmongers, poulters and fruit, herb and root sellers, in addition to the grocers and bakers more usually considered. In order to do this it draws on regulatory documents of the food companies, the city and the crown. It also examines printed contemporary health and dietary texts, as well as broadsheets, and popular literature. In addition, it uses court records, including those of the Courts of Assistants for the food companies, the Court of Aldermen, the Court of Common Council and the ward presentments and Sessions papers for London. The records of the Leet Courts for King’s, Guildable and Great Liberty Manors in Southwark, the Court of Burgesses for Westminster, the Court minutes from Bridewell Hospital and the Sessions papers for Middlesex and Westminster were also consulted.

This study takes a qualitative approach, focussing on perceptions and representations of food quality and risk in the early modern records, rather than on quantifying incidence of quality offences. In doing this it utilises the insights offered by anthropological studies of perceptions of risk and danger and recent work by sociologists into trust in food, which show that actual incidence of fraud is only one factor of many that influences ideas about food quality. Other factors, such as perceptions of the relative honesty of sellers and of regulatory rigor, are also significant in influencing trust or concerns about food quality. They also indicate that invocations of food contamination and adulteration can also serve as a means of defining legitimacy and negotiating control. As
such, the question asked by this study is not whether accusations of food adulteration and fraud in the past were justified, but rather, what the discussions of food safety in the past can tell us about contested social and trade boundaries within early modern English society. This calls for an approach that asks not only what sellers were accused of, but also who was accused, by whom, when, in what terms, to what possible purpose and with what effect.

The thesis is divided into three sections, which address the different factors that impact on beliefs about the relative potential safety of food. The first two sections test assumptions made in previous studies of food adulteration about the nature of both fraud and regulatory activity in the early modern period. Section one examines perceptions of food. Chapter one contextualizes ideas about food quality within early modern dietary theory, then Chapter two explores contemporary suspicions of fraudulent practice. Finally it examines the supposed ‘newness’ of the frauds Accum exposed in 1820 in the light of the early modern evidence. The second section focuses on the regulatory process. It questions both the caveat emptor view of regulation in the past and the opposing idea that regulation was consistently and invariably applied effectively preventing successful fraud, which underlie assumptions that food fraud is a modern concern. Chapter three outlines the multiplicity of regulations that in theory applied to the sale of food in London, while chapter four considers how this played out in practice. The third section brings in the aspects of seller honesty and reputation, which have previously been omitted from considerations of early modern food regulation. It argues that perceptions of the food sellers and their potential for disorder impacted upon beliefs about the food they sold. Chapter five looks at how the role of the food traders as both wholesalers and retailers placed them against economic theories of their times. Chapter six explores the connections between food sellers and moral disorder. Chapter seven considers the food sellers and pollution, and their possible connection to the danger of epidemic disease. The concluding chapter returns to the question of continuity and/or change in concerns about food fraud over time.
# Table of Contents:

Abstract iii  
Acknowledgements vii  
List of Figures ix  
Abbreviations x  
Introduction 1  

**Section one: The food: wholesomeness and fraud** 21  
Chapter 1: Purity …: defining wholesomeness 25  
Diet and Health  
Dietaries and notions of wholesomeness in food  
Correctives or additives  
Conclusion  

**Chapter 2: … and danger: beliefs about fraud** 53  
Substitution frauds – mingling  
Enlargement and Replacement  
Conclusion  

**Section two: The regulators** 77  
Chapter 3: The regulation of the food trades 83  
Food offences as public nuisance under common law  
Levels of legislation  
Implications and conclusions  

**Chapter 4: The practice of Company regulation** 115  
The evidence of punishment  
Factors impacting on Companies’ control of their trades  
Conclusion  

**Section 3: The food sellers** 155  
**Chapter 5: Economic disorder and fraud** 159  
The early modern trading ideal  
The realities of trade
The exampl
Concerns about tradesmen selling other food products
Luxury versus necessity

Chapter 6: Moral disorder
The rhetoric of regulation
Company campaigns against street sellers
The evidence of prosecution
Suppressing the street traders: a moral panic?

Chapter 7: Physical disorder: Pollution and disease
Sin and repentance
Polluting the City
Corrupting the body
Obstructions

Conclusion

APPENDIX 1: Summary of fines recorded in the Wardens’ accounts for the Butchers’ Company’s

Bibliography
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Table of Figures:

<table>
<thead>
<tr>
<th>Figure</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1</td>
<td>The humoural system</td>
<td>29</td>
</tr>
<tr>
<td>1.2</td>
<td>Sample early modern English dietary texts</td>
<td>31</td>
</tr>
<tr>
<td>1.3</td>
<td>The relative wholesomeness of general food categories presented in</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>dietary texts</td>
<td></td>
</tr>
<tr>
<td>1.4</td>
<td>The hierarchy of nourishment of bread</td>
<td>35</td>
</tr>
<tr>
<td>3.1</td>
<td>Transcript summary of acts, <em>Journal of Common Council</em>, November</td>
<td>101</td>
</tr>
<tr>
<td></td>
<td>1613</td>
<td></td>
</tr>
<tr>
<td>3.2</td>
<td><em>Journal of Common Council</em>, November 1613 f. 111v</td>
<td>102</td>
</tr>
<tr>
<td>4.1</td>
<td>Summary of the fines recorded in the Warden’s accounts by category of</td>
<td>121</td>
</tr>
<tr>
<td></td>
<td>offence</td>
<td></td>
</tr>
<tr>
<td>6.1</td>
<td>William Hogarth, <em>The Idle ‘Prentice at play in the Church Yard during</em></td>
<td>202</td>
</tr>
<tr>
<td></td>
<td><em>Divine Service</em>.</td>
<td></td>
</tr>
<tr>
<td>6.2</td>
<td>Factors affecting ideas of honesty</td>
<td>205</td>
</tr>
<tr>
<td>6.3</td>
<td>Differentiated representation of types of food traders in the court</td>
<td>216</td>
</tr>
<tr>
<td></td>
<td>system</td>
<td></td>
</tr>
<tr>
<td>6.4</td>
<td>Fines from the Warden’s accounts for the Butchers’ Company 1622</td>
<td>217</td>
</tr>
</tbody>
</table>
Abbreviations:

LMA London Metropolitan Archives
CLRO Corporation of London Records Office – while these records are now physically located at the LMA, they are catalogued as a separate collection and will be referenced as such in this thesis.
GL Guildhall Library – the records from the Guildhall manuscript collection are now catalogued through the LMA the records for the Livery Companies are still located at the Guildhall and their Guildhall manuscript record numbers remain necessary for accurate retrieval as the LMA numbers are generic.
BBA Bridewell and Bethlehem Hospitals Archives
WA City of Westminster Archives
BCB Minutes of the Court of Governors for Bridewell Hospital
JCC Journal of Common Council
Reps. Repertories of the Court of Aldermen
LB Letter Book
EEBO Early English Books Online
ECCO Eighteenth Century Collections Online
EBBA English Broadside Ballad Archive [http://ebba.english.ucsb.edu]
MMW The Making of the Modern World
Introduction

No poulterers shall deceivably occupy the markette to sette anye stale victual. … No unbolesome or stale victuall shalbe solde under payne of xi s. and forfeiture of the same victual. … No butcher shal sell any meryll hogge, or unbolesome fleshe, under payne of xij. … No butcher shal sell any olde stale victual: That is to say above the slaughter of three daies in winter, and two in the summer, under payne of xij.¹

The Lawes of the Markette, (1562)

Any manner of Person or Persons which shal by any false wayes, or meanes sell any meale unto the Queense subiects either by mixing of it deceitefully, or mustie and corrupted meale, which may be to the hurt or infection of mans body; ors by any false slight or any deceitfull waies or meane. … for the first offence bee shalbe grievously punished, the second offence he shall lose his meale, the third offence he shal suffer the judgement of the Pillowrie, and the fourthe time he shall foreswear the Towne wherin he dwelleth.²

John Powell, (1592)

This study seeks to address a neglected area of the history of English food concern. While food concerns, as Peter Scholliers has pointed out, have historically covered a gamut of anxieties about ‘lack of food, inferior, infected or swindled foods, fraudulent weight, and food poisoning’,³ this study focuses upon English anxieties about food quality and regulation in seventeenth and eighteenth centuries. That is, it considers representations of the possible presence of ‘inferior, infected or swindled foods’ in supplies put out for sale to early modern consumers, and as such intersects with studies of food safety and risk – which consider health risks posed by foods – and the related, though not synonymous area, of food fraud. Bee Wilson has rightly argued that not all sales of contaminated food necessarily constitute fraud.⁴ However, the possibility that producers or sellers faced with loss of profits will deliberately sell wares known to be contaminated is a fear of long

² John Powel, The Assise of Bread Newly Corrected and Enlarged, According to the Raising & Falling of the Price of Wheate in the Market, Together with Sundrie Good and Needful Orders Commanded to Be Kept in Making of All Kindes of Bread, That Are Appointed to Be Sold in All Places Whateouer ..., London, John Windet, 1592. The Assise remained in force with only minor changes from 1266 to the nineteenth century.
standing, and as such cannot be excluded from considerations of adulteration (or deliberate fraud).

As the regulations cited above indicate, early modern regulations explicitly addressed the fraudulent sale of adulterated and contaminated foods, and are but two of the many such laws and orders addressing food quality extant from the early modern period. Yet most studies of adulteration and food risk have depicted food quality concerns as a modern phenomenon, despite these very obvious indications that it was an issue for early modern English authorities, and despite secondary studies of the food trades of London from the medieval period onwards also providing examples of earlier attempts to deal with the issue. This assumption of a modern emergence of anxieties about food quality has divided the history of food concerns into two phases: a monolithic pre-modern past, which focused on quantity and on ensuring secure supplies of food, and the modern period, when the focus shifted to fears about quality. Few studies of food risk have examined the evidence for food quality issues prior to the nineteenth century. Instead studies of early modern food have focused on the supply of the market and on the material evidence of consumption within the home. The practices of the food traders who acted as

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intermediaries between those who grew the food and those who purchased it have largely remained unquestioned.

The exact starting point of the presumed ‘modern concern’ about food quality has been disputed. In their 2002 article on constructions of risk, Draper and Green criticized studies of late twentieth-century food scares, arguing that in ‘the UK, the emergence of issues such as salmonella and BSE as food “scares” … in the 1980s and 1990s implied a prior neutrality of food and food safety, that there was something “new” about concern with the safety of food’. Having offered this critique, however, they then proceeded to claim that food safety ‘began to emerge in the early nineteenth century as [an] issue of public and later governmental concern in relation to food adulteration. The first indications of a concern with the quality and adulteration of food included the work of the German chemist Thomas [sic] Accum’. While other times of emergence have been offered by other scholars – French and Phillips, for example, placed the emergence of food quality as a major aspect of regulation in the late nineteenth century, Draper and Green’s association of the emergence of quality issues with Accum’s exposé is a common starting point.

Two linear models of change emerge from these modern studies of food safety and risk. The first a progression of ever increasing anxiety about food quality – premised on a
past when food was not risky. The other is the steady triumph of science over a dangerous past posited in earlier studies.\textsuperscript{11} Even scholars like Draper and Green, who have disputed this linear pattern when discussing English perceptions of risk from the nineteenth century onwards, have in fact presented the very view of history they argue against.\textsuperscript{12} Draper and Green argue that food concerns from the nineteenth century onwards were cyclical in nature. In their view, interest in food safety has waxed and waned as a public issue over the last two hundred years but that there have been discontinuities in the types of risk associated with food in each resurgence of concern. They identified three dominant models of public governance differentiated by the way “the public” is conceived. In the nineteenth and early twentieth centuries the public was construed as passive and in need of protection by the government from first fraud in the early part of the century and then disease caused by negligence in the later part of the nineteenth and early twentieth centuries. The later twentieth century saw a policy change that reflected a change in the conception of the consumer, who was no longer construed as passive, but was instead an active participant who could avoid risk if properly informed by experts. The role of government was to identify risks and then properly inform the public. At the end of the twentieth century they argue that there was a move ‘towards a more active construction of the public as \textit{citizens}, not only reacting to information about risk but also having an obligation to contribute to policy information’ and assist with identifying and defining risk. However, they depict English food policy for all times prior to the early nineteenth century as ‘one of \textit{caveat emptor} in that the burden of risk assessment lay firmly with the public’.\textsuperscript{13} This depiction presumes both that everything changed when the German chemist Frederick Accum released his analysis of adulterated food in the 1820s, and presents the same ‘prior neutrality of food and food safety’ they criticized in studies examining late twentieth-century assumptions about risk.\textsuperscript{14} They discuss the laws passed in the mid to late nineteenth century as though they were written on a blank slate, a presentation that not only ignores earlier laws covering very similar issues, but also the fact that Accum himself, their starting point, did not present the frauds he exposed as new.\textsuperscript{15}

The emphasis on the nineteenth and twentieth centuries in studies of food concern is largely due to an uncritical acceptance of conclusions reached by the analytical chemist

\textsuperscript{11} Ferrières, \textit{Sacred Cow}.  
\textsuperscript{12} Draper and Green, ‘Food Safety’, p. 610.  
\textsuperscript{13} Draper and Green, ‘Food Safety’, pp. 610-11.  
\textsuperscript{14} Draper and Green, ‘Food Safety’, p. 611.  
Frederick Filby in 1934. The history Filby posited was slightly different in that it involved three phases not two. He described the first phase having ‘little and slow development’ up to Accum’s treatise in 1820. His second phase was from 1820 to the early twentieth century, when adulteration and detection ‘came to the fore’. His third phase considered food practices up to his own time (the 1930s) when he claimed the grosser forms of adulteration had been ‘completely abolished’. Filby concluded that in the twentieth century food adulteration and fraud had been effectively controlled and largely eliminated, through tighter food regulation and the advent of the analytical chemist as food policeman. His conclusions about the twentieth century are no longer accepted, but his conclusion that widespread concern about food quality started in the early 1800s (at some time just prior to Accum’s account) remains unchallenged, at least with reference to Britain.

Bee Wilson’s recent history of food adulteration in Britain gives an excellent overview of the commission and regulation of food fraud for the last two centuries. However, her coverage of the pre-modern period is sketchy at best. While she gives a brief nod to occurrences of food fraud and adulteration in the Roman world, the medieval period and the sixteenth century, the seventeenth century is only acknowledged with relation to the grocers’ trade and the office of the garbler as inspector of imported food wares, such as spice and dried fruit. Wilson’s statement that the waning of the garbler’s role from 1617 onwards meant ‘the control of food and drink was left with no special body’, presumes that a loss of control in one trade affected all, ignoring the fact that the garbler only ever dealt with the goods of the grocers’ trade. This assumes that the word ‘grocer’ means one who runs a grocery or general food shop – its modern meaning – and fails to discuss the changes that occurred in the trade, in the type of wares dealt in, and in the meaning of the word between the sixteenth and the nineteenth centuries. For the other trades, Wilson skips the seventeenth and first half of the eighteenth centuries altogether, only taking up the story again with what she calls ‘the great bread scandal of 1757-8’. Even this is covered only briefly, with the rest of the book devoted to Accum and later developments in both adulteration and detection based on developments in chemistry from the nineteenth century to the present day.

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16 Filby, *A History of Food Adulteration*.  
18 Ferrières’ *Sacred Cow* study of the long history of food concerns in France is the exception to the usual assumption that food quality is a modern issue. While, in the light of Ferrières’ work, Scholliers has also argued in ‘Defining Food Risks’ for a much longer history of concern about food quality, he nevertheless focuses his discussion on the development of chemistry in nineteenth-century Europe. The early modern period is again ignored.  
19 Wilson, *Swindled*.  
22 Wilson, *Swindled*, chapter 2. See especially pp. 76-84 for ‘The great bread scandal’.  

Introduction 5
The assumption that ‘food seller’ equals ‘grocer’ goes a long way towards explaining why Wilson, like Filby and Burnett before her, omits the meat trades entirely from her study, though she does address dairy products (as goods sold in grocery shops). This omission is also influenced by their preoccupation with Accum and the role of analytical chemists in detecting adulteration. The focus on Accum also explains why chemical adulterations receive more attention than other forms of substitution fraud. Accum was actively seeking to demonstrate the utility of chemistry in detection and glossed over or omitted those frauds where the chemistry of his day could not assist.23 The equation of food fraud with the addition of dangerous chemicals also explains Wilson’s stipulation that industrialization was one of two necessary conditions for fraud.24 By ignoring seventeenth and early eighteenth-century discussions of fraud and focusing on Accum’s treatise as the major point of change, Wilson continues a tradition of ignoring the longer histories of many of the frauds ‘exposed’ in the nineteenth century by Accum and others; histories that Accum himself acknowledged.25

Like many later studies, Wilson drew upon John Burnett’s studies of nineteenth-century food adulteration, which were in turn premised on an acceptance of Filby’s periodization, at least with reference to the first two phases.26 Burnett himself devoted little attention to the pre-modern period, but rather used Filby’s study as a justification for concentrating attention on the nineteenth century and ignoring previous periods. Burnett interpreted Filby’s findings, along with those of another more general study by Cole and Postgate, published in 1938, as showing that cities and towns were too small for food frauds to go undetected prior to the nineteenth century.27 This assumed that rapid urbanization was also a phenomenon confined to the nineteenth century and that a general dependence in urban areas on professional producers and an extended prepared food trade did not appear until this time. He also placed the emergence of the split of trades into

23 Accum, A Treatise on Adulterations of Food, Epistle dedicatory.
24 Wilson, Swindled, p. xiv.
25 Accum, A Treatise on Adulterations of Food, pp. 213 & 238.
27 Burnett, The History of Food Adulteration, p. 8; Burnett, Plenty and Want, pp. 99-100. G. D. H. Cole and Raymond Postgate, The Common People, 1746-1938, London, Methuen, 1938, pp. 360-1 stated that ‘Decaying, damaged and adulterated food is a plague of town civilization. Communities which live in close touch with farming areas are served with fresher food and are more skilled in detecting fraud and deception. Systematic adulteration of food seems to have developed during this period on a large scale. No real regulations existed to prevent it and the system of “fair competition” encouraged it. Dr [Thomas] Wakley, in the Lancet, began to expose individual instances at the end of the period. But its extent can only be conjectured, for the evil was not seriously investigated until thirty years later, when the most surprising facts were disclosed’. This appears at the end of chapter 29 on the hungry Forties, which looks at population rise and dearth in the nineteenth century.
wholesale and retail operations in the nineteenth century. Burnett linked these assumptions of emergence with a further untested assumption that livery companies representing the food trades, working cooperatively with other layers of authority in the City, were able to exert such tight and consistent control over all food traders in London from the middle ages to the eighteenth century that fraud was not possible. On this basis, he argued that ‘we cannot assume that the bread, the beer, the tea or the milk of 1850 was the same as that of 1750 when it was fraudulently, and sometimes poisonously adulterated’, an argument that assumed that in 1750 food and drink was pure.28

More recent studies of population, of guild control of commodities generally, and of the prepared food trades in London and Southwark, show that a number of Burnett’s assumptions are not well founded. The exact numbers of people in the city remains a subject of debate, but it is widely accepted that London experienced rapid and sustained growth over the sixteenth and first half of the seventeenth centuries despite the impact of plague, war and dearth.29 Histories of individual food companies show that Burnett’s image of city and company authorities invariably working cooperatively to ensure tight control is also questionable.30 More general studies of the effectiveness of the London guilds not only problematize Burnett’s assumption of ongoing efficient detection and heavy punishment, but also call into question his conclusion that the controls the companies exercised deterred traders from erring.31 Although they rarely consider the food trades, these studies indicate a need to reexamine the mechanisms of food regulation in the early modern period to see whether they follow a similar pattern. The work of Martha Carlin and Sara Pennell offer insights into the extended cooked food trade in London, upon which many of the population depended long before the nineteenth century.32 This was particularly true for the poor, who did not have access to the cooking and storage facilities necessary for

preparing their own food. Burnett’s image of the problems facing the city in the nineteenth century city and the needs of the poor at this time is not disputed; rather it is his argument that this situation was new that needs to be contested.

This study aims to do just that. It questions the existing periodization of food concerns, arguing instead that anxieties about food quality predate the origins suggested by other studies of adulteration and food fraud in England. In doing this however, it does not seek to replace one monolithic view of adulteration in the past with another. Madeleine Ferrières has rightly warned that in rejecting the two inverse forms of a linear history of change – the march of progress from ‘caveat emptor’ to a well regulated and safe present or future, and ‘the Good old days’ myth of a golden past now lost to modern corruption – there is a danger of ascribing current concerns to the past and of assuming not only that adulteration has always been with us, but that it always takes the same form and is judged in the same way.\(^{33}\) Indeed, assuming that the problems of today match those of the past would be to reproduce one of the major flaws in Filby’s study of food adulteration in England. Filby’s focus was the development of analytical chemistry and its role in the effective detection of adulteration. He described his approach as both science based and judicial, in that he acted as both expert analyst and jury to review historical accusations of adulteration and determine whether they were justified or not.\(^{34}\) In doing this, Filby applied the science of the 1930s to food concerns of the past, treating purity as an absolute concept, and ignoring or dismissing earlier definitions and ideas about what constituted beneficial or harmful treatments of food. Such an approach is both anachronistic and limiting.

Instead, this study argues that the applicability of the notion of cycles of concern identified by Draper and Green for the modern period needs to be considered within a much longer history of concern. This involves acknowledging that food quality concern as a general category is recurrent and ongoing, and that it applies to the periods prior to the nineteenth century, while examining whether and how the specific focus of concern changed over the period between the start of the seventeenth century and the mid-eighteenth century. Where shifts occur, the social, economic or medical situations that might have influenced such shifts need to be explored. This study further proposes that, in order to identify what might stimulate fluctuations in regulatory focus and representations of risk, a broader approach to the examination of food concerns in the pre-modern past is needed; one that takes into account the findings provided by anthropology and sociology.

\(^{33}\) Ferrières, *Sacred Cow*, p. 4.

\(^{34}\) Filby, *A History of Food Adulteration*, pp. 19-20. See Ferrières, *Sacred Cow*, pp. 6-7, for a critique of this approach to the history of food fear.
about the nature and purpose of expressions of concern and ideas about risk and deception.

The anthropologist, Mary Douglas’s work on purity and danger has suggested that ideas of purity and contamination are not absolute and immutable, but rather socially constructed and subject to change over time. Douglas’s argument is supported by recent sociological work on contemporary perceptions of risk and safety in food within the European Union. These studies have shown that while concern about food quality as a general concept may recur across periods and places, how quality is defined and what practices and ingredients are considered safe or healthy, or unsafe and unhealthy is not immutable and may differ across cultures and time. They therefore need to be teased out and made explicit.

Such studies also show that factors other than the food itself can contribute to trust or distrust of the food available. Ferrières’ analysis of public responses in France to the famine of 1709, when large numbers of people died but there were few riots, and the riots of 1775, when famine did not occur but shortages were feared, found that it was not hunger but the fear of hunger that caused riots. I would argue that the same issue applies to food quality. While actual food scandals may indeed generate fears about quality, this is not always the trigger. Recent studies have found little correlation between the scientific evidence of food analysts regarding actual incidence of food quality breaches and consumer perceptions of risk and subsequent action. The evidence of experts regarding the occurrence of adulteration or fraud in food is then only one factor that influences people’s beliefs about the quality of food available. Perceptions of the integrity of producers and the activities of regulators also inform beliefs. Perceptions of risk drive calls for action as much as actual risk, and, as Paul Griffiths argues, spawn the policies, prosecutions and rhetoric.

37 Bourdieu, Bruegel and Atkins, ‘Historical Perspectives on Food Quality’, p. 254.
that we read in the records. For this reason this study examines how the different actors in food production, distribution and regulation were represented in the early modern records and how this may have affected regulatory efforts.

In addition, purity concerns and the threat of contamination may be invoked for reasons that have little to do with actual food safety or fraud. Douglas argued that threats of contamination can also serve as a means of negotiating social boundaries, and are invoked when existing boundaries and power relations are under threat. Her work with Aaron Wildavsky on risk concluded that ‘pollution ideas are the product of ongoing political debate about an ideal society’. Although her original discussion related to the human body and its symbolic boundaries, in her later writing Douglas acknowledged its applicability as a metaphor to cities and organizations. Her arguments seem particularly apt when considering early modern society where the body was a major intellectual preoccupation, applied metaphorically to ideas of the city, livery companies and state, and important in informing and shaping early modern cultural structures and the discourse of order and control. Mark Jenner’s analysis of multiple layers of meaning of John Evelyn’s *Fumifugium*, in which environmental pollution was used to present other social and political issues relating to the control and order of the body politic shows the utility of ideas from Douglas’s later work with Widalsky on risk to interpreting invocations of pollution and discussions of the environment in the past. They are equally useful in considering food quality concerns.

The notion that accusations of contamination can be a means of negotiating power has been taken up in qualitative studies of the modern period that take a broad contextual approach to the history of food risk and safety. Within this approach, food fears and the way they are articulated tell us as much, if not more, about social relations within the society in which they occur as they do about the actual state of the food sold. Food safety is more than a health concern; it is also ‘embedded in economic, political and social life’. Studies like Scholliers’ point to the inadequacy of histories of food adulteration that treat pre-modern accusations of fraud as something to be either confirmed or rejected as ignorant or biased, but otherwise as an unproblematic issue of health and science. Yet if ideas of safety and risk in food are socially constructed, then they need to be contextualized. This involves considering not only contemporary understandings of health, diet and wholesomeness, but also the regulatory framework and economic and social tensions that surround accusations of fraud and calls to regulate.

Accepting that representations of risk are not neutral but inherently political, this study therefore considers whether all food traders were shown as equally culpable when suspicions of fraud and/or contamination were raised. Where this is not the case, it examines the status and gender delineations embedded within calls to regulate. These relations should not be seen as static but rather as an ongoing process of negotiation. In considering food quality concerns in early modern London, the question to be asked then, is what the language of discussions on food regulation and control can tell us about wider concerns within early modern English society. This thesis will therefore examine discourses of food fraud and contamination to ascertain not only what accusations were made, but also who made them, against whom, at what time, in what terms and to what possible end.

This study focuses on the sale of food or ‘victuals’ in London in the seventeenth and first half of the eighteenth centuries. It is a study of ‘victualling’ (the provision of foodstuffs) rather than of ‘victuallers’ (the purveyors of ready to eat food in ‘victualling houses’ such as inns, taverns, alehouses and cook shops or ordinaries). This division of terms agrees more with that made by Sara Pennell in her discussion of the cooked food trades than with Martha Carlin’s undifferentiated usage, and follows the way the terms were

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46 Scholliers, ‘Defining Food Risks’, pp. 4-5.
47 Scholliers, ‘Defining Food Risks’, p. 5.
48 Scholliers, ‘Defining Food Risks’, pp. 4-5. Examples of studies basing their findings on a confirmation or rejection of past accusations of fraud and adulteration include Filby, A History of Food Adulteration, and, though less overtly, Burnett, Plenty and Want, p. 101 and Wilson, Swindled, especially pp. 76-80.
mostly used in early modern records. While cooked foods sold by victuallers were also victuals, it is the raw ingredients, both processed and unprocessed, that are the subject of study here. For this reason, the bakers, classified by Beier along with butchers as producers rather than victuallers, but nonetheless dealing in cooked wares, are only examined with regard to their involvement with the flour trade. Therefore, in this thesis the victualling trades mean the butchers, cheesemongers, fishmongers, flour and meal sellers, fruiters, gardeners, grocers and poulterers who processed and/or sold the meat, fish, flour, poultry, fruit, roots, herbs and spices for household consumption. The informal traders, who sold small quantities of food in the streets or at more makeshift market stalls, are also included within this definition.

This exclusion of the cooked food trades is not because cooked food did not incur accusations of adulteration and fraud. The problems identified with poor quality raw ingredients were compounded when they were combined in a cooked dish. Rather, it is because the sellers of raw ingredients, with the exception of the grocers, have been largely excluded from studies of pre-modern adulteration to date. Filby confined his study to an examination of the grocers, bakers, brewers, vintners and distillers. Burnett’s original examination was even more limited, examining only bread, tea and beer, and his later work does not expand on this substantially. Wilson’s more recent study follows similar lines. None of them gives an explanation for their selection of trades as representative. In making little or no mention of butchers, confectioners, fishmongers, poulterers, fruit and vegetable sellers, pie makers, or cooks, many of the key food production and distribution trades extant in early modern records have been omitted. These omissions may to some extent explain the conclusion that only minimal adulteration of foods took place in this time period. In addition, while moral concerns about ‘victuallers’ may overlap those applied to sellers of raw foods, they are complicated by an associated concern over the sale of alcohol. Concerns about the physical adulteration of wine, spirits and ales were similar to those of food, but the moral issues relating to alcohol consumption form a different

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50 Pennell, “Great Quantities of Gooseberry Pye”, pp. 233-4. However, note that Pennell classified the tripe sellers and pie men of the metropolis with the producers of raw goods, rather than as members of the ‘food-centred service economy’ that made up her definition of victuallers. Carlin, Medieval Southwark, pp. 191-2. Carlin described the victuallers as occupying ‘a nebulous position between butcher, corner grocer and delicatessen. They sold meat and poultry (both alive and dead), dairy produce, bread and fruit, both “dressed” (cooked or ready to eat) and “undressed” (raw or unprepared), and this food could either be taken away or consumed on the premises’.


52 Filby, A History of Food Adulteration.

53 Burnett, The History of Food Adulteration. Burnett, Plenty and Want, also mentions spirits and coffee in chapter 5.

54 Although Wilson makes some mention of meat in Swindled (pp. 94-5, 103-4, 260-1, 295), this is largely with reference to frauds committed in the twentieth century.
though overlapping set, which have already received much greater scholarly attention than have those relating to the sale of food.55

The urban area selected for this study is London. This was partly because it was the largest and fastest growing urban centre in England in the sixteenth and seventeenth centuries, as well as being the major centre of trade. The capital was also construed as the royal city and this construction led to tensions between city authorities and the Crown over its regulation and control.56 Conflicts over the incorporation of new guild companies occurred under James I, and under Charles I’s policy of personal rule tensions over regulatory jurisdiction became acute. In the 1680s tensions over the regulation of markets between Charles II and the Corporation led to the suspension of City’s charter and the charters of incorporation of many of the City’s companies. As this study is premised on the idea that notions of food safety are not fixed and that the norms reflected in regulations are the result of ongoing negotiation, then London as an area of contention is likely to generate potentially useful expressions of concern.57

Given the dependence of London’s population on market provisions, the years of harvest failures and high prices – such as those from 1628-31, 1646-9, 1692-99, 1727-29 and 1740 – were likely to concentrate anxieties about food, as would the scarcities caused by the destruction of the City in the great fire of 1666.58 Where these natural disasters


57 See Scholliers, ‘Defining Food Risks’, pp. 4-5 for an overview of contextual approaches to qualitative studies of perceptions of risk associated with food.

coincided with outbreaks, or threats of outbreak, of epidemic disease and war, as they did in the late 1620s, in the mid 1640s and in the 1660s, it could be expected that heightened concern over food supplies would impact on perceptions of the need for regulation.\footnote{See Paul Slack, \textit{The Impact of Plague in Tudor and Stuart England}; London, Routledge & K. Paul, 1985, particularly ch. 6, for a discussion of significant plague years.}

A second reason for focusing on London is that Filby’s conclusion that systemic fraud was a nineteenth-century phenomenon was based on an examination of London sources. As the aim of this study is to test the case for taking a more contextual approach to the study of pre-modern food fraud, and calls for a reexamination of the evidence available, it makes sense then that the material examined is taken from the same locale, albeit drawing on a wider range of records than either Filby or Burnett utilized.\footnote{Filby, \textit{A History of Food Adulteration}, pp. 233-65 made use of archival records for the Companies and the City of London, but his examination was limited to: national statutes; the \textit{Calendar of State Papers (Domestic)}; \textit{The Account Book of the Bakers of York} (which, according to Dianne Willen covers 1560-1700, see Dianne Willen, ‘Guildswomen in the City of York, 1560-1700’, \textit{The Historian}, vol.46, no.2, 1984, pp. 207-8); a nineteenth-century facsimile copy of the manuscript archive of the Grocers Company (1345-1463); and Sharpe’s Calendar for the London Letter Books (1275-1497). The other materials he consulted both in manuscript and in printed form were mostly books of recipes and instructions for early chemical investigations, and later works on accusations of adulteration. Burnett’s original assessment of the period preceding 1815 was heavily based on Filby’s findings; Burnett, \textit{The History of Food Adulteration}, Introduction. His later work largely repeated this earlier assessment and he confined any further examination to printed accusations of fraud in the late eighteenth and early nineteenth centuries. The records of the Companies and the City were not covered for the period preceding 1815, which his study took as the significant starting point. See Burnett, \textit{Plenty and Want}, chapter 5, especially pp. 99-102.}

It could be argued that the London experience is exceptional, and that food fraud was confined to very large urban centres. However, Ferrières has shown that similar problems occurred in smaller urban centres in France, and there are indications from evidence given in other studies not specifically focused on food quality, that this is likely also to be true for England.\footnote{Ferrières, \textit{Sacred Cow}. For evidence that food quality concerns in England were unlikely to be a uniquely London experience, see ‘\textit{Fast Food}’, pp. 39-41; Carr, ‘\textit{Controlling the Butchers}’; and Emily Cockayne, \textit{Hubbub: Filth, Noise and Stench in England, 1600-1770}, New Haven, Yale University Press, 2007, especially chapter 4.}

The period under consideration covers that from the beginning of the seventeenth century to the mid-eighteenth century. One aim of this study is to call into question the traditional periodization of concerns about food quality. As the pamphlet campaigns about bread quality that erupted in the 1750s have been acknowledged by earlier studies of food adulteration, the 1740s form the end point of this study. However, in starting the study in 1600 there is no intention of claiming a new point of origin for such concerns. Rather the intention was to examine the period of London history that has been glossed over in the
three major studies of English food adulteration written so far. All follow the same pattern, acknowledging frauds reported in the ancient world, then outlining isolated anecdotes from the late medieval and sixteenth century record, before jumping quickly forward to a point in either the later eighteenth or early nineteenth century when it is assumed that widespread adulteration began. This gives the impression of an undifferentiated past, reinforcing the idea of a linear pattern of development in concern. While more work remains to be done on the concerns of the medieval period, this study seeks to demonstrate that the period prior to the late eighteenth century was not one of undifferentiated rigid control. By beginning in 1600 rather than with the beginning of Stuart rule, or with the restoration, the study also cuts across the major points of upheaval that occurred in the seventeenth century: the recurrent outbreaks of plague, dearth and war, to see whether concerns were recurrent or whether they emerged within a particular regime. Examining the periods both prior to the civil war and after the restoration and the establishment of the Royal Society in London, which is often used to mark the emergence of modern science, is also of importance as a means of examining the traditional historiography of adulteration, which has tied the rise of adulteration and its detection to the rise of scientific knowledge.

One explanation that has been put forward for the neglect of food quality regulation in prior studies of the victualling of early modern cities is the scattered nature of the evidence, which necessitates the examination of a diverse range of sources. This study draws on regulatory documents, including the acts of Common Council, orders of the Mayor and Aldermen and the ordinances and charters of the food companies, in addition to national statutes. It also examines health and dietary texts published in the early modern period, as well as broadsheets and popular literature. In addition, court records were consulted, including those of the Courts of Assistants for the food guilds, the Court of Aldermen, the Court of Common Council and the ward presentments and sessions papers for London, as well as those of the Leet Courts for King’s, Guildable and Great Liberty Manors in Southwark, the Court of Burgesses for Westminster, the Court minutes from Bridewell Hospital and the sessions papers for Middlesex and Westminster.

Many of these records, particularly the court records, are problematic both in terms of the dates for which they survive and the amount and type of information they provide. Continuity is a particular problem. While the Repertories of the Court of Aldermen and the Journals of Common Council cover the entire period, other records do not. Of the guild

62 Filby, A History of Food Adulteration; Burnett, The History of Food Adulteration; Wilson, Swindled.
records, for example, only the minutes for the Courts of Assistants of the Bakers', Fishmongers' and Grocers' Companies survive for the earlier part of the seventeenth century. The surviving Poulterers' minutes run from 1691 onwards and the Butchers' from 1686, and these are in such poor condition due to fire damage that they are of limited use. The Gardeners' and Fruiterers' records are even sparser. However, for the Butchers' Company, the wardens' account books have survived from 1600-1645 and, unusually, not only record fines imposed on members, but also give details of the reasons for these fines. Unfortunately, those from 1645-1703 are missing, and when they resume in the eighteenth century do not contain the same level of detail. The minutes for the Court of Burgesses for Westminster only survive for 1610-1616 and then from 1710 onwards. Similarly the records for the Leet Courts for Southwark are not continuous for all of the manors. Those for the Great Liberty Manor run from 1631-1656 and then from 1660 to 1677, for the King's Manor there are only a few records for the period 1620-1624 with a hiatus of over eighty years before they resume in 1708, while the Guildable Manor has records from 1620-1624, some scattered records for the 1630s and 1640s before resuming as a continuous bank from 1660 to 1678.

Even where records do survive, the information provided is frequently ambiguous. This is especially true for records of prosecution. While references in the Repertories might indicate that misdemeanours, the category into which food frauds fell, were to be presented at the Sessions of the Peace, many of the entries in the sessions papers, even when identifying offenders as food traders, make no mention of the reason for presentment. A similar problem occurs with records of those bound by recognizance and with listings of fines. The Butchers’ Company account books were an exception, it was more usual that fines were listed as having been collected, but with little indication of the offence that

64 The Bakers’ Company minutes survive from 1537 to 1800, the Fishmongers from 1592 to 1764 and the Grocers’ from 1556 to 1800. See: GL MS 05177 for the Bakers’ Company; GL MS 05570 for the Fishmongers’; and GL MS 11588 for the Grocers. A comprehensive calendar exists for the Fishmongers’ minutes up to 1699, and – as the result of a severe allergic reaction to handling the original documents – were consulted in this study for the period covered by volumes 4 and 5 of the minutes (1646-1699) instead of the originals. See Worshipful Company of Fishmongers, Records of the Worshipful Company of Fishmongers: Calendar to the Minute Books (1592-1699), volumes 4 & 5, London, 1934-1938.
65 For the Poulterers’ see GL MS 02148, and for the Butchers’ GL MS 06443.
66 Other than an eighteenth-century copy of the ordinances ratified in 1629, the Fruiterers’ Company records do not survive prior to 1748. There is slightly more material available for the Gardeners’, but their surviving seventeenth- and eighteenth-century records are very patchy and of limited use: See D. E. F. Golin, The Company Archive of the Worshipful Company of Gardeners in Guildhall Library, London, Somerset, Carly Press Limited for the Worshipful Company of Gardeners, 2008 for a description of the surviving records. I am indebted to David Golin for providing me with a copy of his latest survey of the Company’s records.
67 CLRO, CLA/047/LJ/04/053 January 1682.
68 CLRO, CLA/047/LJ/04/053 January 1682.
incurred the fine. This does not mean that no cases occur in the records, but rather that the patchiness of the records makes it impossible to ascertain whether the cases specifically mentioning food fraud and quality breaches were all those that occurred or that were presented to authorities.

The scattered and uneven nature of the prosecution evidence is not surprising. John Beattie has pointed out that the cases that were indicted and brought to trial in the quarter sessions represented only a small percentage of the probable number of offences committed, and this was in relation to criminal prosecutions for more serious crimes. The likelihood of misdemeanours making it into the official record was even slimmer. One reason for this was that Justices had the discretion to impose summary justice for petty crimes, which included economic regulatory offences. Where offences were punished summarily, where complaints were settled informally or where the offenders paid the fines exacted, their specific offence was unlikely to be recorded.

Patrick Wallis recently questioned the degree to which the food sold in early modern London was suspect, asking how many people were actually poisoned as a result of eating bad food. There is no way of knowing how many of the deaths reported in the London Bills of Mortality for ‘cramp … flux … plague in the guts … stopping of the stomach … surfeit …[or] vomiting’, might have been food related. In any case, bad food does not always or even usually kill, even if it might make people ill. Numbers of deaths would not give us the amount of adulteration, or of fraud more generally, that was occurring. Nor is there any way of tracking illnesses where death did not ensue in a time when no central database of reportable illnesses was kept. Today such a database exists for the UK, yet the statistics this generates only represent the number of people who are

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71 The Fishmongers’ records also mention those caught infringing quality regulations, though the amount fined or punishment imposed is not always clear or does not appear to match those laid down in the Company’s laws. See, for example, GL MS 05570 vol. 1, ff. 396, 442; vol. 2, ff. 437-8, 557; vol. 3, 185, 217, 942, 946 & 958; Worshipful Company of Fishmongers, Calendar of Minute Books, volume 4, p. 1226. The Poulters’ Company records, on the other hand, show orders for prosecutions to take place, but this order is frequently a generic order to prosecute offenders. See, for example, GL MS 02148 [73], [78v], [82], [86], [88v], [94] (my numbering – pages are only numbered consecutively up to page 30). Where the nature of the offence is mentioned it is usually hawking or setting up in the markets on by-days. See, for example, GL MS 02148 ff. 22, 22v & 24. Corporation of London records, such as the Mayor’s Charge Books, may indicate fines paid, but details of the specific offence committed are frequently not given. See, for example, CLRO, Mayor’s Charge Books, CLA/004/01/02/001 ff. 6-11.


74 Shoemaker, Prosecution and Punishment, pp. 22-3 & 35-6.


hospitalized as a result of food related illness. The results of consolidated testing campaigns point to a much wider incidence of contamination and fraud today than is voluntarily reported. Furthermore, consumers do not always associate illness with food eaten, nor do they always report it even when they do make this connection. If the cases that are reported today, when the effects of bacteria like *E. Coli*, *Listeria* or *Salmonella* are known, are only the tip of the iceberg, then it is not likely that reporting of food sellers for making people ill would have been any more likely in a time when the specifics of this connection were unknown and undetectable, and when the onus and cost of prosecution frequently lay with the victim of a crime. In addition, many frauds do not make you sick. They are nevertheless fraud. To sell you ‘caged eggs’ as ‘free range’ or farmed salmon as wild does not usually cause illness, but it has a significant impact on the consumer’s pocket and it is illegal. Jenner argued that ‘the “dark figure” of dirt, the amount of pollution which did not result in legal action, was doubtless immense and is totally unrecoverable’. The same can be said for the dark figure of food fraud.

If the record of incidence of food fraud is scanty, those for consumption as a means of gauging consumer responses to accusations of fraud are even harder to determine. Sara Pennell has noted the difficulty of determining what people actually ate in the early modern past. Determining how they felt about what they ate is even harder. This leaves one of the three aspects usually investigated in studies of food trust – the perceptions of the consumer – an area that even in modern studies can be problematic, almost impossible to determine for the early modern past, particularly for the poor. With rare exceptions, the perceptions that can be accessed are therefore of those in authority and how they responded, or failed to respond, to representations of concern and accusations of fraud.

77 The speech given by the then Chief of the Food Standards Administration, Deirdre Hutton, in 2009 gives an indication of the numbers of people hospitalized for food poisoning in the UK. (See http://www.food.gov.uk/news/speeches/formerspeeches/deirdrehutton/lookoutforlisteria). However, these numbers are gathered as a result of *Lysteria* and *Escherichia coli* (*E. coli*) cases being a mandatory reporting category. Where consumers do not become so ill that they present at a hospital, no record is made.


80 Jenner, “Cleanliness” and “Dirt”, p. 182.


82 Kjaernes et al., *Trust in Food*, pp. 46-7.
This then is a history of representations of risk and fraud. In addition to analyzing representations of food and the traders who sold it, it contextualizes these by teasing out both the institutional framework of regulation and the glimpses allowed by the records of how regulatory practices impacted on individuals and groups of London’s inhabitants. Whereas the patchiness of the court records renders a quantitative analysis of incidence of adulteration highly problematic, a qualitative analysis of such cases that do present in the records is very useful in illuminating the rhetorical expressions of concern presented in the other sources. The evidence of the court records helps to indicate the relationship between the discourse of concern found in regulatory and popular sources and the practices that impinged on the awareness of contemporaries in the early modern metropolis and could result in official action or inaction. In other words, they add fear, ‘a known and clearly identified object’, to anxieties, defined by Ferrières as potential risks of the unknown. Where the two come together, even in the form of one example of known fraud, then anxiety is given greater legitimacy and significance.

The thesis is structured to question the assumptions that underlay earlier histories of adulteration. At the same time, it teases out three factors identified in recent studies of food risk as impacting on ideas about food: the food itself, the regulators and the sellers and producers of food. The first section of the study discusses the concerns about food quality found in early modern texts. In doing this it argues that ideas of purity are not static, but rather culturally defined and subject to change. The first chapter reexamines notions of wholesomeness and food in early modern texts in their own terms, placing these within the context of early modern ideas of medicine, diet and health. The second explores early modern beliefs about frauds committed.

The second section addresses the regulatory mechanisms of early modern London. The purpose of this examination is to test assumptions that the guilds and city authorities worked cooperatively throughout the pre-modern period to police food traders, and that the consistent and harsh application of food laws made sustained practices of food fraud untenable prior to industrialization. Chapter three outlines the levels of legislation that applied to the food trades, the range of regulatory bodies theoretically responsible for enforcement and the processes of regulation employed. Chapter four then looks more closely at the role of the livery companies in regulation, their relationship with the city government and how this impacted on their ability to regulate people practicing their trades.

The final section of the thesis moves beyond issues arising out of previous studies of adulteration and focuses on the sellers of food in London. It takes up the idea that food

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quality concerns also served as a means of contesting power and legitimacy. In doing this it argues that the way in which a group is described can have a profound effect on how they are viewed and treated. That this depiction may not reflect reality does not prevent its belief. Early modern debates and arguments for expanding or lessening the control of the trades were often presented as a need to protect the quality of the food supplied. As this discourse could serve more than one purpose, these presentments need to be problematized rather than taken at face value. If, as Hitchcock states, contemporaries made a connection between environmental health or corruption and moral health, then constructions of food trades as polluters would have given rise to concerns about the veracity and integrity of the traders themselves. Such concerns in turn informed beliefs about the safety or otherwise of the food they sold. The final three chapters therefore examine how the differing, and at times competing, discourses about food quality, the victualling trades – both formal and informal – and their regulation were constructed, and how this affected competing groups’ abilities to exert control, claim legitimacy or apportion blame for faults. Chapter five examines the food trades and their place within the economy. Chapter six explores the discourse of food traders and social and moral disorder. The seventh chapter considers the food trades, the environment and the physical ordering of the City.

84 Miguel A. Cabrera, ‘Linguistic Approach or Return to Subjectivism? In Search of an Alternative to Social History’, *Social History*, vol.24, no.1, Jan 1999, pp. 84-5, states that ‘the validity of a discourse does not depend on its degree of agreement with reality […] but on the capacity of a competing discourse to offer a coherent, acceptable and rhetorically effective explanation of social phenomena regarded as relevant for individuals’ lives’.

Section I. The food: ideas of wholesomeness and fraud

Great deceit hath been heretofore and dayly is used in the uttering sellinge & putting to sale of spices droages and other merchandizes which ought to be garbelled cleansed and made holsome for man's body within the City of London and the liberties for the same ... to the greate damage p[er]ill and danger as well of her Majesty's royall person as of her highness subjects of this Realme of all estates and degrees, as well in the unwholesomeness thereof in meates and drinkes & medicines for their bodies, as for the losse and damage that her Majesty's said subjects have in their goods and merchandizes beinge dayly deceaved in bestowinge their mony or other Comodities ... supposing themselves to receave & have for the same true holsome and good Spices drugs and merchandizes, where in very deede the same be falsified mixed and corrupted deceitfully with fusses filth stones and dust.

Letter Book BB, (1598)

[B]read meate and drinkes of all sorte to be sold offered or put to sale for the sustenance of mankind should be good sweete sound and holsome for man's body. And ... just weight and mesure should be delivered to all persons.

Journal of Common Council, (1614)

These orders, and others like them, issued by the Lord Mayor and Aldermen of London, elaborated and reinforced the general prohibition against the sale of unwholesome foods given in the Laws of the Markets, and construed ensuring the supply of wholesome food as a basic condition of good governance. Over three hundred and fifty years later, the Food Safety Act of 1990, which makes it illegal to render food injurious to health, sell food not complying to safety requirements, sell food not of the nature or quality of substance demanded, or falsely describe or present food, addressed similar concerns. The core issues underlying anxieties about food quality in English food regulation have thus remained both

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1 CLRO, Letter Books COL/AD/01/027 ff. 16v.
2 CLRO, JCC COL/CC/01/01/30 ff. 161-162.
the requirement that food put for sale must be wholesome, and the possibility that frauds involving padding, diluting, substituting or disguising inferior or bad ingredients take place to the detriment of the consumer. In other words, as Bee Wilson has argued, English food laws have always operated on two strictures: ‘Thou shalt not poison and Thou shalt not cheat’. Why then have food historians tended to assume that fraud and adulteration as significant phenomena emerged in the nineteenth century at some time just prior to the publication of Frederick Accum’s treatise on adulteration in 1820?

A closer examination of Filby’s influential 1934 study on the history of adulteration reveals the methods and presumptions that have contributed to this periodization. As outlined in the introduction, the scope of Filby’s examination was limited. It confined the study of the food trades to an examination of the Grocers and Bakers and did not examine the records of the city and company courts that might have been expected to provide evidence of earlier accusations or prosecutions of wrongdoing. Filby’s conclusion that a significant change occurred in the early nineteenth century was therefore based on Accum’s impressions and was not the result of any comparative quantitative analysis. What has not been questioned by any subsequent studies was the fact that in the case of the Grocers’ Company, Filby in fact found evidence that fraud was common and widespread, but dismissed it as ‘not in general a very serious matter’. Filby’s dismissal of such frauds points to a serious flaw in his approach. His stated aim was to assess whether accusations of fraud and adulteration made in the early modern records were justified. In doing this he assumed that the definitions of quality and adulteration that were current in the 1930s were absolutes, and that they could and should be applied to accusations of fraud in earlier periods. Later work on risk and danger call this assumption into question. Dismissing earlier concerns about food fraud on this basis is problematic.

As the case of the Grocers’ Company indicates, Filby’s application of his own definition of adulteration to the evidence of the pre-modern past was highly selective and inconsistent. He labelled the addition of spices and sugar to chocolate described by

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7 See Introduction pp. 4, 8 & 12
9 See Introduction p. 9.
Chamberlayne in 1682 adulteration.\textsuperscript{10} What Filby found hardest to accept in this late seventeenth-century definition of chocolate was that ‘one must consider the temperament of the drinker before deciding whether or not the beverage was adulterated!’\textsuperscript{11} Yet Chamberlayne’s definition was orthodox within contemporary humoral theories of medicine. Whereas modern discussions see food in black and white terms, being either safe or dangerous for all, within seventeenth and early eighteenth-century concepts of health, wholesomeness was relative, as this chapter will show. Other practices, such as the addition of alum to bleach flour, which were condemned by contemporaries as dangerous, he dismissed, deeming the bleaching of flour to satisfy consumer demand for white bread acceptable on the grounds that bleaching was by Filby’s time a common practice.\textsuperscript{12} Yet bleaching flour involved the deliberate addition of alum, a substance that fell outside the specific definition of acceptable ingredients given in eighteenth-century laws. As such it came within Filby’s own definition of adulteration as the addition, omission or substitution of ingredients with the intent to deceive.\textsuperscript{13} Filby neither allowed, nor even considered seventeenth and eighteenth-century ideas of acceptable practices. Where differences in beliefs were acknowledged, past judgements were dismissed as based in ignorance. Such an approach is not only inconsistent but also anachronistic. In dismissing early modern treatments and concerns, Filby failed to take into account that in the two hundred and fifty years that separated his study from Chamberlayne’s, medical understandings underpinning ideas of acceptable ingredients and treatments of food had changed. If additive substances can change their status, then notions of wholesomeness or unwholesomeness in foods are not fixed, as Filby assumed, but relative and subject to change and they need to be defined.

Where modern studies have assumed a static definition of wholesomeness and fraud, but a major shift in the types and degree of fraud, this study contends that the opposite was the case. That is, it argues that it is the specifics of what constitutes wholesomeness, which food treatments are thought to be beneficial or harmful, and for whom, and which ingredients are deemed permissible, that are subject to change, but that the types of fraud identified by Accum were also of concern in pre-modern period, and

\textsuperscript{10} Filby, \textit{A History of Food Adulteration}, pp. 63-4. Filby expressed astonishment at John Chamberlayne’s 1682 description of chocolate where, in addition to cacao, ‘other ingredients for making up Chocolate … may be varied according to the constitutions of those that are to drink it; in cold constitutions Jamaica Pepper, Cinnamon, Nutmegs, Cloves, &c. may be mixt with the Cacao Nut … In hot Consumptive tempers you may mix Almonds, Pistacho’s, &c. … and sometimes Steel and Rhubarb may be added for young green Ladies’: John Chamberlayne, \textit{The Natural History of Coffee, Thee, Chocolate, Tobacco in Four Several Sections: With a Tract of Elder and Juniper-Berries, Shewing How Useful They May Be in Our Coffee-Houses}, London, Christopher Wilkinson, 1682, p. 15.

\textsuperscript{11} Filby, \textit{A History of Food Adulteration}, p. 64.

\textsuperscript{12} Filby, \textit{A History of Food Adulteration}, p. 102. Though he acknowledged that alum was no longer the method used to achieve this. By the 1930s, flour was bleached using nitrogen dioxide instead.

\textsuperscript{13} Filby, \textit{A History of Food Adulteration}. 
indeed remain an issue today. It further argues that changes in definitions of wholesomeness affected whether frauds were categorized as a danger to health or to the pocket only, and that this in turn informed the degree of official concern they attracted. As ideas of wholesomeness are dependent on medical knowledge, theory and practice, food concerns need to be contextualized within the medical understandings of their own time in order to more fully comprehend both what treatments are considered suspect, and why a food or a food practice might be considered harmful or beneficial in any period.

This first section of this thesis, therefore, offers a new examination of early modern English perceptions and concerns about food quality and fraud. It challenges the current periodization of fraud and the assumption of a change in the commission of fraud in the 1820s, and argues that early modern accusations of fraud were not the product of uninformed ignorance, but rather reflected contemporary understandings of diet and health. Chapter one therefore explores how food quality was defined and represented in seventeenth and early eighteenth-century English dietary texts and health advice books. Chapter two then outlines the specific food frauds identified in seventeenth and eighteenth century texts and considers how these compare to those exposed by Accum in 1820.
Chapter 1. Purity … : defining wholesomeness

That meates & drinkes doe alter our bodies, and either temper them or distemper them greatly? And no marvaile, seeing that such as the food is, such is the blood; and such as the blood is, such is the flesh.

Thomas Cogan, 1584

This extract from Thomas Cogan’s *Haven of Health* spelt out the close connection that existed between diet, health and disease in early modern medicine. Food quality and the sale of unwholesome food and its potential impact on public health are health issues, but they remain an under-researched area in the history of early modern medicine. As Jenner and Wallis have argued, this omission stems in part from an assumption that the history of medicine is the history of therapeutics, an assumption that ignores other aspects of patient care. The focus on the treatment of illness and not its prevention through the maintenance of health has further sidelined diet as an aspect of healthcare. Margaret Pelling has pointed to the separation of medicine and diet as intellectual issues as a reason for this neglect; a separation that began in the early modern period, and one that only came into question as degenerative disease came into greater focus as a serious issue informing modern health policy. This focus on treatment and not prevention has meant that histories of early modern medicine are more usually presented as histories of change, competition and conflict, both between types of practitioner and between alternative theories of disease causation. The continuities in preventive practice Andrew Wear has identified tend to be

1 Thomas Cogan, *The Hauen of Health: Chiefely Gathered for the Comfort of Students, and Consequently of All Those That Haue a Care of Their Health … Hereunto Is Added a Pre[519a]servation from the Pestilence, with a Short Censure of the Late Sicknes at Oxford*, London, Printed by Henrie Midleton, for William Norton, 1584, ‘The Epistle Dedicatorie’.


5 See Jenner and Wallis (eds.), *Medicine and the Market* for a discussion on how the concept of the medical marketplace has impacted on the way health is studied. Charles Webster, *The Great Instauration: Science, Medicine, and Reform, 1626-1660*, London, Duckworth, 1975. Elizabeth Lane Furdell,
lost in this discussion, though the accretive aspect of practice in therapeutics – where chemical remedies were added to Galenic, expanding the repertoire rather than collapsing or replacing it – has been acknowledged.  

This chapter does not dispute the changes occurring in medical theory in this period. Rather it argues that most of this contest was played out in the area of therapeutics, and that the impact of these changes upon ideas about the healthiness of food was not felt until much later. Despite the shifts in theoretical explanations of disease, diet also continued to play a part in therapeutics. If the body became diseased, then, in addition to bleeding and purging to rid the body of corrupted blood or poisons and the administration of therapeutic medicines, diet needed to be adjusted to correct the imbalance. Even van Helmont, who argued against the importance of regimen, condemned Galenic humoral theory and advocated a focus on remedies and therapeutics, included instructions about the control of eating and promoted the importance of the Hippocratic non-naturals in such therapies, one of which was food. Similarly, when for the last time plague appeared to threaten England in 1720, Richard Mead proposed a new theory of contagion, disputed the efficacy of bleeding and purging, and argued against the usual methods of cleansing the air through fumigation on the grounds that this involved heating the atmosphere, but nevertheless advocated many of the preventive steps proposed in earlier treatises, including cleansing streets, houses, clothes and bodies externally, in conjunction with balancing the humours internally ‘by living with Temperance upon a good generous Diet’. Mead’s alternative theory of infection, which was hotly contested by contemporary medical professionals, argued that pestilence was spread by the transmission of contagious atoms.
both at close quarters through corrupted air, but also across great distances by active matter adhering to ‘goods of loose soft texture’.9

The seventeenth century did indeed see the emergence of competing medical theories, not least from the development of chemical and mechanical natural philosophies of medicine. Specific explanations of disease changed from those of Galenic theories of humoral imbalance at the beginning of the seventeenth century, to that of chemical imbalance or physiological impairment by 1750. While competing medical practitioners may have argued alternative theories of health and disease, when it came to actual practice, regulating diet remained important, along with the control of the other non-naturals, particularly with relation to disease prevention.10 Even in more extreme theories – such as Fludd’s ‘Magnetical medicine’, which argued that disease was caused by an imbalance between angelic and demonic celestial forces – humoral theory provided the means for identifying the nature of this imbalance, with diagnosis involving examining the patient for humoral imbalance.11 Controlling the non-naturals of humoral medicine remained important in achieving balance, whether they were identified by the five categories – labour, food, drink, sleep and Venus – set out by Hippocrates or as Galen’s six categories. In Cogan, The Haven of Health, ‘To the reader’, these were listed as ‘Ayre, Meat & Drinke, Sleepe and watch, Labour and rest, Emptinesse and repletion, and the affections of the minde’. Nor did humours disappear from mention in texts espousing alternative theories. Roy Porter has stated that Cheyne ‘was a thorough going “modern”’ whose work had ‘decisively broken with the philosophy of humours’,12 yet Cheyne’s Essay on Health frequently utilizes the vocabulary of humoralism. For example, he recommends coffee for a ‘Waterish and Flegmatick Stomach’, but thinks chocolate is ‘too hot and heavy’ and produces a ‘hysterical Appetite, such as … sharp humours in the Stomach give’, while tobacco is recommended for those with ‘Phlegmatick Constitutions, who abound in serous and watry Humours’ as it draws off ‘superfluous Humours, Crudities and cold Phlegm’.13

If the focus of historical enquiry shifts from how the symptoms of disease were treated to the ways of maintaining health articulated in dietary advice texts, a different picture emerges. It is this history that forms the necessary context for understanding early modern ideas of what constituted wholesome or dangerous food, and is the subject of

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enquiry in this study. This chapter therefore outlines the place of diet within dominant ideas of preventive medicine. As the only comprehensive monograph on European dietaries has been criticised for overgeneralising the findings for Europe as a whole when texts from individual European countries, specifically those from England, do not necessarily support such interpretations, and as it does not examine the dietary advice texts published in England after 1650, the chapter starts with a reinvestigation of the English dietaries for the whole period up to 1740. It then explores how dietary writers defined wholesomeness and how different foods were grouped within these definitions.

Diet and Health
The importance of dietary control was central to early modern preventive medicine, which continued to take a holistic approach that saw health as an ordered and balanced body, and illness as the result of disorder, both in the microcosm of the body and the macrocosm of the environment. What was safe to eat depended on an individual’s makeup, determined by their temperament as well as other factors, including the age of the consumer and the season of the year (see Figure 1.1).

Under humoral theory, people were categorised as sanguine, phlegmatic, melancholic, or choleric depending on their dominant humour, the humours being blood (hot and wet), phlegm (wet and cold), black bile (cold and dry), and yellow bile (dry and hot). This categorisation also applied to the foods available for consumption. As Thomas Cogan’s explanation of the relationship of food and health outlined, eating the wrong foods could dangerously disturb the consumer’s internal balance and lead to disease; eating the right ones, in the right quantity, maintained balance and therefore health. To persons of a hot disposition, heating foods needed to be tempered by the addition of cooling ingredients or methods of preparation, whereas additives like spices were potentially dangerous as they could excessively heat the body and thus cause disease. For those whose disposition was naturally cold, however, extra heating ingredients like sugar or spice might be required, particularly if the main ingredient to be consumed was cooling. There was no one formula of what was safe to eat and what was dangerous.

15 Wear, Knowledge & Practice, p. 359.
16 See Wear, Knowledge & Practice, pp. 37-40 for a more detailed account of humoral theory.
The sixteenth and seventeenth centuries regarded recurrent outbreaks of plague and contagion – whether from miasma or by direct transmission between people and objects – as a constant threat. Preventing corruption, and therefore decreasing the individual’s susceptibility to contagion, involved maintaining an appropriate diet. What was deemed appropriate was dependent on the individual make up of the body, but increasingly other factors, such as the nationality, usual habits and social standing of the person discussed also became important.

17 Wear, Knowledge & Practice, p. 38.
18 Slack, Impact of Plague, chapter 3. While the last actual outbreak of plague occurred in 1665, the threat of plague remained until after 1720, when plague measures were again ordered after outbreaks occurred on the continent. See chapter 7.
With diet a major focus of preventive medicine it is hardly surprising that a plethora of advice texts on appropriate regimen continued to be published. This study uses a selection of texts (see Figure 1.2) by authors espousing a range of theoretical approaches to test whether changes in theoretical stance led to significant differences or similarities in the dietary advice proffered. It supplements these with further illustrative examples from other contemporary texts that discuss diet, such as reformers’ treatises on feeding the poor. Most of the main texts examined went into multiple editions, an indication of likely popularity with contemporary readers, even if, as Slack has pointed out, this readership is hard to determine and was possibly confined to a restricted social group. Most of the regimens assumed a reading audience from the middling to upper sections of society, not the poor, and tailored their advice accordingly. However, there are some limited indications in complaints lodged by poor debtors in London’s prisons that poorer levels of society applied to themselves some of the constructions of wholesomeness presented in the texts as suitable to their social superiors. With the exception of Thomas Tryon (1680), a self-taught polymath and advocate of vegetarianism, the authors were mostly physicians, but wrote from a range of theoretical standpoints and influences. Thomas Cogan (1584) and Tobias Venner (1620) were Galenists, Thomas Moffett (1655) a Paracelsian, while George Cheyne (1724) was an iatromechanic, espousing ideas based on Newtonian natural philosophy. The only theoretical stance not covered in this examination is that of the Helmontians, whose focus was on treating disease not prevention. While acknowledging that diet needed attention as part of treatment, they did not give any detailed instructions regarding what this involved.


21 Slack, ‘Mirrors of Health’, pp. 259-61. While Slack (p. 254, fn. 63) states that Cogan’s work went through five editions between 1584-1605, the 1636 edition is identified in the English Short Title Catalogue as a reprint of the fourth edition.

22 Wear, Knowledge & Practice, p. 154.

23 See pp. 45-6.


25 van Helmont and van Helmont, Van Helmont’s Works, p. 450; Wear, Knowledge & Practice, p. 155.
<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
<th>Date of publication</th>
<th>Reprints</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas Cogan</td>
<td><em>Haven of Health</em></td>
<td>1584</td>
<td>1588, 1589, 1596, 1605, 1612 and 1636</td>
</tr>
<tr>
<td>Tobias Venner</td>
<td><em>Via Recta ad Vitam Longam</em></td>
<td>1620</td>
<td>1622, 1623, 1628, 1637, 1638, 1650 and 1660</td>
</tr>
<tr>
<td>Thomas Moffett</td>
<td><em>Healths improvement</em></td>
<td>1655</td>
<td>1746</td>
</tr>
<tr>
<td>Thomas Tryon</td>
<td><em>Health’s Grand Preservative;</em> reprinted as <em>The Way to Health</em></td>
<td>1682 &amp; 1683</td>
<td>1691, 1697 and 1698</td>
</tr>
<tr>
<td>George Cheyne</td>
<td><em>An essay of health and long life</em></td>
<td>1724</td>
<td>1725 and 1734</td>
</tr>
</tbody>
</table>

Figure 1.2: Sample early modern English dietary texts

**Dietaries and notions of wholesomeness in food**

The dietary texts were concerned with questions about what food should be consumed, in what quantity, when, where and by whom. They categorized foods into bread and grain products, meat, fish and white meats (milk, cheese, butter and eggs), and fruits, roots and leaf vegetables (herbs) ranking the groups in a hierarchy based on necessity within the diet overall (see Figure 1.3). This necessity was based on ideas of relative wholesomeness, which were in turn determined by the digestibility of foods. Foods that were most necessary were therefore the most wholesome, and generated the greatest anxiety when fraud was suspected. Within this hierarchy, all writers agreed that grain products, especially bread, were the central most essential food for all. There was less agreement about the necessity and relative order of the other food categories. To some like the vegetarian Tryon, fruits, roots and pot-herbs were superior to flesh on the grounds that they were the food of man before the fall, and that ‘Moses did endeavour to wean … the Children of Israel from eating of Flesh in their forty years Journey in the Wilderness, and gave them Laws to distinguish the Clean and Unclean Creatures, but you could never read any Laws

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26 Information on reprints taken from the *English Short Title Catalogue* online [http://estc.bl.uk/].
27 According to the *ODNB*, 7 editions were published within the first year. The 1734 edition listed in the *English Short Title Catalogue* is the 8th edition.
 forbidding the use of green Herbs’. Cheyne also ranked vegetative ingredients highly. Earlier writers, like Cogan and Moffett, argued that the relative places of herbs and fruits, and of flesh products in diet altered as a result of a change in the physiological make up of mankind after the flood, when herbs, roots and fruits came to contain more superfluous matter and became less suitable as food. As a result, they argued, God allowed man to consume animals and fish, and that in England these foods, especially flesh, had become by long custom and nature, the main food of the English, while herbs, roots and fruits had become less wholesome.

<table>
<thead>
<tr>
<th>Cogan (1584)</th>
<th>Venner (1620)</th>
<th>Moffett (1655)</th>
<th>Tryon (1680)</th>
<th>Cheyne (1724)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bread (grain)</td>
<td>++</td>
<td>++</td>
<td>++</td>
<td>++</td>
</tr>
<tr>
<td>Fruit, roots &amp; herbs</td>
<td>_ _</td>
<td>_ _</td>
<td>_ _</td>
<td>+</td>
</tr>
<tr>
<td>White Meats</td>
<td>_</td>
<td>N</td>
<td>_</td>
<td>N</td>
</tr>
<tr>
<td>Fish</td>
<td>N</td>
<td>-</td>
<td>N</td>
<td>_ _</td>
</tr>
<tr>
<td>Meat</td>
<td>+</td>
<td>+</td>
<td>+</td>
<td>_ *32</td>
</tr>
</tbody>
</table>

Figure 1.3: The relative wholesomeness of general food categories presented in dietary texts

+ is positive, N is neutral and – is negative

By the eighteenth century, the biblical argument had mostly disappeared. In outlining his hierarchy of appropriate food, Cheyne (1724) instead argued that:

[the proper food appointed for Animals by Nature, is easier digested than the Animals themselves; those Animals that live on vegetables, than those that live on animals; those that live on Vegetables and Animals, that

29 Tryon, The Way to Health, p. 42. Tryon was not alone in promoting greater consumption of herbs and fruit, even if other writers did not necessarily agree with his biblically based argument. See for example, Cheyne, An Essay of Health and John Evelyn, Acetaria: A Discourse on Salads, London, 1699.
31 Cogan, The Haven of Health, p. 88, stated that although herbs and fruit were the first fruits of Adam, ‘by now by change of dyet of our progenitours, there is caused in our bodies such alteration from the nature which was in man in the beginning, that now all herbes and fruites generally are noyfull to man and do engender yll humours, and be oft times the cause of putrified fevers, if they be much and continually eaten’. Moffett, in Healths Improvement (pp. 29-30) agrees with this development of the diet saying that ‘worts, corn, pulse and roots’ were allowed mankind by ordination before the flood, but that after the flood man was by permission from God allowed to add flesh and fish to his diet ‘for the preservation of our lives: for as before the floud men were of stronger constitution, and vegitable fruits grew void of superfluous moisture: so by the floud these were endued with weaker nourishment, and men made more subject to violent diseases and infirmities. Whereupon it was requisite or rather necessary, such meat to be appointed human nourishment, as was in substance and essence most like our own, and might with lest loss and labour of natural heat be converted and transubstantiated into our flesh’.
32 * It should be noted that while Cheyne and Tryon both deemed a vegetarian diet as healthier, neither disputed the primacy of meat in the contemporary English diet. Nor did they suggest radical change for all.
soonest come to Maturity than those that live on such as are longer ripening.\textsuperscript{33}

In Cheyne’s hierarchy, a food’s appropriateness in diet was determined by ‘Nature’. However, the argument that common custom and national characteristics affected diet remained.\textsuperscript{34}

There were differing degrees of agreement about the necessity of the types of food. Whereas all authors saw grain products as essential for life, the elaborate discussions justifying meat consumption indicate some unease about its standing. Nevertheless, all of the texts agreed that for good or ill flesh products had become part of the Englishman’s usual fare, second in importance only to grain. Their consumption was justified on the basis of established custom and national dietary need.\textsuperscript{35} There was even less agreement on the place of vegetables within the English diet. Cheyne offered the vegetarian diet as an alternative during illness for those following a sedentary lifestyle.\textsuperscript{36} Even Thomas Tryon, while actively advocating vegetarianism, acknowledged that people living ‘in cold Countries, where the Sun … has not the power to prepare such food [vegetables] as in hot’, and who were used to consuming the ‘strong, hot Food’ suited to their climate, needed to eat vegetables moderately, ‘or else all such things do swell the Body, and fill it with gross Phlegmatick Humours’.\textsuperscript{37} He also suggested that any change in the quantity consumed needed to be introduced gradually. Such arguments drew upon the ideas about the ease with which different types of foods could be digested. Climate affected the quality of foods produced – a hot climate allowed vegetables and fruits, which were frequently classed as overly moist, to ripen fully, drying and heating them – as well as the need of the consumer. Cooling and moist foods were beneficial to balance the effects of hot climatic conditions, but dangerous in cold, wet England.\textsuperscript{38}

Not all of the foods that fitted within a general category were considered equally wholesome. While grain as a generic category might be the most necessary food, some grains were healthier than others, and the dietaries made similar divisions between the foods that came under the other general categories. Within this further breakdown of relative healthfulness the social status and occupation of the consumer was also significant.

\textsuperscript{33} Cheyne, \emph{An Essay of Health}, p. 24. He elaborates on this ranking explaining that milk and eggs were lighter of digestion than flesh, pullets and turkeys lighter than ducks and geese, grass fed beef and mutton lighter than stall fed, and that salt fish were particularly difficult to digest.

\textsuperscript{34} Cheyne, \emph{An Essay of Health}, pp. 31, 33-4, 36 & 38-9.

\textsuperscript{35} Cogan, \emph{The Haven of Health}, pp. 113-14; Moffett, \emph{Healths Improvement}, p. 50, the dependence of the English on meat and not vegetables as a result of their climate. This idea is still evident in 1725, see Cheyne, \emph{An Essay of Health}, p. 29.

\textsuperscript{36} Cheyne, \emph{An Essay of Health}, p. 36.

\textsuperscript{37} Tryon, \emph{The Way to Health}, pp. 126-7.

\textsuperscript{38} Pelling, ‘Food, Status and Knowledge’, pp. 47-8.
Ease of digestion was the main criterion, and foods were judged on whether or not they were deemed to make good blood. Paler, lighter textured foods were usually construed as more digestible than darker and denser foods. Those described as making ill humours or causing corruption were especially suspect, as were foods of a slimy or overly cold complexion. The aim was to achieve balance and the ideal food was of a temperate nature fitting within what Venner referred to as a ‘subvulgar diet’, the diet for the healthy, the mean between an ‘accurate diet’ for the sickly and the ‘vulgar diet’ or ‘plain and rude diet’ of the rustic or labourer. Where the general food categories were affected by ideas of national humours, with climate influencing the make up of a people, hierarchies of relative wholesomeness within these categories were similarly affected by social status and occupation. Just as the heat of the sun in warm countries allowed fruits and vegetables to ripen more fully and required greater consumption of cool moist foods to offset its effects, so the heat engendered by labour rendered foods deemed overly dangerous to the idle rich and studious middling sorts, safe for the poor. Appropriate diet was therefore affected by the social standing of the consumer as well as his (the texts usually assumed a male audience) individual complexion. Refined people required refined foods, the coarser poor did not.

Digestibility related to the lightness and relative whiteness of the produce. Grain products, especially those used to make bread, were therefore ranked according to the degree of refinement that could be achieved and the relative lightness of the product that could be produced. Wheaten flour stood at the pinnacle of this scale as it yielded ‘a most light and white meal and of the best nourishment’ as it was ‘easiest of Digestion … the lighter therefore it is, the better’. Wheat bread was further graded into fine manchet, wheaten and household, with the amount of bran present, and the resultant heaviness of the bread produced determining its grade. Breads that mixed other grains with wheat or were made solely from other grains came below wheat in the hierarchy of health (Figure 1.4).

Thomas Cogan’s ranking – outlined in Haven of Health – was typical. Cogan stated that ‘Of all corne or grayne used in diet wheate is the chiefest’, and that made of refined

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40 Venner, Via Recta, p. 224.
41 Albala, Eating Right in the Renaissance, p. 184.
42 John Houghton, A Collection for the Improvement of Husbandry and Trade. Consisting of Many Valuable Materials Relating to Corn, Cattle, Coals, Hops, Wool, &C. ... Also Full and Exact Histories of Trades, as Malting, Brewing, &C. ... of Building and Stowage the Vegetation of Plants, &C. ... Now Revised, Corrected, and Published, with a Preface and Useful Indexes, by Richard Bradley, volume 1, London, Printed for Woodman and Lyon, 1728, pp. 208-9, in an entry dated 1694. Also, John Quincy, Pharmacopœia Officinalis & Extemporanea: Or, a Compleat English Dispensatory, in Four Parts, 4th edn., London, printed for E. Bell, W. Taylor, and J. Osborn, 1722, p. 247.
white flour was the best for you.\textsuperscript{43} Brown bread, or household bread made from wholemeal, was less wholesome as it ‘filleth the belly with excrements’\textsuperscript{.44} While less wholesome, Cogan found it good, however, to ‘looseth the belly’ for those who had been eating too rich a diet.\textsuperscript{45} Wheat breads were followed in rank and wholesomeness by rye and barley. The latter, Cogan conceded, had many grades, some of which were better than others; yet he maintained it was ‘more meete for drinke than breade’ as it ‘nourisheth little and ingendereth winde’\textsuperscript{.46} Oats were seen as being of a similar grade to barley, though used only in some localities outside London, and while ‘light of digestion’ was ‘somethinge windie’ and did not keep at all well, a sign that it could be corrupted and therefore possibly corrupt the health of the consumer.\textsuperscript{47}

<table>
<thead>
<tr>
<th>Rating</th>
<th>One Grain</th>
<th>Mixed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Most wholesome</td>
<td>Wheat</td>
<td>Manchet</td>
</tr>
<tr>
<td></td>
<td>Wheaten</td>
<td>Household</td>
</tr>
<tr>
<td></td>
<td>Barley and oat</td>
<td>Maslin (rye and wheat)</td>
</tr>
<tr>
<td></td>
<td>Rye</td>
<td>Wheat and barley/oat</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rye and barley</td>
</tr>
<tr>
<td>Least Wholesome</td>
<td>Pea (straight or mixed)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bean (straight or mixed)</td>
<td></td>
</tr>
</tbody>
</table>

\textit{Figure 1.4: The hierarchy of nourishment for bread}

Mixtures of grains were also graded, though all ranked below wheaten bread. Rye mixed with wheat, called maslin, was the best of the mixes, and was considered better than straight rye. Wheat mixed with barley he considered ‘more fit for swine than men’, and rye and barley mixed was the worst.\textsuperscript{48} At the very bottom of the scale for bread making was flour made from beans and peas, at this time included under the heading of corn. Cogan conceded that beans were used to make bread in Leicester to feed people, though their usual use in the rest of England was for horse bread to feed stock. However, he argued that

\textsuperscript{43} Cogan, \textit{The Haven of Health}, p. 23.
\textsuperscript{44} Cogan, \textit{The Haven of Health}, p. 25.
\textsuperscript{45} Cogan, \textit{The Haven of Health}, p. 27.
\textsuperscript{46} Cogan, \textit{The Haven of Health}, pp. 27-8.
\textsuperscript{47} Cogan, \textit{The Haven of Health}, p. 28.
\textsuperscript{48} Cogan, \textit{The Haven of Health}, p. 27.
for people it could ‘in no wise be wholesome, because it filleth the bodie full of winde’.

Peas were construed as similar to beans, though not as windy, but his negative reaction to their use in bread was even stronger:

If peas be unwholsome, then the bread which is made from them is unwholsome, yet it is much used in Lecester shire. But I leave it to Rustickes, who have stomachs like Ostriges, that can digest hard yron.

These discussions all reinforce the idea that food safety was socially determined. While all could safely consume bread made from the finest wheat flour, that made from other grains was less safe for middling and elite consumers.

Digestibility also determined the relative wholesomeness of other foods. However, the factors that affected this were more complicated, and there was less general agreement between authors on relative rankings both between and within the broader categories. The quality of fish, flesh and fowl, indicated yet again by the colour and texture of the meat produced, was affected by the sex and age of the animals and by the environment in which they were raised and the diet they consumed.

The sex and age of the animals from which meat was produced affected its substance. Thomas Moffett’s outline of the perceived differences in delicateness of flesh dependent on the sex of the animals was typical. Females were ‘sweeter, moister, and easier concocted than males, who made up the least healthy option, but desexed animals who were of ‘a middle nature’ made the ‘most delicate meat’.

Cogan summarized the rankings of meat according to the age of the animals and the complexion of the meat under a general rule that

fleshe of a drie complexion is better neere calving time than farder [farther] from it. Wherefore kids and calves be better than Goats and Oxen, because their drynesse is abated by the moisture of their youngnesse.

Conversely,

fleshe of beastes of moyst complexion is better and more wholsome in age than in youth, for a great part of their overmuch moisture, is dried away as they do encrease in age: wherefore wethers of a yeare old are lesse clammy & more wholesome than sucking lambes. And likewise porkes of a yeare or two olde, are better than young pigs.

There was, however, a limit to the age an animal could be and still remain healthy for consumption, as ‘generally all beastes & birds that be in the fourth age before mentioned,

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50 Cogan, The Haven of Health, p. 31.
51 Moffett, Healths Improvement, p. 49.
that is decrepite, are tough and unwholesome. For most true is that English proverb, young flesh and old fish doth men best feede'.

Discussions by moral commentators and the authors of the dietaries about the effect of environmental conditions on the quality of foods revolved around the opposition of movement and stasis. Being raised in stagnant air or water, and in conditions that allowed for a minimum of movement was viewed negatively. Although skeptical about the consumption of fish in general, Venner’s hierarchy of wholesomeness was traditional. He recommended salt fish ‘that swimmeth in a pure Sea, and is tossed and hossed with winds, and surges’, and freshwater fish ‘which is bred in pure, stony, or gravelly rivers, running swiftly’ over fish from brackish waters or standing pools, fens or ditches, where the water is unwholesome. Concerns about the effects of salt led Cheyne to challenge this order. He ranked saltwater fish below fresh water fish on the grounds that the salty environment in which they lived ‘compact[ed] their Parts more firmly’.

This concern about the effect of keeping animals in confined or polluted environments on quality of their flesh applied to all types of animals. Thomas Moffett not only worried about fish kept in ‘narrow and shallow ditches’, but also about beasts fattened by enclosing them in sties or stalls ‘so close they cannot stir’, and game kept confined and penned. His reasoning was that ‘fear marreth concoction’ and being bereft of exercise ‘hindereth digestion’. Consequently, animals raised in conditions where they suffered from these things would not digest their food well, with the result that they ‘corrupt our bodies with their own corruption’. Thomas Tryon supported the idea that the fear and stress generated by driving animals into the cities affected the quality of their flesh. However, it was not just fear that was believed to affect the meat; lack of exercise and movement also had a detrimental effect in its own right. Tryon stated that all fowl, as well as all other creatures that are kept up and fatted, and crammed into Coops being hindered both from Action and Motion, their Flesh is of a grosser substance … not so wholsom, harder of concoction, of a stronger Taste and Smell, generating thick gross Nourishment, … not being so Healthy, if frequently eaten, as those Creatures that are at their own liberty.

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54 Cheyne, *An Essay of Health*, p. 24. This concern was derived from Paracelsian ideas of balance, which focused on balancing the chemicals mercury, salt and sulphur (as opposed to the more traditional idea of balancing the humours), too much salt would cause imbalance in the body. Albala, *Eating Right in the Renaissance*, p. 42.
55 Moffett, *Healths Improvement*, p. 44.
Birds kept in this way made up the least wholesome of his three categories. The most wholesome were wild birds, while in the second group came ‘Fowls that have egress and Regress’. Similarly, it was on the basis of motion, or the lack of it, that he ranked lamb above veal, as lambs had ‘the advantage of sucking and running with their Dams … which Calves are hindered from, which renders their Flesh the more unwholsom’.58 Moffett also argued that pigs allowed to roam free in woodland and feed on mast (the fruit of wild trees including acorns, beechnuts, hazelnuts and chestnuts) produced better meat, and pointed to the difference between
tame and wild conies, betwixt Deer fed by hand, and Deer fatning themselves in the chase and copses, the like shall you perceive betwixt forced fatness, and fatness gotten by natural and good diet.59

If lack of fresh moving air and exercise rendered meat potentially harmful, the type of animals consumed and the way they were fed was even more problematic. Most dietaries condemned intensive farming practices and the forced fattening of animals. The belief that ‘you are what you eat’ that informed concerns about the food eaten by people also applied to the animals they consumed. A direct connection was drawn between the health of the animal raised by intensive methods and the effect of consumption on the health of the consumer. Thomas Moffett questioned whether the practice of cramming poultry made ‘their flesh as unwholsom to us as well as fat’, and concluded that it was a practice ‘ill for them [the birds] and for us too: for though their body be puffed up, yet their flesh is not natural and wholsom’.60 Almost one hundred years later, Cheyne raised the same concerns, expressing his horror at the quality of meats available in London, where we can scarce have any but cramm’d Poultry, or stall-fed Butchery Meat. It were sufficient to disgust the stoutest Stomach, to see the foul, gross, and nasty Manner, in which, and the fetid, putrid and unwholesome Materials, with which they are fed. Perpetual Foulness and Cramming, gross Food and Nastiness, we know, will putrify the Juices and mortify the muscular Substance of human Creatures; and sure they can do no less in Brute Animals, and thus make even our Food Poison.61

Cogan’s earlier description of the difference between ideal and usual practice in feeding pigs and the subsequent effect on the quality of their flesh pointed to similar concerns. In refuting Galen’s construction of pork as ideal food for man, at least as it

58 Tryon, The Way to Health, p. 91. In discussing veal (p. 94) he also explains that ‘that which is penn’d up and kept from the benefit of Motion & Air, great part of the food turns into a kind of phlegmy substance’.
59 Moffett, Healths Improvement, p. 45. See OED Online, mast, n^2 def. 1.a.
60 Moffett, Healths Improvement, pp. 43-4.
applied to the English, Cogan saw a problem with pig raising in England, where tame pigs kept in sties were ‘more full of superfluous moisture for want of motion, beside they live in a more grosse ayre that those that live wilde’. He argued that pigs fed on mast (acorns) in woods were the most wholesome feeding’ while ‘boare long fedde in a stye can in no wise be wholesome meat although it be young’ as the ‘grosse feeding thereof’ bred ‘ill juice in the bodie’. Cheyne agreed, arguing that pork products were dangerous for consumption as a result of the way they were fed. Put simply, they were all arguing that raising animals in gross air, with gross feeding made for gross, unwholesome meat.

The environment in which animals were raised and the food they consumed were important because they affected the substance of the animals. The colour and texture of the meat produced were the main indicators of relative wholesomeness, with white flesh deemed easier to digest than dark. Moffett described the gradations of wholesomeness indicated by colour as ‘the blacker it [the flesh] is, the heavier it is, the whiter the lighter; and the more red the more enclining to heaviness, the less red the more enclining to lightness and easiness of digestion’. One hundred years later, Cheyne agreed. He reasoned that lighter coloured flesh was less bulky and that flaming colours had ‘more urinous salts’ making them ranker and more likely to putrefy. As a result, he ranked chicken, turkey, pheasant and rabbit as more digestible than duck, goose, woodcock and snipe, while lamb and veal were better than either red or fallow deer. Similarly, Cheyne ranked whiting, flounder, perch and sole as lighter, and therefore easier to digest than salmon, sturgeon, herring and mackerel.

A firm texture was generally considered healthier than a slimy or watery one. Foods described as viscous, unctuous, phlegmy, clammy or jellied, terms frequently applied to fish products, were categorized as potentially dangerous, especially for more sedentary people of cooler dispositions. Ken Albala has argued that in a period before the use of forks, when fingers were used to pick up foods, the sense of touch was used in addition to sight, smell and taste to determine food quality. Indeed, perceptions of texture could override the input from other senses. Venner warns that though ‘Carpe is of a sweet and exquisite taste; but the nourishment which it maketh, is not answerable to the taste of it’ as it ’giveth

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63 Cogan, *The Haven of Health*, p. 117.
64 Cheyne, *An Essay of Health*, p. 40: ‘As for Pork and all kinds of Hog’s Flesh, I think they ought to be forbidden ... They feed the foulest of any Creature, and their Juices are the rankest; their substance the most surfeiting, and they are the most subject to cutaneous Disease and Putrefaction, of any Creature’.
66 Cheyne, *An Essay of Health*, p. 26: Animals ‘whose Substance is white, or inclining to the lighter Colours, are lighter to digest, than those whose Substance is redder, browner, or inclining towards the more Flaming Colours’.
somewhat a slimie, phlegmatick, and excremental nourishment. A similar contrast between a sweet and highly desirable taste and an extremely dangerous nature was made by most writers regarding eels, which were described as being ‘of a slimie, grosse, and phlegmatick juyce, and soon noysome to the stomacke. They breed obstructions, because they make a grosse and glutinous nourishment. The categorization of slimy textured meat as dangerous was based on a connection made between food that stuck to the hand and the likelihood of its adhering to the stomach and putrefying before it could be fully digested. Hence, Moffett ‘liked not’ the ‘substance, taste nor qualities’ of lumpfish, as it had ‘a soft and jellied substance’ and was a crude, ‘raw, and fleagmatick meat’, and described mackerel as being ‘of a thick, clammy and suffocating substance, offensive to the brain, head and breast, though pleasant in taste’. Cheyne also saw oily and glutinous foods as more difficult to digest than dry or fleshy foods, though he applied an explanation derived from Newtonian physics stating that ‘the Force and Action of the unctuous Powers and their Parts’ made them ‘unite more strongly than other substances’, a problem within a theoretical system that saw digestion as the successful separation of particles within substances. He therefore differentiated between carp, tench, salmon, eel and turbot, which he considered harder to digest, and whiting, perch, trout and haddock, which he deemed of easier digestion. While Cheyne mentioned far fewer fishes than the earlier authors, his division mostly agreed.

Environmental factors were equally important in determining the digestibility and therefore the wholesomeness of fruits and vegetables. The growing medium utilized was again thought to affect both the colour and taste, and therefore the safety of produce. The degree of ripeness and storage time allowed also impacted on wholesomeness. Concerns about the environment in which foods were grown and the effect this had on garden produce emerged over the seventeenth century as the adoption of newly introduced intensive methods of cultivation (including the use of dung and artificial heating mechanisms) became increasingly accepted practices. Although experimental gardeners like John Gerard and John Parkinson, and later gardening manuals, extolled both the increase in production, and the ability to grow exotic plants out of season that the new practices allowed, moral commentators did not see these developments in the same positive light.

69 Venner, *Via Recta*, p. 111. This disjuncture between the evidence of taste and that of texture is made in many instances in Venner’s descriptions of fish products. See also pp. 106 & 112 where he makes the same point regarding herrings and eels.
and instead focused on the effects raising produce in such an artificial way had on consumers’ health.\textsuperscript{75} Criticism became particularly strong after the Restoration when commercial market gardens using these methods around the city had become well established.\textsuperscript{76} John Evelyn, who otherwise promoted the greater consumption of fruits and vegetables, did not approve of the new methods of forcing early growth. In \textit{Acetaria} he complained that ‘nothing betrays its unclean and spurious Birth than what is so impatiently longed after as Early Asparagus, \&c’.\textsuperscript{77} Evelyn directly tied the uncleanliness of the consumer to the intensive methods used to raise luxury food plants out of season, arguing that the use of ‘rotten Dung’ and the material from ‘common Lay-stalls’

> Of which they make \textit{Hot Beds} for the raising those \textit{Praecoces} indeed, and forward Plants and Roots for the wanton Palate; but which being corrupt in the Original, cannot but produce malignant and ill Effects to those who feed upon them.\textsuperscript{78}

Similarly, Defoe objected to ‘the wast [sic] and wantonness in Eating’ encouraged by commercially raising plants by mere Violence, and as it were a rape upon the Earth; forcing her to produce things before her time, and as it were in spite of seasons, climates, forwards or backward Springs, and the most obstinate opposition of natural Causes.\textsuperscript{79}

Evelyn and Defoe both drew upon a belief that the quality of the food could be corrupted by its very method of production and that corrupt food in turn corrupted the consumer.\textsuperscript{80} Cheyne echoed their concerns when he equated the use of ‘hot Beds, and forcing Plants


\textsuperscript{77} Evelyn, \textit{Acetaria}, pp. 135-6.

\textsuperscript{78} Evelyn, \textit{Acetaria}, p. 132.

\textsuperscript{79} Defoe, \textit{The Compleat English Tradesman}, p. 106.

\textsuperscript{80} Albala, \textit{Eating Right in the Renaissance}, pp. 80-1.
and Vegetables’ with the cramming of poultry, and depicted both practices as turning food into poison.\textsuperscript{81}

Whatever the growing medium, the hierarchies of healthiness that applied to vegetables showed a preference for plants whose aerial parts provided food. Although Tryon was the only writer to make an explicit connection between the wholesomeness of vegetables and the degree of exposure to air, most of the dietaries ranked salad leaves and shoots (asparagus), flowers (artichokes) and seed pods (French beans and garden peas) over root vegetables, pumpkins, field beans and peas and tougher closed leaf plants like cabbages.\textsuperscript{82} The dichotomy drawn was between delicate and gross foods. It is perhaps no coincidence that the former category tended to be more expensive than the latter, which were frequently construed as dearth foods for the poor.\textsuperscript{83}

As with meats, delicateness in vegetables was determined by the time it took for plants to ripen, in addition to their size, texture and colour. However, with vegetables whiteness and lightness at times formed competing criteria. Cheyne ranked rapid ripening fruits and vegetables over slow ripening, small produce over large, and white or light fleshed vegetables over those of dark colours.\textsuperscript{84} On this basis, he considered asparagus, strawberries and some salad greens the lightest and therefore of easiest digestion. Large onions, apples and pears were more difficult to digest than small ones, as their juices were more rank. Vegetables like turnips, parsnips and potatoes, ‘whose substance is white, or inclining to lighter colours’, were more wholesome than carrots, skirrets and beetroots ‘whose substance is redder, browner, or inclining towards more flaming colours’, as they were lesser in bulk, and contained fewer ‘urinious salts’.\textsuperscript{85} Moffett used a similar ranking of

\textsuperscript{81} Cheyne, \textit{An Essay of Health}, p. 28.

\textsuperscript{82} Tryon, \textit{The Way to Health}, pp. 209 & 213. For example, Moffet praised artichokes and asparagus, but warned against the dangers of eating radishes and turnips, describing both as stirring up windiness and making excess humours. Radishes were worse than turnips, as in addition to windiness they were hard to digest, made rank belchings, burnt the blood, engendered lice and rotted teeth, amongst other problems. Not all roots were condemned, however, as he described potatoes and skirrets positively. Moffett, \textit{Healths Improvement}, pp. 215, 216, 226, 227& 228.

\textsuperscript{83} See Hugh Plat, \textit{Sundrie Nevv and Artificiall Remedies against Famine}, London: Printed by P[eter] S[hort], 1596; Gardiner, \textit{Profitable Instructions}; John Forster, \textit{Englands Happiness Increased, or, a Sure and Easie Remedy against All Succeeding Dear Years by a Plantation of the Roots Called Potatoes, Whereof (with the Addition of Wheat Flower) Excellent, Good and Wholesome Bread May Be Made Every Year, Eight or Nine Months Together, for Half the Charge as Formerly}, London, Printed for A. Seile ..., 1664; Samuel Dale, \textit{An Abstract of a Letter Sent from Mr. Samuel Dale to Mr. John Houghton, S. R. S. Concerning the Making of Turnep-Bread in Essex’}, \textit{Philosophical Transactions (1683-1775)}, vol.17, 1693, p.970; Thomas Tryon, \textit{The Way to Save Wealth ... Likewise How to Make... Bread of Roots, Herbs, and Leafs of Trees. To Brew Good Cheap Liquor, without Malt or Hops. ... To Make Coffee of Horse-Beans to Feed Cattel Well, without Hay, Grass, or Corn. ... The Way to Live Long. ... London, printed by G. Conyers, 1695; Robert Sibbald, \textit{Provision for the Poor in Time of Dearth and Scarcity. Where There Is an Account of Such Food as May Be Easily Gotten When Corns Are Scarce, or Unfit for Use: And of Such Meats as May Be Used When the Ordinary Provisions Fail, or Are Very Dear, Edinburgh, Printed by James Watson, 1699.}

\textsuperscript{84} Cheyne, \textit{An Essay of Health}, pp. 22, 23 & 26.

vegetables by colour, grading types of brassica as being more healthful the whiter they were, with white cabbages and ‘what the Italians call Cauliflower’ as most nourishing. Similarly, white turnips were described as nourishing if cooked in broth or roasted with butter, and carrots were better the more yellow they were. Tryon’s ranking reversed this colour order, placing the darker coleworts over white cabbages, with cauliflowers ranked the least wholesome. He thus prioritized open exposure to air over colour. That cauliflowers were difficult to grow and therefore relied on ‘Art and dung’ for cultivation, was a major determinant of their quality in Tryon’s eyes. While Tryon also ranked turnips and potatoes as the best of the root vegetables, this was because they grew closest to the surface of the soil, and not because of their colour. For a similar reason, while Tryon agreed that carrots were the next best vegetable, he ranked those of the deepest red higher than the paler colours.

The dietaries were consistent in presenting wholesomeness as relative, dependent not only on the nature of the food itself, but also on the social position, usual habits and occupation of the consumer. Early modern dietary writers clearly confined fussiness in diet to those who could afford to indulge it. While gross meats, that is, those foods deemed difficult to digest, such as bacon, other heavily salted goods, hard cheese or watery vegetables, were in ‘no wise commended as wholesome’ to the presumed readers of the texts, exceptions were continuously made for ‘the labouring man’. This was because ‘in such kind of men, it forceth not much howe wholesome meat be, so it will fill the belly and keep strength’. Those engaged in labour were also deemed to have a hotter natural complexion, and this heat enabled them to digest more easily what more delicate and refined people could not. Curiously, despite agreement between the authors that eels were gross foods and dangerous to consume, only Venner explicitly advised that they should be...
confined as a food to the labouring poor, a usual argument for foods proscribed for the middling and elite of society.\textsuperscript{92}

Vegetables, and especially root vegetables, received a more positive treatment in discussions about feeding the populace when food was scarce. This was largely because the focus of concern was on feeding the poor. By the late sixteenth century, root vegetables were presented as both a supplement and an alternative to bread in times of dearth.\textsuperscript{93} Root vegetables like carrots, turnips and potatoes were also proposed as possible flour extenders to produce bread, and hence boost scarce supplies of the dietary staple. For example, John Forster argued in 1664 for the use of the potato as a flour extender for bread production in times of dearth. He gave a socially stratified hierarchy of use with no potato in the bread of the elite, and an increasing percentage of potato as he moved down the social scale.\textsuperscript{94} Such a construction of roots as the salvation of the poor fitted their placement in the dietaries.

There were, however, limits to the idea that the poor had ‘rustical stomachs as are offended by nothing’.\textsuperscript{95} Even within the context of dearth some writers were concerned about the quantity of ‘gross’ foods that could safely be consumed, and questioned whether an over-reliance on vegetables, particularly roots and cabbages, was advisable at any social level. John Parkinson, an apothecary and the writer of one of the most prestigious English herbals of the seventeenth century, described the London poor as suffering from ‘moist and loose flesh’, blaming this on their reliance on turnips as their major food source.\textsuperscript{96} This connection may not have been unfounded. Malcolm Thick has pointed out that prolonged

\textsuperscript{92} Venner, Via Recta, p. 113 said that ‘Eels whether fresh or salt, are only a convenient meat for poor hard labourers, for them that have very strong stomachs, or that have an indulgent respect to their palate and appetite’. The last part of this comment alluded to the popularity that all authors attributed to eels as a food.

\textsuperscript{93} Gardiner, Profitable Instructions, ‘To the reader’, argued that the elite should tear out their pleasure gardens and plant ‘sundry good commodities, to pleasure the poor’ instead, and advocated carrots as a dearth food. Forster, Englands Happiness Increased, advocated the use of potatoes; and Dale, ‘An Abstract’ advocated turnips. Houghton also recorded this correspondence in a letter dated 1694. Houghton, A Collection for the Improvement of Husbandry and Trade, p. 243. See also Tryon, The Way to Save Wealth.

\textsuperscript{94} Forster, Englands Happiness Increased, p. 17, suggested that the bread for ‘the better sort’ should have little (25%), servants’ bread should contain more (33%), with the largest proportion in the bread of the poor (50%).

\textsuperscript{95} Moffett, Healths Improvement, p. 226.

\textsuperscript{96} Parkinson, Theatrum Botanicum. The importance of Parkinson’s herbal can be seen in comments like Philip Stephens, Jacob Bobart and William Browne, Catalogus Horti Botanici Oxoniensis, Oxford, Gulielm Hall, 1658, Preface to the Philobotanick Reader, Part II, pp. 189-92, who stated that they ‘pitcht upon Parkinson and Gerard, out of the respect we have to our own Country, (because the generality of English men make use of them, and there be but few that use any other)’. Nicholas Culpeper, The English Physician, or, an Astrolo-Physical Discourse of the Vulgar Herbs of This Nation Being a Compleat Method of Physick, Whereby a Man May Preserve His Body in Health, or Cure Himself, Being Sick, for Three Pence Charge, with Such Things Onely as Grow in England, They Being Most Fit for English Bodies, London, 1652, ‘To the Reader’, also described the primacy of Parkinson’s and Gerard’s texts, though he was critical of this dominance.
consumption of a diet entirely restricted to ‘roots and cabbage as a soup or weak stew produces hunger-oedema’ where ‘the limbs swell as tissue becomes waterlogged’.

These views on consumption patterns of London’s poorer inhabitants and their effects came from the commentaries of the wealthy. There are few records that show what the poor actually ate, or how they felt about the foodstuffs relegated to them by those of a higher social status. However, there are some indications that some groups of the poor, or at least those whose complaints have made it into the records, disagreed that food considered unsafe for the wealthy was appropriate food for them. The idea that safety was relative and socially determined influenced official policy, and explains aldermanic orders directing that food seized as ‘unfit for man’s body’ was to be distributed among the poor (debtor) prisoners in the London gaols. Although official policies show the city elite’s acceptance of the dietary authors’ constructions of relative wholesomeness based on status, complaints lodged by the poor prisoners about the food supplied in the jails, indicate that the recipients of this ‘charity’ did not agree. In 1710 the poor prisoners held in Newgate and Ludgate prisons and the city’s compters lodged complaints against the baker Thomas Reckliss for supplying ‘very unwholsom Bread not fit to be eaten’. This complaint was repeated in 1711, despite the court having ordered that Reckliss be replaced. Neither of these complaints described the actual fault committed, but a further complaint lodged in 1718 stated that the bread provided to the prisoners contained pollard (bran). Serving the poor prisoners with wholemeal or mixed meal breads fit their status as deserving poor, but

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99 Corporation of London, Act of Common Council for Settlement and Well-Ordering of the Several Publick Markets within the City of London, London, Samuel Rycroft, 1690, stated that food hawked in the streets was unwholesome and ordered that any seized was to be distributed to the poor prisoners in the London prisons. See also, GL MS 10561 pp. 97-8 (item 57); GL MS 09809 f. 5 (item 49); CLRO, Reps. COL/CA/01/01/026 f. 165 & /034 f. 11; ‘An Act to Regulate the Price and Assize of Bread’, 8 Anne c. 18, The Statutes at Large, from Magna Charta, to the Thirteenth Year of King George the Second, Inclusive, London, 1758, vol. 3, pp. 676-9.

100 CLRO, Reps. COL/CA/01/01/118 f. 225, /120 f. 316, /121 f. 211, /126 f. 431.

101 CLRO, Reps. COL/CA/01/01/118 f. 225.

102 CLRO, Reps. COL/CA/01/01/118 f. 316 – although replaced for 3 months in 1712, Reckliss (alternatively spelt Ricklass and Recklis) remained the baker for the prisons until at least 1713, the last time he was specifically named after he provided short weight bread; see CLRO, Reps. COL/CA/01/01/121 ff. 58 & 211. According to the unpaid bills tabled in the 1712 court session, Reckliss had been the prison baker from at least 1700. In most complaints against the prison bakers the baker is not named.

103 CLRO, Reps. COL/CA/01/01/126 f. 431.
the prisoners clearly did not agree that this was their station, nor did they agree that the
food supplied was wholesome. It should be noted here that as these prisoners were
debtors, they had to at some stage have had credit and/or goods with which to trade, and
were not necessarily from the very poorest groups of London’s inhabitants.

The reaction of the prisoners was consistent with the declining fortunes of the
Brown Bakers’ Company in London in the first half of the seventeenth century. Despite
dietary writers’ arguments that wholemeal and mixed grain breads were more suitable for
those of a lower social standing, who made up the largest group of the London population,
the Brown Bakers’ business had dwindled to such a degree by 1640 they were unable to
continue as a separate trade.104 A further indication of a consumer preference for white
bread over other grades of bread is evident in the responses to attempts by Parliament to
alleviate dearth in the eighteenth century.105 Although Parliament ordered the sale of
‘standard bread’ (bread containing a higher proportion of bran) in the dearth years 1756-8,
the bakers reported that they could not sell it, despite its cheaper price, as their customers
considered it unhealthy and demanded white bread instead. The Brown Bread Act, again
aimed at alleviating dearth by prohibiting the production and sale of refined white bread,
was renamed the poison act by a hostile populace when it was introduced in 1800.106 From
at least the middle of the seventeenth century the lower orders would appear to have
accepted dietary advice that highly refined white bread was healthier, but rejected the idea
that this was only a necessity for the elite.

Poorer consumers might not have agreed with the social aspect of hierarchies of
wholesomeness and appropriate diet espoused by the health writers of the early modern
period, but the advice writers themselves were fairly consistent in their depiction of what
constituted a healthy diet. Overall, the placement of wheat products and meat as important
aspects of diet was fairly consistent, though fruit and vegetables gained greater acceptance.
However, it needs to be emphasised that while the later writers might have seen fruit and
vegetables as healthier ingredients, they did not dispute the significance of meat in the
English diet. The theoretical stance of each of the writers affected the way they explained
why a particular food was more or less wholesome, but did not significantly change their
relative placement of that food.

### Correctives or additives?

104 Sylvia L. Thrupp, *The Worshipful Company of Bakers: A Short History*, Croydon, Galleon Press,
1933, pp. 126-8. See chapter 5 for a more detailed discussion of this decline.

105 J. C. Drummond and Anne Wilbraham, *The Englishman’s Food: A History of Five Centuries of

106 Susan E. Brown, “‘A Just and Profitable Commerce’: Moral Economy and the Middle Classes in
One aspect of dietary theory that acted both as a means of making food safer, but also, paradoxically, fuelled ideas that it might be adulterated, was the belief that food that was unwholesome in itself could be corrected. Correction could be achieved either through the preparation technique used or, as evidenced in Chamberlayne’s description of suitable treatments of chocolate, by the addition of other ingredients to modify or balance the properties of the food to be consumed. Many suspect foods could also be corrected by cooking. Boiling or poaching added moisture and tempered the effects of hot, dry meats like salted beef, while baking or roasting heated and dried overly cool and wet foods such as apples and pears. Cogan portrayed many fruits and vegetables negatively, but conceded that they could be rendered safe if cooked correctly. So, while raw onions caused ‘ill humours and corruptible putrefactions in the stomack’, when boiled or ‘sodden’ they were good for the digestion and ‘not hurtfull’, and in fact good in Lent or on fish days. Similarly, apples, which were generally unwholesome as they ‘hurt the sinews, they breed winde … they make ill and corrupt blood’, and pears, which ‘caused the blood to putrifie’, became ‘wholesome and do comformeth the stomacke and make good digestion’ if roasted, baked, stewed or made into tarts, especially if eaten after meats. Fruit preserved as pastes, jams or marmalades were similarly viewed as a healthier option to the consumption of raw fruits. It was the addition of heat, either through cooking or through the addition of sugar, or both, that rendered these moist, cold fruits safe.

Pickling using vinegar and salting, whether through dry salting or soaking in brine, was thought to purify problematic foodstuffs. Vinegar cooled them, while salt dried them out. Although salting was an essential means of preserving food prior to refrigeration, its benefits were hedged around with conditions. The benefits only applied to correcting the grosser kinds of meat such as beef and pork, or oily (slimy) fish like herring, mackerel or eels, and the degree of salting a food had undergone was significant. Light salting, or powdering as it was more frequently called, was for many authors beneficial, especially in the earlier part of the period. Venner, for example, described it as ‘far more wholesome than that which is fresh unsalted: because, that salt doth purifie the flesh and make it more savory, drying up and consuming the watry and excrementall moisture of it’. For this reason salt foods were deemed healthier in winter than in summer, largely due to the cold, moist nature of the climate in winter and its effect on people’s bodies, where a food that would dry and correct superfluities could be beneficial. However, in food that was ‘longer

107 Cogan, The Haven of Health, pp. 65, 70, 98 & 100-3.
108 See, for example, his suggested treatments of cherries and quinces; Cogan, The Haven of Health, pp. 106-8. See also Venner, Via Recta, pp. 155-6 & 168.
109 Venner, Via Recta, p. 66. Venner also warned against salted fish, see p. 114. See also Cogan, The Haven of Health, p. 11,5 where ‘light powdered beef was described as ‘more wholesome that fresh beife’ but if kept in brine or salted and then hung and smoked was ‘very hard of digestion’.
preserved in salt or brine, or after it is salted hanged up to dry near the fire’ the salt lost its purifying function and the meat became ‘very hard of digestion’. Well-salted fare was only ‘convenient for labouring men, and such as have very strong stomachs’. Later authors did not make distinctions between degrees of exposure to salt. Cheyne described salted foods as generally dangerous as ‘they that deal much in them swallow so much live coals, which will at last inflame the Fluids and burn up the Solids’. Overall, fresh meats were generally preferred.

Combining the suspect ingredient with another ingredient such as sugar also corrected it. This was why marmalades and candied fruits were deemed acceptable, when the same fruits served fresh were not. Much of this correction involved the use of spices and other condiments, though this use became increasingly contested as the seventeenth century progressed. Late sixteenth and early seventeenth-century writers, like Cogan, Moffet and Venner promoted the use of spices, recommending hot spices, like pepper, cinnamon and nutmeg, to correct the excessive moist and cold humours of dairy products, vegetables and fruits. Turnips and cucumbers were safer if corrected with pepper or sugar, which along with cloves, mace, nutmeg, ginger and cinnamon ‘dissolveth phlegm and wind’ and aided digestion. If sugar were combined with these spices, it increased the effect. Soft dairy foods like curds, custards and junkets were ‘more wholesome as lesse offensive if they be well seasoned with sugar and spice’ which heated the otherwise dangerously cool curds. Similarly, overly heating foods could be corrected and tempered through the use of cooling preparations like vinegar, verjuice or citrus, with sauces made from these ingredients recommended in times of pestilence. According to Venner, lemon juice ‘defendeth the humours from putrefaction, and correcteth those that are putrefied’, and that of citrons was even better.

While condiments corrected an individual’s humoral balance, some of these correctives themselves required correction before they were safe to consume. For example, the chilli was just one of many flavouring items corrected to match an individual’s dietary needs without being considered adulterated. Which ingredients were added was dependent on the humoral needs of the consumer. The chilli was presented as superior in taste to

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pepper, but was too hot for safe consumption without correction. John Parkinson in 1640 and John Evelyn in 1699 described methods to render chillies ‘not only safe, but very agreeable to our sallett’ by adding dried, ground chilli to lightly yeasted flour to make cakes that were baked and crushed to give a powder that could be used instead of pepper. While today this treatment would constitute adulteration of the product, in the seventeenth century it rendered the substance safe to consume.

It was within the idea of correcting foods for individual consumption that Chamberlayne’s advice on chocolate, discussed in the introduction to this section, fitted. His description agreed with an earlier account on the preparation of chocolate given by Henry Stubbe in 1662. However, Stubbe’s account indicates that there were limits to how much of a corrective ingredient could be added and still be deemed a beneficial corrective and not a cheating adulteration. Stubbs complained ‘that some reduce Chocolata almost to Ginger-bread; and put in little of the true Cacao-nut’. Chamberlayne voiced a similar concern about the ‘great mass of Sugar which is commonly put in’ chocolate, as ‘it may destroy the Native and genuine temper of Chocolate, Sugar being such a corrosive salt, and such a Hypocritical Enemy of the Body’. Additives might be acceptable, but they were also problematic. Stubbe’s recommendation that there should be twice the quantity of cacao-nut to the other ingredients added reflected unease about the commercial possibilities of additives. Mixing or mingling flour with chilli, or spice or sugar with chocolate might in seventeenth-century terms make it safer for an individual to consume, but such treatment could also be the means by which a grocer padded and extended a scarce commodity in order to increase profit. The line between a corrective and an adulterant was blurred and could easily change.

How an additive was viewed as a food item impacted on attitudes to its use. The uneasiness about sugar consumption evident in Chamberlayne’s discussion was echoed in later dietary advice. Where the writers from the late sixteenth century and early seventeenth century viewed spices and sugar as beneficial correctives, attitudes towards their use became much more negative by the later seventeenth century, when dietary writers took an increasingly “xenophobic” view of health and food. This shift emerged with the

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120 Henry Stubbe, *The Indian Nectar, or, a Discourse Concerning Chocolata the Nature of Cacao-Nut and the Other Ingredients of That Composition Is Examined and Stated According to the Judgment and Experience of the Indian and Spanish Writers ... Together with a Spagyrical Analysis of the Cacao-Nut, Performed by That Excellent Chymist Monsieur Le Febure, Chymist to His Majesty*, London, Printed by J. C. for Andrew Crook ..., 1662, pp. 30-69.
122 Stubbe, *The Indian Nectar*, pp. 30-69.
development of ideas of diet based on ‘class, occupation, and nationality’, and reflected the idea that the people of ‘each region should only be nourished by its own produce’. As spices and sugar were imported, the idea that they unbalanced and corrupted the body replaced the earlier view that they balanced and purified. Thomas Tryon, for example, argued that

\[\text{It is known by Experience, that the mixing of the East and West-Indian and Spanish Fruits, with our Food and Drinks, have encreased Diseases, and made People sickly than in former Ages … for most or all of those things that are brought from those Countries are not proper for Food, and are also endoed with contrary Natures to the Fruits and Grains our own Country produceth, as all sorts of Spices, Nutmegs, Cloves, Mace, Cinnamon, Pepper and Ginger, they are all extreme hot and dry, and are not proper to be used, but in a Physical way; and indeed we do not need them in that way neither; for we have Herbs and Roots that grow in our own Climate more proper for the use, though the Physicians have been as willing to deceive the People as the merchants.}\]

While admitting that spices could be ‘Excellent in their Nature and Operation’, he considered them ‘not proper for our Constitutions, nor to be mixed amongst our Food and Drinks’. The reason he gave for this was that ‘every Country or Climate does furnish the Natives thereof with al things, for Food and Physick proper to preserve Nature, having more agreement and unity with our Constitutions’. Sugar and Spanish fruits were a similar problem, and for the same reason. In Tryon’s view these substances not only corrupted the body, they were also dangerously addictive. Cheyne similarly argued against the consumption of ‘Made Dishes, rich Soup, [and] high Sauces’ as the ‘Inventions of Luxury’ that ‘force an unnatural Appetite’, the result of ‘ill Habits, and a vicious Palate’, and instead advocated the consumption of those foods with ‘a milder, softer, and more insipid Taste’ as easier to digest.

In her examination of gentry cooking manuscripts, Gilly Lehman has identified a similar shift in English cooking styles by the late seventeenth century away from sweet-savoury combinations. This shift meant a separation of savoury and sweet ingredients,

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and a concomitant reduction in the use of sugar and dried fruit in meat dishes, as well as a reduction in the range of spices used. As fashionable society moved away from consumption of sugar and spice, and confined them to the banquet or sweet course, these ingredients took on more negative health associations as their consumption moved down the social scale.

Whether additives constituted adulterants or correctives depended on what was added, by whom, to what, for whose consumption and on what scale. The dietaries largely discussed the preparation of foods to suit the specific health needs of individuals. While to some extent the writers generalized their advice to suit a middling to elite audience, the domain in which food preparation took place was assumed to be domestic. Reformers’ advice on ways to help the poor served a different purpose. However, they also assumed the substitutions and additions they recommended would be employed by individuals for beneficial reasons and not for mass consumption. The unease about additives expressed by both Chamberlayne and Stubbs, which reformers like Houghton echoed when discussing the padding of flour, stemmed from the possibility that such practices could be employed on a much wider scale, and for economic gain rather than altruistic reasons. The awareness that ideas put forward by the reformers for stretching limited supplies might be used for less altruistic purposes strengthened as the seventeenth century progressed, and informed suspicions about potential frauds evident in both regulatory texts, advice literature and literary representations of the time.

Conclusion

Examining the place of food in early modern medical theory makes it clear that ideas of what constituted ‘wholesome’, ‘corrupt’ or ‘pure’ were much more complex than is often presented in modern discussions of the history of food quality concerns. Wholesomeness was dependent on the individual makeup of individuals, but was also increasingly dependent upon the social standing, occupation and nationality of the consumer. If even fresh, whole produce, could be dangerous if eaten in the wrong quantities, in the wrong combinations, at the wrong time and by the wrong people, then the sale of deliberately adulterated or corrupted produce was of even greater concern. Nor was adulteration or even corruption a straightforward issue. Food could be corrected to render it safer for an individual to consume. However, how acceptable such correction was depended upon who corrected it and for whom. What was acceptable, even beneficial, on an individual level was less acceptable when applied to commercial transactions and when carried out for mass consumption. Despite these ambiguities, in a period when even fresh food was thought to

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lead to corruption and putrefaction in the body, and thus disease, the sale of stale, corrupted and deliberately adulterated produce would have been literally ‘to the great prejudice of his Majesty’s subjects’. Selling corrupt wares meant much more than passing off food gone bad as fresh, though this was a problem, and indeed remains a significant area of regulatory concern.  

130 ‘A Proclamation for garbling of Spices’, CLRO, JCC COL/CC/01/01/033 f. 108.
Chapter 2. … and danger: beliefs about fraud

Item for that many doe blowe and puff upp by devyses sondry Kindes of fleshe as beefe mutton veale lambe and porke which fleshe soe blowen and puffed upp is very deceivable and maketh a shewe to be fleshe being but winde and ofentymes unholsome to be eaten being blowen and puffed up with foule and stinking breathes.¹

Butchers’ Company Ordinances, 1607

But many times Gentlemen are deceived in Taverns, or Ordinaries, or other places, where feasting is, and where Gentlemen use to meet together: Many times at great Feasts they do take Hen-Chickens with white legs, and scald them, and do truss them Turky-fashion, and make Turky-sawce to them, and must be a good Palate that can find it out, unless he had notice of it before.²

Adam Shewring, 1687

The assumption that food fraud was essentially modern stems from an assessment that ‘[b]efore the rapid growth and urbanization of the population in the nineteenth century, the conditions of widespread adulteration did not exist’.³ These conditions included the separation of producer and consumer, the need for large parts of the population to rely on others to provide their food, and the loss of knowledge of consumers that resulted from this separation, which are all assumed to be features of industrialization. While this may have been true on a national scale, the population boom in the early nineteenth century was not the first time London had experienced rapid and substantial growth.⁴ Martha Carlin and Sara Pennell have shown that the sale of prepared foods to all levels of society had

¹ GL MS 10561, pp. 87-8 (item 40).
² Adam Shewring, The Plain-Dealing Poulterer: Or, a Poulterer’s Shop Opened with All Sorts of Ware, and How to Know the Young from the Old, Being Dead or Alive ... Very Useful for Gentlemen and Others, That, They May Not Be Deceived. By Adam Shewring, a Poulterer, London, printed for C. Brome, 1687, p. 12.
long been a feature of urban life and was certainly not new in the seventeenth century. The unease about food stemming from the dependence of urban dwellers on relatively unknown others to supply their food was also not new. Guild ordinances and consumer marketing guides, such as those cited above, acknowledged the presence of ongoing and widespread deception. The dependence of even elite levels of society living in London on the food sellers, and the unease this acknowledged dependence engendered, are also evident in official documents like the mayoral order issued in 1614, when the parliament had been called, and members were residing in London, which called for increased vigilance in suppressing fraud to ensure that all residing in the city were served with wholesome food. Although suppliers in the seventeenth century were still individuals mostly operating in the one location and not national companies, the concerns that are associated with extended chains of supply were already a feature of urban life. The scale of the problem may have changed by the nineteenth century but the essential problem was the same.

Frederick Accum depicted adulteration as escalating alarmingly. He wrote that adulteration was

unprincipled and nefarious practice, increasing in degree as it has been found difficult in detection … now applied to almost every commodity which can be classed among either the necessaries or the luxuries of life, and is carried on to a most alarming extent in every part of the United Kingdom.

Accum’s account has been taken as evidence that adulteration and fraud had escalated by the beginning of the nineteenth century. Yet Accum offered no evidence, other than his own impressions, to support this idea. His statement that the ‘eager and insatiable thirst for gain’ motivating sellers was ‘proof against prohibition and penalties’ would surely argue, however, that the practices he exposed were not new, as the lack of efficacy of penalties in dissuading re-offending was already apparent. Indeed, Accum clearly stated that the ‘application of leaves poisonous to health for the purpose of imitating tea, is not a new

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6 CLRO, JCC COL/CC/01/01/030 ff. 161-162.
invention, detected for the first time within these few years’. Nor did he see it as a growing problem, instead observing that ‘[t]he extent to which this most iniquitous traffic has been carried, appears to have been as great formerly as now’, and citing the very intractability of the problem as the reason ‘it is necessary for the public to be always on their guard, and not to suppose that the late convictions will deter others from continuing the practice’. The problem of fraudulent coffee was similarly presented as of one of long standing. I would argue that this persistence of concern also applied to the other food frauds. Further, before any conclusions can be drawn about periodization of fraud, the concerns of the early modern period need to be identified, and these compared to those exposed in the nineteenth century. This chapter will therefore outline the fraudulent practices exposed in early modern English texts, especially in regulatory literature and the marketing guides that emerged as a new genre in the mid-seventeenth century, before comparing them with practices exposed in the nineteenth century.

**Substitution frauds - mingling**

Most food fraud involves the substitution of ingredients. Treating ‘off’ food in order to disguise it as fresh was only one of many types of substitution suspected in early modern London. Other types of fraud include the partial substitution (or mingling) of ingredients, as well as more innocent forms of total substitution. Partial substitutions entail mixing different types of ingredients, mixing different grades of the same ingredient together, or mixing bad or stale goods with fresh. Concerns about the mingling or mixing of ingredients were common in the pre-modern period, particularly with reference to dry goods like flour and spices, and in the later seventeenth century to the luxury new drinks. They also applied to other foods like vegetables and butter. Complete substitution involves passing off one ingredient for another, and also includes selling foods of a lower grade of the same substance for a higher grade, a stale item as fresh, or a disguised native substance as an exotic import. Concerns about complete substitution extend the range of deceits to more fully include the meat products. While these frauds appear to sit on a continuum from purely economic fraud to frauds that risked health, it needs to be kept in mind that even what seems to us today to be a relatively innocent addition – extending wheat flour with other flours – had health implications in a period when some kinds of grain were believed to putrefy in the stomach. Similarly, the more innocent types of total substitution of ingredients, for example, the sale of mutton as lamb or venison (meats that the dietary texts

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9 Accum, *A Treatise on Adulterations of Food*, p. 213.
presented as having different qualities) would also have had health related associations that they do not have today. Whereas modern frauds tend to be divided into those with a purely economic impact and those that endanger health, in early modern terms all kinds of fraud had health implications.

Grain products could be corrupted by mixing different types of flour together, by mingling bran with wheat flour or by combining musty flour, or even flour from mouldy grains, with good flour. These deceits could be quite difficult to detect, particularly where it was not the grain itself but processed flours that were available for sale. Concerns about the possibility of such deceits appeared recurrently in regulatory documents for the city. The ordinances for the Bakers’ Company ratified under Henry VII explicitly forbade bakers selling ‘any Corn good and evil medlyd togedres, or Bake or make Bread of Wheat with Bran that is not good nor good Corn and evil medlyed togidres’, an edict that was repeated in John Powel’s books setting the assize of bread published in the 1590s and reissued through much of the seventeenth century. In the 1595 edition, the edict against the sale of musty and deceitful meal had been enlarged and removed to a separate section of the book from the Assize of Bakers, marking the concern about the quality of raw ingredients as a separate issue from the sale of poor quality bread, and recognising the multiple points at which possible corruption could occur.

The changing nature of the meal and flour trade, which is discussed in greater detail in Chapter five, lies behind the changing representation of concerns seen in the different types of regulatory documents for the bread and grain trades. It explains why, when new ordinances for the Bakers’ Company were ratified under James I, the specific wording relating to flour quality that had previously been evident had disappeared, to be replaced with a general order that bakers were to be searched for ‘stuffs’ and fined if bread was found to be unwholesome. By the seventeenth century, the bakers no longer controlled the production and sale of flour, by purchasing grain and contracting millers to grind it for them. Instead, the chain of supply had extended to include wholesaling middlemen – corn chandlers, brokers for independent millers, and meal men – many of whom lived outside the City’s jurisdiction, as well as flour sellers, who could act as retailers to the public, but who also sold the meal or bolted flour on to the bakers, to retailing salesmen like chandlers.

12 GL MS 05197A Item 5, pp. 3-4; John Powel, The Assise of Bread Newly Corrected and Enlarged, According to the Raising & Falling of the Price of Wheate in the Market, Together with Sundrie Good and Needful Orders Commanded to Be Kept in Making of All Kindes of Bread, That Are Appointed to Be Sold in All Places Whosoever: Whereunto Are Added, Sundrie Other Good Ordinances for Bakers, Brewers, Inholders, Untiners, Butchers, and Victualers. And Also Other Assises in Weightes and Measure, to Bee Observed and Kept, London, Printed by John Windet, 1592. For examples of later editions see: Powel, The Assise of Bread, 1600; Powel, The Assize of Bread, 1632; Powel, The Assize of Bread, 1671; Powel, The Assize of Bread, 1698; Powell, The Assize of Bread, 1714.

13 John Powel, The Assise of Bread, 1595.
shops and small grocery stores, and to the general populace. Unlike the bakers, these millmen were not directly under the control of a London livery company, and responsibility for, and control of their activities fell to the City’s government. Therefore, while national legislation evident in the Assize of Bread remained static for the next hundred years, and the Bakers’ regulations ceased to mention regulating flour quality, issues relating to the sale of flour and meal within the city appeared in the records for the Courts of Common Council and of Aldermen.

One of the concerns underpinning reports, orders and directives in the City’s records about the sale of meal and flour outside the public markets in the early seventeenth century was the possibility of fraud this kind of trade encouraged. The corrupt miller was a longstanding literary trope, and the connection between dishonesty, millmen and private sales was also evident in popular literature. Two Knaves a Penny: Or, a Dialogue between Mr Hord the Meal-man and Mr Gripe the Broker (1647), described several methods of adulterating flour. The first required the help of ‘our honest Miller … to mix our grain in the grinding with Barley’. In addition, Hord stated that in their shops the meal-men used ‘conveniences and slights of hand, to put off dusty, grown, or defective corn or meal,
which we cannot have in the market’. The main means by which they could carry out the deceits was through the sale of the bulk of their goods in private shops and not in the markets where their goods would be under the scrutiny of the meal weighers and the magistrates. Hord explained that by selling from shops they can ‘keep the market empty that our shops may be full, and only now and then go to market with a sack for fashion sake, to blind the eye of the magistrates’. Keeping out of the markets allowed the meal man to enhance the price in the market and increased consumer demand for the cheaper wares sold in shops, thus helping meal men to pass off ‘all the worst commodities at as good a rate as our best would yield, if brought into the market’. They were therefore committing several interlinked kinds of fraud.

The practices of the meal men depicted in this text matched accusations made in petitions to the courts. This is hardly surprising as it was a satirical text aimed at getting citizens to petition the authorities for the removal of the retailing meal men. An official report on the decay of the meal markets, presented in the Court of Aldermen in the same year, made similar links between clandestine trade and issues of quality, giving the justification that ‘[t]he much deceite in … Mingled and connived stuffe may bee avoided’ as one of the seven reasons for curtailing the sale of meal and flour in private houses. This report was followed by orders that no meal shops were to be kept within the City of London and its Liberties, and that all meal was to be sold directly to the public.

While Chartres’ argument that by the late seventeenth century such trade had become more acceptable, and that therefore, the role of middlemen and retailers in produce was growing, is in part correct, the retailing of corn remained a contested area. So too did the problem of people selling corrupted flour. The 1647 order didn’t permanently resolve the issue, though it was not always the meal men who were the focus of complaint. Indeed, a 1652

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19 Two Knives for a Penny, p. 5.
20 Two Knives for a Penny, pp. 4-5.
21 Two Knives for a Penny, p. 5.
22 CLRO, Reps. COL/CA/01/01/062 ff. 54v-55v. The other six reasons were that it would: 1. encourage country meal men and badgers ‘who heretofore furnished the Citie and places adiacent’ with their wares to ‘furnish the Marketts as formerly’; 2. ensure the meal markets were ‘mayntayned for the common use of the Inhabitants of the Citie’; 3. allow the Lord Mayor and Aldermen to easily monitor ‘what store of Meale is brought to the Citie’; 4. prevent forestalling of the markets and ‘the much ingrossing of the finest wheate’; ensure that ‘meane persons who shall not bee contented but with the finest wilbe then contented to use the same as it comes ground from the mill’.
23 City of London and Court of Aldermen, Ten Severall Orders.
24 Further concerns about retailing are evident in the city’s records into the eighteenth century see for example: CLRO Reps COL/CA/01/01/067 ff. 93v, 96v-97; /073 f. 378, /086 f. 88; /107 ff. 43-46 & CLRO, JCC COL/CC/01/01/053 f. 157. See also Corporation of London, Act of Common Council for Settlement and Well-Ordering of the Seveal Publick Markets within the City of London, London, Samuel Rycroft, 1690.
petition urging the City’s effectual prosecution of a new Act of Parliament against those selling mixed and compounded flour, was in fact instigated by the meal men themselves.25

By the later seventeenth century other additives began to become a concern. Advice literature aimed at suggesting ways of stretching scarce supplies of wheat flour to alleviate dearth signaled possible new means of adulterating flour. One example was the use of turnip meal to produce an acceptable white flour additive. Although it was initially proposed as a means by which consumers could supplement their own diet, by the end of the seventeenth century suspicions had arisen about the prevalence of the practice by commercial bakers, even in times of plenty. In 1694, John Houghton complained about the difficulty of getting good bread in London. He reported the suspicion that turnips were being used, among other possible contaminants, to adulterate the flour. This, according to Houghton, was difficult to detect, as turnip bread and wheat produced breads couldn’t easily be differentiated by sight or smell, and as ‘only to dainty and nice palates the turneps are but a little perceived’.26 At the time of writing, however, it was ‘the talk of London that the turneps having so much juice, they add but very little quantity’.27 The stretching of flour with other vegetative substances, previously presented as a useful measure in dearth periods, thus came to be perceived as adulteration. The practice didn’t change, but perceptions of it did.

In the eighteenth century, national legislation, in the form of the assize, finally, if slowly, caught up with the changes in trade practice, and the list of concerns about possible additives expanded. The first substantial revision of the Assize of Bread was enacted in 1709.28 It prohibited the baker or seller of bread from putting ‘into any Bread by him sold or exposed for Sale, any Mixture of any other Grain than what shall be appointed by the Assize settled in the Place where such Bread shall be sold or exposed for Sale’. It also ordered searches of ‘any House, Shop, Stall, Bake-house, Warehouse or Out-house, of or belonging to any Baker or Seller of Bread’ for ‘Goodness of the Stuff, whereof the same shall be made’.29 If any bread was found to have breached the Assize, it was to be seized and distributed to the poor of the parish in which the offence took place. In 1757, when the statute was again revisited, the wording and kinds of concerns had become much more

25 CLRO, Reps. COL/CA/01/01/066 f. 250v.
26 John Houghton, A Collection for the Improvement of Husbandry and Trade. ...Now Revised, Corrected, and Published, with a Preface and Useful Indexes, by Richard Bradley, volume 1, London, printed for Woodman and Lyon, 1728, pp. 242-3, XC. Although not published until 1728, this entry was written on 20 April 1694.
29 18 Anne c. 18, The Statutes at Large, 1758, volume 3, p. 678.
detailed and specific.\textsuperscript{30} In addition to stipulating that the mixing of grains and substitutions of one kind for another was prohibited, and that bread must be only what it purported to be, the 1757 statute banned additions of alum or any ingredient other than those specifically permitted.\textsuperscript{31} This new law recognised the division of responsibility usual in the trade, and for the first time, in addition to the standing power to search bakers’ shops, it empowered magistrates to search the premises of any miller suspected of adulterating flour.\textsuperscript{32} The notes printed at the side of the statute, which also referred to penalties that should be imposed, clearly placed these concerns under the heading of adulteration.\textsuperscript{33} While Filby, and Accum before him, may have thought bleaching of flour a common and excusable practice, this was clearly not the view of the eighteenth-century elite.

The statute of 1757 followed a rash of pamphlets published to expose and defend alleged scandals in the meal and bread trades.\textsuperscript{34} While it has been claimed that these

\textsuperscript{30} An Act for the due making of Bread; and to regulate the Price and Assize thereof; and to punish Persons who shall Adulterate Meal, Four and Bread’, 31 George II c. 29, The Statutes at Large, from Magna Charta, to the Twenty-Fifth Year of the Reign of King George the Third, Inclusive ... London, printed by Charles Eyre and Andrew Strahan, and by William Woodfall and Andrew Strahan, MDCCLXXXVI [1786], volume 7, pp. 217-35.

\textsuperscript{31} The Statutes at Large, 1786, volume 7, pp. 228-9, xxi. The list of permitted ingredients were: ‘only the genuine meal or flour that ought to be put therein, and common Salt, pure Water, Eggs, Milk, Yeast and Barm, or such Leaven as shall at any Time be allowed to be put therein by the Court, or Person or Persons who shall, by virtue of this Act, have set the Assize of Bread, for the Place or Places where any such Leaven shall be used’.

\textsuperscript{32} The Statutes at Large, 1786, volume 7, p. 230, xxviii & xxix. On p. 232, the statute instructs that offences were be dealt with in a summary way, so it is doubtful if a record of prosecution would survive.

\textsuperscript{33} The note at the side of xxix summarises that the section as ‘Where any Miller, &c. shall be suspected of adulterating, the Magistrate, &C. may enter the Premises’, The Statutes at Large, 1786, volume 7, p. 230.

\textsuperscript{34} Earlier comments on this usage include Jasper Arnaud, An Alarm to All Persons Touching Their Health and Lives: Or, a Discovery of the Most Shocking, Pernicious, and Destructive Practices Made Use of by Many in This Kingdom, Who Make and Sell Divers Kinds of Eatables and Drinkables ... To Which Are Added, Remarks on the Nature of the Destructive Ingredients Made Use Of ..., London, 1740, p. 19; Boyle Godfrey, A Treasure of Useful Discoveries. In Two Parts. I. Regarding Divers Aliments or Eatables, ... II. A Number of Valuable Discoveries of Universal Benefit to the Publick, Dublin, 1746, p. 106; William Ellis, The Country Housewife’s Family Companion: Or Profitable Directions for Whatever Relates to the Management and Good Economy of the Domestick Concerns of a Country Life, London, printed for James Hodges and B. Collins, bookseller, at Salisbury, 1750, pp. 60-1 & 256-8. For the pamphlets more usually identified as introducing the problem see James Manning, The Nature of Bread, Honestly and Dishonestly Made; and Its Effects as Prepared at Present on Unhealthy and Healthy Persons. With a Sure Way of Discovering Alum, and Other Mixtures in Bread. And an Easy Method of Making It in Private Families, London, printed for R. Davis and M. Cooper, [1757]; My Friend, a physician, Poison Detected: Or Frightful Truths; and Alarming to the British Metropolis. In a Treatise on Bread; and the Abuses Practised in Making That Food, ... By My Friend, a Physician, London, 1757; My Friend, a physician, Syhocr: Or, Considerations on the Ten Ingredients Used in the Adulteration of Bread-Flour, and Bread. To Which Is Added, a Plan of Redress, Including a Method to Prevent Effectually Future Artificial Scarcities, and to Relieve Parishes of Their Rates, by Employing Their Poor. By Which the Justice of Peace, and Parish-Officer, Will Be Much Assisted, and the Honest Gains of the Baker Redoubled. By Peter Markham, M .D., London, Printed for M. Cooper, 1758; My Friend, a physician, A Final Warning to the Public to Avoid the Detected Poison; Being an Exposure of the Many Dangerous Falsities, Base Assertions and Gross Impositions Industriously Propagated from the Venal Pen, in an Infamous Pamphlet, Called an Essay on Bread, Wherein the Millers and Bakers Are Said to Be Vindicated, &C. By P. Markham, London, 1758; My Friend, a physician, A Dissertation on Adulterated Bread, and the Great Benefit of Hand-Mills, London, Printed for M. Cooper, 1758. For a contemporary account of the effects of alum see John Quincy, Pharmacopœia Officinalis & Extemporanea: Or, a
accusations were without foundation, the passing of the new law, which explicitly banned the practices outlined in the pamphlets, less than a year after the second printing of the accusations, suggests that the regulators took the charges seriously. 35 These accusations had in fact appeared in 1740, the same year the Bakers’ Company had again complained to the Court of Aldermen about the quality of flour being supplied to them and its impact on their ability to keep the Assize, though at this point the city authorities were not altogether sympathetic. 36 That the practice of adding alum to flour was a fraud spread much wider than just the metropolis is evident in William Ellis’s printed reports of the practice in the Country Housewife’s Family Companion. 37 His reports further problematize the issue of who was perpetrating the fraud, the bakers or the retail flour sellers or both. 38 Perhaps the reason for the different reaction of the legislators to the resurgence of these accusations in the 1750s was that they were made in a time of dearth. 39

Other dry goods, especially those imported from overseas, also caused concern. In order to judge when a product had been adulterated, the consumer needed to be knowledgeable about what the product should look, smell, feel and taste like in its pure and/or fresh state. Fraud is much easier to perpetrate where consumer knowledge is limited. 40 Goods like spice, dried fruits, pickled goods like capers and olives, sugar, and later, coffee, chocolate and tea, were all imported, and mostly were unknown in England in their fresh, or freshly dried state. For this reason, most of these goods were, at least in

*Compleat English Dispensatory, in Four Parts*, 4th edn., London, Printed for E. Bell, W. Taylor, and J. Osborn, 1722, p. 111. The other additives that the pamphlets suggested could have been being used were chalk and bone dust, though unlike alum these additives were not specifically named in the legislation.


36 Arnaud, *An Alarm to All Persons*; CLRO, Reps. COL/CA/01/01/148 ff. 398-9. Note this concern appears earlier than the date usually identified by secondary source discussions of the beginning of concern.


38 Ellis, *The Country Housewife’s Family Companion*. Ellis’s text shows that these practices were well established and usual, if clandestine, practice all over England by the 1750s, not a new issue specific to London as the major population centre. Wide spread fraud in the flour and bread trades would therefore appear to have been extant long before Frederick Accum alerted the general public to similar abuses in the 1820s.

39 Anxieties about possible adulteration of the quality of bread tended to surface in periods of dearth as did attention to rectify or amend the assize. (See Thrupp, *The Worshipful Company of Bakers*, pp. 30-2). The next two major campaigns to expose fraud in the industry came in the late 1790s and again in 1820 when Frederick Accum’s exposé was published; Accum, *A Treatise on Adulterations of Food*. These were also periods of harvest failure. See R. B. Outhwaite, *Dearth, Public Policy and Social Disturbance in England 1550-1800*, Studies in Economic and Social History, London, Macmillan Education Ltd., 1991, p. 20, Table 1. See John Walter and Keith Wrightson, ‘Dearth and the Social Order in Early Modern England’, *Past and Present*, no. 71, 1976, pp. 22-42, regarding the awareness of civil authorities of the potential for disorder in deerth periods.

theory, subject to inspection by the City’s garbler, who was nominally appointed by the Grocers’ Company. The garbler’s job was to inspect the wares entering London for sale and to ensure that the goods supplied to consumers were of good quality. However, complaints lodged at intervals from the late sixteenth century onwards showed concerns about the ability and willingness of the garbler to fulfil his function, both due to opposition from merchants and sellers, and to problems with the garbler himself. In 1598 the City repealed previous acts of Common Council regarding the garbling of spices, on the grounds that there were so many of them that they did ‘not fully nor effectually redresse the mischiefe’ they were intended to prevent, and instead made a new act to redress the problem. Both the old and new acts were concerned to prevent customers being deceived into ‘buying and selling of Spices and other merchandizes ungarbelled, supposing themselves to receave & have for the same true holsome and good Spices Druggs and merchandizes, where in very deede the same be falsified mixed and corrupted deceiptfully w[i]th fusses filth stones and dust’. While the new act described selling ungarbled wares for garbled as ‘deceipt’, the ‘falsifyenge corruptinge and mixinge’ of ‘cleane sweet and holsome Spices droages & merchandizes’ after they had been garbled with ‘unholesome things’ was also deemed to be ‘to the greate damage p[er]ill and daunger as well of her ma[jes]tie[s] royall person as of her highness subiects of this realme of all estates and degrees, … in the unwholesomeness thereof in meates and drinke & medicines for their bodyes’.

41 The company’s right to appoint the garbler lapsed as a result of inaction by the company, and for most of the century the appointment was instead made by the Mayor and Aldermen. See William Ravenhill, The Case of the Company of Grocers Stated and Their Condition in Their Present Circumstances Truly Represented ... Designed for Information and Satisfaction of the Members and Vindication of the Company, London, Printed for the Company of Grocers, 1682, p. 4, describes the lapse of their observation of the privilege. Their legal right to this role in London had always been tenuous as the original grant excepted London. See CLRO, Reps. COL/CA/01/01/035 ff. 388-9; /057 243v; /058 ff. 14, 21v, 38v, 49-50, 131v, for a dispute between the mayor and aldermen and the Grocers’ Company over the appointment of the garbler in which the Corporation clearly asserted their right of appointment. By the early eighteenth century the garbler’s role had been called into question, leading to the abolition of the Act for the Garbelling of Spices during Queen Anne’s reign; 6 Anne, c. 16, The Statutes at Large, volume 3, p. 526. After this time the City government could only appoint a garbler on a temporary basis when it was warranted. See John Noorthouck, ‘Book 1. Ch. 18: Queen Anne’, A New History of London: Including Westminster and Southwark, 1773, pp. 288-306, for a commentary on this repeal.

42 CLRO, JCC COL/CC/01/01/033 f. 108v spelt out what the garbler’s job entailed at some length. He was to ensure that all garbleable goods were to be ‘viewed searched tried made cleane cleansed packed bagged and marked and the good from ye badd devided, severed sep[ar]ated and made knowne and sealed or marked’.

43 CLRO, Reps. COL/CA/01/01/035 ff. 388v-89; /038 ff. 37 & 112v-13; /039 199v-200; /051 ff. 104-v, 122-3, 130, 150v-51, 166v; /057 f. 243v; /058 ff. 14, 21v, 38v, 49-50, 131v, 443; /064 ff. 222, 251v; /067 f. 43, 72; /093 f. 169v; /094 ff. 71v-2; /095 ff. 122v-3; /096 ff. 151-4, 175; /099 f. 298; /104 ff. 30, 79; /113 ff. 29-30; /116 f. 76.

44 CLRO, Letter Books /027 BB f. 16.

45 CLRO, Letter Books /027 BB f. 16.

46 CLRO, Letter Books /027 BB f. 16.
In 1603, an updated Statute for the ‘well garbling of spices’ was enacted. This update was justified because ‘great deceits and abuses have been committed in uttering, selling, and putting to sale of sundry sorts of unclean, corrupt and mingled Spices, Drugs, Wares, and other Merchandises garbleable, to the jeopardy of his Majesties person, and of his Subjects using the same in their meats, drinks, and other needful occasions, and to the great deceit, loss, and hindrance of such his Majesties Subjects as shall buy the same’. However, in 1622, a royal proclamation indicated that despite the earlier act to protect the public from being ‘deceived in usinge anie unholsome Spices or Drugges or in buying the bad instead of the good’, many abuses were still being practised ‘by merchants maisters of Shippes Shoppkeepers and others uttering [th]e said Spices’. A report in 1633 to the Court of Aldermen recommended banning the garbler from buying or selling garble, an indication that having extracted deficient spices from those to be sold, he was then reselling the dross. As chapter four describes in greater detail, disputes over the effectiveness of the garbler and the usefulness of his role continued over most of the seventeenth century. These disputes demonstrate not only that deceitful wares were an ongoing problem, but also that the problems in tracing and placing blame for frauds increased, making regulation difficult.

Mixing fresh and bad produce sold in bulk was also a common fraud practised in the sale of salted butter and fish. A series of statutes regulated against fraud involving salted butter sold in barrels where a top layer of fresh butter disguised the presence of poor quality or even rancid butter underneath, with the unsuspecting customer tasting or inspecting the top layer, then being sold the inferior. Concerns about this practice also underlay an order by the Court of Aldermen in 1614 that the trade in barreled butter be confined to the wives of freemen, who were presumed to be respectable, and who in any case had to be licensed. That the problems continued is evident in a further instruction in 1634 to ensure the order was enforced. Indictments in the Westminster sessions in 1638 indicate at least some attempts at enforcement. By the 1680s the Poulterers’ Company had taken over the licensing of people, usually women, to sell butter, and prosecuted

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48 CLRO, JCC COL/CC/01/01/033 f. 108.
49 See chapter 4, p. 117.
51 CLRO, Reps COL/CA/01/01/036 ff. 52v & 369v.
52 CLRO, Reps COL/CA/01/01/052 ff. 283v-284.
53 See, for example, LMA, WJ/SR(NS)50/183.
offenders to enforce this.\textsuperscript{54} However, this did not appear to stop the fraud. The \textit{Statutes at Large} show the enactment of yet another law in 1693 to try and stop the deceit. Similarly, \textit{The Experienced Market Man or Market Woman} (1699), warned customers not to accept the sample offered when tasting butter to check freshness, but to insist on taking their own, as ‘many times there is a good bit placed to decoy you when the rest is bad, perhaps made up of rank salt Butter, by working of it in water which takes out the Salt and rank smell’.\textsuperscript{55} If buying from a cask the advice was to ‘thrust your Knife in the cleft about the middle of the cask, some hoops being taken off to prevent being cheated by the tops being packed; and smell presently to it, if it has a strong smell it is rank and nought’. A similar deceit was outlined for the sale of barreled, preserved fish, where good, ‘sweet’ fish were packed at either end of the barrel while the middle was made up of bad quality produce.\textsuperscript{56} A more innocent, yet equally prohibited practice involved the intermixing of different sized salted fish, such as ling or herring.\textsuperscript{57} Mixing fresh with stale vegetables could also be a problem. A 1597 petition for the ‘restraint of those that let out cellars and sheds under the stalls where herbs, roots, fruits, bread and victuals’ were ‘noisomely kept till they be stale and unwholesome for mans body’, was concerned that these stale herbs were then mingled with fresh and ‘brought forth into the markets and there sold to the great deceit and hurt of the people’.\textsuperscript{58} Concerns about fraud and the impact this had on consumers’ health applied to all food products.

\textbf{Enlargement and replacement}

\textsuperscript{54} GL MS 02168 f. 5 Item 19, GL MS 02148 vol. 1 ff. 31v & 45. The 1690s onwards also saw the admission of female apprentices, possibly for the same reason. See MS 02148 ff. 37v and 41 for examples of this.

\textsuperscript{55} The Experienced Market Man and Woman: Or Profitable Instructions, to All Masters and Mistrisses of Families, Servants and Others, to Know the Goodness of All Sorts of Provisions, and Prevent Being Cheated and Imposed On ... Butchers Meat, to Know Whether Young or Old, Fresh Kil’d or Stale ... How to Know All Sorts of Poulterers Ware ...To Know the Goodness of Badness of All Sorts of Fish ... Directions to Prevent Being Defrauded in Buying Butter, Eggs, Cheese, Bread, English and Outlandish Fruits, and Other Things That May Turn to Much Profit and Advantage, Edinburgh, James Watson, 1699, p. 14. This advice is repeated in Hannah Woolley, The Compleat Servant-Maid ... Also for Salting and Drying English Ham Equal to Westphalia. The Compleat Market-Man and Market-Woman, in Buying Fowl, Fish, Flesh, &C. And to Know Their Goodness or Badness in Every Respect, to Prevent Being Cheated, London, printed for Eben Tracy, 1700, p. 199.

\textsuperscript{56} GL MS 05572 vol. 1, f. 442.

\textsuperscript{57} GL MS 05572 vol. 1, f. 401. The order of the Court of Assistants of the Fishmongers’ Company detailed a common fraud where ‘made fish’, also referred to as ‘tale fish’ [large fish], and ‘outcast fish’ [small] were sold mixed together, and prohibited this practice, though both kinds could legally be sold separately: at different prices. According to OED Online [accessed 10/12/2010] – see ‘tale fish’ – the definitions of these types can be found in the 1482 Rolls of Parliament, VI. 222/1 where it was ordered ‘That tale fissh shuld not be pakked with the lesse fissh called Grilles..and that the same tale fissh shuld conteigne in length.xxvi ynches’.

Partial substitution of a product was usually employed to bulk it out and extract greater profit. While meat products did not lend themselves so well to mingling, another kind of fraud involving the artificial enlargement of a piece of meat achieved the same purpose. The Butchers’ Company ordinances show ongoing concerns about the practices of blowing air into carcasses and joints of meat to make them appear larger, and of stuffing lamb and calf kidney’s with rags. When meat was referred to in court records as ‘unwholsome and blowne’, it was to the former practice that they referred, while references to ‘cut’ and ‘propt’ kidneys were to the latter. Fines imposed for ‘prick’d’ meat referred to the practice of padding or propping a piece of meat to make it appear larger than it was. While these practices were specifically prohibited, prosecutions for butchers perpetrating the fraud appear on an ongoing basis. The marketing guides also alerted customers to a potential fraud in the sale of lobsters, warning customers to inspect them for plugs in the claws before buying as ‘if you find plugs in the claws, pull them out to see if they not be filled with Water instead of Meat’. This practice would have made the lobsters heavier, but also disguised the length of time that lobsters had been held before sale.

Another way of increasing profit was to substitute one type or condition of animal for another. Adam Shewring, a poulterer, published what would appear to be the first dedicated marketing guide in 1664, citing a general lack of knowledge of differentiating good from bad poulterer’s wares amongst the populace as his reason for publishing. Such advice could itself have a private profit motive. Although not discussed by historians of retailing and shopping or in analyses of household advice texts, the marketing guide was also method of advertising. While Shewring left this purpose unstated in the pamphlet, it

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59 GL MS 10561 ff. 86-8 items 38, 39 &40; MS 09809 f. 7, items 69 & 70.
61 See for example, references to ‘blowne’ lamb and pork put on sale by Thomas Dakers and John Beton in the sundry presentments for 1661/2 in the Southwark Great Liberty Leet Court, CLRO, CLA/043/01/012, and the sale of ‘blown pork’ in the Leet Court for the Guildable Manor (CLRO, CLA/043/01/010) for 1667/8 f. 9, 1668/9 f. 19 & f. 26 when the actual practice is outlined in greater detail in the presentments of the butchers Elizabeth Milner, Joseph Woods and Thomas Waite for ‘putting veale to sale … w[i]th a bladder blowne under the kidney of the loyne thereof’. In 1670 f. 20, John Brookwell, Benjamin Hawkins and Thomas Reynolds were also amerced for putting on sale ‘calves fleshe w[i]th a bladder blowen & put in under the loyne thereof’. See also references to ‘cut’ & ‘propt’ kidneys in the records of fines of members in the Butchers’ Warden’s Accounts GL MS 6440/1 e.g. ff. 64, 64v, 72-72v. Members were presented for selling stuffed lambs in later accounts; see for example ff. 247v-254.
63 Arnaud, An Alarm to All Persons, p. 12, complained that some traders kept lobsters and crabs ‘alive so long, that they are in a great Measure consumed’.
64 Shewring, The Plain-Dealing Poulterer, ‘Epistle to the Reader’; while Arnold Whitaker Oxford, English Cookery Books to the Year 1850, Oxford, Oxford University Press, 1913, p. 39, lists the first publication date as 1677, a 1664 edition is held in both the British Library and the Huntingdon Library collections. The text was then reprinted in 1687, 1695, 1696 and 1699.
65 Neither Cox nor Mui and Mui discuss this method of advertising in their studies of shopping and retailing. Nancy Cox, The Complete Tradesman: A Study of Retailing, 1550-1820; Aldershot, Ashgate,
nevertheless provided an avenue to directly promote his business while appearing to act not from self-interest but for the public good. He was not alone in utilizing consumer education regarding the preferred qualities and preparation of foodstuffs as a sales technique; however, his guide differed from the instructions issued by other food trades. In most cases, this sales technique was used by the sellers of gardener’s wares and those selling the raw ingredients to brew tea and coffee at home. Providing information about a new food’s supposed virtues aimed at encouraging experiment, while giving explicit instructions on preparation methods aimed at maximizing a positive experience of the food to encourage repeat consumption in what was ostensibly a new area of trade. The foods sold by the meat trades in contrast were not new, but as later chapters will discuss they faced increased indifference from City authorities in calling for the suppression of unlicensed traders and regulation of the trade. Providing educational material on how to identify dubious trade practices allowed Shewring to differentiate his practice from that of other sellers, without breaking guild prohibitions against directly denigrating the goods of fellow members.

Shewring provided detailed instructions on how to differentiate between old and young birds and warned of methods used to deceive the buyer. Indicators included the size and shape of spurs on the leg. In discussing pheasants, he differentiated between old and young birds by the size of the spur, with the older bird’s being smaller, but warned ‘[m]ind that it be not cut or par’d’. This was also a problem with capons who had a ‘short spur and smooth leg’ if young. Where the customer suspected that an older bird’s spur had been pared to deceive, Shewring advised an investigation of the texture of the breast of the bird by pinching it – if it was hard it was an old bird – and an examination of the comb: ‘if she be pale about the head, and have a short comb, then she is young; but if read [red] about the head, then she is no clean Capon’. The colour of the legs was also an indicator. For example, with turkeys, smooth, black legs indicated young birds, while red legs indicated older ones.

Birds were not the only produce where sellers were suspected of disguising the age of the animal. Shewring advised on how to differentiate between a leveret (a young hare up to a year old) and a hare, and a rabbit (at this time referring only to a young animal) and a


coney (an older animal), by examining the bones near the foot. A hare could be identified by the ‘knob on the outside of her fore-leg near the foot’, while a leveret had only a small bone. Similarly, he explained that ‘a right Rabbit, it will have a small knot or knob upon the outside of her fore-feet a little above the joint’. In each case it was the younger animal that was preferred. The Experienced Market Man or Market Woman gave similar advice for sheep, cattle and pigs to enable identification and avoid deceit. This advice drew on concerns expressed in the dietary texts about the relative healthiness of animals for consumption.

Substitutions of aged animals for young were not the only substitutions outlined. The marketing advice texts also warned of substitutions of the meat from male animals for female, or neutered animals and of one type of animal for another. The Experienced Market Man claimed to advise readers on how to ‘discover Bull-beef, Ram-mutton, and other Cheats’. These cheats were of concern because male meat was often regarded as being of lower quality and less healthy, and it was for this reason less expensive. In the 1700 edition of The Compleat Servant Maid, for example, boar flesh was described as being ‘hard, tough, reddish and rammish of smell’ even where the animal was young.

The substitution of meat from a less valuable species of animal for a more valuable one was also a problem. Ned Ward had warned that in dealing with butchers ‘be that cannot by his Eyes/ Distinguish, knows not what he buys’, but the ability to distinguish between ingredients became even more problematic after meats were processed and cooked. Samuel Pepys would appear to have been an informed consumer; that others in his social circle were not, allowed him to win a bet against his friend Mr Shaw that the contents of two trenchers of meat purchased in the Sun Tavern were entirely lamb and not one trencher each of lamb and veal as Shaw believed. Shewring’s description of the substitution of chicken for turkey in grand feasts offered in taverns and ordinaries as a common fraud indicates that Shaw was not alone in his inability to discern between different kinds of cooked meat. The replacement of venison with lower value meats like mutton and beef was another common substitution; one apparently sanctioned by cookbook writers who offered their readers recipes for making ‘beef pastries appear like Red Deer’, for dressing ‘a Leg of Mutton to eat [and look] like Venison’ and for potting
‘Beef to eat like Venison’. When he complained that a venison pasty supplied at a meal given by his cousin Thomas Pepys was ‘palpable beef’, or that another venison pastry offered by his cousin Snow ‘proved to be a pasty of salted porke’, as the purchase of cooked foods was common practice, even for those with cooking facilities, it is unclear whether the substitutions effected were the result of the wives or cook maids of his relatives following such instructions, or whether the fraud had been perpetrated by a professional cook from whom the pastries had been purchased. Nor were the cooks necessarily at fault, as the substitution could have originated with the sellers of the raw ingredients. Tracing or placing blame became more problematic with each remove from initial point of supply. Given the relative healthiness of the different kinds of meat in the dietaries, deceptions of these kinds when practised on a commercial level were not just economic in effect.

From substituting mutton for lamb or venison, or chicken for turkey, it was a short step to selling food past its prime as fresh. In one sense these types of fraud are another form of substitution, though their perpetration involved a different set of illegal practices. Tryon had argued for vegetables that detection of this kind of fraud was easy, but this ease of detection relied on consumer knowledge of what prime quality produce looked, smelt, felt and tasted like, a knowledge not necessarily held by all Londoners, particularly where more exotic, less familiar produce was concerned. This possible lack of knowledge is reflected in the advice given in some of the earlier dietary texts on how to choose foods. Henry Butts’ dietary provided tips for identifying good quality food, giving more detailed instructions for less familiar food items. His instructions for fruit included references to

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76 Latham and Matthews (eds.), *The Diary of Samuel Pepys*, volume 1, p. 9; volume 2, p. 196. For examples of Pepys’ use of cook shops to provide prepared food for meals even though he possessed an oven, see Latham and Matthews (eds.), *The Diary of Samuel Pepys*, volume 1, pp. 10, 16, 17, 190, 202 & 270; volume 3, pp. 62 & 293; volume 4, pp. 281 & 326; volume 5, p. 126.

77 Shewring, *The Plain-Dealing Poulterer*, was explicitly aimed at gentlemen, who might be assumed to have better access to fresh food supplies, yet he claimed the text was necessary as there was so much ignorance about poultry wares.

the correct taste and colour,\textsuperscript{79} and those for spices described what the spice should look and smell like if it were at its prime.\textsuperscript{80} Butts clearly made different assumptions about existing knowledge and the method of procurement of different types of foods in these instructions. Other dietaries also contained information on how to select produce. Venner was concerned about the possible fraud that could be perpetuated with ginger, where dried ginger was treated to pass it off as green, the type recommended by the dietaries for consumption.\textsuperscript{81} He also gave advice for buying olives.\textsuperscript{82} However, no other text was as consistent as Butts' in discussing this until the late seventeenth century when marketing advice books emerged as a separate genre.\textsuperscript{83}

Unlike the earlier examples of advice the dedicated marketing guides frequently omitted information on spices and grocers' goods. However, this omission was not invariable, as texts like Poison detected, and Advice to the Unwary, gave advice on frauds relating to the new drinks, and Jaspar Arnaud, a French cook living and working in London, also outlined frauds with spices.\textsuperscript{84} Tea was of particular concern, and to the substitutions and addition of leaves from other plants discussed above, was added the sale of tea that had already been used, then dried, redyed and sold again.\textsuperscript{85} Spices could receive a similar treatment. An alarm to all Persons, indicated a 'knave Practice among some to put Cinnamon into the Alembic or still with Water, and to distil so long, till about half the Oil

\textsuperscript{79} Peaches were to be of 'a good colour; fragrant smell and pleasant taste' and were ripe if they 'come easily fro[m] their stone' and oranges were to be 'Waightie: full ripe: sad coloured'. 'Sad' as used here meant dark, and denoted the intensity of colour. OED Online, definition A 10, [accessed 02/10/2008].

\textsuperscript{80} Pepper was to be selected for '[t]he cornes new: full; not full of withered wrinkles'; for cinnamon the selection should be of '[t]he finest or thinnest: of an exquisite sweete smell, biting taste and colour red'; and cloves were to be 'Plaine or smooth, which nipt with a nayle, yeeld some moisture; of a most absolute fine smell'.

\textsuperscript{81} Tobias Venner, Via Recta Ad Vitam Longam. Or, a Plaine Philosophical Discourse of the Nature, Faculties, and Effects, of All Such Things, as by Way of Nourishments, and Dietetical Observations, Make for the Preservation of Health, London, Printed by Edward Griffin for Richard Moore, 1620, p. 146: '[t]he roots that are preserved in the syrup, while they be fresh, green and full of juyc, are of soft and tender substance, and a most pleasant taste: whereby you may detect the fraud of them, that Boyle the dry Ginger, to make it soft, and afterward put it in Syrup, and sell it for green condite Ginger: for it is somewhat blackish, tough, and hard in bitting, and not delectable in taste'.

\textsuperscript{82} Venner, Via Recta, p. 135. Olives were to be selected carefully and 'the green or greenish Olives [we]re to be chosen, and yellowish or blackish rejected, as abominable for sauce or meat: for the yellow ones are too ripe before they were gathered, and the blackish are putrified.'

\textsuperscript{83} As discussed above (p. 65), the earliest marketing guide identified was The Plain Dealing Poulterer. This text was reprinted several times and formed the basis of The Experienced Market Man and Woman. The Experienced Market Man and Woman was then in turn added as a supplement to the 1700 edition of Woolley, The Complet Servant-Maid.

\textsuperscript{84} My Friend, a physician, Poison Detected; Arnaud, An Alarm to All Persons.

\textsuperscript{85} Simon Mason, The Good and Bad Effects of Tea Consider’d. Wherein Are Exhibited, the Physical Virtues of Tea; Its General and Particular Use; to What Constitutions Agreeable; at What Times and Seasons It Is Most Proper to Be Drank; and When and How Prejudicial. To Which Are Subjoined, Some Considerations on Afternoon Tea-Drinking, and the Many Subsequent Evils Attending It; with a Persuasive to the Use of Our Own Wholsome Product, Sage, &C., London, Printed for M. Cooper, 1745, p. 22 [MMW, accessed 10/12/2009].
arises out, and then to dry it, and sell it for good Cinnamon’, with a similar practice being used on Cloves.86

The main focus of most new marketing texts was meat products. Initially this centred on the produce sold by the Poulterers, though by the end of the century the content expanded to cover other types of flesh, fish and dairy products, with some brief notes on fruits. Adam Shewring gave advice on how to test for freshness in poultry by examining the texture of the breast and feel of the skin,87 the rigidity or limbernness of the feet,88 as well as the colour of the ‘vent’ or anus. In his advice on determining the freshness of pheasant, Shewring advised ‘if it be green in the vent, … then it is stale kill’d; but if it be … white in the vent, then she is new kill’d’, warning the reader to be wary of vents treated with loam dust, flour or other whiteners.89 For turkeys the eyes could also indicate freshness with sunken eyes indicating stale produce. Arnaud noted the practice among the less scrupulous fish sellers where ‘[f]ish that is grown stale is usually soaked a little in Water, and washed by some, and then laid on the Shop-board for Sale’.90 This could give a spurious sheen to the scales, deceiving the customer even if they took note of advice to check for the dullness or shininess of the scales as part of the test for ascertaining its freshness. This practice was prohibited within the City of London.91 Eggs could receive similar treatment.92 Washing with water was not the only way of making tainted produce look fresher. Arnaud described ‘an ill Practice exercised by some, of cutting off the Outside of Meat when it is almost stinking, and then rubbing the same with Blood, to make it look fresh and pass for good Meat’.93

Interestingly, some of the texts that incorporate the market guides advising on how to tell fresh foods from old, stale and rank, and how to detect when food had been treated to conceal its having gone bad, also gave instructions on how to correct or recover items which were past their prime. The Compleat Servant Maid (1700) gave extensive instructions detailing how to determine when pickled fish, such as salmon, herrings or anchovies, had been retreated to disguise the fact that they had become tainted. When buying pickled herrings readers were advised to check ‘whether they are good, or by losing pickle …

86 Arnaud, An Alarm to All Persons, pp. 11-12.
87 In testing geese for freshness, for example, Shewring, The Plain-Dealing Poulterer, p. 2, advises that ‘if it feel rugged or ruff, then it is new kill’d; but if it feel slippery, or slimy, then it is stale kill’d’.
88 Shewring, The Plain-Dealing Poulterer, p. 2. For teal ‘if they are dry-footed, then stale kill’d, but if limber-footed, then they are new kill’d’.
89 Shewring, The Plain-Dealing Poulterer, p. 6.
90 Arnaud, An Alarm to All Persons, p. 5.
91 GL MS 05570 vol. 1, ff 147, 163, 164, 165 & 540; GL MS 05572 vol. 1, f. 90; vol. 3 ff. 43 & 380.
92 Arnaud, An Alarm to All Person, p. 7: ‘When Eggs are grown stale, some wash them in Water, to make them look fresh and new laid. If Eggs are suspected to be stale, it is best [p. 8] to hold them up to a good Light of a Candle, and if they are so, they will look muddy, thick, and not clear like good ones’.
93 Arnaud, An Alarm to All Persons, p. 3.
turned rusty [rancid], … or made up again in new pickle’. This was done by opening ‘the back to the bone, and if the flesh be white, flakey and oily and the bone white or bright reddish they are good, but if crumbling and brittle, harsh, and the back bone black or of a duskey reddish or yellow, they are not good’. Pickled salmon and anchovies were likewise to be checked to see whether the seller had re-treated them with new pickle once they had turned rusty. However, an earlier section of the text, which was included in previous editions of the book, also gave instructions on how to recover ‘rusty anchovies or pickled herrings’.

The combination of both instructions on how to recover or correct ingredients that were going bad, and instructions on how to determine market fraud involving the same process was also evident in the texts discussing venison. *The Compleat Servant Maid* advised the reader to check for freshness by sticking a knife under the bone and smelling it. If the smell was sweet, the flesh was new, but if rank, it was stale. A greenish hue to the fleshy parts was another indication the meat was tainted. Following this advice came instructions on how to recover tainted venison. One of Samuel Pepys’ periodic complaints about the ‘nasty victuals’ served by his neighbour Sir William Penn was made after attending one of Penn’s parties where he had eaten ‘a damned venison pasty that stank like a devil’, which unfortunately Pepys did not know ‘until dinner was done’. Clearly the stink had not been obvious enough to prevent its consumption. While the cook might have carried out the instructions given in the kitchen manuals to render rank venison safe, Penn may equally have been the victim of a fraud by the supplier of the venison, where the ‘recovery’ was carried out prior to purchase. Although he was not happy to be on the receiving end as the consumer of suspect meat, Pepys had no qualms about sending his mother a gift of venison given to him by the Earl of Sandwich as it was considered too high for the Earl to eat. Presumably he expected his mother to carry out the process of ‘correction’ to enable safe consumption, though Pepys was not himself convinced that the meat was overly tainted. Ideas of what constituted corrupt meat were thus fluid and subject to individual assessment.

Instructions were also given for the correction of other products. Woolley outlined how to recover the flavour of oil, using alum and boiling water to remove rancid scent.

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96 Latham and Matthews (eds.), *The Diary*, volume 8, p. 371.
97 Latham and Matthews (eds.), *The Diary*, volume 1, p. 203.
Such treatments were designed to overcome the primary senses by which consumers could judge tainted food: that of smell and sight. While taste was also a major determinant, it was often utilized after the produce was bought and taken home, rather than at time of purchase. Alum was one of the main correctives that became increasingly used towards the end of the seventeenth century. While its use in flour and bread production was suspect, its use in the treatment of other goods, as seen in the treatment of oil, was more ambivalent.

Alum was recommended for maintaining a crisp texture in pickled vegetables. As Bailey explained, if used in conjunction with brass pots during pickle making, alum was also useful in preserving the vegetables’ colour. In addition, it was used to preserve colouring agents, like cochineal, for use in confectionery.

Colourants were in themselves an issue as they could be applied to foods to disguise defects, and the substances used could be dangerous. While alum was not necessarily considered one of these dangerous substances at this time when used in preparing any food other than bread, its use became more problematic if, as Robert Boyle pointed out, the alum used was itself adulterated. With other substances there was less ambivalence. In An Alarm to All Persons, Jasper Arnaud warned that he had ‘discovered that some making Sweatmeats are base enough to colour them yellow with what is called Masticot’ which he identified as ‘Lead calcined to a Yellowness’, as well as from ‘Gamboge dissolved in Spirit of Wine’, ‘gamboge’ being a colourant ‘fitter for using in painting in

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100 Bailey, Dictionarium Britannicum, ‘CL’ ‘To pickle Codlins’ & ‘CU’ ‘To preserve Green Cucumbers for slicing in the winter’ & ‘To pickle large Cucumbers Mango fashion’. See also Nott, The Cooks and Confectioners Dictionary, ‘BE’ item 39 & ‘CU’ item 230. Copper pans were also used in this way. While this was initially presented as beneficial, by the later eighteenth century, concerns were being raised about the danger of copper pans being used in the production of preserves and the likelihood of copper poisoning. A dangerous substance that was used to ensure that pickled cucumbers remained green was vitriol; Arnaud, An Alarm to All Persons, p. 14.

101 Nott, The Cooks and Confectioners Dictionary, ‘AL’ item 18; Hannah Glasse, The Compleat Confectioner: Or, the Whole Art of Confectionary Made Plain and Easy, Dublin, Printed by John Exshaw, [1742], p. 11 (Glasse gave the same instruction in Hannah Glasse, The Art of Cookery, Made Plain and Easy, Dublin, printed for E. and J. Exshaw, 1748, p. 173); Giles Rose, A Perfect School of Instructions for the Officers of the Mouth Shewing the Whole Art of a Master of the Household [Sic], a Master Carver, a Master Butler, a Master Confectioner, a Master Cook, a Pastryman ... by Giles Rose, One of the Master Cooks in His Majesties Kitchen, London, Printed for R. Bentley and M. Magnes, 1682, pp.165, 287.

102 For the use of vermilion, a more dangerous red colourant in meat dishes, see Rose, A Perfect School of Instructions, pp. 329, 359 & 360-1.

Water-Colours, than taken into the Body".\textsuperscript{104} He also warned that ‘Some again colour red with Vermillion or Red Lead’, while others ‘were base enough to colour green with Verdigrise’.\textsuperscript{105} The use of verdigris as a colourant in the production of fraudulent ‘green tea’ was also suspected.\textsuperscript{106}

So how did early modern frauds compare to those exposed by Accum? The frauds Accum discussed were very similar in type and kind to those presented in earlier texts. They involved both the substitution or addition of ingredients, such as cassia bark for cinnamon or pepper dust, cayenne or mustard to augment ground pepper, and the use of colourants like red lead, verdigris or pipe clay to colour foods red, green or white to disguise fraud, or as dangerous additions in their own right.\textsuperscript{107} Certainly, Accum did not consider the adulteration of tea ‘a new invention’ in either substance or degree.\textsuperscript{108} Nor did he anticipate that convictions in his day would ‘suppress a crime which has existed for a century’.\textsuperscript{109} Coffee fraud was similarly acknowledged as an ongoing intractable problem.\textsuperscript{110} The adulteration of tea was not the only fraudulent practice Accum identified that had been discussed by earlier writers. Arnaud and his contemporaries had identified the practices of using potentially poisonous metals to colour not only fraudulent ‘tea’ leaves but also sweetmeats and pickles. In fact, Arnaud identified a greater range of dubious colourants than did Accum, adding yellow to the mix of problematic colours.\textsuperscript{111} Frauds with spices were a problem of even longer standing. Again Accum discussed fewer types of fraud than had earlier texts, though false cayenne was a relatively new issue.\textsuperscript{112}

When it came to items that were considered necessities not luxuries, a similar picture emerges. The use of alum to bleach bread flour had been an issue since the early eighteenth century, and using potatoes and other roots to extend flour in making bread had been identified as a concern in the late seventeenth century.\textsuperscript{113} The mingling of wheat with other types of grain or bean and pea meals was a known fraud of much longer standing.\textsuperscript{114} What had changed was that where early modern writers deemed the mingling of grains a

\begin{flushleft}\textsuperscript{104} The \textit{OED Online} [accessed 13/10/08] defines gamboge as ‘A gum-resin obtained from various trees of the genus Garcinia, natives of Cambodia, Thailand, etc. It is largely used as a pigment, giving a bright yellow colour, and also as a drastic purgative in medicine’.

\textsuperscript{105} Arnaud, \textit{An Alarm to All Persons}, pp. 17-19.


\textsuperscript{107} Accum, \textit{A Treatise on Adulterations of Food}, pp. 284-6, 291, 295, 305-6, 344 & 346.

\textsuperscript{108} Accum, \textit{A Treatise on Adulterations of Food}, pp. 213 & 216.

\textsuperscript{109} Accum, \textit{A Treatise on Adulterations of Food}, p. 220.

\textsuperscript{110} Accum, \textit{A Treatise on Adulterations of Food}, p. 238.

\textsuperscript{111} See pp. 69 & 72 above.

\textsuperscript{112} Accum, \textit{A Treatise on Adulterations of Food}, p. 292.

\textsuperscript{113} See Chapter 1, p. 44 and p. 59 above for concerns about the addition of turnips to bread.

\textsuperscript{114} See p. 56 above & Chapter 4, p. 131 for concerns about adulteration.
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health issue, Accum considered it economic fraud. The practices of ‘blowing’ carcasses and joints of meat to make them appear fresher and larger remained a health concern but had also been known from well before the beginning of the seventeenth century. Far from showing a greater range of concerns, Accum’s lists of possible frauds involving the meat trades were shorter and less detailed than those identified in sixteenth and seventeenth-century regulatory literature and in the early advice books. One reason for this reduction in types of fraudulent practice discussed was that Accum was not offering a new list of frauds, but rather an explanation of how chemistry could assist in proving that they had been committed. The detailed descriptions of how to tell mature animals from young, male from female, one species of animal from another and fresh killed from old to be found in earlier advice texts continued to rely on sensory cues provided by sight, smell, touch and taste. The chemical means of confirming or denying this sensory input was unavailable in Accum’s time, and was thus of less interest to him.

**Conclusion**

Seventeenth and early eighteenth-century concerns about food quality covered a wide range of products and practices. These practices ranged from disguising rancid or contaminated ingredients, which were then sold as though they were fresh, to the relatively harmless substitution of inferior produce for superior. This latter category could involve either partial substitution by mingling ingredients or complete substitution. While in modern terms substitution frauds are considered to be economic fraud and not a health issue (unless the additive itself is considered a dangerous substance), in early modern terms this was not the case. Where dietary theory considered the age and sex of animals, the environment in which food was produced, the methods of production used and the social standing of the consumer to affect the wholesomeness of the produce, the mingling or replacement of one type of substance for another took on more serious implications. It is not coincidence that the marketing advice books gave detailed advice about how to detect such things as the substitution of male for female or aged for young animal flesh. Their

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116 Accum, *A Treatise on Adulterations of Food*, pp. 36-7 & p. 69 above regarding carcasses in early modern concerns.
117 Accum, *A Treatise on Adulterations of Food*, pp. 36-9, only discussed ‘blowing’, ‘overrunning’, the slow bleeding to death of young beef to give them the appearance of milk fed veal and the sale of animals that had died of disease. All of these had been identified in the Butchers’ ordinances from at least 1605, as had the propping and/or stuffing of kidneys to make them plump, selling meat that had been kept too long after slaughter and substitutions of types of meat. The marketing guides, added detailed instructions on detecting frauds that ranged from substituting old for young, male for female and one type of meat for another, as well as how to tell stale meat from fresh. They also discussed the practice of watering fish to give a spurious appearance of freshness and the washing of flesh products in water, vinegar or blood to remove tell-tale smells and make stale produce appear fresh. See pp. 64-7 & 69-71 above for early modern concerns about meat frauds.
concerns mirrored distinctions of wholesomeness made in the health texts. Like the instructions for corrections, this advice on detection allowed consumers to decide what level of food was suitable for his (or her) health and social status. References to food ‘unwholsome for man’s body’ were not, therefore, confined to the sale of contaminated foods, and ‘wholesomeness’ was a relative concept. Although there is no doubt that the disguising and passing off of diseased or stale and rancid produce as fresh and healthy was seen as the greater crime, the different types of fraud formed a continuum rather than discrete categories of concern. By Accum’s time the relativity of wholesomeness had largely disappeared. Instead a greater differentiation was made between economic and health offences, with greater attention given to the latter.

While the categorization of specific frauds as economic or health risks might differ across time, the types of frauds committed were fairly consistent. Developments in science by the nineteenth century provided a better means of proving, or disproving, when specific acts of fraud had actually taken place. They also offered fraudsters new techniques to perpetrate the same offences. The offenders caught in 1990 in ‘Operation Fox’ used more up to date methods to reprocess condemned meat back into the food chain than the washing of tainted meat with vinegar or lime water to disguise its state that was practised by early modern fraudsters. The number of people who unwittingly bought the fraudulent meat was also significantly bigger. The offence committed, however, was the same.118

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Section II. The regulators

[S]everal good Lawes and Ordinances have ben heretofore made aswell by the Court of Lord Maior and Aldermen as by this Court for the well ordering of the marketts of the Citi of London, for the redresse of sev[er]all abuses of Butchers, Victualers and others thereunto resorting for sale of their flesh victualls and other commodities in the severall Marketts of this Citi, ... Which said Lawes and Ordinances by daylie experience are founde not effectuall to prevent some present and growing Inconveniences, nor have wrought that good effect as was intended thereby

Act of Common Council, 1646

If, as Section one indicates, types of fraud have remained consistent over time, this begs the question of why anxieties about food quality are not equally constant. Mary Douglas has suggested that anxieties fluctuate because the dangers present in a society ‘are manifold and omnipresent’, so that action ‘would be paralysed if individuals attended to them all’. Anxiety therefore has to be selective. Sociological studies of modern food trust have shown that public beliefs about food quality are determined by much more than simply the actual state of the food available for sale. Sellerberg argued that in a situation where people have to rely on others to provide food, the fall back position is to trust the food available, and that this belief is highly resistant to change. A major factor influencing ideas about food quality is the perceived effectiveness of the authorities overseeing and controlling food traders. The presence of laws to control food quality and visible efforts to enforce them reinforces a perception that food is safe.

Perceptions of regulatory effectiveness not only influence how consumers see the food available for consumption, they have also been central in determining how historians have viewed and discussed the history of food fraud. Modern ideas about the prevalence or absence of food fraud in the pre-modern period are based on assumptions about the

1 CLRO, JCC COL/CC/01/01/41 ff. 197v-198.
4 Sellerberg, ‘In Food We Trust’.
5 Kjaernes, Harvey and Warde, Trust in Food.
effectiveness of authorities in regulating food traders in the past. However, the assumptions underlying both the model of progress and the model of decline that have dominated the history of food concern sit poorly with seventeenth century evidence, like the 1646 Act of Common Council cited above. The 1646 act, and others like it, point not only to the existence of pre-modern laws to control food quality and prevent fraud but also to an ongoing concern that such laws be implemented. It thus refutes the presumption of the progress model that concerns about fraud are modern, and that while laws regulating food quantity and price existed in the pre-modern period, there were no corresponding laws regulating quality, and hence no attempts to regulate. If acts could be passed in attempts to force regulatory action, then the ‘caveat emptor’ view that in the past buyers were left to fend for themselves with little or no regulatory intervention clearly does not hold true. This might seem to support the second model of regulatory decline, which acknowledges that regulations existed in the pre-modern period, but argues that they were so rigidly enforced that sustained fraud was impossible. However, the act also problematizes the second model of progressive deterioration of control, as while it shows that pre-modern regulations existed, it also indicates that they may not have been consistently enforced.

A major part of the problem with both models is that no studies of food fraud to date have examined either the laws or the institutional bodies involved in regulating food in...

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6 See Introduction for a discussion of these models. CLRO, JCC COL/CC/01/01/41 ff. 197v-198.
7 CLRO, JCC COL/CC/01/01/41 ff. 197v-198. This call to enforce existing acts for the regulation of food sales was repeated later in the century. In 1653, for example, a report made to the Court of Aldermen stated that ‘the great abuses & disorders practizd in the Marketts of the City of London are occasioned not through the want of good Lawes but rather through the Corruption or negligence of the Clarke of the said Marketts and other officers in ye execucion of ye Lawes already made’. CLRO, Reps. COL/CA/01/01/067 f. 80. See also /071 ff. 272-273 & /073 ff. 199v & 259v-260v.
the early modern period. Nor have they explored how the regulatory mechanisms worked in practice. Although some studies acknowledge the involvement of the London livery companies in regulation, this involvement is left largely unexplored.11 In *Plenty and Want*, for example, Burnett argued that food frauds were ‘almost always detected by vigilant local authorities’ and severely punished by guild companies working closely and cooperatively with the city government, yet he failed to define who these local authorities were, what they were responsible for, or how they interacted with the guilds.12 His basis for determining relative effectiveness was thus not articulated, yet has been accepted uncritically by later studies.

In addition, Burnett’s description of a consistent application of severe public punishments needs to be questioned. His assertion of strict punishment, where offenders were likely to ‘find themselves pilloried, imprisoned, dragged on hurdles through the streets, and if still recalcitrant, finally banished from the town’, is consistent with examples of punishment found in the medieval records.13 However, it is not supported by the findings of more general studies of guild control in the seventeenth century.14 While it is possible that the food trades represented an exception to the pattern identified for other trades, studies of market regulation in pre-modern London point to a shift in the types of punishments imposed.15 The notion that such punishments were invariably applied is also questionable. It is contradicted by the seventeenth-century calls for better enforcement. It also sits poorly against the findings of studies on guild regulation that in early modern England, such punishments were exemplary, reserved for the grosser infractions, and not consistently applied.16 The wording employed on the occasions that such punishments were

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11 Filby, *A History of Food Adulteration*, examined the ordinances of some of the livery companies for evidence of adulteration; Burnett, *Plenty and Want*, p. 100.


recorded in the City’s court records in the seventeenth century points to the exemplary function of physical punishments. When John Boone was sentenced to ‘ride on horsebacke, with his face towards the horse tayle, and foure joyntes of the said rotten mutton fastened about his necke, from Newgat through the open streetes, to Algat and so backe againe to the said prison & there to remayne untill other order bee takin for his enlargment’ in 1623, it was for putting to sale ‘great quantitieys of corrupt rotten mutton … scarce fitt for any Christian to eate’. The order for his punishment clearly stated that the purpose of this public punishment was ‘that hee maye bee an example to others offending in the like kinde’. As King has argued, the function of punishment with regard to petty crime was to preserve the social fabric, and was preventive rather than punitive in intention.

Similarly, Burnett’s description of pre-modern regulation presumes that all levels of legislation set the same range of punishments, and that the regulatory bodies responsible for policing and enforcing food standards could legally impose the full range of punishments. Yet Filby, on whose earlier study Burnett based his assertions, examined only a limited range of the regulations that pertained to the food trades. By eliding the medieval and early modern periods, the shift from physical punishment to an increasing use of fines identified in more general studies of regulation has been ignored, as has the variations in enforcement dependent on social and civic status mooted in studies of London market regulation. Unfortunately, those studies examining petty crimes and misdemeanours, the category in which early modern commentators placed food offences, have tended to focus on petty theft and assault and glossed over offences relating to the

pp. 109-11. J. F. Merritt, _The Social World of Early Modern Westminster: Abbey, Court and Community, 1525-1640_, Politics, Culture, and Society in Early Modern Britain, Manchester, Manchester University Press, 2005, p. 236, also argues that while physical punishments in Westminster increased in the sixteenth century they were largely reserved for moral crimes not economic offences.

17 CLRO, _Reps. COL/CA/01/01/042 f. 23v_.


19 Filby’s study was mostly based on guild ordinances for the grocers and bakers trades as well as those for the brewers, vintners and distillers: Filby, _A History of Food Adulteration_, p. 21. The other food trades, including the butchers, poulterers, and fishmongers, were omitted with no explanation given for this omission. He consulted the City’s Letter Books but not the City’s court records.

Instead they have been included under the blanket heading of ‘economic regulation’, with little detailed attention given to the variety of offences that fell under this subcategory. In addition, general studies of the London livery companies have tended to focus on the manufacturing trades, with only limited coverage given to the sale of food.

A reexamination not only of who regulated the sale of food, but also what punishments they were authorized to impose, is needed. The related question of how competing interests and influences might have impacted on the implementation of policies and the effectiveness of the regulation, and indeed what effective regulation might involve, needs also to be considered. This section of the thesis aims to address these questions. Chapter three examines the regulatory literature to determine which institutional bodies were responsible for regulating food, the types of concerns they were supposed to address, the mechanisms available to enforce the laws, and the punishments they could legally impose on those committing offences. Chapter four examines the role of the guild companies in more detail, and explores how their relationship with other regulatory authorities impacted on their ability to control the food trades.

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Chapter 3. The regulation of the food trades

Where in all well governed kingdones Comon wealths Cities and contryes care hath ever bene duly bad and taken and comands strictly given in publicke and in private That bread meate and drinkes of all sorte to be sold offered or put to sale for the sustenance of mankind should be good sweete sound and bosome for man's body And that inst assize weight and mesure should be delivered to all p[er]sons upon paines penalties and punish[men]ts to be inflicted upon the offenders according to the qualitites of their offences.

Journal of Common Council, 1614

This study maintains that it is not possible to discuss the supposed effectiveness of food regulation in the past, let alone make comparisons between periods, without first determining what regulations applied to the food trades and what they involved. Yet food regulation remains an unexplored area of the history of crime and punishment. In 2004 Paul Griffiths complained about the imbalance in our knowledge of punishment in early modern England that has resulted from studies in crime and punishment predominantly focusing on felonies and ignoring petty crime. This neglect has come despite the much greater involvement of larger numbers of the early modern populace with the prosecution of misdemeanours. If petty crime has been a neglected area of study, I would argue that breaches of economic regulatory offences, as one category of misdemeanour, have received even less attention, particularly with regard to those covering the sale and provision of food. Where they are considered, the focus has been on problems with weights and

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1 CLRO, JCC COL/CC/01/01/030 f. 161.
4 Shoemaker, Prosecution and Punishment, p. 6 listed five categories of misdemeanour: property offences (theft, fraud and trespass); vice offences (keeping a disorderly house, unlicensed ale houses, prostitution, gambling); regulatory offences (neglect of office, failure to repair the highway, selling goods underweight); poor law offences (idleness, vagancy, bastardry); and offences against the peace (riot, assault, defamation). Quality offences are not even included in this list. Most of these categories have received greater attention than has been given to food regulation. For examples of studies addressing other areas of misdemeanour regulation, see J. M. Beattie, ‘The Pattern of Crime in England 1660-1800’, Past and Present, no.62, 1974, pp. 47-95; A. L. Beier, Masterless Men: The Vagrancy Problem in England 1560-1640, London, Methuen, 1985; Mark S. R. Jenner, Early Modern English Conceptions Of "Cleanliness" And "Dirt" As Reflected in the Environmental Regulation of London c.1530-c.1700,
measures or on food riots, breaches of food quality regulations in the pre-modern past have been virtually ignored. This chapter therefore teases out the regulations that applied, at least in theory, to the food trades of early modern London.

As the extract from a 1614 Mayoral proclamation cited above made explicit, regulating food, and the traders who sold it, was directly connected to early modern notions of good governance and public order. Seventeenth-century English perceptions of ideal social order were based on the longstanding idea of the body politic, where the ideal society was harmonious and each person adhered to their allotted role within an established hierarchy. Within this order, the food trades occupied an ambiguous place. They were essential to feeding the populace, especially in the City of London. However, if...
uncontrolled, they posed a threat to the bodies of that same city and the individuals it contained. In addition, as the food riots of the 1590s had demonstrated, the activities of the food traders could also cause political tension. The 1614 Mayoral order was made when Parliament had been called, bringing the elite and their servants into the City and its environs, and adding extra pressures on the City’s resources and food supplies. This made the necessity both for sufficient safe supplies and for an easing of tensions that possible food shortages and opportunism by food sellers to maximize profit could bring about even more acute. Paul Slack’s description of the purpose of early modern regulation, as the maintenance of political, economic, social and moral order, is particularly apt when considering the food trades.

It is no surprise then that the regulatory records at all levels of government sought to control these trades. Underpinning specific legislation was a general expectation in common law that food sold would be wholesome. Not only was selling unwholesome and corrupt food an offence under common law, but national statutes and local laws also addressed numerous offences committed by food traders. At the national level, evidenced in the statutes and in royal proclamations, concerns related to protecting and regulating food supplies, with setting general guidelines for price control and with ordering trade across local and national boundaries. The acts and orders issued by the London government focused on the stability and ordering of its citizens, and the maintenance of public peace. They were also aimed at ensuring adequate supplies of food though at a local level. This concern affected both levels of government, as the spectre of riot (if supplies were not kept accessible for all inhabitants) was ever present, even though actual food riots in London were rare. At the company level, the ordinances related to controlling the

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parliamentarians was explicitly stated in an earlier Mayoral proclamation in the same year that emphasized the need for more stringent enforcement of the laws relating to the sale of unwholesome food while parliament was sitting; CLRO, JCC COL/CC/01/01/030 ff. 161-2.

8 Bohstedt, Politics of Provisions, p. 57, found that these London riots were an exception, both in that London was relatively free of food-related riots in the early modern period and in that these riots were about enforcing just practice in the sale of food. This contrasted with most food riots, which were not about enforcing prices and quality, but instead aimed at preventing the movement of supplies away from the area where they were produced. See Ian W. Archer, The Pursuit of Stability: Social Relations in Elizabethan London, Cambridge, Cambridge University Press, 1991, p. 1, for a description of the 1590s fish riots.


everyday running of the trades, setting trade standards and establishing and sustaining a company’s reputation as a body of law abiding, dignified members of society.

Burnett’s assertion that ‘local inspectors, often acting in conjunction with guilds, kept watch over food’ disguises the multiple layers of regulation that applied to the sale of food in early modern London, and gives a misleading impression of seamless regulation. This chapter contends that Colin Smith’s description of early modern regulation as fragmented, with legislation, policy, enforcement and punishment shared by a range of authorities, and influenced by competing and conflicting interests, provides a more convincing picture. Smith’s focus was the location and operation of the formal markets in the capital in the long eighteenth century, with food products just one type of commodity sold. Although he does not address the sale of goods outside these officially designated locales, the principal variables Smith identified as affecting market policies also apply to the regulation of the food trade more broadly. The questions of ‘who the jurisdictions and influential interests were, what might be regulated and by what means, and with what punishments’ remain important, and it is these questions that this chapter endeavours to address.

This chapter therefore examines the multiple levels of food regulation, looking firstly at how it related to common law. It then examines the regulation of specific offences found in legislation from the macro level of national statutes, supported by royal and parliamentary orders, to the micro level of the ordinances of the individual food guilds. This examination aims to determine which aspects of the food trade concerned the different levels of government, who was theoretically responsible for implementing laws, and the punishments they could legally impose.

Food offences as public nuisance under common law

The food trades were connected to a range of offences. As discussed in the previous chapter, infractions affecting food quality included the sale of bad food and fraud. However, the food trades were also connected to other offences that affected how traders were perceived and shaped beliefs about their honesty. These included the use of illegal or


14 Smith, The Market Place and the Market’s Place, p. 160.
false weights and measures, trading outside the designated spaces and hours, polluting the environment and obstructing streets, selling illegally obtained supplies, artificially enhancing food prices and failing to observe other measures aimed at ensuring the quantity of food supplies available. All of these offences constituted misdemeanours, and fell within what the eighteenth-century legal commentator William Blackstone designated ‘crimes that … affected the commonwealth’. However, the different types of offence were subject to different punishments, and how they were dealt with in the courts depended very much upon where and how they were presented and by whom.

Underpinning all regulation of the food trades was a general prohibition in common law against the sale of unwholesome food. In his legal commentaries, first published in 1644, Sir Edward Coke defined the sale of corrupt foods as a common nuisance. Similarly, for his contemporary, Robert Monson, the place of selling corrupt food as a common nuisance was self-evident and proved that ‘the Common law hath regard unto the health, and welfare of every private man’. Nuisance also included not only the sale of unwholesome food, but also the potentially polluting nature of the food trades. Excessive noise, stinks and pollution that disturbed the environment could all be prosecuted as nuisance, especially when they affected the wider community in a city like London. Also included under nuisance law were obstructions to, and pollution of, the pavements and highways. Food sellers who obstructed streets and highways with the carts, stalls, barrows and baskets they used to transport and display their goods, or who created unsightly or potentially stinking detritus, were clearly implicated in these problems. Although by the mid-eighteenth century William Blackstone confined public nuisance to these environmental offences, and placed the sale of corrupt food under the

\[15\] Shoemaker, *Prosecution and Punishment*, p. 36, includes breaches of economic regulation under misdemeanours, even if he leaves the details of what this type of regulation covered largely unarticulated in his discussion of prosecutions. See also Sharpe, *Crime in Seventeenth-Century England*, chapter 3.
\[18\] Robert Monson, Edmund Plowden and Christopher Wray, *A Briefe Declaration for Vvhat Manner of Speciall Nusance Concerning Private Dwelling Houses, a Man May Have His Remedy by Assise, or Other Action as the Case Requires Unfolded in the Arguments, and Opinions of Foure Famous Sages of the Common Law*, London: Printed [by Bernard Alsop and Thomas Fawcet] for William Cooke, 1636, p. 12, argued that as ‘the selling of corrupt meate, whereby mens bodies may sustaine harme, is punishable by Leete, which proveth that the Common law hath regard unto the health, and welfare of every private man’, so other offences that impair the health of a person – such as impairing their access to light and air by building too close to them, or affecting the health of their air by offensive trades that give off too much smoke or smells – also constituted a nuisance.
As Mark Jenner has pointed out, the application of nuisance laws structured London spatially and socially, with varying degrees of tolerance given to the noxious or dirty trades found in different areas. The concept of nuisance linked to health beliefs, in which wholesome air, food and environment were considered a basic need. However, as the food trades were necessary for survival, and hazards like smoke from bakers’ fires, guts and dirty water from seafood, blood from slaughtered animals, dung from live animals and feathers from poultry were inevitable byproducts of these essential trades, this basic right was tempered by the location in which the activity took place. For example, blood in the street in the Shambles, the area designated for the slaughter of animals, was acceptable, but if animals were being slaughtered in other areas of London not generally related to the meat trades, it constituted a nuisance. Similarly, whereas the sale of peas and other herbs, vegetables and fruit within the markets was unremarkable, the presence of discarded peas cobs and other rotting detritus dumped and left behind in the streets outside of market spaces and times was a nuisance, and could be presented as such. Early modern English law thus resonates with Mary Douglas’s definition of pollution as a socially determined idea, rather than an absolute, where something was deemed to be more dangerously polluting if it occurred out of place. It was this concern that spurred repeated acts and orders from London authorities to define and order the spaces allotted to the sale of food within the City, reinforcing the illegality of traders operating in public spaces outside established areas and times. It also led to recurring attempts to legislate for the removal of some trades from the City entirely.

Coke stated that public nuisance was to be dealt with by the leet courts, justifying

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23 Jenner, “Cleanliness” and “Dirt”, p. 35.
24 The issue of polluting food traders and their regulation is explored in more detail in chapter 7. See Jenner, “Cleanliness” and “Dirt”, p. 38, for a discussion on the significance of concepts of hygiene and health to pollution regulation in the early modern period.
their jurisdiction on the grounds that they were ‘courts of record … instituted for the Common-weal’. Within the City of London, with the exception of those areas of Southwark governed by the Corporation, the function of these courts was fulfilled by wardmotes. The articles of charge to be observed by the wardmote, published in 1617 by the Court of Common Council, instructed the wards to identify and present anyone causing a nuisance by casting filth into the rivers or streets, encroaching on common ground or keeping beasts including oxen, hogs and poultry. Later editions of these articles contained similar instructions. Nuisance could be dealt with in the leet courts and the wardmotes, but these courts were largely a forum for identifying local problems not necessarily for resolving them. That they could urge reformation, but had limited powers when it came to forcing resolution, is evident from an order issued in January 1677 by the Lord Mayor instructing the Aldermen of each ward to hear the wardmote presentments and deal directly with any nuisances they could resolve locally, but to refer cases that could not be reformed to the Court of Aldermen for prosecution. The punishment of those selling corrupt food or obstructing or polluting the streets of the City was therefore not confined to these courts. Recalcitrant nuisance offenders could be prosecuted in the Court of Aldermen, in the sessions or ‘els where that grievances may receive due remedy.

Just as prosecutions of nuisance offences were not confined to the leet courts or wardmotes, the leet courts could also deal with other types of offence. In addition to regulating against the sale of corrupt food and pollution, the articles of search also included the use of false measures, hawking goods in the street, and the forestalling, regrating or engrossing of goods. While all of these offences affected the common-weal, they were not

28 Coke indicated that there was some contemporary uncertainty about whether the leet courts had this jurisdiction or not, but set out the statutes which conferred this right, tracing the search and punishment of those selling corrupt foods back to 51 Henry III, c. 6. See The Statutes at Large, from Magna Charta, to the Thirtieth Year of King George the Second, Inclusive, London, Printed by Thomas Baskett, and by the assigns of Robert Baskett, and by Henry Lintot, 1758, volume 1, pp. 26-7. Monson, Plowden and Wray, A Briefe Declaration for What Manner of Speciall Nusance, p. 12, also saw nuisance offences to be the responsibility of the leet courts. Sharpe, Crime in Seventeenth-Century England, p. 40, however, has shown that offences such as stuffing a leg of meat to make it appear larger also appeared among the frauds dealt with in the Essex quarter sessions.

29 Jenner, “Cleanliness” and “Dirt”, p. 42.


31 See, for example, Corporation of London, The Articles of the Charge of the Wardmote Inquest, [London], Printed by Samuel Roycroft, 1689.

32 CLRO, Reps. COL/CA/01/01/086 f. 49. This was repeated with slight variations regarding the court where prosecutions were to occur in the 1680s. See /091 f. 49v; /092 f. 108v; /093 f. 41; /099 f. 363v.

33 CLRO, Reps. COL/CA/01/01/091 f. 49v.

34 Corporation of London, An Acte for the Reformation Of ... The Wardmote Inquest, p. 43 it. 30, p. 44 it. 31 & 33, p. 45 it. 34, and pp. 54-5 it. 55. Sharpe, Crime in Seventeenth-Century England, p. 40, defined these last offences according to the statute of 5&6 Edw. VI, c. 14, stating that forestallers were those ‘who purchased or contracted to purchase goods while they were enroute to market or who attempted to produce an artificial shortage by persuading others not to come to market or not to bring goods there’.
legally nuisances. Some activities, like the artificial enhancement of prices by forestalling supplies, or forms of fraud – including disguising foods as something they were not, padding them in some way to make them appear heavier or bulkier, or selling under weight or measure – constituted what Blackstone called ‘offences against the public trade’. Most of these offences were not detailed in the orders to the wardmotes, but were instead covered by specific statutes. It is these laws that will now be examined in greater detail.

Levels of legislation

Food regulation did not involve only one civic body, but rather existed at multiple levels. Regulations concerning food are evident on a national level in the statutes of the realm, royal proclamations and, less formally, in the orders of the Privy Council. Local acts pertaining to the food trades were also enacted by London’s Court of Common Council. In addition, the charters of London’s food companies gave them the responsibility of regulating all who practiced their trade within a specified distance from the City. Their specific regulations were articulated in the company ordinances. National statutes were the highest level of legislation, and tended to be the most durable. The most significant category of statute from the point of view of this study were those aimed at preventing fraudulent dealing and the sale of corrupt goods. Where the general prohibition against the sale of unwholesome victuals under common law applied to all foods, the quality of some foodstuffs – such as bread and meat - was also legislated for in specific statutes. Most of the food quality statutes had a long history. The statute for food quality relating to bread dated back to 1266 and remained in place for over four hundred years without significant change. It was only amended in 1709 to more specifically prevent the use and sale of corrupt meal. The law prohibiting the sale of unwholesome or diseased meat was of similarly long standing. Seventeenth and early eighteenth-century statutes that addressed the sale of unwholesome food included the 1603

Regulators were those ‘buying corn or other provisions in a market and selling them at the same market or another within the radius of ten miles’. Engrossers were those buying ‘corn or goods wholesale in order to sell them again’. 35 See Jenner, “Cleanliness” and “Dirt”, pp. 31-2, for a discussion of issues relating to nuisance law. 36 Blackstone, Commentaries, book 4, ch. XI, pp. 157-8. 37 Sylvia L. Thrupp, The Worshipful Company of Bakers: A Short History, Croydon, Galleon Press, 1933. 38 S Anne, c. 18, The Statutes at Large, 1758, volume 3, pp. 676-9. 39 The Butchers’ Company Charter from 1637 summarized the range of laws affecting the trade that the Butchers were authorized to enforce, and dated the law prohibiting the sale of diseased or unwholesome meat to I Hen. III (1266), the same year as the assize of bread; Philip E. Jones, The Butchers of London: A History of the Worshipful Company of Butchers of the City of London, London, Secker & Warburg, 1976, p. 217. The statute regulating the sale of barreled fish dates from the reign of Edward IV, while that for the sale of butter and cheese dates back to at least 22 Edw. VI, c. 21, The Statutes at Large, in Paragraphs, and Sections or Numbers, from Magna Charta, to the End of the Session of Parliament, March 14. 1704, London, printed by Charles Bill, 1706, volume 1, pp. 292-3 & 675.
statute ‘for the well garbelling of spices’ and other imported goods, and the statutes regulating the trade in cheese and butter and in barreled fish.40

Another significant category of concern is evident in statutes passed for ensuring an adequate quantity of food. Those for the preservation of food resources and controlling the import and export of food products were framed in terms of the preservation of supplies, although they also addressed other issues under the aegis of this blanket concern.41 The statutes for conserving fish by restricting the size of nets used or the season in which they could be caught referred to the preservation of future stocks of fish, as did those prohibiting butchers from killing weanlings less than two years of age.42 However, statutes relating to game, which also expressed concern about dwindling stocks caused by overhunting, were also effectively sumptuary laws as they restricted who could legally stock, consume or sell such foods and confined this consumption to the elite.43 As the same laws made it illegal to buy or sell deer, hare, coney, pheasants or partridges, this caused problems for members of the Poulters’ Company, whose trade had included the sale of game. This concern to restrict consumption of game is evident in an act of 1609, which was ostensibly to prevent the spoil of corn. It banned hawking and hunting with dogs on the grounds that they were the means ‘whereby great Quantity of Corn and Grain hath been and is … uncharitably destroyed’, thus appearing to be concerned for the supply of a staple to the general populace. However, the statute placed far greater emphasis on the ‘great Numbers of Pheasants and Partridges thereby killed and spoiled, before they be either fit to be hawked at, or be used for Food or Diet’, and was therefore actually

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40 For spices, see ‘An Act for the well garbling of Spices’, 1 Jac. I, c. 19, The Statutes at Large, 1706, p. 972. For the repeal of this law, see 7 Anne, c. 16; for butter, see 21 Jac. I c. 22, 13&14 Car. II c. 26 & 4 Will. & Mary, c. 7; for fish 15 Car. II c. 16, The Statutes at Large, 1758, volume 2, pp. 593, 728-30, & volume 3, pp. 85-6 & 562-3.
41 1 James I c. 23, 25 & 27; 3 James I c. 12, 13; 7 James I c. 11, 13; 21 James I c. 28; 13 Chas. II c. 10 & 28; 15 Chas II c. 8 & 16; 18 Chas. II, c. 2; 22 & 23 Chas II, c. 7, 19 & 25; 30 Chas. II, c. 9; 3 W & M c. 10; 4&5 W & M c. 23; 10 Will. III c. 3; 4 Anne c. 21; 5 Anne c. 14; 8 Anne c. 11; 9 Anne c. 25 & 26; 1 Geo. I c. 18; 3 George I c. 11; 5 George I c. 28; 2 George II c. 19 in The Statutes at Large, volume 2, 520-1, 522, 527-8, 547-8, 570-2, 597-601, 683, 730, 740, 745-6, 767, 818-19, 830, 835-6 & 855; volume 3, pp. 62-3, 96-8, 301, 389-90, 510-12, 662 & 764-7; & volume 4, pp. 87, 176, 256 & 649-50.
42 1 James I c. 23 & 25; 3 James I c. 12; 21 James I c. 28; 15 Chas II c. 16; 22 & 23 Chas II, c. 25; 30 Chas. II, c. 9 in The Statutes at Large, 1758, volume 2, pp. 520-2, 547, 597-601, 745-6, 835-6 & 855.
43 The statutes and proclamations regarding hunting and the preservation of game issued under James I were clearly sumptuary in both their intention and wording. The 1603 act for the preservation of game, for example, explained the necessity for the law being enacted as being due to the ‘Games above-mentioned have been excessively and outrageously spoiled and destroyed … especially by the vulgar Sort, and Men of small Worth making a Trade and Living of the Spoiling and Destroying of the said Games’. It also confined the keeping of greyhounds to hunt deer and hare to those with either an income of ten pounds a year or more from an inherited estate over and above the charges and costs of running and the estate, the right for life to an annual income from lands or tenements of over thirty pounds a year, to have goods and chattels worth over two hundred pounds or to be the son of a knight, Baron of Parliament, or of some person of higher degree, or the son or heir apparent of an Esquire. See 1 James I c. 27, and also 3 James I, c. 13, 7 James I c. 11; 13 Chas. II c. 10; 3 W&M c. 10, The Statutes at Large, 1758, volume 2, pp. 527-8, 548, 570-1, 683; & volume 3, pp. 62-3.
concerned about the food of the elite.44 While the first two clauses banned this style of hunting, this ban was not absolute. The next six clauses defined who had a right to hunt, with the actual purpose of the law being to exclude ‘base Persons, of bad and mean Condition’ from making a living in this way.

A less obvious set of regulations that also dealt with the preservation of food supplies were those enforcing the observance of restrictions on food preparation and consumption during Lent and on designated fish-days. While Lenten restrictions retained a religious aspect, and thus related to royal orders issued for the observance of officially designated fast days and the trade restrictions placed on the Sabbath, the wording of the statute issued by Elizabeth I in 1562 made no mention of this religious connection.45 Instead it argued that the observation of Lent and fish-days were necessary ‘for the benefit and Commodity of this Realm to grow as well in the maintenance of the Navy; as in the sparing and increase of Flesh Victual of this Realm’.46 The explanation that the observance of Lent preserved supplies of meat was repeated in royal proclamations and orders from the Privy Council into the 1660s, though there was a hiatus in such regulation during the interregnum.47

44 7 James I c. 11, The Statutes at Large, volume 2, pp. 570-1.
45 Elizabeth I, Queen of England, By the Queenes Maiestie Considering the Evill Disposition of Sundry Her Subjects, to Keep the Ancient Orders for Abstinence from Eating of Flesh, Aswell in the Time of Lent, as Vpon Other vsuall Fasting Days ... Straitly Chargeth All Manner of People ... From Henceforth Yerely to Observe and Keep the Ancient and Laudable Order for Fasting, London, Christopher Barker, 1597; Charles I, King of England, By the King a Proclamation for a Generall Fast Throughout This Realme of England, London, Bonham Norton and John Bill, 1626; Charles I, King of England, By the King, A Proclamation for a Generall Fast to Be Weekly Observed Thorowout the Realme of England, London, Robert Barker..., 1636; Charles I, King of England, By the King, A Proclamation for a Generall Fast Thorowout [Sic] This Realme of England, London, Robert Barker..., 1642; Charles II, King of England, By the King, A Proclamation for a General Fast, London, John Bill, Thomas Newcomb, and Henry Hills, 1680; Charles II, King of England, By the King, A Proclamation, for the Observation of the Thirtieth Say of January as a Day of Fast and Humiliation According to the Late Act of Parliament for That Purpose, London: Printed by John Bill, 1661; Charles II, King of England, By the King. A Proclamation for a General Fast through England and Wales, and the Town of Barwick Upon Tweed, on Wednesday the Tenth of October Next, London, John Bill and Christopher Barker, 1666. See also, CLRO, JCC COL/CC/01/01/034 ff. 23v, 168v & 252v; /035 f. 249v; /036 f. 36; /040 ff. 147 & 221v; /045 f. 171v; /051 ff. 395-6 & 403-4.
46 5 Eliz. c. 5, The Statutes at Large, 1758, volume 2, p. 348. The observance of Lent and other fish-days was only one part of the ‘Act touching Politick Constitutions for the Maintenance of the Navy’.
47 See for example: Privy Council and James I, King of England, Orders Conceived by the Lords of His Maiesties Priuie Counsell, and by His Highnesse Speciall Direction Commanded to Be Put in Execution for the Restraint of Killing, and Eating of Flesh This Next Lent..., London: Robert Barker, 1603 [1604]; Privy Council and James I, King of England, Orders Conceived by the Lords of His Maiesties Priuie Counsell, and by His Highnesse Speciall Direction, Commanded to Be Put in Execution for the Restraint of Killing, and Eating of Flesh This Next Lent..., London, Robert Barker, 1608; Privy Council and James I, King of England, Orders Conceived by the Lords of His Maiesties Priuie Counsell, and by His Highnesse Speciall Direction, Commanded to Be Put in Execution, for the Restraint of Killing, and Eating of Flesh This Next Lent..., London, Robert Barker, 1610; Privy Council and James I, King of England, Orders Conceived by the Lords of His Maiesties Priuie Counsell, and by His Highnesse Speciall Direction, Commanded to Be Put in Execution, for the Restraint of Killing and Eating of Flesh This Next Lent..., London, Robert Barker, 1613; James I, King of England, By the King. A Proclamation for Restraint of Killing, Dressing, and Eating of Flesh in Lent or on Fish Dayes, Appointed by the Law, to
The statutes set the punishments that could be levied for an offence. Medieval laws tend to support Burnett’s description of physical punishments meted out for food offences.\(^{40}\) An example of this is the 1343 law for the ‘punishment of a Butcher selling unwholesome Flesh’, which ordered that the offender should be ‘grievously amerced’ for the first offence, ‘suffer the Judgement of the Pillory’ for a second, ‘be imprisoned and make fine’ for a third and ‘forswear the Town’ for a fourth.\(^{49}\) However, this was no longer the case for laws enacted or updated in the seventeenth and eighteenth centuries. Instead the punishments prescribed were mostly fines, often with the provision that goods and chattels could be distrained where a fine was not paid or was refused. Where the offender was too poor to have such goods, incarceration in a house of correction or gaol, usually for a set period without bail, was set as an alternative punishment. The ‘Act for reforming the Abuses committed in the Weight and false packing of butter’ (1662), for example, set heavy fines for each pound of falsely packed butter.\(^{50}\) The ‘Act for the further Reformation of sundry Abuses committed on the Lord’s Day’ (1625), also imposed a fine, but allowed constables or churchwardens to seize and sell the offenders goods on a warrant from a Justice of the Peace or Lord Mayor to recoup the value of the fine.\(^{51}\) The ‘Act to prevent the better execution … of former laws … for the Preservation of the Game of Pheasants and Partridges’ (1604) similarly set fines, but also required offenders to pay a recognizance of 20 pounds to ensure they would not re-offend.\(^{52}\) Where the offender could not pay the forfeiture, the statute also set a jail term of three months without bail as an alternative punishment.\(^{53}\) Other permissible punishments included the seizure of defective goods to be distributed to the poor of the parish in which the offence took place, and the confiscation and destruction of the equipment used to commit the offence.\(^{54}\)

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\(^{40}\) Burnett, Plenty and Want, p. 100.

\(^{17}\) Edward III, c. 7, The Statutes at Large, 1706, volume 1, p. 86.

\(^{30}\) 13-14 Charles II c. 26, The Statutes at Large, 1758, volume 2, pp. 728-9. The fine was set at the value of all the falsely packed butter found.

\(^{31}\) 3 Charles I, c. 1, The Statutes at Large, 1758, volume 2, pp. 606-7.

\(^{52}\) 1 James I, c. 27, The Statutes at Large, 1758, volume 2, pp. 527-8.

\(^{53}\) This option of sending poor offenders to a house of correction or gaol in lieu of payment applied to more offences when they were revised or reenacted. The penalties set out in the act for the Preservation of Sea-fish, for example changed from a fine and destruction of equipment, to incarceration in a house of correction when it was revised under Anne. A similar change in possible penalties applied to the game acts. See 4 Anne, c. 21 & 5 Anne, c. 14, The Statutes at Large, 1758, volume 3, pp. 489-90 & 510-12.

\(^{54}\) The amended ‘Assize of Bread’ (1709) ordered that bread found wanting in goodness could be seized and distributed to the poor. 8 Anne, c. 18, The Statutes at Large, 1758, volume 3, pp. 676-9. The Laws for
The statutes also specified who was responsible for determining and administering punishment. Most offences were to be dealt with by a justice or Justices; however, some statutes simply stated that the offence was to be sued in any court of record in the realm. The Justices referred to were usually Justices of the Peace, though in some statutes this was expanded to include Justices of Oyer and Terminer and of Assize. In London, this meant the Lord Mayor, with the possible support of the Aldermen, depending on whether the statute allowed the offence to be dealt with by one justice alone or whether it required a more formal procedure in the quarter sessions. Where punishment included the seizure and/or destruction of goods, or distraining goods in lieu of fines, other officers – such as constables or churchwardens – were ordered to carry this out. ‘The Act to prevent the Spoil of Corn and Grain’ (1609) authorized constables, on a warrant from a Justice of the Peace, to search the houses of suspected offenders and seize, detain and destroy the nets or dogs used to commit the offence. Similarly, the ‘Act for Preservation of Sea-fish’ (1605) allowed constables or churchwardens to enter offenders’ premises and distrain and sell their goods and chattels to cover the costs of the fine. Again this required a warrant from a Justice of the Peace.

The one factor the statutes left undefined was the prosecutor. For example, the ‘Act for reforming the Abuses committed in the Weight and false packing of butter’, stipulated that offences were to be presented at the Sessions of the Peace or at any other court of record by action of debt, indictment, information or presentment within four months of the offence being committed. It also set the fine to be imposed for the false packing of butter as the equivalent of the value of all barrels falsely packed. It did not, however, state who was to present the offence. That the fine imposed was to be divided between the poor of the parish where the offence was committed and the person bringing suit (whomsoever they might be), indicates that the law was one of many economic regulations aimed at encouraging informers. Both the division of payments and the setting

the preservation of Sea-fish ordered the forfeiture of the illegal nets and destruction of weirs. 3 James I, c. 12, The Statutes at Large, volume 2, 1758, p. 547.

Blackstone stated that the courts of record included the four superior courts of record at Westminster: the Chancery, the King’s Bench, the common pleas, and the exchequer. Blackstone, Commentaries, p. 2. Although he did not specifically list the inferior courts of record, an explanation contained within an eighteenth-century text on the law of corporations gave them as the Courts of Oyer and Terminer, Sewers, Gaol delivery, Sheriff’s Turn, Pie-powder and Leet. The Law of Corporations: Containing the Laws and Customs of All the Corporations and Inferior Courts of Record in England. ..., London, 1702, p. 47.

See, for example, 1 James I, c. 27, The Statutes at Large, 1758, volume 2, pp. 527-8.

See 3 Charles I, c. 1 & 8 Anne, c. 18, The Statutes at Large, 1758, volume 2, pp. 606-7 & volume 3, pp. 676-9. In London these occurred within the Court of Aldermen.

7 James I, c. 12, The Statutes at Large, 1758, volume 2, pp. 570-1.

9 See also 3 Charles I, The Statutes at Large, 1758, volume 2, pp. 547 & 606-7.


of time limits within which the offence could be heard were typical of these statutes.\textsuperscript{62}

Statutes were reinforced by orders from the sovereign, the Privy Council (or Lords of Council) or from parliament.\textsuperscript{63} These orders were less durable than statutes and often less detailed. They served as reminders to local authorities that the acts needed to be observed. Other orders could sit separately from statute law. ‘The Plague Act’ was not enacted until 1604, but was preceded by the Tudor books of orders.\textsuperscript{64} The act did not differ from the instructions given in the orders; however, by enshrining them in national legislation it gave Justices greater authority to act. Although these orders were made law in 1604, prior to 1641 (when they were made permanent) they needed to be renewed by successive parliaments, usually in specific times of crisis.\textsuperscript{65}

Direct appeals to the sovereign or complaints lodged with the Lords of Council could also trigger orders.\textsuperscript{66} While less binding than the statutes, the failure of local authorities to comply with these orders could bring royal and/or parliamentary displeasure, including the threat of revoking chartered powers, although this threat was rarely carried out. In 1611, for example, after a complaint was lodged by members of the Fishmongers’ Company, the Lords of Council threatened to override the City of London’s charter and take direct action for correction unless the Lord Mayor and Aldermen took immediate action to reform abuses in the fish markets.\textsuperscript{67} Similarly, during a dispute between the

\textsuperscript{62} See also 1 James I, c. 19 England and Wales, The Statutes at Large, 1706, volume 2, pp. 972-3; 3 James I, c. 12, 3 Charles I, c. 1 & 7 Anne, c. 6, The Statutes at Large, volume 2, 1758, pp. 547, 606-7 & volume 3, p. 608.

\textsuperscript{63} See footnote 45, 46 & 47 above for orders reinforcing the observance of fish-days. For proclamations against the killing and sale of game, see for example: CLRO, JCC COL/CC/01/01/028 ff. 402-v & /034 f. 252v.


\textsuperscript{65} The orders did not stop in 1604, but after this date prompts from the Crown or Parliament for action served to reinforce the Act. See, for example: James I, King of England, Orders Thought Meet by His Maiestie, and His Priuie Councell, to Be Executed Throughout the Countties of This Realme, in Such Townes, Villages, and Other Places, as Are, or May Be Hereafter infected with the Plague..., London, John Bill, 1625; Charles I, King of England, Certaine Statutes Especially Selected, and Commanded by His Majestie to Be Carefully Put in Execution by All Justices, and Other Officers of the Peace Throughout the Realme; with His Majesties Proclamation for Further Direction for Executing the Same. Also Certaine Orders Thought Meete by His Majestie and Hos Privie Councell, to Bee Put in Execution, Together with Sundry Good Rules, Preservatives, and Medicines against the Infection of the Plague, London, Robert Barker and John Bill, 1630; Charles, I King of England, By the King. A Proclamation Declaring His Maiesties Pleasure Touching Orders to Be Observed for Prevention of Dispersing the Plague, London, Robert Barker..., 1636. These were then summarized in orders issued by Charles II when plague returned in 1666: Charles II, King of England, Rules and Orders to Be Observed by All Justices of Peace, Mayors, Bayliffs, and Other Officers, for Prevention of the Spreading of the Infection of the Plague, London: John Bill and Christopher Barker, 1666. See also, CLRO, JCC COL/CC/01/01/036 ff. 183v-184 & /44 f. 66-66v. For a more detailed discussion of plague measures and the food trades see chapter 7.

\textsuperscript{66} See, for example, Corporation of London, Analytical Index, to the Series of Records Known as the Remembrancia. Preserved among the Archives of the City of London A. D. 1579-1664, London, E. J. Francis & Co., 1878, III, 19 & 40 & VII, 137.

\textsuperscript{67} Corporation of London, Remembrancia, III, 40.
Fishmongers’ Company and one of its trading members in 1671, in which the City government supported the Company, the Corporation was threatened with the suspension of its charter if it failed to comply with an order of the Lord Chief Justice to release the complainant from prison.68

The granting of royal charters was thus another method by which the Crown could initiate control measures. Charters conferred powers of regulation upon other groups, including London’s citizens and the livery companies, and served as a formal means of delegating power and daily responsibility, while retaining ultimate control for the Crown.69 These charters could be rescinded or altered if the incorporated entities failed to maintain regulation or came into dispute with the Crown. They could therefore confer powers, but were also used to split authority or remove it. For example, when James I granted a separate charter to the Apothecaries in 1617, he split the Grocers Company and altered their role in regulating the importation and sale of spices and pharmaceutical substances.70 His justification for supporting the split was that the Grocers were not able to ensure quality and that this lack of expertise was endangering the health of his subjects.71 Similarly, the rights to make ordinances and enforce them and to present cases in the courts that were granted to individual companies when they gained incorporation watered down the City government’s powers, even though these orders had to be ratified by the Court of Aldermen.72 The impact of the retraction of chartered powers is most visible in the situation that resulted when Charles II issued of a writ of Quo Warranto against the City of London.73 Following the Crown’s seizure of the Corporation’s charter, individual companies also surrendered their charters. This surrender suspended the City’s and the Companies’ regulatory rights until new charters were negotiated. As Jones demonstrates in his history of the Poulters’ Company, the process entailed in recovering rights and privileges previously held could be a slow one.74

While the national government could and did intervene, particularly in times of

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68 CLRO, Reps. COL/CA/01/01/080 ff. 122-124. See chapter 4 pp. 127-8, for a full discussion of this incident.
crisis or as a result of lobbying, food regulation was more often the province of local authorities. In London, the food trade companies shared this responsibility with the Corporation, which held a superior position, although this sharing was not always amicable. A statute of 1504 outlined the London government’s right to oversee the trades and the subordinate relationship of the trade companies to the Corporation when it decreed that no ordinances were legal without the approval of the ‘chief Governors of Cities’.75 The same law also required any ordinances passed by the Corporation to be approved and ratified by the Chancellor, who was to ensure that the Crown’s prerogatives were not infringed.

The concerns and actions outlined in the City’s regulatory documents, including the Repertories of the Court of Aldermen, Journals of Common Council and the City’s Letter books, complemented and supplemented those issued by the Crown. Where national statutes were in place, actions taken by the Corporation were outlined in orders and provided more specific directions to enforce their implementation. It is in these orders that the persons appointed by the Corporation to regulate offences were spelt out. The statute regarding the observance of Lent and designated fast days (alternatively called fish-days), enacted under Elizabeth I and reiterated in royal proclamations over much of the seventeenth century,76 was reinforced by Mayoral precepts or orders for the prevention of

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76 5 Eliz. I c.5 (clauses XIV-XXIII) reinstated the observance of fish-days and added Wednesdays to the list of designated days. 27 Eliz. I c. 11 amended the law to again remove Wednesdays but left Fridays and Saturdays as well as Lent and other days as ordered; The Statutes at Large, 1758, volume 2, pp. 345-6 & 431. Proclamations for the observance of this law were reissued frequently. See, for example, Privy Council, Elizabeth I, Orders Conceived by the Lords of Her Maiesties Priuie Councell, and by Her Highnesse Special Direction, Commanded to Be Put in Execution for the Restraint of Killing, and Eating of Flesh This Next Lent ..., London, Christopher Barker, 1598; Privy Council, Elizabeth I, Orders Conceived by the Lords of Her Maiesties Priuie Councell, and by Her Highnesse Special Direction, Commanded to Be Put in Execution for the Restraint of Killing, and Eating of Flesh This Next Lent..., London, Robert Barker, 1600; Elizabeth I, Queen of England, By the Queene. The Queenes Highnesse Ypon Many Great Considerations for the Benefit of Her Common Weale Doeth Will and Straightly Command All Maner of Persons ... To Absteine from Killing, Dressing, or Eating of Any Flesh Upon ... Lent, London, Richard Iuge and Iohn Cawoodde [i.e. B. Norton and J. Bill] ..., [1618]; Charles I, King of England, By the King. A Proclamation for Restraint of Killing, Dressing, and Eating of Flesh in Lent, or on Fish-Dayes Appointed by the Law, to Be Hereafter Observed by All Sorts of People, London, Robert Barker and Iohn Bill, 1630; A Collection of Such Statutes as Do Enjoyn the Observation of Lent, and Other Fish Dayes Throughout the Year, with the Reasons for Enjoyning the Same, London [sic], for R. Pawley, [1661]. In the later seventeenth century, Lenten orders were seldom made, but those regulating against abuses of the Sabbath continued to be issued. However, in 1661 and again in 1685 a summary of the existing laws regarding the observance of Lent and fast days was published. This explained their contribution to the common good relating the regulations with the preservation of food stocks: A Collection of Such Statutes as Do Enjoyn the Observation of Lent, and Other Fish Dayes Throughout the Year, with the Reasons for Enjoying the Same, [1661]; A Collection of Such Statutes as Are Now in Force and Made in the Reigns of K. Ed. 6, Queen Eliz., K. James 1st, & K. Charles the 1st Which Enjoyn the Observation of Lent, and Other Fish Days Throughout the Year, with the Reasons for Enjoying the Same, [London, H. Hills Jun. for R. Taylor ...], 1685. The publication of this utilitarian argument for the observance of Lent and fish-days in 1661 is likely to have been part of a campaign instigated by the trading members of the Fishmongers’ Company to gain support when, at the urging of parliament, Charles II was considering relaxing the Lenten prohibitions on meat consumption. Their
both selling and eating meat and for the apprehension of offenders. The Corporation tried a range of strategies to encourage and enforce the observance of fish-days. For example, a precept from 1608 ordered the beadle of each ward to visit dwelling houses and charge citizens to observe the fast day orders and abstain from eating meat. The same precept called on the Aldermen for each ward to ensure that the parson, vicar or curate of each parish read out the precept to the parishioners at least once every three weeks. In another precept, the Lord Mayor ordered the beadles to call all people running victualling houses within the City before him to pay bonds with sufficient sureties not to dress or sell meat during Lent, or to allow any one staying in their venues to consume meat. A variation on this, which was aimed at the butchers and poulters, called for the constables in each ward to seize any flesh being dressed, or live animals brought into London during the Lenten period, unless the holder could show they held a licence from the Mayor. A common strategy was to order the Aldermen of the wards to appoint juries to search all ‘dwelling houses w[i]thin y[ou]r ward & especially in Tavernes Innes Tabling houses, alehouses, victualinge houses & cellars’ and make presentments of all offenders. It also stipulated where and when these presentments should be made. A later order called for the wardens of the Fishmongers’ Company to appoint two searchers to conduct these inspections.

Where no statute existed, the Corporation of London implemented Acts of Common Council. A significant function of the city government was to regulate the supply of food to London. While markets were established under royal charter, it was the London authorities that designated who could trade within them and authorized or prohibited sellers with stalls in the open streets. Acts of common council regulated who was permitted

appeal was successful, with Charles reissuing proclamations upholding the observance of fish-days in 1661, 1662, 1663 & 1664. See Worshipful Company of Fishmongers, Records of the Worshipful Company of Fishmongers: Calendar to the Minute Books, (1592-1699), volume 4, London, 1934-1938, pp. 1294-5, 1299, 1310, 1388, 1394; Charles II, King of England, A Proclamation, for Restraint of Killing, Dressing, and Eating of Flesh, 1661; Charles II, King of England, A Proclamation for Restraint of Killing, Dressing and Eating of Flesh in Lent, or on Fish-Days Appointed by the Law to Be Observed, London: John Bill and Christopher Barker ..., 1662; Charles II, King of England, By the King. A Proclamation for Restraint of Killing, Dressing and Eating of Flesh in Lent, or on Fish-Days Appointed by the Law..., London, John Bill and Christopher Barker, 1663; Charles II, King of England, By the King, a Proclamation for Restraint of Killing, Dressing and Eating of Flesh in Lent, or on Fish-Days Appointed by the Law, London, John Bill and Christopher Barker ..., 1664. The republication of the same argument in 1685, when the Fishmongers’ charter was under threat, may have served the same purpose.

77 CLRO, JCC, COL/CC/01/01/28 ff. 238v, 341v, 349v, 351-v; /029 ff. 39; /030 20v, 176v; /035 ff. 53-4v, 64, 222-223v; /036 ff. 140-1v, 142v, 233v-234v, 247, 248v, 410-11; /037 f. 224v; /038 f. 40v; /039 f. 16v; /040 ff. 51, 184, 193 & /051 ff. 395-6, 403-4. A similar overlap occurred between the statute to ensure all imported spices and other dried grocers wares were garbled. See chapter 2 pp. 62-3.

78 CLRO, JCC, COL/CC/01/01/028 f. 238v.

79 CLRO, JCC, COL/CC/01/01/028 f. 341v.

80 CLRO, JCC, COL/CC/01/01/030 f. 167v.

81 CLRO, JCC, COL/CC/01/01/029 f. 30.

82 CLRO, Reps. COL/CA/01/01/049 ff. 24v-5.
to trade and, more importantly, who was not, when and where they could do so, and how and what they could trade. Many of the regulatory concerns are evident in a summary of acts and ordinances recorded in 1613, which, for ‘want of due observation’ and ‘due execution against the breakers and contemners thereof’, had caused ‘great and many injuries and losses’ to ‘the kings majesties Subiects Inhabitants within this Cittie of London and the liberties of the same’ (see figure 3.1). This summary was part of what the Lord Mayor, Sir Thomas Middleton, styled a gentle warning, and was followed by orders directed at controlling the food trades. These included the prohibition of the trade of food on the Sabbath, an admonition for the use of correct measures and for the observation of meatless days, as well as orders for the markets and streets. These orders divided sellers within the City by status according to whether they were citizens and company members or their servants and family or not, and set out whether, where and when the different groups could legitimately trade. On the grounds that existing acts were not being adequately enforced, a more comprehensive umbrella act was passed in 1646 that encompassed the multiple issues about regulating trade within the city. As will be discussed in later chapters, this enactment came after a string of complaints and counter complaints lodged by a range of traders operating in London, and sought to resolve the bitter conflicts between guild and country traders supplying essential food wares to the city. While the act was revised in 1657 during the commonwealth, it was the 1646 act that was invoked in calls for better regulation of the markets for most of the rest of the century. No matter how contentious such regulation might at times have been, the City’s acts and supporting orders for their better implementation reinforced the City’s role in regulating the formal markets of London.

Although acts might be issued more than once, they were relatively permanent, requiring an act of repeal to be officially removed from use. The longevity of some of these Acts is evident in an Index of unrepealed laws still extant in 1766 where some items date back

83 CLRO, Letter Books, COL/AD/01 BB ff. 142-143.CLRO, JCC COL/CC/01/01/027 ff. 6-7; /028 f. 349v; /029 ff. 228v-229, 300-02, 303v; /037 ff. 204-5; /041 f. 145v, 189v; /044 107-v.
84 CLRO, JCC COL/CC/01/01/030 ff. 111v.
85 Both the summary and the fuller entries detailing specific prohibitions to be reinforced that followed were similarly weighted towards control of the food traders, with six of the twelve items directly concerning the sale of food and a further two pertaining to the related drink trades. By comparison only one item related to the cloth trade and no other trade area was specifically covered.
86 See section 3, particularly chapters 5 and 6 for a more detailed discussion of these divisions.
87 CLRO, JCC COL/CC/01/01/041 ff. 196v-198v.
88 See chapters 4 and 6.
89 CLRO, Reps COL/CA/01/01/067 ff. 80-1, /071 ff. 272-3, /073 ff. 199v & 259v-260, /074 ff. 15v-16v & 37v-38, /099 f. 190.
90 CLRO, JCC COL/CC/01/01/030 ff. 111v-113. See also /027 ff. 320v-322; /041 ff. 196c-198v; /043 ff. 142-v, 216v-217v, 248-9; /045 198v-201v.
over 200 years. Acts of Common Council relating to the sale of spices in London were enacted on the 27th September 1512, 20th February 1527 and 27th June 1548. The Act of 1548 also specifically recites the Act of 1527. After this date references to the garbling of spices in the Journals of Common Council reinforced or ordered the recognition and enforcement of the 1548 act. Orders were shorter-term instructions, often dealing with immediate issues or responding to calls to implement or observe the crown and parliamentary statutes. The plague orders and the orders for the better observance of Lent and the Sabbath, for example, were reissued as needed, often after prompting from the Privy Council or the crown. In 1630, for example, orders to the Wards to be more diligent in searching and ensuring the streets are cleaned and other plague measures observed followed letters from the Privy Council to the Lord Mayor complaining about his lack of action. Another order periodically reissued to the Aldermen of the wards was that for the more effective operation of the wardmotes. Like orders for the better regulation of the London’s streets and markets, these orders were issued in response to concerns that the City’s laws were not being enforced.

Where the passing of an act by the City’s government failed to resolve an issue, despite repeated orders for its enforcement, it was not uncommon for the City government (and/or other parties, such as the livery companies) to press for the regulation to be passed into national law. The Statute of 1 James I for the well garbling of spices was largely based on London’s earlier acts of common council. In the late seventeenth century both the companies and the City pushed, if unsuccessfully, for a similar enshrining of the 1646 Act of Common Council for the well ordering of the London markets in statute law.
Like the City of London, the livery companies operated on the basis of power granted by royal charter which gave them the right to set ordinances to regulate their trades. Although most of the food trade companies had a long existence, it was with the grant of full charters of incorporation that they gained the right to have their own hall, to search all practicing the trade and to fine offenders against their ordinances, whether or not such offenders were members of the Company. Their charters also allowed them to directly pursue cases in the courts of law. Even though, once these ordinances were set, it was the right and responsibility of the companies to police their trades and impose fines, the ordinances had to be approved by the City government, and the Court of Aldermen had right of veto over any of the ordinances they proposed.

99 CLRO, JCC, COL/CC/01/01/030 ff. 111v-113. See Fig. 3.2 below for a reproduction of the original document.
100 Jones, The Worshipful Company of Poulters, p. 16.
101 Jones, The Worshipful Company of Poulters, pp. 9-10, points out that the Statute of 19 Henry VII, c. 7 requiring ordinances for London Companies to be approved by the Lord Chancellor and the Court of Aldermen was still in force in the twentieth century. The contention that the operation of this right could bring is evident in the correspondence between James I and the city over the granting of a separate charter to the apothecaries. See Worshipful Company of Grocers and William Le Hardy, Calendar to the Court Minute Books, 1556-1692, volume 2 (1591-1616), London, 1930, p. 729-30; Corporation of London, Remembrancia, VIII, 26; Mary Anne Everitt Green (ed.), Calendar of State Papers, Domestic Series, of the Reign of James I: 1611-1618, London, Longman, Brown, Green, Longmans, & Roberts, 1858, p. 507; Mary Anne Everitt Green (ed.), Calendar of State Papers, Domestic Series, of the Reign of James I:
The charters set out the physical boundaries of each company’s jurisdiction, though how far this extended differed from company to company. The jurisdiction of the Fishmongers’ Company, whose charter instructed them to oversee all selling fish and seafood ‘within the same City of London, Liberties or Suburbs of the same City, or within the same Borough of Southwark, and the Liberties and Precincts of the same Borough’, matched that of the City government. Most other companies had a wider regulatory remit. This ranged from the one to two miles from London granted to the Bakers’ and Butchers’ Companies, to the six and seven miles granted the Gardeners, Poulters and Grocers, though the latter had their rights curtailed to three miles once the Apothecaries’ Company gained separate incorporation and took over control of medical wares. The

1623-1625, London, Longman, Brown, Green, Longmans, & Roberts, 1858, pp. 218, 256 & 290. The City backed the Grocers’ attempts to prevent the split within the trade, bringing them into conflict with James I, who after seven years of lobbying by the Apothecaries and objections from the Grocers’ and the Corporation, granted a separate charter in 1617. This was met with further opposition, which led to further direct intervention from James, who ordered the Mayor and Aldermen to enrol the charter in 1617, rebuked the city government regarding the recognition of the Apothecaries’ apprentices in 1618 and enacted an Act of Incorporation in 1624. James framed his insistence upon the separation of the two companies as being a part of his prerogative to protect his subjects’ health, with the Grocers’ Company depicted as incompetent to make judgements on medical matters.

102 The Last Incorporation of the Worshipful Company of Fishmongers, of London: To Which Is Annexed Several of the Most Particular Bye-Laws of the Said Company; and Also a Summary of Their Meetings, Gifts, Appointments, &C, London, 1790, p. 13 [MMW, accessed 14/05/2009].

widest search area of twelve miles from London was granted to the Bakers under their revised charter in 1665.\textsuperscript{104} While the physical limits of control differed, within these boundaries the Companies’ responsibilities were similar. Their charters all granted the right to establish rules of acceptable trade practice, both with regard to the quality of goods sold and to the behaviour and responsibilities of company members.

The charters gave general indications of the Companies’ rights and responsibilities, the specifics of their areas of control were articulated in the ordinances. The ordinances outlined procedural, behavioural and environmental rules relating to a trade. In addition, they addressed economic and health concerns, which were set out in rules to ensure food quality, and often also specified the mechanisms of search.

Procedural rules outlined the fees to be paid for membership, the election of officers, the taking of apprentices and the oaths each type of member and officer was required to swear. Behavioural rules set standards of dress as well as stipulating how members were to behave both towards each other and towards customers and members of the general public. For example, the Fishmongers were reminded in 1604 that they were required by Company rules to ‘stand cleny in their marketts w[i]th their sleeves white and cleane, their knyves cleny kept, their salted fishe well and orderly seasoned, and the streets to be cleanly kept from tyme to tyme’.\textsuperscript{105} Similarly, the Butchers’ ordinances reasoned that as ‘decent and comely apparell is to be used by the Citizens of soe noble a Cittye as London’, members wearing ‘the livery gowne and hood shall weare a rounde Cappe of wooll and not a hatt’, the master and assistants were to sit in court and all other assemblies ‘in a gowne and a cappe and neither in Cloake nor hatt’, and freemen coming before the Company court in the hall were to wear a gown and not a cloak.\textsuperscript{106} In addition, no member or their servants was ‘to go about on the Sabbath or Festival days in their apron’\textsuperscript{107}. All of the companies ruled against disputes between members being aired in public. Some, like the Butchers, also ordered that no member was to revile other members or their wares.\textsuperscript{108}

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\textsuperscript{104} Thrupp, The Worshipful Company of Bakers, p. 54.
\textsuperscript{105} GL MS 05572 vol.1, 02/07/1604 f. 396.
\textsuperscript{106} GL MS 10561 ff. 93-4 (item 52).
\textsuperscript{107} GL MS 09809 f. 7 (item 65) & GL MS 10561 ff. 85-6 & 96-7 (Items 36, 37 & 55). The Poulterers and Gardeners also gave this order. GL MS 02169 f. 7 (Item 39); Melvyn Barnes, Root and Branch: A History of the Worshipful Company of Gardeners of London, London, The Worshipful Company of Gardeners, 1994, p. 32.
\end{flushright}
Environmental rules, such as the Butchers’ ordinances against running blood down the streets or dumping offal, and the Fishmongers’ order that ‘no unsavery water be put out by any but at due tymes’, aimed to prevent the physical pollution of the streets. They also regulated against specific practices, such as the slaughter of pregnant ewes in lamb or the sale of undersized or unseasonal fish, which potentially endangered the future supply of food to London. As well as endangering supply, food that was consumed out of season or at the wrong age also posed a health risk according to early modern health writers.

The ordinances outlined not only the standards to be met and the actions to be taken by company governors, but also the punishments to be imposed upon transgressors. Although all of the Companies’ ordinances, at least in the seventeenth century, stipulated that searches should be conducted to ensure that food sold in London was of good quality and the public was not defrauded, they differed widely in who could be searched and in the actions to be taken against offenders. At one end of the spectrum was the Butchers’ Company, who ordered that all people selling meat were to be searched and offenders dealt with in the Company’s Court of Assistants. It was only where someone refused to pay the fine that further action could be taken. In the ordinances issued in the early seventeenth century, where offenders refused to pay a fine, the wardens of the Company could enter premises and seize goods to the value owed. Alternatively, they could ‘recover the same by accion of debt or otherwise punyshe the Offender or Offenders according to the lawes of this Realme’. By the eighteenth century, the option of distraining goods to meet costs was not included in the orders. Instead, all failing to pay fines were to be dealt with as debtors in the courts at Westminster. In this way, the persons appointed by the company acted as the informers referred to in the statutes prohibiting the sale of unwholesome meat. At the other end of the spectrum were the Bakers’ ordinances, which provide the least detail for dealing with quality offences. While their order for the observance of the assize included an instruction that the search was to be for ‘stuffe’ as well as for weight, both the fine and the order to seize goods and distribute them to the poor was directed

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109 GL MS 10561 f. 92-3 (items 50 & 51); GL MS 05572 vol. 1, 02/07/1604 f. 396.
110 GL MS 10561 ff. 21-2 (item 37), 23 (item 41), 89-90 (item 42 & 43); GL MS 05842 ff. 15-17 (item 18) & 22-3 (item 28).
111 See chapter 1.
112 By the end of the first quarter of the eighteenth century the Grocers’ ordinances omitted the order to search produce to ensure quality. See GL MS 11639 f. 29 (item 19) compared to GL MS 11640 pp. i-ii & 1-4.
113 See GL MS 09809 f. 8 (item 87); GL MS 10561 ff. 100-1 (item 61).
114 The Butchers’ ordinances of 1752 called for the prosecution of defaulters on fines ‘by action of Debt in any of his Majesty’s Courts of record at Westminster’. GL MS 10561 ff. 30v-31 (item 58). A similar instruction is given in the Poulters’ ordinances of 1669. See GL MS 02169 f. 10 (item 67).
115 See p. 94 above.
against bread of incorrect weight.\textsuperscript{116} The separate order against the sale of unwholesome bread included no instructions for how offences were to be punished.\textsuperscript{117} While this could be because the assize of bread was so well known they were not necessary, it could equally point to a disinclination of the Bakers’ Company to police this.\textsuperscript{118}

The actions outlined in the Fishmongers’ and Poulters’ ordinances fell between these two extremes. The Fishmongers’ ordinances stipulated that all fish sold in the markets was to be inspected by at least two of the Company wardens accompanied by the beadle and at least one of the trading fishmongers. Follow-up searches were to be made of shops and warehouses in other locations where they belonged to those found selling defective goods in the markets.\textsuperscript{119} However, the order then differentiated the manner in which member and non-member offenders were to be treated. Offending members were to be fined in the Fishmongers’ Court of Assistants, while other offenders were to be presented by ‘indictings or informac[i]ons’ by the wardens of the yeomanry. The court in which this was to occur was not specified in this order, but an order for the better enforcement of the 1611 Act of Common Council to regulate the fishwives stated that those found hawking goods in the streets without a licence were to be sent to Bridewell.\textsuperscript{120}

The Poulters’ Company ordinances, ratified in 1669, also directed the Company’s wardens to search all selling their wares and to present most offences in the Company’s Court.\textsuperscript{121} However, when the punishment involved the destruction of suspect wares both the offender and the offensive items were to be first presented before the Lord Mayor.\textsuperscript{122}

As Wallis has noted, whereas offenders from manufacturing guilds – who were dealt with informally by the Lord Mayor – rarely showed up officially in the records of the Court of Aldermen, offending poulters had a greater presence.\textsuperscript{123} The likely reason for this apparent discrepancy was that the Poulters’ ordinances specifically order this action, making it much more likely that offending poulters would be dealt with in the Court of Aldermen. The Butchers’ Company was the only other Company to stipulate the court where defaulters were to be presented. Their regulations ordered that those refusing to pay fines set by the Company were to be sued as debtors, a pathway of prosecution that would leave little if any evidence of the original offence committed. This differing specificity in

\textsuperscript{116} GL MS 05197A f. 11 (item 25).
\textsuperscript{117} GL MS 05197A f. 13-14 (item 33).
\textsuperscript{118} Thrupp, The Worshipful Company of Bakers, pp. 25 & 29, has pointed to the relaxation of the Bakers efforts to regulate over much of the seventeenth century.
\textsuperscript{119} GL MS 05842 ff. 15-16.
\textsuperscript{120} CLRO, JCC, COL/CC/01/01/029 ff. 300-302 & 303v.
\textsuperscript{121} GL MS 02169 f. 5 (item 26).
\textsuperscript{122} GL MS 02169 f. 9 (item 59).
the instructions for dealing with offences outside the company courts would have affected not only where, but also how cases were presented in the courts for most of the food trades. As many of the statutes regarding food quality allowed offences to be sued as debts to recover fines in one of the courts of record, the companies’ representatives could become one of the types of informers encouraged to bring suit under statute law.

It was not only where punishments were meted out to offenders that differed. Company ordinances also differed in the punishments they set and the degree of discretion officially granted their courts in imposing such punishments. With a few exceptions, which mostly relate to the sale of corrupt food, the penalties outlined in the seventeenth-century ordinances involved fines. This was also the case for repeat offences. These fines ranged in value from a few pence to several pounds depending on the type of offence committed. However, while penalties for the sale of bad food and for denying civic authority tended to be higher than other types of offence, the relative weighting given to the different categories of offence in the ordinances was not consistent.

In the Butchers’ ordinances offences against civic authority tended to attract much higher fines per instance than those relating to trade practice. The ordinances of 1607 set a fine of five pounds for ‘every person and persons that shall or doth resist deny disobey vex truble reprove or molest the Maister and Wardens or any foure three or twoe of them in any of their search or searches hereafter’. A similar amount was imposed on those refusing to contribute to the cost of maintaining the barrow houses, where refuse from the trade was stored until it could be disposed of. The fines for those who ‘openly or privily revile or misuse with any evil or undue speeches or wordes of reproach’ other members of the Company were set at twenty shillings if the master or one of the wardens was abused, or ten shillings if an ordinary member. In contrast, the fines for fraudulent treatment of food were much lower. Propping calves’ kidneys to make them look bigger or stuffing lambs’ kidneys with ‘ragges and cloutes somtymes with other fowle thinges’ attracted fines of six pence and twelve pence respectively. Blowing up carcasses with air to

124 GL MS 10561 p. 79 (item 28).
125 GL MS 10561 pp. 82-3 (item 33).
126 GL MS 10561 pp. 85-6 (items 36-7). This ordinance was a repetition with different wording of item 35 which exhorted members to ‘be and shewe themselves to be of good and honest behavyour and bearing as well in their wordes as in their deedes towards the Maister and Wardens of the said Art and mistery and their Assistants for the tyme being and tractable confomable and obedient to all and every lawfull constitucions orders ordinances and institucions made or to be made by the Maister and Wardens of the saide mistery touching the saide Art or mistery or any thinge concernyng the same’, outlining that any members ‘founde willfull obstinate or disobedient against the Maister Wardens or Assistants or any of them to the lett hindrance or disturbance of the due execucion of any of their offices’ were to be fined twenty shillings.
make them look more substantial also attracted a fine of twelve pence and selling quarters of lamb or pig with too few ribs attached incurred a fine of six pence.\textsuperscript{127}

While never attracting the amounts incurred for refusing the authority of the Company government, trade infringements were more severe where they posed a danger to health. The order that butchers ‘shall hereafter kill noe beife in the afternone of one day and breake out or sell the same the next mornyng following nor shall hereafter kill any ox or oxen upon whitsenday Eve, Christmas Eve or Easter Eve and cutt out or sell the same on Monday then next following or on Sainte Stevens Day’ was deemed necessary on the grounds that ‘beife newe killed and cutt out before it be thoroughly colde will hardly take salt or longe contynue sweete and soe verie unprofitable for the buyer’.\textsuperscript{128} Butchers breaching this order were to be fined three shillings and four pence. Similarly, the sale of meat from diseased animals was one of the few offences that incurred the destruction of the goods and a compulsory stint in prison of up to 24 hours, although the Master and Wardens of the Butchers’ Company had discretionary powers over the length of time imposed.\textsuperscript{129} In this instance no fine was issued. A similar exception was made in the case of those found hawking meat where, in addition to a fine of ten shillings being imposed, the offending produce was to be confiscated and distributed to the poor inmates of Bethlelam Hospital or Newgate and Ludgate prison.\textsuperscript{130} This additional punishment may have been due to the offence being connected with the sale of unwholesome meat.

The Fishmongers’ ordinances allowed a similar degree of flexibility in the amounts that could be imposed for infringements. For example, where members or their servants were caught selling unwholesome fish they were to be fined ‘a sum\[m\]e of forty shillings or A greater or lesser sum\[m\]e of money not exceeding Tenne pounds’ for each breach.\textsuperscript{131} Again, the possible fine was capped at a maximum amount. The Fishmongers’ ordinances also imposed heavier penalties for those selling fish deemed unwholesome than for purely economic frauds. In contrast to the forty shilling fine for bad or poor quality fish, the fine for selling barrels of fish that are not fully packed was five shillings per barrel, although no cap as placed on this fine.\textsuperscript{132}

\textsuperscript{127} GL MS 10561 pp. 86-7 (item 38 & 39), 87-8 (item 40) & 90 (items 45 & 46).
\textsuperscript{128} GL MS 10561 pp. 88-9 (item 41).
\textsuperscript{129} GL 10561 pp. 97-8 (item 57). The Master and Wardens of the Company were authorized ‘to sease and take away all such brawne pork bacon Sowse and other corrupt stincking and unholsome vittayles putt to sale uttered or sold contrary to this Ordynance and the same to condemne or give to prison howses and to punish the Offenders by imprisonement of their bodies by the space of xxiiij hours or lesse at the discrecion of the Maister and Wardens’.
\textsuperscript{130} GL 10561, p. 79 (item 28) In this instance, however, it was possible for the offender to pay an additional amount equal in value to the goods that should be seized in order to retain the produce.
\textsuperscript{131} GL MS 05842 f. 24 (item 32).
\textsuperscript{132} GL MS 05842 f. 22 (item 26).
This flexibility was not present in the ordinances of all of the food companies. Although the Brown Bakers’ ordinances of 1625 and Poulters’ ordinances of 1669 set fines for similar types of transgressions to the Butchers’, fines for almost all types of offence were given as fixed amounts. The exception was where a poulter was found guilty of engrossing warrens, an offence which nominally incurred a fine of ten pounds. While this was the highest fine the Poulter’s Company could mete out, and while there was nothing in the order to indicate that a lesser amount could be set, the ordinance allowed the master and wardens to use their discretion and impose an alternative penalty. The alternative allowed for the enforced redistribution of wares to other sellers in London at prices determined by the Company government. All other fines were given as finite amounts, ranging from five shillings for reviling the wares of other poulters, to three pounds six shillings and eight pence for selling unwholesome food or for foreigners trading outside the set markets. No mention was made to possible discretionary mitigation in any of these circumstances.

In addition, not all Companies showed the same pattern of priority. Whereas the Butchers and Brown Bakers imposed heavier fines for failure to recognize the authority of the company, the Poulters’ ordinances outlined heavier penalties for the sale of unwholesome wares than they did for refusing to obey company officers or for reviling other members, both of which offences attracted a twenty shilling fine. Like the Butchers’ ordinances, both the Bakers’ and the Poulters’ ordinances ordered the seizure of substandard goods in addition to a fine. However, in the Poulters’ orders, suspect wares had to be carried before the Lord Mayor of London prior to disposal ‘according to the lawdable Custome of the Citty of London touching unwholesome Victualls’. This requirement for the presence of the Lord Mayor before punishment could be imposed enforced the hierarchy of power within the City, and subordinated guild autonomy to the City government’s authority. The requirement may have been inserted into the Poulters’ ordinances to avoid the issue complained of by the Corporation against the ordinances of other Companies, where a conflict of interest was identified if Company members were in

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133 GL MS 02169, GL MS 05197A.
134 GL MS 02169 f. 9 (item 57).
135 GL MS 02169 ff. 7 (item 39) & 9 (item 58 & 59). In the latter two items the fines were set at five marks. According to Lionel Munby, How Much Is That Worth?, 2nd edn., Chichester, Phillimore & Co Ltd., 1996, p. 13, this is equivalent to eight hundred pence or three pounds, six shillings and eight pence.
136 GL MS 05197A f. 12 (item 25), 13-14 (item 33). Denial of search incurred a fine of twenty shillings, whereas those selling unwholesome bread were fined ten shillings.
137 GL 02169 f. 7 (items 38 & 39).
138 GL 02169 f. 5 (item 26). The order against selling poulter’s wares that ‘bee musty or unsavoury for mans meete’ also stipulated that sufficient proof had to be brought and that the case had to first be tried or confessed before an Alderman or before the Master and Wardens of the Company before any trader could be found guilty, it was after this had been established that the formal punishment would have been carried out. GL MS 02169 f. 9 (item 59).
charge of seizing the goods of rival tradesmen practicing their trade.\textsuperscript{139} It would also have helped ensure that the City’s cooperation would be forthcoming in punishing offenders.

The different levels of legislation were differentiated by the degree of specificity in their wording and in the increasingly localized area of control they allowed. An example of these differences can be seen in the layers of regulation for the meat trades. Statutes and proclamations made by the sovereign, Lords of Council or parliament dealt with ensuring national supply and preventing the artificial inflation of prices. Like the Lenten measures already discussed, statutes enacted for the preservation of fish and game were also framed in terms of conserving food supplies.\textsuperscript{140} The main focus was on preventing dearth, hence the changeable nature of regulation regarding overseas trade where prohibitions were issued in some years, only to be lifted again once the crisis had passed and a surplus was available.\textsuperscript{141} Regulations for encouraging improvements in agriculture and prescribing minimum ages at which animals could be slaughtered had a similar intent.\textsuperscript{142} While a few laws were enacted to deal with problems related to specific locales within the Kingdom, most of the statutes were wider ranging, applying to England and Wales as a whole.

The City government, on the other hand, was more concerned with controlling local supplies and sales of food. The regulations of the Corporation centred on where, when, how and by whom food could be sold within the City.\textsuperscript{143} Most of these concerns were aimed at keeping food traders in visible locations for easier oversight and control, with this need for clear oversight in turn overtly linked to preventing frauds including those related to quality, weights and prices. Both a 1633 petition lodged by the Butchers’

\textsuperscript{140} For the discussion of the purpose of fish-days see p. 92 above. For statutes for the preservation of fish and game see I James I c. 23, 25 & 27, 7 James I c. 11, 22 Charles II c. 25, 30 Charles II c. 9, 4 Anne c. 21, 5 Anne c. 14, 9 Anne c. 25 & 26, \textit{The Statutes at Large}, 1758, volume 2, pp. 520-2, 527-8, 570-1, 855; volume 3, pp. 489-90, 510-12 & 764-7. These were additional to the Books of Orders and Proclamations issued in times of dearth to regulate the distribution and sale of grain, which were also issued in periods of dearth. Slack, ‘Dearth and Social Policy’. See also 22 & 23 Charles II, c. 7 for ‘An Act to prevent the malicious burning of houses, Stacks of Corn and Hay and Killing or Maiming of Cattle’, and also 15 Charles II, c. 8 and 22&23 Charles II, c. 19 re the ‘Act prohibiting butchers Buying and selling of Fat cattle’ which was aimed at preventing price manipulation, \textit{The Statutes at Large}, 1758, volume 2, pp. 818-19, 740 & 830.
\textsuperscript{141} While the main focus of these fluctuations in policy was grain, this was not the only produce that attracted export bans and restrictions; R. B. Outhwaite, ‘Dearth and Government Intervention in English Grain Markets, 1590-1700’, \textit{Economic History Review}, vol.34, no.3, 1981, pp. 389-406. In February 1647, for example, the fishmongers petitioned the Corporation for Parliamentary action to restrain fishermen from exporting fish to France during a time of shortage in England in order to sustain supplies. See Worshipful Company of Fishmongers, \textit{Calendar of Minute Books}, volume 4, p. 13.
\textsuperscript{142} See for example ‘An Act against killing young Beasts called Weanlings’ continued under I James I, c. 25 & 21 James I, c. 28, \textit{The Statutes at Large}, 1758, volume 2, pp. 522 & 597-601.
\textsuperscript{143} CLRO, \textit{JCC COL/CC/01/01/034} f. 17v; /036 ff. 259-v, 332-3; /039 f. 206; /041 ff. 196v-198v; /044 210-v & /045 ff. 198v-210v. CLRO, \textit{Reps. COL/CA/01/01/044} f. 148v; /045 ff. 57v-8; /046 ff. 206v; /048 ff. 268v-9, 375-v; /049 ff. 94, 290; /051 ff. 84-v, 251, 379; /052 ff. 283v-284, 395v; /055 f. 206; /056 f. 27; /057 ff. 280v-81; /059 f. 91v; /060 f. 212-v; /061 ff. 5, 188v, 217v; /062 ff. 19v, 29v, 174, /064 86v; /067 f. 257; /071 ff. 272-3; /072 f. 63 & /076 f. 47.
Company with the Court of Aldermen calling for the better execution of the Act of Common Council to reform the abuses in the markets, and the Aldermanic report that followed it, linked market abuses and the sale of stolen and unwholesome meat to offences against the observance of market times. The Act of Common Council enacted in October 1646 drew a similar connection.

If sales in the markets, but outside the designated times, were suspect, they at least took place within a known locale. Sales outside the market space were even more connected to fraud. Those selling butchers' wares in London featured prominently in The Laws of the Markette, which were published repeatedly over the sixteenth and seventeenth centuries and became increasingly detailed in their listings of illegal locations for the sale of food. These included a prohibition on meat and other foods sold ‘under private stalls or at Tavern-Doors, or in any private house, Lane, Alley, Inn, Warehouse, Street, Stall, or Common-passages, or in any private place or places, nor … carried up and down, and sold by way of haw[k]ing.’ In other words, sales in all other possible locations outside the licensed markets, or known shops belonging to Company members, were prohibited.

The Companies’ regulations were the most specific of all, focusing only on those engaged in the particular trade a company represented within London and its immediate environs. For the meat trades this meant those trading in butchers’ and poulters’ wares. The Butchers’ ordinances gave very detailed instructions on acceptable trade practices and of trade abuses to be avoided and prevented. Of the sixty-eight items covered in their 1607 ordinances, nineteen related to trade practices. These included two outlining the

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144 CLRO, Reps. COL/CA/01/01/073 ff. 199-v & 259v-260v.
145 CLRO, JCC, COL/CC/01/01/041 ff. 196v-198v.
148 In many of the Companies it was necessary to get official permission to set up a shop outside the market area for the specific trade.
149 GL MS 10561.
150 GL MS 10561. Thirteen other items related to the keeping of good order both between members and in the butchers’ conduct within the broader community. Internal good order included items prohibiting the
company’s powers of search and asserted the right of the master and wardens to enter
premises where meat products were sold to inspect produce and fine breaches of quality.
The second of these also stated their right to distrain goods where butchers refused to pay
fines, although to carry this out they required the bailiff or a constable to be present. This
ordinance was altered by the end of the century.\textsuperscript{151} The other seventeen items in this group
prohibited frauds such as the stuffing of kidneys with cloths or rags to make them appear
larger, the sale of animal carcasses deceitfully enlarged by being “blown”, or the sale of
flesh from diseased animals, such as measled pork and brawn and murrained cattle. They
also prohibited the pollution of the environment caused by the dumping of offal or
allowing blood to run in the streets. Echoing the City’s market regulations, forestalling and
engrossing of meat products to drive up prices and the use of illegal or deceitful weights
were also prohibited.

A similar differentiation of focus is evident in the regulations for the trade in butter
and cheese. A 1623 statute outlined limitations on retailing butter and cheese that applied
to the entire realm of England. While this “explanation” adjusted the existing law to allow
traders of cheese and butter ‘within London and its Liberties thereof, or within the Borough
of Southwark or the City of Westminster’ to sell larger quantities to facilitate the victualling of
ships, the final clause enabled ‘Justices of the Peace of any of the Counties of this Realm of
England or the Dominion of Wales’ to restrict the London traders buying supplies in other
areas of the realm.\textsuperscript{152}

In contrast, orders that appear in the \textit{Repertories of the Court of Aldermen} pertained
only to local conditions. They defined who was permitted to retail butter and cheese within
the City. An order in 1634 reiterated an earlier order made in February 1614 allowing
freemen’s wives to sell salt butter in Leadenhall Market.\textsuperscript{153} It also specified that they were to
be rigorously regulated, though it gives no indication as to who was to do this. This may be
because the arrangements outlined in earlier orders in the 1590s were still in place.\textsuperscript{154} That
this order was specific to the City itself is evident in indictments of freemen’s wives that

\textsuperscript{151} GL MS 10561
\textsuperscript{152} 21 James I c. 22, ‘An Act for the Explanation of the Statutes made in the third, fourth and fifth Years
of King Edward the Sixth, concerning the Traders in Butter and Cheese’; \textit{The Statutes at Large}, 1758,
volume 2, pp. 593-4.
\textsuperscript{153} CLRRO, Reps. COL/CA/01/01/052, ff. 283v-284.
\textsuperscript{154} CLRRO, Reps. COL/CA/01/01/024, f. 165. In 1597 the Court of Aldermen ordered that the Clerk of the
Market was to seize corrupt butter put to sale in Cheapside and distribute it to the poor. A later order from
1599 decreed that two people from the Tallow Chandlers’ Company were to search and pursue sellers of
corrupt oil and vinegar.
appeared contemporaneously in the Westminster sessions and Southwark Leet Court records.\textsuperscript{155} While the City order may have neglected to state how regulation was to occur, the guild records give more information. The minutes for the Grocers’ Company from 1600 record that the company had agreed to pay for two people appointed by tallow chandlers to search and prosecute those selling corrupt oil, vinegar, salt and butter.\textsuperscript{156} By 1669 the Poulters’ Company ordinances included butter among the products the master, wardens and assistants of the Company were to examine when they searched for unwholesome wares.\textsuperscript{157} The minute books for the Poulters’ Court of Assistants also contain evidence of the granting of special licences to non-company members, usually women, selling butter and eggs in the City of London.\textsuperscript{158} The women granted these licences were not the wives of freemen of the Company.\textsuperscript{159}

The different laws and orders extant for the food trades indicated a range of people appointed by both the Corporation and the Livery Companies to detect and prosecute breaches of the rules. These included the companies’ master, wardens and assistants or other appointed searchers, who might be accompanied by the City’s constables if goods were to be seized, the beadles for each ward and/or those appointed as the wardmote court, the clerk of the markets and his officers. In addition, many of the statutes allowed for private or professional informers to bring suits against food traders in return for which they stood to gain financial rewards should the suit be successful. Similarly, in the second half of the seventeenth century, the City appointed a solicitor to prosecute nuisance breaches. The multiple layers of legislation also allowed for food offences to appear in a range of courts. If traders infringed company ordinances, they could be dealt with either by summary fines imposed by company officers or before the Companies’ Courts of Assistants. Alternatively, offences within the markets could be dealt with by the Clerk of the Markets, or by other city officers such as the garbeller and his assistants. In addition, if the offence was covered by statute it could be presented either in a court of record, such as the Court of the Exchequer in Westminster, or in the leet courts. Alternatively they could also be brought before the Justices of the peace either individually or in sessions. In London this would mean before either the Lord Mayor or Aldermen who fulfilled the roles

\textsuperscript{155} CLRO, CLA/043/01/009 (Southwark Box 2) Presentments of the Leet Courts of Southwark 26/10/1620; LMA, WJ/SR(NS)26/101 & /111; LMA, WJ/SR(NS)50/119 & /183.

\textsuperscript{156} Worshipful Company of Grocers, \textit{Calendar to the Minutes of the Court of Assistants}, volume 2, p. 165.

\textsuperscript{157} GL MS 02169 f. 5, item 26. This was repeated in the later ordinances of 1688 and 1728. GL MS 02168 ff. 5-6 & 05073 ff. 20-1.

\textsuperscript{158} See the entries for licensing Margaret Bowden and Phoebe Evans. Evans was under threat of prosecution for trading without a licence in Leadenhall. The records for December 1713 [f. 97v] show a similar process from threat of prosecution for unlicensed trade to granting of a licence for Jane Renock. GL MS 02148 vol. 1, ff. [31v & 97v] (my numbering).

\textsuperscript{159} GL MS 02148 vol. 1, ff. [31v & 97v]. The minutes state that if Bowden did not abide by the conditions of her licence, ‘then her husband is to take his freedom of the company’. Evans lived in Wapping.
of Justices in the City of London, or before the sessions of the Court of Aldermen. Street traders could also be presented to the Governors’ Court at Bridewell.\footnote{Griffiths, \textit{Lost Londons}, pp. 123-33.}

**Implications and conclusions**

This myriad of potential searchers, courts and methods of punishment hardly fits the streamlined image of Burnett’s depiction of early modern food regulation, though it does show that regulation of the food trades was a concern for all levels of government in this period. However, this very variety in the range of possibilities for the prosecution of food trade offences has implications for the likely survival of records of enforcement.\footnote{See pp. 16-17 for a more detailed discussion of issues effecting the survival of written records.} In examining the evidence of economic regulation in the sessions records for Essex, Sharpe found only scattered cases of fraud, and the numbers of presentments and indictments for forestalling and engrossing did not correlate with price fluctuations and dearth years which could be expected to result in greater levels of prosecution.\footnote{Sharpe, \textit{Crime in Seventeenth-Century England}, chapter 3, especially pp. 39-41.} This pattern may have occurred because this was not the court used to deal with these offences. Sharpe did not examine the evidence for the leet courts.\footnote{Sharpe, \textit{Crime in Seventeenth-Century England}, p. 40.} However, it could also be explained by the fact that these kinds of offence were ‘only rarely reflected in the comparatively lofty heights of an indictment’, the stage of the process of dealing with misdemeanours that generated more detailed records.\footnote{Sharpe, \textit{Crime in Seventeenth-Century England}, p. 41.}

Many cases would never have made it into the formal courts. If detected during a search by Company officers or the officers of the Clerk of the Markets, little evidence of the crime committed would have been recorded where summary fines were paid and where the seizure of defective wares went uncontested. As Shoemaker has indicated, a similar pattern would have occurred where offenders were taken before a justice out of sessions and did not contest the offence.\footnote{Shoemaker, \textit{Prosecution and Punishment}, pp. 48-9.} In addition, if informers, whether private individuals or Company officers, sued offenders as debtors (as many of the statutes allowed), then this could occur in the courts of record at Westminster or before the leet or sessions courts. Again it is unlikely that the food-related nature of the offence would be detailed in the suit. This would also have been true where a warrant was issued to distrain goods in lieu of a fine. The offence had become debt, not the original fraud that occasioned it. It would only be where offenders refused to submit to the Company court, refused to pay fines or resisted the search of their premises, or where the offence was on such a scale that it needed to be addressed more harshly that offenders appeared in the higher levels of the
court. Even then, it was not always for the original food-related offence. Just as refusal to pay fines could bring a suit of debt, if offenders resisted search or the seizure of goods, they were more likely to appear before the Companies’ Courts of Assistants or the Court of Aldermen for assault than for the fraud that may have started the affray.

One of the reasons for the variance in how and where offences could be presented linked to the different powers awarded to different levels of authority. The guild courts, wardmotes and the Clerk of the Market could inspect and fine offenders, but could not impose physical punishments. If their right to punish offenders was contested then they needed the cooperation of other levels of authority to support their decisions and enforce conformity. With so many overlapping areas of jurisdiction, cooperation was required between Company and City authorities if effective regulation and punishment for breaches was to be maintained. So, to this extent, Burnett was correct in surmising that cooperation between authorities was a necessary requirement for preventing or discouraging fraud. That it was a precondition of regulation does not mean, however, that it necessarily occurred. Furthermore, with so many authorities involved in the oversight of the trades, what was in theory everyone’s problem could easily become no-one’s. A reexamination of the guilds, their authority and their relationship with the City in enforcing food standards is required, and forms the basis of discussion in the following chapter.

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166 See Shoemaker, *Prosecution and Punishment*, pp. 23-31, for a description of the normal process to indictment.
Chapter 4. The Practice of Company Regulation

The great abuses & disorders practized in the Marketts of the City of London are occasioned not through the want of good Lawes but rather through the Corruption or negligence of the ... officers in ye execution of ye Lawes already made.  

Repetories of the Court of Aldermen, 1653

This excerpt from an Aldermanic report from 1653 was one of several contemporary complaints about abuses in the markets. It indicates that although regulatory officers should act, this does not mean that they invariably do. The multiple levels of early modern legislation to regulate food quality analysed in chapter three refuted the view that regulators were not concerned about food quality until the modern era. This chapter disputes the opposing history of food quality as a modern concern, which assumes that not only were early modern authorities concerned about food quality, but that they maintained such rigid control over the trades that offenders could not get away with fraud. This study questions this assumption, instead arguing that the existence of laws calling for strict enforcement and punishment of quality breaches cannot indicate how regulation was actually carried out, nor can they tell us much about the way breaches were punished. Patrick Wallis has quite rightly pointed out that company ordinances were normative texts, making it problematic to interpret them ‘as anything more than nominal guides’. The same can be said for the acts and orders issued by other levels of authority. That is, the laws and orders for the control of the food trades might indicate what the governing elite of the Companies, City and nation believed should happen, but give very little indication of what did.

Burnett’s image of rigorous control, which presumed that the necessary cooperation between the Companies and City officers demanded by regulations invariably took place, was premised on a further assumption that regulatory effectiveness equated with the eradication of an offence. This interprets Filby’s failure to find evidence of

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1 CLRO, Reps. COL/CA/01/01/067 f. 80.
prosecution for the London bakers to indicate that such offences did not take place. Yet Filby looked at a limited range of records, largely confining himself to those available in printed material for only a few of the companies. Burnett’s interpretation also does not match the image of the declining ability of the companies to control their trades presented in later studies of the guilds and the markets in the seventeenth century. While general examinations of guild control rarely make more than passing mention of the food trades, the discrepancy between the findings of the two kinds of study indicates a need to reexamine the evidence of prosecution contained in the records of the food guilds and the courts of the Corporation of London to see how the regulation of the food trades played out in practice.

The depiction of pre-modern control as one of constant vigilance and severe punishment of transgressors that effectively prevented fraud from taking place is a top-down image of control. Within this image the governing elite dictate measures and impose order upon the mostly passive lower orders. Patrick Wallis’s recent study of company regulation gives a different picture of governance, with control of the London trades a highly negotiated and contested area. While the power relationship of the governing elite and the tradesmen they governed was not one of equality, authority could only be exercised...
where the governed agreed to be ruled. This had implications for both the way the companies search functions were carried out and the kinds of punishments that could realistically be imposed.

Ian Archer has shown that the Livery companies of London varied greatly in size, influence and makeup, all of which affected their willingness and ability to control those practising their trade in the City and its environs. Other factors that impacted on guild oversight was the degree of cohesion within a company and the support they could garner from the City and/or national governments. Furthermore, if there was variation between the guilds, then the situation of the food companies cannot be presumed to necessarily mirror the manufacturing trades that have been the focus of most studies on guild control. Indeed, while devoting very little of his broader study to the food trades, Walker has argued that the situation for the food trades was exceptional, due to the ease with which they could be ‘infiltrated by foreigners and interlopers’ and to the essential nature of the goods they supplied which left them particularly vulnerable both to ‘the state of the harvest and the interference of urban corporations’. This chapter therefore examines the practices of prosecution as indicated in the surviving records for London, focusing on the match or mismatch between how offenders were regulated and the ideals of control expressed in regulatory documents. It also explores factors that impacted upon the implementation of control and that may have affected the ability of the different food trades to regulate their trades. It argues that effective companies were those that maintained their right to oversee traders practising their trade.

The evidence of punishment

All of the Companies’ charters granted them the right to search out and punish infringements against their ordinances committed by all practising their trade within the City, its liberties and suburbs within the set area designated by their charters. While the patchy survival of records precludes testing whether or how some companies exercised these rights, those companies whose records do exist for the majority of the seventeenth

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10 None of the Poulterers’ Company minutes survive from before the 1680s. See Philip E. Jones, *The Worshipful Company of Poulters of the City of London: A Short History*, London, Oxford University Press, 1965, p. 252. Similarly, according to D. E. F. Golin, *The Company Archive of the Worshipful Company of Gardeners in Guildhall Library, London*, Somerset, Carly Press Limited for the Worshipful Company of Gardeners, 2008, pp. 9 & 50-3, the earliest surviving minutes for the Gardeners’ Company are some committee reports dating from 1659-71. Minutes for the Company’s Court of Assistants do not survive for any period prior to 1764, although, according to Golin, some transcriptions of proclamations,
century and beyond, namely the Bakers’, Grocers’, Butchers’, and Fishmongers’ Companies, show different patterns of implementing this authority. This variation applies not only to whether the companies searched and presented offenders, but also whom their courts punished, and how such punishments were imposed.

The records of the Grocers’ and Bakers’ Companies show very little evidence of searches and punishment of breaches against quality ordinances over most of the seventeenth and early eighteenth centuries. Sylvia Thrupp described the Bakers easing off regulation over seventeenth century. She also noted that while there was a resurgence of government concerns about bread quality in the early eighteenth century, successful contesting by the Bakers’ Company of prosecutions brought against them using informers resulted in their being largely left alone until the mid-eighteenth century. Where prosecutions occurred, they tended to focus on the weight and size of loaves, and not on the quality of the flour and bread produced. This image of regulation is supported by studies of the bakers in other areas of England.

The Grocers’ Company records show a similar scarcity of evidence for the regulation of quality for most of the same period. While the Grocers’ minutes record both orders of search and their outcomes in the first decade of the seventeenth century, after the Apothecaries split the trade by gaining separate incorporation in 1615, the only area in which their records clearly indicated the trade in which their members were nominally involved was when claiming their right to nominate the City’s garbler, and even this function was challenged. An order of the Court of Aldermen from 1633 instructed that membership and quarterage records and petitions from the seventeenth century were recorded in GL MS 03389. The minutes for the Butchers’ Company are also missing for a large part of the seventeenth century. However, their absence is made up for by surviving accounts books that recorded evidence of regulatory fines. Arthur Pearce, The History of the Butchers’ Company, London, The Meat Trades’ Journal Co. Ltd, 1929, p. 1, chapters V & VI provide snippets from these accounts. See also Philip E. Jones, The Butchers of London: A History of the Worshipful Company of Butchers of the City of London, London, Secker & Warburg, 1976, pp. 232-5 for a listing of the surviving records. No parallel records are available for the Gardeners. Indeed, petitions by and on behalf of the Gardeners’ Company to and by the Crown appear to indicate that even had their records survived they would show only limited regulatory activity. See Golin, The Company Archive, p. 8; Melvyn Barnes, Root and Branch: A History of the Worshipful Company of Gardeners of London, London, The Worshipful Company of Gardeners, 1994, pp. 30-42. See also David Marsh, ‘Fellowship on the Fringes: The Gardeners’ Company of London in the Seventeenth Century’, in Ian A. Gadd and Patrick Wallis (eds.), Guilds and Association in Europe, 900-1900, London, Centre for Metropolitan History, 2006, pp. 123-46 for the Company’s difficulties in gaining recognition and controlling their trade.


12 Worshipful Company of Grocers and William Le Hardy, Calendar to the Court Minute Books 1556-1692, volume 2 (1591-1616), London, 1930, pp. 165, 294, 324, 515, 527, 231-2, 539-40, 543-4, 557-8, 562-3, 559-6, 565, 659-61, 667-8, 670, 673, 676, 681, 697-8, 741, 758-9 & 756. Later volumes show little evidence that search was being actively pursued. Indeed, when the Company was trying to recoup finances in the 1680s to alleviate their poor financial position, enquiries found that their right to appoint and oversee both the King’s Beam and the City’s garbler had either been found inadequate or had not been exercised for a long time. The Company then moved to secure payment in compensation of their right of appointment. Worshipful Company of Grocers and Le Hardy, Calendar to the Court Minute
the garblers’ officers had to be approved by the Grocers’ Company before they could be employed. However, following further complaints by the Grocers’ Company in 1639 the Court found not only that ‘the right of nomenclation & Admittance of Garbler of this City is wholly in the City & that the Company of Grocers have noe right to any nomincon Which they & their Councell did openly acknowledge’, but also that they had no right to ‘intermeddle in the approbation of the said Garblers servants’. Instead, they ordered the garbler to submit the names of his servants directly to the Court of Aldermen, who would swear them in on oath. While this did not end the Company’s attempts to assert a right to nominate and oversee the City garbler, the Court’s statement that the Grocers’ Company could demonstrate ‘no reason why one free of the said Company should bee more able for the Execucion of the said place then another not free’ marked a point where the City government concurred with James I’s earlier assessment of the Company’s role, or lack of one, in regulation. It is not surprising that the Grocers’ Company was one of the first of the food companies to give up even the pretence of trade oversight, nor that by the late seventeenth century, when they invited William III to become a member, the Company had become a social rather than a trade association. This early abandonment of their regulatory role is consistent with findings that many of the twelve great companies who were dominated by the mercantile elite were the first group of trades to alter the focus of their activities away from economic regulation.

The records of the Grocers’ and Bakers’ Companies support the notion that minimal efforts were being made to regulate food quality in this period. They have also been the two companies most examined by studies of food adulteration. The overgeneralizing for all food trades on the basis of their evidence that would appear to have influenced the ‘caveat emptor’ interpretation of food regulation in the past is, however, limiting. The picture is very different if the records of other food trades are considered.

Books, volume 5 (1668-1692), pp. 638-9, 640 & 835. In contrast the Corporation had been actively supporting the garbler they appointed in the face of ongoing complaints about the role of the merchants and members of the Grocers’ Company. See chapter 3 p. 118-9.

13 CLRO, Reps. COL/CA/01/01/051 ff. 408-9.
14 CLRO, Reps. COL/CA/01/01/058 ff. 14-50.
15 CLRO, Reps. COL/CA/01/01/058 f. 50.
16 For James I’s assessment of the Grocers, see chapter 3, pp. 96. The conflict went from one between the Grocers and the Corporation of London regarding jurisdiction over the appointment of the garbler, to one between the City government and the Merchant Companies, who argued for the removal of this regulatory position altogether. For evidence of later contests over the appointment of the garbler and his assistants see CLRO, Reps. COL/CA/01/01/058 f. 131v; /059 f. 443; /063 f. 469; /093 f. 169v; /094 ff. 71v-72; /096 ff. 151-4, 175; /099 f. 298; /104 f. 79; /113 ff. 29-30; /116 ff. 76, 86, 388. See also, CLRO, JCC COL/CC/01/01/042 ff. 49, 78-79; /050 ff. 71v-72 & 93-4.
17 Worshipful Company of Grocers and Le Hardy, Calendar to the Court Minute Books, volume 5, pp. 910-14.
The records of the meat trades show much greater attention given to trade oversight. The minute books for the Fishmongers’ Court of Assistants, for example, show frequent orders to search for quality offences. They also repeatedly record presentments of offenders selling unwholesome salmon and shrimp, sour lobster, stinking sturgeon, unsweet cod and corrupt fish in general. In addition, they show ongoing concern about illegal practices, such as the use of lime and the watering of fish to make fish appear fresher than it actually was. Similarly, the records of the Butchers’ Company also provide evidence that they actively searched people selling meat in London and fined those who transgressed the quality standards set in their ordinances. The surviving accounts books for the Butchers’ Company up to 1645, recorded fines for ‘blowne oxen’, ‘stufte lambs’, meat that was ‘pricke’ or ‘propt’ and kidneys. All of these terms refer to the prohibited methods of enhancing the appearance and size of carcasses and meat products already discussed in chapter three. Far from being of minimal concern, breaches of food quality ordinances made up a significant number of the fines imposed (Fig. 4.1).

There is, however, less certainty regarding how the Company dealt with butchery offences in the later half of the seventeenth century. While, like the Fishmongers’ records, the minutes of the Butchers’ Court of Assistants show continued orders to search, these orders do not always specify whether this search included breaches of quality ordinances. The searches ordered in 1697 and 1726, in which the sale of unwholesome meat was specifically identified, were exceptions. Most orders were not only much less detailed, but where specific instructions were given, they were more usually aimed at fining those trading in meat products who were not members of the Company and not directly for those selling substandard meat. However, as chapter six will explore in more detail, the justification repeatedly given for this suppression connected illegal traders rhetorically to the sale of bad

21 GL MS 05572 vol. 1, ff. 90, 566; vol. 2, ff. 147, 163, 164, 165, 540; vol. 3, ff. 43, 380.
22 See Figure 4.1, p. 119. GL MS 06440 vol. 1 & 2. Volume 3 is from 1709 onwards and does not include the same information.
23 GL MS 06443 vol. 1, f. 50v; vol. 5, f. 225.
24 See, for example, GL MS 06443 vol. 2 ff. 103, 104, 108, 109, 110, 124v. In addition, cases such as that of George Jones presented in the Company Court in for reviling the Master and Wardens while they were carrying out search also indicates that the Company remained active. GL MS 06443 vol. 3, f. 310.
### Figure 4.1: Summary of fines recorded in the Warden's accounts by category of offence

<table>
<thead>
<tr>
<th>Category/year</th>
<th>1600/01</th>
<th>1604/05</th>
<th>1609/10</th>
<th>1614/15</th>
<th>1619/20</th>
<th>1624/25</th>
<th>1629/30</th>
<th>1634/35</th>
<th>1639/40</th>
<th>1645/46</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quality**</td>
<td>50</td>
<td>21</td>
<td>116</td>
<td>117</td>
<td>60</td>
<td>1</td>
<td>8</td>
<td>118</td>
<td>36</td>
<td>31</td>
<td>558</td>
</tr>
<tr>
<td>Other trade breaches against the common weal *###</td>
<td>8</td>
<td>4</td>
<td>25</td>
<td>26</td>
<td>77</td>
<td>34</td>
<td>55</td>
<td>65</td>
<td>38</td>
<td>17</td>
<td>349</td>
</tr>
<tr>
<td>Behaviour to company##</td>
<td>63</td>
<td>112</td>
<td>146</td>
<td>80</td>
<td>118</td>
<td>32</td>
<td>88</td>
<td>78</td>
<td>43</td>
<td>53</td>
<td>813</td>
</tr>
<tr>
<td>Other administrative+</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>5</td>
<td>4</td>
<td>5</td>
<td>3</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>28</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>122</td>
<td>139</td>
<td>288</td>
<td>228</td>
<td>259</td>
<td>72</td>
<td>154</td>
<td>268</td>
<td>117</td>
<td>101</td>
<td>1748</td>
</tr>
</tbody>
</table>

* See appendix I for a more detailed break down of these fines.

** Quality offences include: propped kidneys, stuffed lambs, pricked or blown loin of beef or veal, incorrectly butchered joints (with intent to defraud customer of a portion of the meat) selling ewes for lambs, blown carcasses, hot animals (which do not take up salt correctly for preservation) and diseased meat.

*### Slaughter of ewes in lamb, forestalling livestock, Lenten breaches, killing or dressing meat at illegal times, transporting livestock on the Sabbath, obstructing and pollution of the streets, offences including hanging meat out too far, filth from barber houses and tubs and casting filth into the street or allowing blood to run down them.

#### Refusing livery or neglecting office, latecoming, absence from required company gatherings, breach of promise to the wardens or ignoring orders, abusing the wardens, abusing others, failing to enrol or poaching apprentices and journeymen, setting servants of other members to work and trading while not free.

+ Failing to pay fines and rents.
food. This connection between hawkers and corrupt meat was also evident in the orders to prosecute offenders of both kinds of offence in 1726, though the connection between the Company’s search function and unwholesome food was usually more oblique.

Orders issued in the early eighteenth century appear to indicate that non-company offenders were being prosecuted in other courts. This is a change from their practice in the seventeenth century. In 1687, when Walter Rose was fined in the Butchers’ Court of Assistants for selling ‘53 sheep contrary to the company’, the Company clerk was only ordered to sue him at law after he had refused the Company Court’s authority. Rose did not appear in the list of members who had paid quarterage, nevertheless the Court clearly tried to deal with him directly in the first instance, even if they anticipated the need to take subsequent actions on likely non-compliance. Ten years later, when market irregularities that included the sale of unwholesome and corrupt meat were reported to the Company Court, the Court supported an offer from a group of members to put up money to suppress the irregularities, an action not required if offenders were to be dealt with in their own court. This change from attempting to first punish offences of non-company members in the Court of Assistants before taking action in other courts, to planning for the use of other courts as a first step indicates an acceptance by the Company that non-members were unlikely to accept their authority without the support of higher levels of civic authority. Similarly, orders given in 1707 for the prosecution of hawkers and peddlers of meat in London stated that persons pursuing such prosecutions were to have expenses reimbursed by the Company, an instruction that indicated the punishment of such offenders was occurring elsewhere. A similar order in 1717 granted even non-members the right to prosecute those trading illegally in the City in the name of the Butchers’ Company, but by then it was with the proviso that the Company was not liable for the expenses incurred pursuing cases in other courts. This last order is indicative of a problem that became an increasing barrier to Companies in pursuing enforcement of their regulations, that of the financial burden involved in pursuing offenders in courts other than their own.

Whereas the earlier seventeenth-century accounts recorded fines imposed against members within the Company’s own Court, the searches ordered in the minutes in the later

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25 See chapter 6 for a discussion on the rhetorical construction of hawkers and unwholesome food as synonymous.
26 GL MS 06443 vol. 5, f. 225.
27 GL MS 06443 vol. 1, f. 11.
28 GL MS 06443 vol. 1, ff. 5v-7.
29 GL MS 06443 vol. 1, f. 50v.
30 GL MS 06443 vol. 3, ff. 166 & 182; vol. 4, f. 282.
31 GL MS 06443 vol. 4, f. 282.
period were specifically directed against non-members who were to be dealt with in the more general courts. The differences seen in the two kinds of records for the Butchers’ Company could therefore be indicative of a separation in the function of the Courts according to who had offended. In the earlier part of the century, the Butchers’ accounts showed that an overwhelming number of the offences presented within the Company’s court were committed not by outsiders, but by Company members. Non-member sellers of meat do not usually appear in these records. In the fines recorded in the Butchers’ accounts for 1609/10, for example, when 116 fines were levied against 53 people for food fraud, all but four also appeared among an earlier list of those having paid the quarterage fees due from members of the Company. Of these, two were wardens, six were assistants and eight were liveried members of the Company. Of the remaining 33 offenders, all but two were of the yeomanry, and these two were journeymen.32 A similar breakdown of offenders occurred in other years.33 This fits with the evidence given in the accounts of 1614/15, where fines imposed on foreigners and those free of other companies were recorded in a separate list.34 In contrast, the orders that miscreants were to be dealt with in other courts, which appear in the minute books for the late seventeenth century, were directed almost entirely at non-member traders and did not discuss offences committed by Company members.

The differences could equally be indicative of a more general shift in how quality offences were pursued. When the Butchers’ accounts resume in 1703, after a gap of over fifty years, they provide very different information to that given in the earlier records. Not only do they make no mention of fines imposed on members for quality offences, they also fail to record payments made for prosecutions taking place elsewhere.35 As no minutes survive from the earlier period that could provide an indication of how orders for search were issued, it is not possible to determine whether the change in information recorded in the accounts reflected changes in Company policy and approaches to quality oversight, or were simply a change in where offences were pursued.

The Butchers’ apparent separation of the location in which member and non-member offenders were presented, matches more specific instructions given in the Fishmongers’ ordinances. These instructions stipulated that non-members guilty of quality infringements were to be presented in other courts.36 With this ordinance in mind it is not

32 GL MS 06440/1 ff. 120v-123 & 125v-128v.
33 See for example the records for 1614/15, 1622/3 and 1640/1 in GL MS 06440/1 ff. 178-180v & 296-303, and pt. 2 ff. 547-553.
34 GL MS 06440 vol. 1, f. 180v. While less detailed, other accounts list amounts for on the spot fines collected by wardens during search. See, for example, 1619/20 GL MS 06440 vol. 1, ff. 253 & 253v.
35 GL MS 06440 vols 3-7.
36 GL MS 05842 f. 15-16.
surprising to find that like the Butchers’ accounts, presentments of quality offences in the Fishmongers’ minutes were predominantly of trading Fishmongers, usually for large scale infringements.37 Those presented included the Company’s officers of search, who sold off corrupt fish they had previously seized while on search.38 This led in 1648 to an order that the fish meters were to alert the wardens each time corrupt fish was located on search.39

Despite the fact that all those presented in the Company’s Court of Assistants were members, the Fishmongers’ repeated campaigns to suppress non-member traders, and especially the fishwives, argued for this suppression on the grounds that these outsiders were the source of the substandard fish being sold in the markets. For example, in 1669, when the campaign against the fishwives was renewed in response to a complaint that they had grown very disorderly,40 orders to search for corrupt fish were again issued, with informers being paid to bring ‘informations … against the fishwomen which buy fish at Billingsgate’.41 However, as with earlier searches, those presented in the Company Court for selling bad fish were freemen of the Company, and again included some of the wardens.42

Given the separation of traders specified in the ordinances, the fishwives’ absence from these presentments is unsurprising. Unfortunately, while directing that breaches by non-guild members were to be prosecuted by information or indictment, the ordinance failed to stipulate the court in which this should take place.43 Where non-company offenders might have been presented is instead suggested in acts and orders issued by other London courts. An Act of Common Council from 1611 for the regulation of fishwives stated that they were to be licensed and identified with badges by the Governors of Bridewell, and that all fishwives and other hawkers of food without such identifying badges were to be committed to Bridewell.44 By the later part of the century the Fishmongers’

37 GL MS 05570 vol. 2, ff. 42, 123, 140, 768, 920-22, 923; vol. 3 942, 955; Worshipful Company of Fishmongers, Calendar of Minute Books, volume 4, pp. 991, 1005, 1226; volume 5, pp. 371-2, 486-7, 513, 533-4, 606, 809-11, 1093, 1095-6, 1152-3, 1167; GL MS 05570 vol. 6, 104, 117, 118, 155, 168, 169, 170, 173. There is evidence, however, that even for members, prosecutions might be taking place in other courts. While those guilty of breaches of the ordinances might be presented before the Court of Assistants, this was not the location where punishments were imposed.
39 Worshipful Company of Fishmongers, Calendar of Minute Books, volume 4, pp. 109-10. This order did not remove the problem and by 1663 the conflict of interest inherent in the meters being themselves trading members of the Company was being called into question. Worshipful Company of Fishmongers, Calendar of Minute Books, volume 4, p. 1409.
40 Worshipful Company of Fishmongers, Calendar of Minute Books, volume 5, pp. 266-7.
41 Worshipful Company of Fishmongers, Calendar of Minute Books, volume 5, pp. 367-8.
42 Worshipful Company of Fishmongers, Calendar of Minute Books, volume 5, pp. 487, 513, 534, 553-4, 606, 810, 819-20, 999-1000, 1048-9, 1054-5, 1076, 1093, 1095-6, 1132, 1139, 1152, 1159, 1167, 1185 & 1284.
43 CLRO, JCC COL/CC/01/01/029 ff. 300-3.
minutes recorded instructions that all those found selling unwholesome fish were to be presented at the Quarter Sessions.  

Although there is little direct evidence in either the Quarter Sessions or Bridewell records of prosecutions of women for selling unwholesome fish, there is evidence that women traders were being presented to these courts. A petition to the Court of Aldermen in 1668 by some of the London fishwives asking to be allowed to continue their trade unhampered by prosecutions indicates that Company searches had indeed picked up non-members selling fish in the City. An entry for May 1670 shows that, despite an order in 1669 by the Mayor and Aldermen that fishwives were to be issued licences to trade in the City, the Fishmongers’ Company was paying informers for successfully informing against fisher women. Another petition by Mary Welch and Susanna Rand, the wives of freemen, to be licensed to sell fish and poultry to prevent further harassment also survives in the London Sessions papers for July 1681. It further supports the likelihood that actions against women traders were ongoing. What such evidence of presentment leaves unclear, however, is whether non-members were presented to the Lord Mayor or the Justices of the Peace in London specifically for selling unwholesome wares. Certainly, Welch and Rand were indicted as regators. As the statute dealing with unwholesome fish ordered its seizure but did not give any directions for further penalties, the Company or their paid informers might have presented offenders for offences that attracted a greater pecuniary benefit which would help to offset the costs of prosecution. The evidence of prosecutions by the Fishmongers’ and Butchers’ Companies therefore indicates that the food companies dealt with a more restricted range of offenders within their own courts than their charters indicated.

45 See for example Worshipful Company of Fishmongers, Calendar of Minute Books, volume 5, pp. 371-2, 486-7 & 513.
46 CLRO, Reps. COL/CA/01/01/078 ff. 51-v. Again, the record in the Repertories regarding this petition makes no mention of where the women were being presented. The minutes of the Court of Governors at Bridewell from Feb 1668 to Sept 1669 (see BBA, BCB 12 ff. 125-226), showed no committals of women for trading in fish. However, the Bridewell minutes do not record many committals at all in this period, so a lack of mention of fishwives does not mean they were not being referred there. Neither do the London Sessions records identify selling unwholesome fish as a reason for any women being presented. Yet the fishwives’ complaint would indicate that they were very much inconvenienced by these searches. If the Court in question were the sessions, then they could have been being dealt with informally, by recognizance not to offend again, as regators, or under the charge of trading without license with no trade specified, all possibilities that would leave minimal records. See Robert B. Shoemaker, ‘Using Quarter Sessions Records as Evidence for the Study of Crime and Criminal Justice’, Archives, vol.XX, no.90, 1993, pp. 147-8.
48 CLRO, CLA/047/LJ/04/052 July 1681.
49 39 Elizabeth, c. 10 it. 5, The Statutes at Large, from Magna Charta, to the Twenty-Fifth Year of the Reign of King George the Third, Inclusive, London, Printed by Charles Eyre and Andrew Strahan, Printers to the King’s most Excellent Majesty, and by William Woodfall and Andrew Strahan, Law printers to the King’s most Excellent Majesty, MDCCLXXXVI [1786], volume 2, p. 674.
They were also much more flexible in the punishments imposed than their laws might suggest. As discussed in chapter three, some of this flexibility was built into ordinances in the form of caps on the maximum amount that could be imposed, or with the explicit granting of discretionary powers to company governors for some types of offence.\textsuperscript{50} This supports the idea that the purpose of punishment was not simply to ensure trade standards, but also to bring conformity and submission to corporate governance.\textsuperscript{31} Using discretionary powers in setting fines allowed the Company governments to show mercy to those making public submission by reducing fines imposed or to increase punishments where such submission and contrition was not forthcoming.\textsuperscript{52} Discretionary powers thus reinforced company hierarchies and power relations.\textsuperscript{33} While on the one hand punishment was meant to act as a deterrent, on the other hand the companies' powers rested largely on the willingness of members and other traders to accept their rule. If punishments were too prohibitive, there was a danger that those fined would refuse to accept the authority of the court.\textsuperscript{54} If too many traders refused to accept the legitimacy of the courts then, as the Gardeners' Company had found, the Company government effectively ceased to function.

This trade-off between making punishments sufficient to be perceived as a deterrent, while at the same time not taxing members too heavily, was one reason for the capping of fines to be imposed on those who defrauded customers. This can be seen in the way the Butchers' Company dealt with those selling artificially inflated or 'blowne' carcasses of meat. Under their ordinances of 1607 offenders were to be fined twelve pence (one shilling) for each blown carcass or joint of meat found in their possession.\textsuperscript{55} The fines recorded in the Warden's accounts show that this amount was imposed in each instance with many butchers fined for more than one carcass.\textsuperscript{56} When the Company ordinances were revised in 1638 after the Company sued the Crown for greater powers, the wording of this ordinance remained identical in all but one detail: the penalty was increased to five shillings per carcass. However, where in 1607 the amount to be fined could not be mitigated, in 1638 this much more substantial fine was the maximum that could be imposed.

\textsuperscript{50} See chapter 3, pp. 106-7.
\textsuperscript{51} Wallis, 'Controlling Commodities'.
\textsuperscript{52} Wallis, ‘Controlling Commodities’, p. 89.
\textsuperscript{54} Wallis, ‘Controlling Commodities’, pp. 90-2.
\textsuperscript{55} MS GL 10561 ff. 87-8.
\textsuperscript{56} See for example MS GL 06440 vol. 2 f. 437 where Mr Nicholas, Anthony Graves and Mr Carter were fined for 6, 3 and 5 carcasses respectively.
imposed for each count of fraud and the total amount imposed was made discretionary.\textsuperscript{37} This explains why offenders like William Radbird, who was found with four ‘blowne calves’, was only fined four shillings and not the pound or ‘unite’ that could have been imposed. Despite ostensible changes to amounts that could be imposed, the fact that these amounts were maximum limits not fixed amounts meant that in practice member offenders were frequently fined at the old rate and not the new.\textsuperscript{38} Making penalties discretionary gave the ruling members of the Company much greater personal authority, as reduced sentences put the offender in debt to their judges’ mercy and reinforced the power hierarchies within the Company.

While it is unsurprising to find that the amounts fined did not match the maximum penalty prescribed in the regulations where company laws allowed mitigation, this does not explain why fines were reduced even when, in theory, no such discretionary powers existed. The Fishmongers’ ordinances did not allow the same powers of discretion as the Butchers’, and instead gave a set amount of twenty shillings to be exacted from members found selling unwholesome or unsweet fish.\textsuperscript{39} Yet even those found in great contempt of the Company’s laws could have penalties reduced if they made public submission to the Court and expressed contrition.

The lengths Company governments might have to go to in order to shore up their authority, and the problems that could occur where members were disinclined to agree, was clearly demonstrated in the very public battle that erupted between the Fishmongers’ Company and William Coles, a trading fishmonger, in 1671.\textsuperscript{40} Coles was found guilty of forestalling the market in lobsters ‘to the destruction of good and wholesome food’ and ‘the great damage and danger of the health of his Maj[es]ties subjects’.\textsuperscript{41} When he refused to submit to the ruling of the Court of Assistants, he was referred onwards by the Company to the Court of Aldermen. His repeated refusal to submit to their authority led to his committal to Newgate on 21 March 1671 for bad behaviour until he could show sureties.\textsuperscript{42} On 23 March this committal became indefinite at the Aldermen’s pleasure until

\textsuperscript{37} MS GL 09809 f. 7 it. 20.
\textsuperscript{38} MS GL 06440 vol. 2 f. 523. Radbird’s fine was consistent with those imposed on other offenders. See for example ff. 523-524v for other offenders in 1639, and ff. 536v-538 for offenders, including Radbird again in 1640, all of who were fined the sum of 12 pence (1 shilling) per carcass or joint. See Lionel Munby, \textit{How Much Is That Worth?}, 2\textsuperscript{nd} edn., Chichester, Phillimore & Co Ltd, 1996, p. 13 for the relative values of units of currency.
\textsuperscript{39} GL MS 05842 f. 17.
\textsuperscript{40} See Worshipful Company of Fishmongers, \textit{Calendar of Minute Books}, volume 5, pp. 385, 615-7 & 636-9, and CLRO, \textit{Reps. COL/CA/01/01/080 ff. 86v, 90v, 95, 104v, 113, 120, 122-4, 125-6, 150-v, 156 & 156v. Coles was originally referred along with a fellow member Jeffrey Blisse, who disappears from the record after the initial hearing by the Court of Aldermen.
\textsuperscript{41} CLRO, \textit{Reps. COL/CA/01/01/080 f. 113}.
\textsuperscript{42} CLRO, \textit{Reps. COL/CA/01/01/080 f. 104}.
he could show he could abide by good governance.\textsuperscript{63} The dispute escalated with Coles applying for royal justice and being granted a Habeas Corpus by the Lord Chief Justice Sir John Keeling, which the Court of Aldermen refused to allow unless it could be proven that they were acting outside their right.\textsuperscript{64} When they continued to refuse to release Coles, the Lord Chief Justice threatened to have the City’s charter revoked for contempt of the law.\textsuperscript{65} The City then petitioned the king.\textsuperscript{66} Coles was eventually released from Newgate on 16 May, five months after he was first committed, and reimbursed some of his costs. However, this was only after he had publicly submitted to the authority of both the City and the Company governments and given assurances that he would not forestall the markets again, the actions that had initially been called for by first his Company government and then the Court of Aldermen.\textsuperscript{67}

A less dramatic example of the reduction of punishment granted on public submission to authority is evident in the punishments imposed in 1710 on George Jones, a butcher from Southwark.\textsuperscript{68} Jones incurred a fine of one pound when ‘upon ye search made by the Master Wardens etc on Saturday last being the 9th Instant’ he ‘did … extremly abuse & revile the master & wardens calling y[e]m Rouges\textsuperscript{sic} & Rascalls & saying they came to Robb him’. His fine was reduced from the five pound supposedly set penalty outlined in the ordinances to one pound after he ‘appeared accordinly & submitted himselfe to the Board’. On ‘his pleading himselfe poore’, this was further reduced to five shillings to be paid into the poor box. These cases support Wallis’ contention that even when dealing with fraudulent goods a major purpose of punishment was to achieve submission to corporate governance and control.\textsuperscript{69}

It is significant that cases only appeared in the records for the Court of Aldermen when the offender refused to submit to the authority of his Company’s government, and/or where the offence was so blatant that more serious correction was needed.\textsuperscript{70} This does not necessarily mean that these were the only cases referred to the Lord Mayor and Aldermen for arbitration.\textsuperscript{71} Where conflict was arbitrated informally by the Lord Mayor and

\textsuperscript{63} CLRO, Reps. COL/CA/01/01/080 f. 113.
\textsuperscript{64} CLRO, Reps. COL/CA/01/01/080 ff. 120.
\textsuperscript{65} CLRO, Reps. COL/CA/01/01/080 ff. 122-4.
\textsuperscript{66} CLRO, Reps. COL/CA/01/01/080 ff. 125-126 & 150-150v.
\textsuperscript{67} CLRO, Reps. COL/CA/01/01/080 f. 156. Worshipful Company of Fishmongers, Calendar of Minute Books, volume 5, pp. 385, 615-7 & 636-9.
\textsuperscript{68} GL MS 06443/03 f. 310.
\textsuperscript{69} Wallis, ‘Controlling Commodities’, p. 89.
\textsuperscript{70} Wallis, ‘Controlling Commodities’, p. 91.
was successfully resolved, it left little trace in the records of the Court of Aldermen. The cases that were recorded in the Aldermanic records were those that had not been resolved informally and needed more formal processes for resolution.\footnote{Wallis, ‘Controlling Commodities’, p. 91.} Such examples served to publicly demonstrate that regulation was taking place and that flouting the City’s and Companies’ laws would not be tolerated.

Where Burnett’s brief description of pre-modern regulation presented an image of streamlined, strict imposition of power that made fraud virtually impossible, the picture emerging from the records is quite different. The authority of the Company and City courts was one of negotiated power. Rather than the strict application of publicly administered physical punishment, instead penalties were usually financial and were variably applied in the more private forum of the Company Court. Whether maximum or lesser penalties were imposed was dependent on the offenders’ willingness to admit fault and, where a court appearance became necessary, to publicly recognize the authority of the Courts. Unwholesome and fraudulent wares were not acceptable, but traders were not so rigidly controlled that offending was inconceivable.

**Factors that impacted on the Companies’ ability to control the food trades**

Charters of incorporation gave the trade guilds theoretical control over all who practised the trade. However, their control was not absolute. Instead, the ability of company officers to exercise this control was subject to the acceptance of their authority by the other members of their trade as well as by the City government. The degree of cohesiveness that existed within a company impacted on the likelihood of such acceptance of control.\footnote{Wallis, ‘Controlling Commodities’, p. 90.} The ability of company governments to enforce standards depended on the majority of the members agreeing upon the standards that needed to be enforced.\footnote{Archer, *The Pursuit of Stability*, p. 127.} The degree of commonality or diversity in members trading interests was also important in determining consensus about priorities in enforcement. Where the membership was fragmented, refused to cooperate, or actively lobbied external authorities against their government, a company’s ability to enforce their laws was limited. When this happened companies needed to go outside their own courts to penalize offenders. Their success depended not only on their ability to garner support from City and national authorities, but also on their ability to meet the costs that could be incurred in using other authorities to ensure compliance with their laws. This section of the chapter examines how such factors impacted upon the food companies’ authority and their ability to oversee their trades.
One factor impacting on Company cohesiveness was the degree of commonality in trading interests that existed among members. Some companies represented a narrow range of trade activity, others were much more diverse. The names of the incorporated companies of food traders in London in the seventeenth century remained static, including the Bakers’, Butchers’, Fishmongers’, Fruiterers’, Gardeners’, Grocers’ and Poulters’ Companies, but they oversaw many more food trades than these names would suggest. For some companies, the commodities members dealt in or the type of trade they represented, changed over the course of the century. The responsibilities of the Butchers’, Gardeners’, Fishmongers’ and Bakers’ Companies were the most predictable and stable. Those slaughtering and selling beef, sheep and pork products, including both the wholesaling carcass butchers and retailing butchers dealing in smaller sections of meat, were overseen by the Butchers’ Company. The foodstuffs for which the Gardeners’ Company were responsible were similarly straightforward, although they also dealt in seeds and plants in addition to the roots and vegetables that formed the basis of their trade.75 The Fishmongers’ Company regulated the sale of all kinds of fresh fish and shellfish, both freshwater and salt. In addition, they had oversight of salted, smoked, dried and pickled fish products.76 The Bakers’ Companies were responsible for bakers of all types of breads, not only those made from grains sold for human consumption, but also for horse bread used by innkeepers as stock feed.77

A close match between the produce sold and the name of the Company did not, however, necessarily equate with stability within the trade. The Bakers’ Company was not the stable entity that the continuity in the produce they sold implied. It comprised what were at times two separate companies: the White Bakers’ Company, who dealt in products made from refined wheaten flour, and the Brown Bakers’ Company, who dealt in products made from unrefined (wholemeal) wheaten flour and/or flour made from other grains. The Bakers’ Companies went through recurring divisions and re-combinations of their membership until the two sides of the baking trade were permanently combined in 1645.78 Until their identity was resolved, the conflicts attending their repeated dissolution and recombination impacted upon their efforts to regulate. While brown bakers had originally been more numerous, by 1486, when the first charter of incorporation was granted to the

75 Barnes, Root and Branch, pp. 30-1. However, the trades listed as being under the Gardener’s control in their original charter of 1606 had a greater focus on the cultivation of plants than on their sale, a situation that was not corrected until the issue of a revised charter in 1616.
78 See Thrupp, The Worshipful Company of Bakers, pp. 119-23 for a description of the fluctuations that occurred in the definitions of who could bake what goods.
White Bakers’ Company, the brown bakers’ trade had dwindled in both membership and influence and they were temporarily absorbed under by the White Bakers’ control. Even at those times when the two companies were again separated in the sixteenth century, it was usually the White Bakers’ Company that retained the right of search.79 In addition, white bakers were permitted to bolt meal to remove the bran to make fine white bread, whereas brown bakers were prohibited from even having the sieves to bolt meal on their premises.

The main concern behind arguments to ensure a separation of the trade was preventing the adulteration of flour and thus to ensure that the quality of the bread produced was maintained. During the disputes of the 1580s, City authorities argued that the two companies needed to be kept separate as they had ‘by experience founde and feared that the whitebakers … woulde make the Browne lofe of the Branne or pollarde remayneng of the White and wheaten breade, and so make breade not harty nor stronge to susteyne the bodye of poore Laborers and other that shall feede on the same’.80 Similarly, it was argued that brown bakers, if allowed to make white bread, ‘would take the flower or part thereof for the finer sort of bread & so thereby make his brounelofe of the residue’, again producing bread that was ‘less harty and nourishing’.81

In 1621 the Brown Bakers of London finally managed to gain not only another separation of the companies, but also a separate charter of incorporation giving them full control over their members. However, their trade had dwindled to such an extent that in 1645 they sought re-amalgamation of the companies as ‘noe horesebread, little Rye bread or bread of mixt graine is used or baked within the Citty of London & liberties thereof’.82 From 1645 there was only one trade, and bakers could bake any of the grades of bread outlined in the assize.83 Dispute over the right to bake and to regulate aspects of the trade had a positive impact upon regulatory efforts. Thrupp noted that where conflict arose over rights of oversight of the trade efforts to prosecute offenders were more intense.84 By the mid seventeenth century this was no longer evident.

While by 1645 the White Bakers’ Company had now gained official control over all the bakers of London and had become the Bakers’ Company, other divisions had developed. The Bakers found that they could not prevent innkeepers from baking their own bread under the argument that the inns only baked it for their own guests (hence were

79 Thrupp, The Worshipful Company of Bakers, p. 121-2. The exception to this was in the 1625 ordinances for the Brown Bakers, where they finally had the right to search and punish offenders breaching both weight and quality standards.
82 Thrupp, The Worshipful Company of Bakers, p. 128.
83 Thrupp, The Worshipful Company of Bakers, chapter 8.
84 Thrupp, The Worshipful Company of Bakers, pp. 50-1.
a semi-private production) and did not sell by retail. Similar conflicts both over the activities that were legitimately included within the trades and over trade control arose with the Cooks’ Company. In 1670, the minutes of the Cooks’ Company recorded a complaint against bakers who

for Severall yeares past baked pyes puddens and other bakemeates and things properly belonging to the Cookes Trade and nott to them as bakers. And doe daily blow horns ring bells and make cryes by their boyes or other Servants aboute the Streetes of this Cittie of London And Suburbs thereof, thereby inviteing people to bake their pyes and other bakemeates att their respective houses to the greate detrim[en]t losse and damage of all or most of the Members of this Companye.

The master and assistants therefore ordered members to boycott ‘any Baker whatsoever that shall att any time or times hereafter bake any pyes puddens or other bakemeates nott incident to their Trade butt onely to the Cookes’. This was not the first time the companies had come into conflict. However, as these conflicts had a different effect on regulation, as they brought the issue of non-bakers practicing the trade into focus rather than the types of bread that should be produced. This emphasized the need to control non-members not the substance produced.

For other companies the correlation between the name of the Company and the goods they covered was less exact. The Poulters’ Company had responsibility for a much wider range of products than their name would indicate, regulating not only the sale of fowl and game birds, but also the sale of small game animals like rabbits and hares. In addition, by the end of the seventeenth century they were also responsible for the licensing and oversight of people retailing cheese and butter in London. The wares under the traditional responsibility of the Grocers’ Company were similarly diverse, and included a range of spices, flavourings and medicinal plants as well as imported processed foods.

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85 Thrupp, The Worshipful Company of Bakers, p. 64.
86 Thrupp, The Worshipful Company of Bakers, pp. 67. See also CLRO, Reps. COL/CA/01/01/103 ff. 8-9, 22 & 57-8.
87 GL MS 03354 f. 105.
88 GL MS 03354 f. 105.
89 Thrupp, The Worshipful Company of Bakers, pp. 67.
90 See Jones, The Worshipful Company of Poulters, pp. 141-3 for lists of the wares sold by those practising the trade.
91 See chapter 3, p. 111-2.
92 ‘An Act for the well garbling of Spices’, 1 Jac. I c. XIX, The Statutes at Large, in Paragraphs, and Sections or Numbers, from Magna Charta, to the End of the Session of Parliament, March 14. 1704, London, Printed by Charles Bill, and the executrix of Thomas Newcomb, deceas’d, Printers to the Queens most Excellent Majesty, and by the assigns of Richard Atkins and Edward Atkins, EsQRS., 1706, pp. 972-3. This Act listed many of the goods that were to be garbled. They included ‘Pepper, Cloves, Mace, Nutmegs, Cinnamon, Ginger, Long-pepper, Worm-seeds, Cummin-seeds, Anni-seeds, Coliander-seeds, Bynny-pepper, Almonds, Dates, Galls, Gums of all sorts and kinds garbleable, Spikenard, Galingal,
other words, they included the wares sold by both apothecaries and retailing grocers, who were at the beginning of the seventeenth century all members of the Grocers’ Company, as were the newly emerging confectioners and sugar baking trades. This diversity of activity led to conflicts between members for what were essentially different trades, although they coexisted in the one company.

Whereas these companies covered more goods than their names indicated, the Fruiterers’ Company dealt with less, as they did not regulate all of the fruit sold in the City. Instead, dried fruits were the responsibility of the Grocers’ Company, included along with olives and sugar under the ‘Wares and other merchandises’ mentioned in the statute of 1604 for ‘the well garbelling of spices’. The Fruiterers’ Company was responsible for fresh fruit put for sale. This included both imported fruits like oranges, as well as those, such as cherries, apricots, melons, apples and pears, that were increasingly the product of internal trade.

The degree of diversity or commonality of trading interests within a company was not only dependent on the commodities different traders sold, but was also determined by the type of trade members were involved in and the role they played in the supply of food goods to the City. Many trades represented by the food trade companies were affected by changes in the mechanisms of supply, which saw divisions develop between those with wholesaling interests who supplied the raw materials used to produce food and retailing members who sold the foods on to consumers. The bakers had originally employed millers to grind grain, which the bakers bought directly from country suppliers. In times of dearth this grain had been supplied from City stores. However, by the seventeenth century the mechanism of supply was changing. While the assize of bread continued to focus responsibility for the quality of flour used to produce bread on the bakers, in reality...
most bakers increasingly purchased their flour from the millers or from other retailing middlemen who operated between the two groups.\textsuperscript{97} Many bakers thus became the clients and not the employers of the millers, and had lost control over the supply side of their trade. That wealthier bakers controlled some of the milling trade confused the situation further as it again created divisions of trading interest within the membership. The millers were no longer subordinate to the bakers as a whole, but a separate area of trade, and one that was largely located outside the jurisdictional boundaries of both the Company and the City of London.\textsuperscript{98}

This had implications for prosecution. The Bakers’ by-laws only addressed the quality of bread giving them no rights to search flour sellers or to present their wares if deficient, except as private citizens. This included members of their Company who were involved in the milling trade. They only had the right to inspect the quality of bread baked and as the baker could then claim it was not his fault but the result of the flour available this made punishment problematic. It is perhaps not surprising that the Bakers’ ordinance for the inspection of quality became so very vague about punishments.\textsuperscript{99} Where millers operated outside City boundaries, City authorities also had no right to inspect their wares. City officers were restricted to inspecting flour sellers in the markets, and once ground it would have been very difficult to detect adulterated flour. The City did not gain the statutory right to search sellers’ shops and warehouses outside the markets until after the statutes were amended in the eighteenth century.\textsuperscript{100} They did however, have the right to ban such private locales as legitimate trading places, but this would lead to prosecutions for trading outside the markets and not for adulterated or substandard flour.

The Butchers’ Company experienced the emergence of a similar division between the wholesaling and retailing aspects of their trade.\textsuperscript{101} The two groups of butchers became known as the carcass and cutting butchers respectively.\textsuperscript{102} Although the Company retained the regulation of both the wholesale and retail aspects of their trade, by the early eighteenth century the division in the trade led to tensions within the Company as a small group of wealthier butchers took control of the supply of animals into London, forcing the retail butchers to purchase from these middlemen.\textsuperscript{103} While in the seventeenth and early

\textsuperscript{99} See chapter 3.
\textsuperscript{100} Chapter 3.
\textsuperscript{101} Jones, \textit{The Butchers of London}, pp. 101-2.
\textsuperscript{102} Jones, \textit{The Butchers of London}, pp. 102-3.
\textsuperscript{103} Jones, \textit{The Butchers of London}, pp. 102-3.
eighteenth centuries the Company government supported the retailing butchers in efforts to prevent the effects changes in the chains of supply had on the trade, the problem was to become increasingly acute as the eighteenth century progressed.¹⁰⁴ Unlike many Companies, the Butchers’ Company retained a high percentage of members who actually practised the trade. Even in the 1750s, when many guilds’ members had disconnected from the trade the Company in theory policed, the Butchers’ Company had a majority of working butchers.¹⁰⁵ The Company’s records also show continued efforts to regulate breaches of their ordinances, though the lack of records between 1645 and 1686, and the fact that the early records were accounts books and the later records were minutes for the Company Court also makes comparison problematic. Nevertheless, the minutes for the late seventeenth century recorded members being fined for trading on the Sabbath, selling sheep ‘against the laws of the Company’, and ‘offending in Leadenhall Market’, and attempts made to apprehend those selling of unwholesome and corrupt flesh in the market and committing other market abuses.¹⁰⁶ The accounts do not resume until 1703 so it hard to tell to what degree the minutes reflect the Company’s total efforts at regulation. By the time they resume the minutes indicate that punishment was occurring in external courts, so again it is not possible to determine what the absence of fines for trade breaches might indicate. As the Butchers’ government continued to issue orders for costs incurred in bringing prosecutions to be met from Company funds, it is clear that at least some effort was made to enforce their by-laws, although it would appear that breaches were being pursued in other courts.¹⁰⁷

By the end of the seventeenth century, as companies increasingly pursued offenders in other courts, the cost of prosecution was becoming a significant barrier. However, the Company raised funds by subscription and continued to indemnify those designated by the Company to prosecute offenders.¹⁰⁸ Prosecutions initiated by the Company became more focused, placing greater emphasis on pursuing those practicing the trade while not free of the Company and those caught hawking meat in the streets, as well as on suppressing


¹⁰⁶ GL MS 06443 vol. 1, ff. 3v-4, 11, 14 & 15; vol. 2, ff. 50v & 124v.

¹⁰⁷ GL MS 06443 vol. 1, f. 11; vol. 2, f. 6.

¹⁰⁸ GL MS 06443 vol. 2, f. 50v; vol. 3, f. 182; vol. 4, f. 136-7 & 282. Most of these orders involved indemnifying Company officers; however, in 1714 the company paid outsiders to prosecute those selling the flesh of condemned animals or those practicing the trade while not members of the Company.
irregular markets.\textsuperscript{109} Even when the cost of prosecution made such payment problematic in 1717, the Company gave permission to private persons not of the membership to pursue prosecutions in the Company’s name as long as they did not charge the costs to the Company.\textsuperscript{110} How effective this was is unclear, as in 1723 the Company government was again raising funds from members to pursue breaches of their ordinances.\textsuperscript{111} The records are inconclusive about the approach taken by the Company, but they do indicate that the Company elite was responsive to concerns raised by those practicing the trade. This did not mean that contention did not occur, nor did it mean that members did not breach the ordinances. Rather it meant that where there was dissension it was usually the action of individual members, not a reaction of the trading membership against the governance of the Company.

Whereas the Butchers’ Company supported the interests of their retailing members over those of wealthier wholesalers, divisions in other companies, brought about by changing membership patterns, led to greater tensions. This was particularly evident in the records of the Fishmongers’ Company. The friction evident in the Fishmongers’ records did not primarily arise as a result of conflict between wholesalers and retailers, although this problem did occur in the early part of the seventeenth century.\textsuperscript{112} Rather, it arose from divisions in interest between those members who actually practised the trade and those who had joined the Company for other reasons, and became increasingly significant, particularly in the latter half of the century. This division in part stemmed from the Company’s status as one of the twelve great companies of London.\textsuperscript{113} Membership of one of this restricted group of companies was compulsory for those wanting to attain high office in the City of London. Members of lesser companies elected to the City government had to change company membership, meaning that even more than most other food companies the members of the Fishmongers’ Company, particularly those at an elite level, did not necessarily practise the trade.\textsuperscript{114} In addition, as merchants wishing to trade through London needed to take up membership in order to gain the freedom of the City, the

\textsuperscript{110} GL MS 06443 vol. 4, f. 282.
\textsuperscript{111} GL MS 06443 vol. 5, f. 73.
\textsuperscript{112} See, for example, GL MS 05570 vol. 1, f. 401 & 406. See also Archer, \textit{The Pursuit of Stability}, p. 130.
\textsuperscript{114} Herbert, \textit{The History of the Twelve Great Livery Companies of London}, volume I, p. 37; Burrage and Corry, ‘At Sixes and Sevens’, p. 379.
Fishmongers, like most of the twelve great companies had always had a component of members who did not practise the trade.\textsuperscript{115}

The tensions over membership were not consistent over the seventeenth century, but rather became more acute over time. In their study on the occupational status of the London companies, Burrage and Corry found that up to the middle of the seventeenth century most members of all of the companies worked within their trade.\textsuperscript{116} This may explain why in the first part of the century the master and wardens of the Fishmongers' Company were more responsive to grumbling from individuals about both their enforcement of ordinances that impacted on the business practices of trading members, and conversely to complaints by other members of a lack of oversight.\textsuperscript{117} Archer has argued that complaints by trading members that ordinances were not being enforced stemmed from the difficulty of gaining consensus from all members of a company for all aspects of their ordinances.\textsuperscript{118} However, despite the conflicting grumbles, in the early seventeenth-century trading efforts by the Company governors to resolve complaints were accepted by the trading members.

Both the difficulty faced by the master and wardens of the Fishmongers' Company in achieving consensus on what constituted good rule, and their willingness to resolve the problem, are evident in the minutes of the Fishmongers' Court of Assistants for 4 July 1608. The governors of the Company had apparently tried several approaches to governance. They complained that when they tried to impose the ordinances they were faced with ‘much speech … of the frowardness and disobedience of dyvers of the Companye and of there backwardness in observing of any good orders’, but that when the trading members were ‘lefte at lib[er]tie and not restreyned to anye order at all touching the p[ro]viding and receyvinge of there ffish, then they are as malecontent on the contrarye for lack of orders and crye out and exclayme of the wardens & governo[rs] of the Company for not executing there orders’.\textsuperscript{119} The wardens were faced with a problem in gaining consensus of correct action. Their response was to appoint a committee of Company members to investigate and report back on the orders for measurement of fish, and the fitness or otherwise of the current persons holding that office, with suggestions to be made of suitable replacements. At the same time the committee was to assess the orders for both the sale of fresh fish and the high prices of salt fish, and to report on ‘the practices nowe used to defrawde the same orders and the meanes of amendment thereof’.

\textsuperscript{115} Burrage and Corry, 'At Sixes and Sevens', p. 376.
\textsuperscript{116} Burrage and Corry, 'At Sixes and Sevens', p. 376.
\textsuperscript{117} Archer, The Pursuit of Stability, pp. 127 & 130. See also GL MS 05572 vol. 1, ff. 88, 89, 90, 376, 406, 443, 501 & 534v-5.
\textsuperscript{118} Archer, The Pursuit of Stability, p. 127.
\textsuperscript{119} GL MS 05572 vol. 1, f. 534v.
In addition, they were to examine the behaviour of some members in buying up fish before it came into the City’s markets.\textsuperscript{120} The aim of this examination was to ensure that the wardens enforced ‘onlye such orders as are for the generall good of the companye’ and to allow a ‘favorable tollera[c]lron’ of any orders that were contrary to this general good, with decisions focused on ‘the common p[ro]fitt of the generalitye’.\textsuperscript{121}

This was not the only time complaints by the trading Fishmongers found the wardens ‘verrye desirous & willinge to bestowe there labor & travayle to do the Company good to the utmost of there powers’.\textsuperscript{122} In 1620 when members of the Company appeared in the Court of Assistants to complain about abuses occurring in the trade, their request that they join with the Company officers to consider courses of action to be taken, assumed that the Company as a whole would work together.\textsuperscript{123} This assumption was not misplaced, as when the trading Fishmongers again lodged complaints in 1624, the wardens responded within a day, presenting a report outlining actions to be taken to resolve the issues raised, some of which had already been implemented.\textsuperscript{124} Further complaints followed, but the picture gained is one of negotiated cooperation. It is perhaps significant that trading Fishmongers like Warden Houghton, who was one of the retailers of fish complaining to the Company Court about problems with the trade in 1631, were at this time represented in the Company’s government.\textsuperscript{125}

By the 1660s, however, the situation had changed. In 1663, while eight of the assistants and at least one of the wardens were trading Fishmongers, and despite the trading Fishmongers being invited to appoint another eight persons to advise the committee considering any changes that might be made to the Fishmongers’ Company charter and ordinances,\textsuperscript{126} the retailing fishmongers lodged a complaint regarding their under-representation on the Company’s governing body.\textsuperscript{127} Although the process of decision making outlined in the minutes for November 1663 matched the consultative process followed in the first half of the century, the attitudes of the trading Fishmongers, albeit as reported in the official Company minutes, would appear to have changed. The dissident group was taking action against ‘all other freemen of this Company of other callings and trades’, who by the end of the seventeenth century made up over one third of

\textsuperscript{120} GL MS 05572 vol. 1, f. 535.
\textsuperscript{121} GL MS 05572 vol. 1, f. 534v.
\textsuperscript{122} GL MS 05572 vol. 1, f. 534v.
\textsuperscript{123} GL MS 05570 vol. 2, f. 405.
\textsuperscript{124} GL MS 05570 vol. 2, ff. 514, 516–17. See also GL MS 05572 vol. 3, f. 299, where in 1637 another committee was ordered to investigate abuses of the trade, and trading Fishmongers were invited to present any information or concerns about the proper running of the trade to the committee.
\textsuperscript{125} GL MS 05570 vol. 2, ff. 920–22. See also GL MS 05572 vol. 3, f. 301, where a motion was presented to the court by ‘the tradeinge ffishmongers that are Wardens of this Company’.
\textsuperscript{126} Worshipful Company of Fishmongers, Calendar of Minute Books, volume 4, pp. 1416, 1470 & 1473.
\textsuperscript{127} Worshipful Company of Fishmongers, Calendar of Minute Books, volume 4, p. 1474.
the membership, and demanding a new Charter in which all wardens and the majority of the assistants of the Company were to be trading Fishmongers. While the Company had had non-trading members throughout the seventeenth century and previous complaints lodged by the trading Fishmongers also cited a failure to enforce the ordinances, this level of agitation was new. Clearly, despite evidence in the minutes of both ongoing enforcement of ordinances and continuing consultation with working members regarding trade problems, this group felt that they were losing control of their trade. As the dispute could not be resolved in the Company Court, and as the complaints lodged with the Crown were a ‘great disturbance and defamation of the present Government of this Company’, the Company government sought the support of the Lord Mayor and Aldermen, who called the ‘Refractory members of the Fishmongers Company to appear to answer for their undutiful proceedings’.

This did not put an end to the disputes between the two sections of the Company. Underlying the conflict were attempts by trading Fishmongers to maintain monopoly practices they had traditionally held in many areas of the fish trade. These involved how fish were procured and divided amongst sellers, and who could sell what types of fish. It was these concerns that informed the particularly public dispute of 1671 between the Fishmongers’ Company and William Coles outlined above. The report of the investigation into the trade tabled in the Court of Aldermen in 1671, which was ordered in the wake of the dispute, showed that the conflict stemmed from attempts by some of the dry fishmongers to gain access to a very lucrative area of the fishmongers’ trade. The trade in lobsters had traditionally been confined to the wet fishmongers, of whom Coles was one, and Coles’ conflict with the Company Court was in defence of this right.

Competition over areas of trade continued to be a problem. In 1678, Mr Loades, a member of the Company, was presented by several of the members who were wet fishmongers for vilifying the trading Fishmongers in the Company, for trying to promote foreign buyers and sellers in the market, and for striking one of the trading members, Mr.

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128 Worshipful Company of Fishmongers, Calendar of Minute Books, volume 4, p. 1474-75. The minutes for 18 November 1663 name eleven of the group who appeared before the Court of Assistants, but as Messers Kinch, White, Attwell, Coles, Parham, Dalby, Heyward, Whatcott, Gold, Paxton and Woolfe were accompanied by an unspecified group of others, it is hard to tell exactly how large the group was. Perry Gauci’s estimate that at least one third of the membership were cloth merchants by the 1690s gives some indication of the number of non-trading members; Gauci, ‘Informality and Influence’, p. 132.

129 CLRO, Reps. COL/CA/01/01/073 f. 233v.

130 See pp. 127-8 above.

131 CLRO, Reps. COL/CA/01/01/080 ff. 57-59v. Disputes over who had access to the lobster trade were to resurface. See, Worshipful Company of Fishmongers, Calendar of Minute Books, volume 5, pp. 1256-7, 1367-8, 1376-7, 1377-8 & GL MS 05570 vol. 6, ff. 72-3 & 463.
Sherwin, with a stick.133 Loades justified his speech as being a response to abuse given by the trading Fishmongers, but denied striking Sherwin. In this case Loades was admonished by the court but not fined, and the trading Fishmongers were similarly admonished. As Loades actively spoke against the trading members of his own Company, and as several others in the trade supported Sherwin, this punishment was unlikely to have reassured the trading members that they had the support of their Court. By the 1680s the trading members had taken matters into their own hands in prosecuting breaches against the trade by non-members. Instead of calling upon the Company to search and prosecute offences, they instead presented a bill for forty pounds they had incurred in prosecuting ‘fishwomen’ for ‘ingrossing and regrating fish’.134 Where in earlier years the Company had supported their efforts to keep the fishwives out of the markets, in this case the Court ruled that as this was ‘apprehended to be done more for their owne advantage than the publicke good’, the master should only pay them twenty pounds and that in future the Court had to be given formal notice of such proceedings ‘before they putt themselves to any charge in such like matters’.135 When in 1692 the trading Fishmongers again applied to be reimbursed for expenses they had incurred in trying to protect members’ trade by urging a Parliamentary Bill against hawkers, the court refused to reimburse them. Again, the action had been taken without an order from the court.136

In 1704 the conflict between the trading Fishmongers and the Company elite over representation and governance erupted again, and was to recur sporadically over the next decade with actions taken both in the Court of Aldermen, and, when that didn’t work, at the Queen’s Bench.137 The trading Fishmongers accused the wardens and Company Court of not knowing the trade and of failing to prevent the sale of corrupt fish, and complained of their not being able to elect their wardens directly.138 As their push to prosecute the Company government coincided with presentments of trading Fishmongers for breaches of the same ordinances they claimed were not being upheld, including those for the sale of unwholesome and corrupt fish, the dispute was not about a failure of the Company officers to regulate, but rather over a perceived failure of the Company Court to pursue those not working in the trade.139 With all these very public disputes, the Company became increasingly reluctant to support the actions of the trading Fishmongers in other courts. In 1715 the Court of Assistants warned the trading Fishmongers not to incur any further

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133 Worshipful Company of Fishmongers, Calendar of Minute Books, volume 5, pp. 834-5.
134 Worshipful Company of Fishmongers, Calendar of Minute Books, volume 5, p. 90.
135 Worshipful Company of Fishmongers, Calendar of Minute Books, volume 5, p. 90.
136 Worshipful Company of Fishmongers, Calendar of Minute Books, volume 5, p. 1212.
137 GL MS 05570 vol. 6, ff. 149-150, 153, 215, 228, 230 & 262-238.
138 GL MS 05570 vol. 6, f. 149-50 & 207.
139 GL MS 05570 vol. 6, ff. 104, 117, 118, 158, 168, 169, 170, 172.
costs for the Company, and in 1725, when the Court relented and ordered that Mr Thomas was to be paid expenses for getting an act regarding the sale of lobsters through Parliament, the order highlighted that this was a one off occurrence and did not set a precedent.\textsuperscript{140} From 1726 onwards all mention of the search for corrupt fish disappeared from the orders of search, which became an order to view the Company lands.\textsuperscript{141} While this lack of support from the Company elite did not stop the trading members of the Company from pursuing prosecutions of offenders in the courts at London and Westminster, it shows that the focus and concerns of the two groups within the Company had diverged. The case of the Fishmongers indicates that the evidence of prosecution records cannot be interpreted as straightforward evidence of concern. What is significant in these records is not how many people were presented for what offences, but the power relations that drove the different groups to prosecute.

It has been said that the Fishmongers’ was one of the only Companies still searching and prosecuting breaches of their trade laws by the end of the eighteenth century;\textsuperscript{142} however, this statement needs qualification. While prosecution of trade breaches certainly continued to the end of the period covered in this study, this regulation increasingly focused on non-guild traders, and was by the eighteenth century the result of efforts made by individual fishmongers, not a practice supported and enforced by the Company as a whole. Archer’s argument that frictions over the enforcement of ordinances did not lead to sustained conflict among the members of the Fishmongers’ Company, is accurate for the first half of the seventeenth century, but does not hold true for the later period.\textsuperscript{143} His argument that challenges to the right to rule only came about when the Company elite failed to take action on craft grievances needs teasing out further. It was not so much their failure to act at all that led to conflict between the elite of the Fishmongers’ Company and the trading members, but rather a divergence of ideas about which ordinances needed to be enforced. Where in the earlier period frictions over the enforcement of quality regulations that infringed on trading members’ business interests were offset by the support the elite gave to exclude competitors to the trade, this was no longer the case by the end of the century.\textsuperscript{144} If, as Berlin has argued, the justification of search was both consumer protection and the maintenance of collective reputation, the repeated findings of trading members breaching the quality ordinances undermined this second purpose and made the trading Fishmongers’ argument for the exclusion of

\textsuperscript{140} GL MS 05570 vol. 6, ff. 329-30, 463-4.
\textsuperscript{141} GL MS 05570 vol. 6, f. 485.
\textsuperscript{142} Kellett, ‘The Breakdown of Gild and Corporation Control’, p. 394.
\textsuperscript{143} Archer, \textit{The Pursuit of Stability}, p. 130.
\textsuperscript{144} Archer, \textit{The Pursuit of Stability}, p. 130
outsiders from the trade in the interests of ‘the common weal’ more difficult to support.\textsuperscript{145} All members of the Fishmongers’ Company claimed to be acting in the common interest, but clearly their definition of what this common interest constituted was no longer the same.

\textit{Support from other levels of Government}

As outlined in chapter three, the guild companies’ theoretical right of oversight was subject to the approval of the Lord Mayor and Aldermen of London.\textsuperscript{146} While most of the food companies had a long history, some like the Butchers’, Poulters’, Gardeners’ and Fruiterers’ Companies only gained full charters of incorporation in the seventeenth century.\textsuperscript{147} Some of the companies granted charters of incorporation in the seventeenth century obtained them against the will of the London government. The degree of conflict they went through with City authorities to gain their charters impacted on their ability to force people exercising their trade to take up membership, or to recognize their rule. It also affected their ability to garner the necessary support from the London Corporation to enforce their laws where traders did not acknowledge their right to regulate.

A clear example of how the lack of support from the City government could impact on a company’s ability to regulate is the plight of the Gardeners’ Company. Although granted a royal charter in 1605, the situation for the Gardeners’ Company remained problematic as this charter was neither accepted nor supported by the Corporation. This meant not only that the right to wear livery was withheld, but also that the Company’s ordinances, drawn up in 1606, were never ratified.\textsuperscript{148} Despite re-petitioning for the support of the Crown, and the granting of a second revised charter in 1616 that explicitly granted them the powers of search, the Corporation of London’s refusal to ratify their ordinances effectively left the Gardeners’ Company without sufficient legal status to prosecute anyone not already a member of their Company for trade breaches. Indeed, without the full support of the Lord Mayor and Aldermen in dealing with recalcitrant members, they had difficulty enforcing compliance even from their own members should

\begin{itemize}
  \item \textsuperscript{145} Berlin, "‘Broken All in Pieces’"; pp. 80-1.
  \item \textsuperscript{146} George Unwin, \textit{The Gilds and Companies of London}, 4\textsuperscript{th} edn., London, Frank Cass & Co, 1963, p. 156. Indeed the Statute of 19 Henry VII, c. 7 (1504) forbad the companies from setting rules and ordinances without their first being ‘approved by the Chancellor, Treasurer of England, and Chief Justices of either Bench or any three of them, or before both of the Justices of the Assize’. In 1505 a charter of confirmation granted the City ‘the search, oversight, government, correction, and punishment of all … the men of all the misteries within the City of London’ as well as non-freemen and aliens using any trade within the City. This meant that company ordinances needed the approval of both the Lord Chancellor and the other Justices, and the Court of Aldermen to be legally enforceable; Jones, \textit{The Worshipful Company of Poulters}, pp. 9-10.
  \item \textsuperscript{147} See chapter 3.
\end{itemize}
they challenge the rulings of the Company’s Court of Assistants. A warrant issued by the Recorder of London in 1632 and a royal proclamation from 1634 indicate that the Company had problems with ‘headstrong and willful persons’, who used the trade but refused to acknowledge the Company’s right of oversight. Without the City government’s direct backing, the support garnered from the Crown was insufficient to bring recalcitrant members into line.

A major factor militating against Corporation support for the Company’s rule was the fact that their trade largely operated outside the City’s bounds, with sales of vegetables in the markets being their only activity within London. In his analysis of Company membership, David Marsh identified only one member of the Company between 1632 and 1671 as residing within the City. This finding is supported by a petition made by the Gardeners’ Company to the Court of Aldermen in 1668 in which they complained that only one of their members had the freedom of the City, and that the lack of this right was impacting badly on their control of the trade. While the Gardeners’ Company gained temporary support from the City government after this appeal, in the 1680s, when they were again petitioning the Court of Aldermen for support in enforcing membership, they were less successful. That members of the Company did not operate from fixed shops but sold produce in the herb markets further equated them with the country or ‘foreign’ sellers from whom they sought to differentiate themselves. Not only did the Company find it difficult to distinguish themselves from the ‘foreign’ sellers they sought to exclude from the trade, they also had difficulty eliciting the Corporation’s support for such exclusion. The argument put forward by the Lord Mayor and Aldermen for their ongoing reluctance to support the Company’s claims over other traders in garden wares was that upholding the Gardeners’ monopoly would lead to increased prices and reduce the amount of food available, especially for the poor. The Gardeners’ arguments that they both employed large numbers of people, kept streets clean through the removal and reuse of night soil, and thus contributed to the City’s well being failed to win support for their cause. This is possibly because their claim to also ensure against fraud, a primary legitimizing argument

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150 Barnes, *Root and Branch*, pp. 36-7.
153 Barnes, *Root and Branch*, p. 38.
155 Barnes, *Root and Branch*, p. 35-40.
for the existence of trade guilds, was less effective, as the food produce they sold was less open to adulteration or disguise.\textsuperscript{156}

The argument that enforcing membership of a food company ensured quality was employed more effectively in arguments put forward for controlling the grocers’ and bakers’ trades. As discussed earlier, in the case of the Grocers Company, conflict arose both within the Company and between the Court of Aldermen and the Crown, over efforts by the Apothecaries to split from the Grocers’ Company and gain a separate charter of incorporation. Like the Gardeners, the Apothecaries’ claim, supported by the Crown but opposed by the Corporation, was framed in terms of the need to prevent fraud, with the Grocers’ government accused of being unequal to the task.\textsuperscript{157} The Grocers’ Company was one of the twelve great companies from which the governing body of the Corporation of London was drawn. This move to split its membership and regulatory functions was vigorously resisted by both the Company elite and the Corporation. However, in this case the continued support from the Crown proved effective and the city eventually capitulated. By the 1620s the Apothecaries’ Company had taken over the regulation of medicinal preparations.\textsuperscript{158} This change is reflected in the minutes for the two companies with evidence of search disappearing from the Grocers’ records and appearing in the Apothecaries’.\textsuperscript{159} While the Corporation of London’s reluctance to allow the splitting of power and resources of one of the twelve great companies was understandable, the prevention of fraud in the sale and preparation of medicinal wares had a far greater urgency than the Gardeners’ Company had been able to argue. That the Apothecaries’ Company made their claims for this necessity in a period of repeated outbreaks of plague would not have harmed their case.

\textsuperscript{156} Berlin, “‘Broken All in Pieces’”, p. 75. See also chapter 2, p. 64 regarding fraud and vegetables and herbs. The relative safety of vegetable wares was also evidenced in the absence of mention of fraud in this food area in the late seventeenth-century market guides.


\textsuperscript{158} Rees, \textit{The Worshipful Company of Grocers}, pp. 146-51.

\textsuperscript{159} Archer, \textit{The Pursuit of Stability}, p. 124 noted a fall in regulatory efforts by the Grocers’ by the 1580s. The Grocers’ Company minutes show fines for quality breaches up to the middle of the second decade of the seventeenth century. Later records give no such record of search or punishments of fines imposed, indeed from the later minutes it is not easy to identify direct references to the trade in grocers wares at all. Only some of the offences related to food products. Most of the offences fined in the earlier period were medicinal ingredients and preparations. Rhubarb was at this time a medicine not a food, and defective treacle was of concern as it was important in treatments for plague. Saunders is sandalwood and was used as a food colourant. In contrast, after 1620 the Apothecaries’ records show that they had taken over the search function. The goods fined were all however medicinal preparations and not single ingredients. Worshipful Company of Grocers and Le Hardy, \textit{Calendar to the Court Minute Books}, volume 5, pp. 164-5, 294, 515, 527, 531-2, 539-40, 543-4, 557-8, 562-3, 559-60, 565, 659-61, 670, 673, 676, 681, 697-8, 741, 756, 758-9.
As discussed earlier, in the case of the Bakers’ Companies the push was not to keep them together, but rather to keep them apart. However, the basis on which this argument was made was again the need to prevent fraud in food quality.\textsuperscript{160} This time the Corporation supported the Brown Bakers’ efforts to achieve separate incorporation from the White Bakers and to prevent their incursions on the Brown Bakers’ trade.\textsuperscript{161} The White Bakers’ Company, on the other hand, lobbied unsuccessfully to remove the division between the two companies and allow their members to make wholemeal loaves, while confining the brown bakers to multi-grain and horse bread. The final resolution of this ongoing conflict came about not as a result of the efforts of either the companies, the City or the Crown, but rather through the changes in demand that had hit the trade and rendered the Brown Bakers’ trade nonviable.\textsuperscript{162} The final reintegration of the two parts of the trade in 1645 was amicable.

The issuing of new charters was only one area where tension between City and Crown prerogatives led to problems over the regulation of food sales in London. The City government was also responsible for regulating the City’s markets. However, as the markets, like the livery companies, were established under royal charter, the Corporation’s interventions in market regulation could also bring them into conflict with the Crown if they were seen to intrude upon Crown prerogatives. It was the ability to enact laws when applied to market oversight that was cited as one of the ostensible reasons for Charles II issuing the writ of quo warranto that suspended of first the City’s and then the Companies’ Charters in the 1680s.\textsuperscript{163}

As the Gardeners’ Company’s case illustrates, the City government’s withholding support could have a severe impact upon the authority of the Company Courts. Even where company charters and ordinances went unopposed by the Corporation, a tension existed between the Companies’ chartered rights and concerns about the effectiveness of self-regulation of trades when the monetary interests of the regulators might act against strict implementation of quality ordinances for all traders. In addition, the conflict between the need to uphold company monopolies and the livelihoods of citizen traders and the need to ensure greater and cheaper supply of foodstuffs to London affected City authorities’ willingness to uphold company efforts to regulate all food traders in the City. These conflicting needs contributed to fluctuations in the support given by the City to food companies.

\textsuperscript{160}Thrupp, The Worshipful Company of Bakers, p. 125.
\textsuperscript{161}Thrupp, The Worshipful Company of Bakers, p. 125.
\textsuperscript{162}Thrupp, The Worshipful Company of Bakers, pp. 127-8.
When concerns about the food supply were acute, such as during periods of dearth or outbreaks of disease, the rights of individual companies to search and punish offenders could be over-ridden. An example of this was the appointment of the Fishmongers’ Company to search for breaches of the fasting restrictions on meatless days in 1630, when plague again threatened the City.\(^{164}\) As will be discussed more fully in chapter seven, in the early seventeenth century plague was often attributed to providential causes brought on by moral disorder.\(^{165}\) Failure to properly observe fast day restrictions at times of ‘public humiliation’ was to invite God’s displeasure, and the control of the meat trades to ensure the general populace were not tempted to break fast day restrictions was one part of the preventative measures that could be taken against disease.\(^{166}\) Mayoral orders clearly indicate that the Fishmongers’ Company was appointed as searchers because they had a vested financial interest in enforcement of fish days, which the Butchers’ Company did not.\(^{167}\) In setting the Fishmongers’ Company to oversee the observance of fast days, the Lord Mayor and Aldermen overrode the butchers’ rights to search and fine their own members. The City government was itself being pushed by the Lords of Council with the threat of direct intervention if more effective regulation was not forthcoming. While the Lords of Council were citing the need for more effective enforcement, the Butchers’ accounts for earlier years record presentments of those breaching Lenten restrictions, and continued to show that the Company was active in pursuing members who breached other trade restrictions aimed at ensuring proper observance of religious days and times.\(^{168}\) As the threats from the Lords of Council came after lobbying from the Fishmongers’ Company, who had argued a

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\(^{166}\) See chapter seven. This chapter has in part been published. See Margaret Dorey, ‘Controlling Corruption: Regulating Meat Consumption as a Preventative to Plague in Seventeenth-Century London’, *Urban History*, vol.36, no.1, 2009, pp.24-41.

\(^{167}\) Corporation of London, *Remembrancia*, volume VII, p.56. The letter from the Lord Mayor to the Lords of Council dated 25 November 1630 stated that ‘wee expect a better reformacon here after now wee have (accordinge to yo[u]r lo[ordshi]pps pleasure signified) Authorised certaine ffishmongers to serch who for there owne Interest will give us best notice’.

\(^{168}\) For example, in the year 1625/6 (the period of the biggest plague outbreak prior to 1630) the butchers fined sixteen of their members for cutting, dressing or selling meat during Lent, in addition to a further sixteen fined for breaching the Sabbath trade restrictions and one for trading on a special fast day. GL MS 06640 vol. 2, ff. 338-340v. In 1619/20, while only one butcher was fined for Lenten abuses, 27 people were fined for killing during evening prayer or on a Sunday; GL MS 06640 vol. 1, ff. 247v-254. Similarly, in 1630/31 and again in 1634/35 the butchers were active in suppressing abuses of the Sabbath restrictions on trade. GL MS 06640 vol. 2, ff. 409-410 & 475-79.
lack of observance and of regulatory vigour in urging this action, the order to change who oversaw the fast day searches was as much based on effective political lobbying as it was on the actual state of regulatory enforcement. This is reinforced by the fact that the calls for the better reform of those breaching meatless days did not cease once the Fishmongers’ were made responsible for this area of policing.

This was not the only time that the Butchers’ Company experienced a loss of support from the Lord Mayor and Aldermen in pursuing enforcement of their regulatory rights. Where concerns about the supply of food became acute, the Company also found itself without the support needed to enforce its ordinances prohibiting non-company sellers from operating in London. The Butchers’ Company repeatedly petitioned the Court of Aldermen over much of the second half of the seventeenth century for support, both in bringing a bill before Parliament to suppress those hawking flesh in the streets of London and for the better execution of the Act of Common Council from 1646 to eliminate abuses. These abuses included the sale of unwholesome meat, in the markets. While each time the Company petitioned the Court of Aldermen, the Court appointed a committee, from the repetitious nature of the Company’s complaints it would appear that such orders rarely resulted in a concrete outcome.

In 1661, for example, the committee appointed found that ‘the intollerable abuse of Hawking by which way much stolen corrupt & unwholesome flesh is uttered to the deceipt and danger of his Maj[es]te subjects’ was ‘now more used then ever without any punishment or restraint. So that the ends of the said Acts are at present (as for some years past they have been) totally frustrate and disappointed’. The committee therefore called for ‘the Sargeant & Yeoman of ye Channell (with the assistance of such others if need require as the Lord Maior for the tyme being shall appoint) bee strictly held to ye p[er]formance of their duties under severe penalties’. It also called upon the Lord Mayor to

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169 Corporation of London, Remembrancia, volume VII, p. 53. This was not the first time the Fishmongers had sought to invoke the fish-day legislation to gain a trade advantage. In 1581 the Lords of Council contacted the Lord Mayor about supposed abuses against the Lenten restrictions against the sale and consumption of meat following a complaint by the Fishmongers’ Company. In their complaint the Company drew upon the stated purpose of the statute when they argued that as a result of the quantity of meat available for sale in the City, ‘they could not sell their wares, whereby the navigation and trade of Mariners would be discouraged and fall into decay’. Corporation of London, Remembrancia, volume I, p. 300.

170 See, for example, CLRO, JCC COL/CC/01/01/040 ff. 51v-52; Charles I, King of England, By the King. A Proclamation Commanding a Due Execution of Lawes, Concerning Lent and Fasting Dayes, London, by Robert Barker, Printer to the Kings most Excellent Maiestie, 1632; Charles II, King of England, A Proclamation for Restraint of Killing, Dressing and Eating of Flesh in Lent, or on Fish-Days Appointed by the Law to Be Observed, London, Printed by John Bill and Christopher Barker, 1662; Charles II, King of England, By the King. A Proclamation for Restraint of Killing, Dressing and Eating of Flesh in Lent, or on Fish-Days Appointed by the Law to Be Observed, London, Printed by John Bill and Christopher Barker, Printers to the Kings most Excellent Majesty, 1663.

171 CLRO, Reps. COL/CA/01/01/071 f. 272v.
resume the practice of riding ‘sometimes in person through the Marketts for ye quickening & countenance of the Officers & terror of Offenders’ and issuing ‘warrants after ye ancient manner to some fitt persons to seize ye flesh soe exposed to sale within the Citty & lib[er]ties according to the said Act of Com[mon] Councell’.\textsuperscript{172} It further found that, ‘as the mischiefes of Hawking cannot bee sufficiently redressed unlesse the like course bee taken in the suburbs and p[ar]ts adjacent without the lib[er]ties of this Citty’, the draft bill previously prepared in 1657 finally ‘bee preferred by this hono[ra]ble Court to the high Court of Parliam[en]t’.\textsuperscript{173} Despite the findings of this committee, which were accepted by the Court, and despite an order given in February 1662 for all City Members of Parliament to promote the passing of this bill, the Butchers’ Company was again petitioning the court in September 1663 on the same issue with much the same outcome.\textsuperscript{174} When the Butchers tried to take action themselves against non-member traders in 1668, the Court of Aldermen instead backed complaints lodged by ‘country butchers’ and ordered the Butchers’ Company to cease all prosecutions until the markets of the City were more settled.\textsuperscript{175} Where the Aldermen had previously been sympathetic, if not active, in endorsing the Butchers’ argument, the Great Fire had intervened and the Corporation was more concerned about ensuring adequate supplies than about reinforcing the Company’s rights. This was despite the previous committee reports having found that the Butchers’ case was well founded. This state persisted well into the 1670s. A similar response had occurred in 1630 (again a time when plague and dearth threatened), when the Butchers’ had tried to enforce orders made in 1621 to search and fine ‘foreign butchers’ selling lamb in the City outside any market other than Leadenhall.\textsuperscript{176} This situation also led to a series of petitions and counter petitions from Company and foreign butchers to gain the support of the Aldermanic court. This had implications for Company regulation, as it shows that external factors could significantly impact upon the Companies’ abilities to impose their authority.

The claim made in the Aldermanic report of 1661 that company authority was undermined by sellers going outside the City to sell substandard wares in the uncontrolled suburbs, was an argument often put forward by companies seeking to increase their powers of regulation. Southwark was one of these supposedly suspect areas for the sale of meat. Although the surviving records for Southwark are patchy,\textsuperscript{177} the leet court records for the

\begin{itemize}
\item \textsuperscript{172} CLRO, Reqs. COL/CA/01/01/071 ff. 272v-273.
\item \textsuperscript{173} CLRO, Reqs. COL/CA/01/01/071 f. 273.
\item \textsuperscript{174} CLRO, Reqs. COL/CA/01/01/072 f. 63; /073 ff. 199-v & 259v-260v.
\item \textsuperscript{175} CLRO, Reqs. COL/CA/01/01/077 ff. 250-v; /080 ff. 8-v, 283-v-4, 293; /081 f. 94v; /082 319v-320.
\item \textsuperscript{176} CLRO, Reqs. COL/CA/01/01/039 ff. 252-3; /040 f. 59; /048 ff. 326v, 375-v.
\item \textsuperscript{177} For the Guildable Manor see CLRO, CLA/043/01/009 (1620, 1624, 1634, 1638, 1648, 1652 & 1654) & CLA/043/01/010 (1660-1678); for Great Liberty Manor see CLRO, CLA/043/01/011 (1622, 1631, 1632, 1634-1642 & 1644-1656) & CLA/043/01/012 (1660-1677); for Kings Manor see CLRO, CLA/043/01/015 (1708-1714 & 1743-1786). These booklets are not paginated.
\end{itemize}
sections of Southwark that came under the City’s jurisdiction contradict this portrayal of suburban regulatory negligence. While the presentments for the Great Liberty Manor up to 1656 were more concerned with the pollution that butchers caused, the later records for the same court showed intermittent presentments of poor quality meat. One reason for the intermittent nature of these records may have been the failure of the ‘flesh taster’ to always officiate but never the less his appointment indicated that search was supposed to be carried out and in many of the years covered he had clearly been more rigorous. The minutes for the Leet Court of the Guildable Manor for 1620 and 1624 show a more regular pattern of presentment of butchers for selling unwholesome flesh. This charge was repeated in the presentments contained in the booklets for 1634, 1638, 1648, 1652 and 1654. The later records for the Guildable Manor from 1660-1679 also recorded similar offences, with the addition in 1665/6 and afterwards of sales of carrion beef, mutton and veal (1666/7), stinking calves and measled and blown pork (1670/1). While the Southwark records were the most detailed in recording meat trade transgressions, the Westminster Sessions rolls for the 1620s and 30s show similar accusations, with the additional charge in a couple of cases of people trying to sell murrained flesh. In some of these cases, the persons prosecuting did so with the authorization of the Butchers’ Company. While these records are very patchy, they nevertheless show that the suburbs did not necessarily afford corrupt butchers an area to sell bad food with impunity. In at least some areas of Southwark and Westminster offenders were actively pursued.

One major barrier to the pursuit of offenders that became increasingly apparent in the later seventeenth century was the cost of prosecution. The Fishmongers’ Company minutes show the Company elite increasingly reluctant to pay the sums incurred by the trading members in prosecuting offences against their ordinances in external courts. While this reluctance could be put down to the split emerging in the Company, similar problems are evident in the Butchers’ Company Court minutes where no such divergence existed. The order to encourage even non-members to prosecute those breaching quality

178 CLRO, CLA/043/01/011. In all years those keeping hogs were a problem. In 1622, both slaughter houses and bloodshed were presented under general annoyances. Similar presentments appear, along with dumping offal under the categories of general presentments and sundry amercements in 1632, 1634, 1637, 1638 and 1639. In contrast, in CLRO, CLA/043/01/012 in addition for multiple presentments of people keeping large numbers of hogs, in 1661, 1664, 1666, 1667, 1668, 1673, 1675, 1676 & 1677 butchers offending by selling ‘unwholsome & blowne’ meat or ‘bad pork’ appeared in the sundry presentments.
179 CLRO, CLA/043/01/011 the ‘Flesh taster’ was fined for not doing his job properly in 1666, 1669, 1670, 1671, 1673 & 1674.
180 CLRO, CLA/043/01/009.
181 CLRO, CLA/043/01/009.
182 CLRO, CLA/043/01/009 & CLA/043/01/010.
ordinances issued by the Butchers’ Court of Assistants in 1717 was indicative of the difficult financial situation many of the companies found themselves in by the early eighteenth century. That the move to prosecution by private individuals of offenders was not successful is suggested by the move back to Company backed action in 1726, when the Butchers’ Court again ordered the search and punishment of all offending by hawking meat or selling corrupt flesh.\textsuperscript{184} However, the deteriorating financial position of the Company was also undoubtedly behind the acceptance of a petition by two men in 1732 to prosecute those selling pork, who had breached the by-laws of the Company.\textsuperscript{185} Like the trading Fishmongers, despite financial problems the Butchers’ Company clearly continued, if more sporadically, to attempt to deter breaches of their by-laws. Unlike the Fishmongers the Butchers’ attempts continued to be aimed at ensuring food quality, though enforcing membership was also of increasing concern.

That the Companies were not the only body hampered by the barrier posed by the cost of prosecuting offenders is evident in efforts made by the Corporation to force the reform or punishments of abuses presented by the wardmotes. By the middle of the seventeenth century it had become evident that the wardmotes could not function properly without recourse to the support of a higher court to force offenders to reform.\textsuperscript{186} In the case of the wardmotes, the City granted the right to first one, and then two individuals to pursue offenders in the higher courts, with the Sheriff granting Mr Guppy ‘a moiety for his encouragement’.\textsuperscript{187} That this intervention was deemed necessary again indicates that where the governed refused to conform, the limited powers granted lower level authorities made support from higher levels of government essential to their ability to reform or punish the recalcitrant.

\textbf{Conclusion}

While some offenders did indeed find themselves ‘pilloried, imprisoned, [and] dragged on hurdles through the streets’ as Burnett described, these cases were few, and were the exception rather than the rule. Such punishments were only ever imposed for gross offences and were intended as exemplary indications that regulators were actively enforcing trade practices. In addition, the final sanction against recalcitrant offenders of banishment from the City, which was cited by Burnett and outlined as a possibility in some of the

\textsuperscript{184} GL MS 06443 vol. 5, f. 225.
\textsuperscript{185} GL MS 06443 vol. 5, ff. 400-1. On the financial difficulties faced by the Butchers’ Company in this period, see Jones, The Butchers of London, pp. 38 & 198-201.
\textsuperscript{186} CLRO, Reps. COL/CA/01/01/066 ff. 35v, 36, 39, 50v.
\textsuperscript{187} CLRO, Reps. COL/CA/01/01/066 ff. 36, 39, 50v; /067 ff/ 56, 100v, 246, 247v; /071 f. 221; /072 f. 51v; /073 f. 273; /084 ff. 59v, 60, 62; /085 f. 65v; /086 ff. 47, 49; /091 f. 49v; /092 f. 108v; /093 f. 41; /099 f. 251.
Companies’ ordinances, was never exacted, at least not against citizen traders. As general studies of the Livery Companies for the sixteenth and seventeenth centuries have shown, there was a move towards fines over public punishment, and physical punishments for food quality breaches were rare. As with other areas of law enforcement the constant vigilance, high rate of apprehension and severe punishment of offenders assumed by some historians of food adulteration for this period was more an ideal than a reality.

Instead, systematic and ongoing control of traders was sporadically applied. A willingness to regulate members was greater where membership was cohesive and where the elite of the Company remained connected to the daily exercise of their trade. The regulation of non-members remained a concern for most trades, though the ability of the Companies to enforce this was affected by the readiness of the Company elite to pay for prosecutions, as well as whether the Corporation would support such efforts. The willingness of the City government to grant this support was in turn affected by competing concerns to ensure food quality but also to ensure the supply of the City with food at reasonable rates.

Some Company governments were more successful than others in maintaining control over their trades and in their efforts to enforce quality standards. The Gardeners’ Company was unable to gain the support of the City for their claims of authority, and consequently to effect any control over food quality in London. Not only did those practicing the trade not perceive the need to take up membership or accept Company rule, but the Company also could not get City support to make membership a compulsory condition of trading in garden wares. The Grocers’ Company began the seventeenth century searching goods and imposing fines against offenders. However, the successful campaign by the Apothecaries to form a separate company and the Grocers’ subsequent problems in influencing the appointment of the City’s garbler, in conjunction with the disjuncture between membership and those practicing the trade, meant that they stopped exercising any role in maintaining quality control before the middle of the seventeenth century. When they became the first of the food companies to officially remove the requirement of search from their ordinances in the early eighteenth century, this formalized a situation that had existed for more than fifty years. Their relinquishing of even their theoretical control over economic aspects of the trade at this time matches the pattern described by Walker in relation to what he classified as the mercantile trades, a group which included many others of the twelve great companies.  

In contrast, the Fishmongers’, Bakers’, Butchers’ and Poults’ companies all showed continued efforts to regulate their trade, though to varying and fluctuating degrees.

188 Walker, Extent of Guild Control, p. 126.
The Fishmongers’ Company, another of the twelve great companies, did not follow the same pattern of relinquishment of control as the Grocers’, or at least not to the same degree. Instead, the Company retained their theoretical right to regulate up to the nineteenth century. However, while the retailing Fishmongers’ continued to present offenders against their regulations, increasingly their efforts were made without the sanction of the Company government. This meant a movement away from policing quality breaches by their own members to a focus on those not free of the Company practicing the trade and breaching ordinances. Although trading Fishmongers may have taken the regulation of their trade into their own hands, their ongoing attempts to involve the Company in the process – even if only to fund prosecutions - nevertheless shows that they remained within the membership, and, to that extent, the Company was successful in maintaining control, albeit loosely.

In the Bakers’, Poulterers’ and Butchers’ companies, members remained the most tied to their trade. While breaks occurred in regulatory activity, they were amongst the companies receiving renewed support from the city government in the mid-eighteenth century to enforce membership and hence proper oversight of their trades. The timing of this renewal was interesting, as it followed closely on the pamphlet war that erupted in the 1750s over possible food fraud involving the grain and bread trades, a campaign that resulted in new legislation defining the quality of flour and bread to be sold. The Butchers’ Company actively pursued the regulation of their trade for most of the period up to 1740. In the eighteenth century, financial difficulties led them to seek alternative ways to reduce the costs of prosecution, which included the encouragement of private informers. The locale of prosecutions also changed over time, but of all the trades, for the Butchers, the enforcement of quality concerns was ongoing and they are among the most visible in the prosecution records of the courts in London, Southwark and Westminster for the sale of illegal or unwholesome meat.

The cost, both in time and money, of searching out and prosecuting offenders was a problem not confined to the companies but also affected other levels of City’s regulatory bodies by the later seventeenth century. The evidence presented in this chapter echoes what was articulated in the preambles to several of the City’s acts and orders, it was not a lack of laws that impeded the prevention of food fraud and the apprehension of offenders in early modern London, but rather the costs of maintaining the mechanisms of search using a largely voluntary workforce and of bringing successful prosecution.

Effective oversight is often assumed to mean total oversight and prevention. Histories of decline or improvement are premised on an idea that in one era (the past or

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189 CLRO, JCC COL/CC/01/01/061 f. 198v & 200-2.
the present) oversight was more complete than in another. Yet, as a recent article has pointed out, the sheer quantities of food that would require inspection precludes oversight from ever being total, and prosecutions of all offenders is too costly.\(^{190}\) This was as true for the seventeenth century as it is today. Although the population of London in the early modern period was nothing like it is today, inspecting all of the food required to feed 575,000 people or even 200,000 (the population estimates given by Jeremy Boulton for 1700 and 1600 respectively) with the limited resources available to the Companies and City would not have been any easier.\(^{191}\) It has never been the intention of authorities to prosecute all offenders. Instead intermittent search activity leading to prosecutions of a few in an exemplary way serve both to reassure the general populace that food was regulated, and therefore safe, and to deter other traders from offending. What is meant by ‘effective’ regulation needs re-thinking. Despite the evidence of the company charters and ordinances, the right of oversight was not a given, but was rather negotiated and often contested both within the membership and with other authorities. Being able to induce conformity to authority is also a part of effective oversight. The most effective companies were those that maintained their right to oversee traders, both in the eyes of their own members, of higher levels of authority and of the broader populace.


Section III: The food sellers

Into the City hyed I then,
To try what welcome there Trade-men
Would give poor Robin Conscience, when
I came there
The Shop keepers that use deceit
Did come about me and did threat,
Unless I would be gone, to beat
Me lame there
And every one both high and low
Held Conscience as a mortall foe
Because he doth ill vices show
Each minute.¹
M.P., 1640

The best Way … is to apply ourselves for what we want to Persons of known Credit and Honesty, and to employ such about those Things that relate to Eatables and Drinkables.²

Jasper Arnaud, 1740

These extracts, taken from a seventeenth-century broadsheet ballad and an eighteenth-century marketing guide, illuminate the third factor that influences people’s beliefs about the quality of food available for consumption: perceptions of the seller.³ If the perceived effectiveness of regulators is important in reassuring consumers that the food they eat is wholesome, then perceptions of the behaviour of the sellers themselves is at least equally significant.

Sellerberg has argued that people need to trust the food they eat, and the people who sell it.⁴ This is particularly true for consumers living in urban areas without access to the means of producing their own food. After all, if you do not or cannot grow it yourself, then you have to trust the producer and seller or starve. At the same time, the very act of

¹ M. P., Robin Conscience, or, Conscionable Robin His Progresse through Court, City and Countrey: With His Bad [En]Tertainment at Each Severall Place, &[C.], [London, F. Coules], 1640.
eating is fraught with danger, as that which nourishes can also cause illness and disease.\(^5\) The distancing of consumers from direct contact with producers that comes with urbanization is both the impetus for trust, but also a root cause of beliefs that food might be adulterated or unsafe.\(^6\)

One reason why food historians have assumed widespread and systematic fraud was confined to the modern era was a belief that this disconnect between producers and consumers was not a feature of the pre-modern town. Yet as previous chapters have discussed, mayoral orders from as early as 1611 showed that this dependence upon others for most food consumed by all levels of inhabitants in London and Westminster was already a feature of urban life at the beginning of the seventeenth century.\(^7\) While much of England was still rural, those living in the rapidly expanding metropolis were increasingly unable to source home grown foodstuffs.\(^8\) Face to face interaction with growers was also less and less likely. The tensions that arise from having to trust relative strangers for essential foodstuffs were already a source of concern.

The relationship between sellers and buyers of food is an uneven one in terms of trust.\(^9\) While consumers can choose between the foodstuffs presented by different sellers, choice is restricted by the availability and affordability of food presented, as well as by the leisure buyers have to pursue alternatives. Beliefs about the integrity of producers and suppliers, both as groups and as individuals, impact heavily on perceptions of the likely purity and healthfulness of the food they sell. If there is doubt about the integrity of sellers,


\(^7\) See chapter 1.


\(^9\) Kjaernes, Harvey and Warde, *Trust in Food*, pp. 118-9, describes the relationship between buyers and sellers as reciprocal but asymmetric in terms of trust, as the need to trust in food quality rests entirely with the buyer.
this heightens the level of anxiety experienced and consequent perceptions of risk. One reason why the food livery companies sought to regulate the dress and demeanour of retailing members, and tried to confine disputes between members over their trade within the company courts, was to protect the integrity of the company.

Section two showed that regulatory function was fragmented and that although livery companies theoretically had primary control over traders, they were not always able to exercise this right. While there was a hierarchy of authority from the crown via the city, to the companies and wards and then to the sellers, with each higher section in theory exercising control over the layer below them, this was not how things actually worked. Instead functions overlapped and those lower down the chain of control could, and did, take action to influence the controls imposed. Companies’ abilities to enforce regulations were dependent both upon traders’ acceptance of their right to regulate and upon the support gained from other levels of government to force adherence where such acceptance was lacking. This section shows how this support was in turn dependent upon beliefs about both the integrity of company members and of other traders. As chapter four demonstrated, sellers were not a homogenous group, and the different groups lobbied and contested for the right to trade. Control was not imposed but negotiated. Although power relationships between those higher and lower down the social hierarchy were not equal, the ruled were able to lobby and contest efforts by rulers to control their activities. If controlling the food trades was conditional and subject to an ongoing process of negotiation, then the question of what determined degrees of cooperation between regulatory authorities and their ability to take action against bad practice needs to be considered in more detail. This section explores the idea that perceptions of sellers had a significant impact on who gained this support.

Concerns about food sellers related to their probable honesty in matters of finance and hygiene, and a seller’s moral standing further affected these perceptions. The chapters that follow explore each of these concerns in turn. Chapter five draws out the ways in which extending chains of supply and the trade in luxury foodstuffs affected beliefs about the financial honesty of food sellers in London. Chapter six explores the way in which moral disorder was tied to the sale of unwholesome food to define types of sellers and the relative legitimacy of the various groups and their right to trade. Finally, chapter seven examines the construction of food traders as polluters of the City who needed to be controlled.
Chapter 5. Economic disorder and fraud

Trade, without doubt, is in its nature a pernicious thing; it brings in that Wealth which introduces Luxury; it gives rise to Fraud and Avarice, and extinguishes Virtue and Simplicity of Manners; it depraves a People, and makes way for Corruption.¹

Charles Davenant, 1699

This chapter explores the connections made between the food traders and economic disorder. Early modern economic commentators like Charles Davenant ascribed a range of vices to trade in general, including the encouragement of dangerous appetites, fraud and avarice. However, the potential impact of unwholesome foods on health heightened anxieties when it came to the food traders. As section one argued, food adulteration was not only a health concern, but has always, by definition, also been linked to fraud. As such, the likelihood of health concerns increased where economic incentives, such as when products are scarce and prices high, to perpetrate fraud were greatest. Similarly, a belief in the general honesty or otherwise of food traders affected their credibility and perceptions of the likelihood of fraud. Dishonesty in the production or sale of manufactured goods like cloth, glass or metalware might harm your pocket, but was unlikely to damage your health; the fraudulent treatment of food, on the other hand, could.

Davenant’s description of the dangers of trade reflected long-held beliefs about the role of middlemen in the economy. Middlemen included retailers, but also covered wholesale traders acting as intermediaries between the producer and the consumer. Many of London’s food traders therefore fitted within this category. Nancy Cox has identified three, often overlapping, areas of concern about trade in early modern perceptions.² The first was the moral danger incurred by encouraging the consumption of luxury goods such as sugar and spices, and later coffee, chocolate and tea. The second was the threat to the national economy posed by a potential imbalance of trade created in importing such goods. Thirdly, the inherent problem posed by retailers, as intermediaries between producers and

consumers, placed them outside the early modern ideal of the market place. Studies of the history of consumption have largely focused on the first two concerns. Historians debating whether and when a consumer revolution occurred have tended to define consumption as the purchase of luxury, basing their arguments upon patterns of uptake of new, usually durable and imported, products by different social groups. Such studies have also examined the growth of international trade led by the increasing demand for luxury imports, and the developments in economic theory that informed changing attitudes and national policies. In focusing on the association of concerns about the morality of consuming luxury with the balance of trade theory of wealth generation, studies of consumption and retailing have not only overlooked early modern associations of luxury with domestically produced food items, but also the associations made between luxury and gluttony. This omission has come despite Roy Porter’s demonstration that early modern economic theories and concerns about health paralleled each other. It has also meant historians have made far greater use of national legislation than local regulatory acts, a focus that has further restricted the types of consumer goods examined, and ignored the concerns of local elites about consumption patterns of differing categories and qualities of locally produced staple foods.

The role of the retailer as one type of middleman in the internal trade of England, has received relatively little attention from historians of consumption. Where retailing has been examined, historians have tended to limit the range of retail locales considered, rarely looking at sales outside fixed shop locations. In addition, the narrow focus on retail of

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non-essential items has meant greater attention has been given to durable goods, ironically, considering that ‘retail’ means the ‘sale of commodities in small quantities’, and that ephemeral goods and necessities are included within this definition. This bias has obscured both the range of retailing activity that occurred in early modern England, and the attitudes expressed in regulations, popular representations and social commentaries about the different types of activity. If retail is defined as the resale of small quantities of goods, then the range of sales venues and the types of goods considered needs to broaden to include necessities, with food a quintessential focus of consumption. Cox and Dannehl partially addressed this imbalance in their 2007 study of perceptions of retailing. However, while they acknowledge the range of retailing activity that was taking place in early modern English towns, their assumption that all forms were equally acceptable in this period is problematic.

Concerns about the nature of retailing informed attitudes towards the food traders of London and shaped how different groups of traders were perceived. The three areas of concern regarding retailing affected different food items to different degrees. A reassessment of food retailing that gives attention to the differences apparent between different types of trade in early modern regulatory literature is therefore needed.

I would argue that in the case of food sales, regulators’ anxieties about retailing and its potential for fraud, became more acute when goods came to be seen as necessary staples and not luxury extras. This does not deny that the sale of imported luxury foods generated concerns about the balance of trade and the health of the national economy. However, the protection of wholesome necessities caused regulators greater concern, at least at a local level, as problems in the supply of necessities to the general populace raised the spectre of riot. It was precisely the essential nature of foodstuffs like bread and grain, as well as beef and later, as Sidney Mintz has argued, sugar and tea, to the diet of the lower sorts that

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7 Cox and Dannehl, *Perceptions of Retailing*, pp. 2-3.
8 Cox and Dannehl, *Perceptions of Retailing*, p. 3. This approach obscures the conditional and grudging nature of acceptance by regulators that affected how different kinds of traders were perceived and treated by the authorities. The division between legal formal systems of retail activity and informal, frequently illegal, forms of retailing, which Cox and Dannehl identified with modern retailing, is not new.
generated anxiety. The number of people who could be affected by fraud and the consequences to health and public order that could ensue if it was left unchecked were significant causes for concern.

This chapter firstly examines the early modern ideal of trade and how this was reflected in legislation to control traders. It then uses the grain and flour trade as a case study to examine how the maintenance of adequate and unadulterated supplies of staple food for the inhabitants of London acted against this ideal. Finally, it explores how a food item’s classification as a luxury or a necessity affected concerns about retailing.

The early modern trading ideal
The ideal model for trade in the medieval and early modern periods was one where the consumer purchased goods directly from the person who produced them, with all sales taking place in the open market. In theory, this allowed public oversight of all transactions, thus preventing both the sale of substandard or corrupted wares and unfair practices with pricing. This ideal market was based on the concept that a ‘just price’ was paid for goods. Medieval economic theory defined the ‘just price’ as either that ‘set by public authorities for the common good’, or, in the absence of an official price, the price buyers were prepared to pay in the open market. According to de Roover, in theory it was determined by supply and demand and not by the cost of production. Keeping the prices of staple goods at a reasonable level was dependent on open competition, which was itself dependent on sales being conducted in the public eye, and on the exclusion of all who might conspire to fraudulently affect the price. However, while medieval economic theorists might have excluded the cost of production from their definitions of the ‘just price’, medieval and early modern moral commentators and regulators seeking to enforce it were more accommodating. Regulations, such as those setting the assize of bread in England, recognized the bakers’ need to both cover costs and make a modest profit. The

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12 Cox, “‘Beggary of the Nation’”, p. 38.
14 de Roover, ‘The Concept of Just Price’, pp. 420-4. This was still in place in the seventeenth century. See, for example, Richard Baxter, A Christian Directory, or, a Summ of Practical Theologie and Cases of Conscience Directing Christians How to Use Their Knowledge and Faith, How to Improve All Helps and Means, and to Perform All Duties, How to Overcome Temptations, and to Escape or Mortifie Every Sin: In Four Parts, London, Nevill Simmons, 1673, Bk. IV, p. 113.
assize of bread set in 1266 fixed the bakers’ profits ‘at two peck loaves out of every baking from a quarter of wheat, plus the discarded bran’, as well as setting a fixed allowance to cover working expenses such as labour, fuel, light, salt and yeast.\textsuperscript{15} According to this regulation, the ‘just price’ was one that paid the baker for his labour, while at the same time allowing the lower sort to purchase food to eat and to survive.\textsuperscript{16}

The Bakers of London agreed with this definition of the ‘just price’, but it is doubtful if they would have agreed that it was actually being observed. In practice, they experienced long gaps between increases in the allowance and had great difficulties in getting regulators to respond to the effect of rising costs on their trade and profits.\textsuperscript{17} Their presentations to the Lord Mayor and aldermen in 1619-20, 1632 and 1710 disputed the adequacy of the allowance to cover working expenses.\textsuperscript{18} In arguing that the allowance to cover costs made it difficult to ‘serve the City with the better sort of stuff’, they hinted at likely problems with bread quality if it were not raised.\textsuperscript{19} Despite these objections, the costs of production remained an integral part of the calculation of the assize, however inadequate the bakers may have considered the assessments of London’s regulators as to what these costs might have been.

The concept of a ‘just price’ led to a hierarchical depiction of people involved in trade, dependent on their perceived contribution to the common good.\textsuperscript{20} Discussions of the impact of trade on the national balance of payments portrayed producers and manufacturers positively.\textsuperscript{21} They created wealth through industrious labour and the use of land to either sell locally or export produce, thus creating a positive balance of payments in addition to providing employment. Merchants trading overseas were equivocal. If they exported goods, or balanced import activity with export, they were viewed favourably. Net

\textsuperscript{17} Thrupp, \textit{The Worshipful Company of Bakers}, pp. 14-19.
\textsuperscript{18} Thrupp, \textit{The Worshipful Company of Bakers}, pp. 18 & 19.
\textsuperscript{19} Corporation of London, \textit{Analytical Index, to the Series of Records Known as the Remembrancia. Preserved among the Archives of the City of London A. D. 1579-1664}, London, E. J. Francis & Co., 1878, V, 55. The Bakers’ complaint was that the assize was not being set against the correct grade of grain and included an account of their costs to prove the inadequacy of the assize. According to this reckoning, their costs came to ten shillings two pence over the amount allowed them under the assize. The table of costs is also reproduced in Thrupp, \textit{The Worshipful Company of Bakers}, pp. 17-18.
\textsuperscript{20} Cox and Dannehl, \textit{Perceptions of Retailing}, p. 21.
\textsuperscript{21} John Hales, Thomas Smith and William Stafford, \textit{A Compendious or Briefe Examination of Certayne Ordinary Complaints of Diuers of Our Country Men in These Our Dayes Whic Although They Are in Some Parte Vniust [and] Friuolous, yet Are They All by Vvay of Dialogues Throughly Debated [and] Discussed}, London, Thomas Marshe, 1581, ff. 37v-38, for example, divided the trades into three types. The producers – farmers and manufacturers were included among Hales second sort of trade whose effect was ‘that which they get, they do spend againe in the countrey’ and the ‘third sorte of Artificers is of them that doe bring in treasure into the cou[n]trey’.

Chapter 5: Economic disorder 163
importers, however, were problematic. 22 Apologists for the trading companies, such as Thomas Mun in the 1620s and Davenant in the 1690s for the East India Company (EIC), tried to paint a more positive picture of the impact of their trade. 23 Mun attempted to reframe the goods the EIC imported as necessities ‘to preserve their health and cure their diseases’, part of the essential ‘foode, raiment, and munition for warre’, and not as unnecessary luxuries, ‘which serve for our pleasure’. 24 He countered the argument put forward by critics that other nations ‘live without the use of Druggs and Spices’, answering ‘[t]hat either such people know not their vertue; and therefore, suffer much by want of Wares so healthfull; or else, they are most miserable; being without means to obtaine the thinges, which they so much want’. 25 Davenant, on the other hand, acknowledged the luxury status and the corrupting influence of the EIC’s wares, but like other writers from the 1680s onwards, posited such trade as a necessary evil for economic growth and political power. 26 Bernard Mandeville (1714) took a similar stance in his The Fable of Bees, arguing the ‘Impossibility of enjoying all the …Comforts of Life that are to be met with in an industrious Nation’ if ‘the Virtue and Innocence that can be wish’d for in a Golden Age’ were maintained. 27 Their attempts were largely unsuccessful. The balance of trade argument for maintaining national wealth, along with the idea that net importers posed a threat to

22 Net importers fell into Hales’s first category who ‘convey money out of the countrey’; Hales, Smith and Stafford, A Compendious or Briefe Examination, II, 37v. In this most dangerous category came the grocers, along with mercers, vintners, haberdashers, milliners. It is of note that four of the five trades identified as engaging in potentially harmful trade were part of the twelve great companies of London, and that to attain the position of Lord Mayor of London membership of one of these twelve companies was a compulsory requirement.

23 Thomas Mun, A Discourse of Trade, from England Vnto the East-Indies Answering to Diverse Objections Which Are Vsuall Made against the Same, London, Iohn Pyper, 1621; Charles Davenant, An Essay on the East-India-Trade by the Author of the Essay Upon Wavyes and Means, 1696; Davenant, An Essay Upon the Probable Methods. According to Perry Gauci, ‘Mun, Thomas (bap. 1571, d. 1641)’, ODNB Online [accessed 08/07/2010], Thomas Mun was a member of both the Levant Company and the East India Company. He was appointed to the committee that directed the affairs of the latter in 1615 and served as deputy director of the company in 1624-5. He was actively involved in promoting the company’s interests. His work was reissued in 1664 and 1669, and again with additions in the 1698 and 1700 when the EIC’s monopoly status was under threat. Charles Davenant was on the payroll of the East India Company in the 1690s. He published several essays in support of the East India Company directly and of the benefits of foreign trade more generally. The 1696 publication was apparently written to procure his position with the company. Julian Hoppit, ‘Davenant, Charles (1656–1714)’, ODNB Online [accessed 8 July 2010].

24 Mun, A Discourse of Trade, pp. 2-3 & 6.
25 Mun, A Discourse of Trade, p. 6.
26 Davenant, An Essay on the East-India-Trade, pp. 7-9, linked the strength required for national security to the wealth required to secure such power, which was in turn dependent on a well-managed and extended international trade. He argued that internal trade alone was unable to supply the necessary wealth and that far from impoverishing the nation, the luxury trades were what had led to England’s ‘dominion of the sea’. See also Bernard Mandeville, The Fable of the Bees, or, Private Vices, Public Benefits Containing Several Discourses to Demonstrate That Human Frailties, During the Degeneracy of Mankind, May Be Turn’d to the Advantage of the Civil Society, and Made to Supply the Place of Moral Virtues, London, J. Roberts, 1714 & Daniel Defoe, The Compleat English Tradesman. Volume II. In Two Parts ... Part II. Being Useful Generals in Trade, 3rd edn., London, Charles Rivington, 1727, pp. 104-08 for similar arguments.
this wealth, retained its dominance well into the eighteenth century. At the bottom of the hierarchy of traders came the brokers and retailers, who were viewed as doing nothing but push money and goods around, contributing little or nothing to the common weal.

This hierarchy of traders also applied to other aspects of trade. It underpinned depictions of the relative honesty of different traders at a local and regional level, and informed representations of the producers and suppliers in ballads. Seventeenth-century ballads like *The witty damsel of Devonshire* and *Robin the Plowman’s Courage* maintained a rhetorical dichotomy between honest farmers and labourers and dishonest, though wealthy, middlemen like the millers and retailers of corn. This dichotomy was not universally applied. In *Robin Conscience* all actors participating in trade utilizing an extended chain of supply were shown to be dishonest, including farmers willing to sell their produce to middlemen rather than bringing them to market to sell directly to consumers. However, even this depiction upheld the ideal model. It was not the farmers’ role as farmers that was criticized, but rather their participation in a corrupt model of trade for personal gain.

If ideal trade involved direct sales between producer and consumer, then it was assumed that production took place locally, and that the price charged represented the costs of production with a reasonable additional amount to allow the producer a living. Retailers made their money by buying either directly from producers or from other brokering middlemen. Their living therefore came from profits made from the difference in price between that paid to producers and that extracted from customers. They did not fit within the ‘just price’ ideal and were construed as living dishonestly off the labour of others, profiting at the expense of both the producer and the customer, either by directly manipulating the price, or by adulterating produce to bulk it out and thus get a greater return for the produce they sold. Yet, whether they were large-scale wholesaling importers or smaller-scale retailers, most citizen food traders in London were middlemen. With

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28 See Cox, *The Complete Tradesman*, pp. 6-7, regarding the longevity of the balance of trade argument.
30 In *Robin the Plow-Man’s Courage; or, Harry the Millers Miserable Misfortune in Courting of Young Kate, Who Declared He Had Lost His Testices, and Therefore Far Unfit for Wedlock*, London, P. Brooksbys, J. Deacon, J. Blare, & J. Back, n.d. [EBBA, Pepys 3.305], the miller’s suit is rejected due to his ‘being a double Knave in grain’ and one ‘who has a Thief been from your Cradle’, in favour of Robin Plowman who is described as honest, brave and courageous. See also the miller in *The Vvitty Damsel of Devonshire: Or, a Dialogue between a Mother and Her Daughter, Concerning Robin the Miller Whom the Daughter Hated, and Resolved to Marry William the Plowman Whom She Dearly Loved*, [London], P[hilip] Brooksbys, J[onah] Deacon, J[osiah] Blare, and J[ohn] Back., 1688.
31 M. P., *Robin Conscience, or, Conscionable Robin His Progresse through Court, City and Countrie: With His Bad [En]Tertainment at Each Severall Place*, [London, For F. Coules], 1640. When Robin Conscience offers to sell the Yeomans and Farmers’ grain to the poor for them, ‘they did turne/ Me out of doores and with great scorne, forsake me,/ One said he had no use for me,/ To sell his corne, for I q[uoth] he/ Must not be onely rul’d by thee in selling./ If I shall Conscience entertaine,/ hee’d make me leave ingrossing gaine,/ here is for thee I tell the plaine, no dwelling’.
retailing becoming an increasing necessity in supplying the City, the placement of food sales in the open market, where they were open to the scrutiny of all, retained its importance.33

The hierarchy of virtue for traders was also dependent on trading locale. Ideal trade took place within the open market. While most of the work done on retailing tradesmen in early modern England has focused on traders operating from fixed shops, retailers in fact operated from a range of locations.34 These included selling within the public markets, in shops surrounding the markets and lining the main streets, and street sellers, who could be either static or mobile. Trading in the markets was highly visible, was subject to official oversight and fitted most closely to the trading ideal. In the eyes of civic authorities the markets were the preferred locale, particularly for food; however, as space became an issue, tensions arose over who could legitimately trade in the markets.35 Those with the greatest right to trade in the markets were the freemen of London and country sellers selling directly to the public, although freemen who had established shops or warehouses within the city were deemed not to require space in the market.36 Petty sellers of prepared foods and licensed sellers, who were not members of the food companies but operated as retailers of commodities like fruit and fish, were assigned the least attractive areas within these legitimate sites of trade.37

Those trading from fixed shops came next. Shops were less open to public scrutiny than the market places, but were known to both company and city authorities and were within the companies’ remit for oversight. Indeed, as space within the markets became increasingly tight, citizen food traders were encouraged to operate out of shops leaving the markets to those who could not afford shop premises and to the country traders.38 While foreign traders opening shops remained a problem, citizen retailers trading from shops became increasingly tolerated, even encouraged.39 Brokers and wholesalers conducting

34 Hoh-Cheung Mui and Lorna H. Mui, Shops and Shopkeeping in Eighteenth Century England, Kingston & London, McGill-Queen’s University Press & Routledge, 1989; Shammas, The Pre-Industrial Consumer; Cox, The Complete Tradesman. Cox’s later work has criticized earlier models of retail history for their narrow definition of retailing as that which took place in shops, and advocated a more inclusive approach that acknowledges the range of retail activities occurring in any particular period or place; Cox and Dannehl, Perceptions of Retailing, pp. 1-3 & 9-10.
35 See chapter 6 for a more detailed discussion of the conflicts between the companies and the street traders.
36 CLRO, JCC COL/CC/01/01/050 ff. 59-60v; CLRO, CLA/017/LC/05/001.
37 See for example, CLRO, Reps. COL/CA/01/01/036 ff. 58v-59.
38 CLRO, JCC COL/CC/01/01/050 ff. 59-60v; CLRO, CLA/017/LC/05/001.
39 See Cox, The Complete Tradesman, chapter 1, for a general timeline of acceptance. However, acceptance did not occur at the same time for all foods. While sales from shops were deemed acceptable in the City regulations of 1640s and 50s for meat, the 1650 parliamentary ‘Act touching corn and meal’ prohibited the sale of flour and meal from ‘private houses, ware-houses and shops, without bringing of
transactions in inns, taverns and coffee shops were more suspicious because these transactions were taking place outside official scrutiny. Street sellers presented the biggest problem, with mobile selling in back streets and alleys being the most highly suspect trading activity of all. As the street traders generated considerable debate they will be discussed as a separate category in chapter six.

The hierarchy of traders underlay the treatment they received in orders issued by the City government. This helps to explain the preferential treatment of country traders bringing foodstuffs to sell in the markets, despite the prevalence of negative views of ‘foreigners’. The word ‘foreigner’ at this time referred to anyone not a citizen of the City and its liberties and included people coming into London from other areas of England. The antipathy towards foreign sellers in general can be seen in the inclusion of a prohibition against foreigners trading in the City in *The Lawes of the Markett* (1595). This concern was also evident in orders, such as those issued in 1605, to shut up strangers’ shops. Similarly, orders against hawkers portrayed them as foreign outsiders infringing on the trade of legitimate citizen food sellers. However, not all outsiders were viewed in the same way. Sellers coming into the London from the surrounding countryside could be


44 CLRO, *Reps. COL/CA/01/01/027* ff. 166v-167. See also /040 f. 59.

identified as ‘producers’ and an essential component of the city’s food supply. If they sold directly to consumers in the market, they fit within the definition of ideal trade. Orders to remedy abuses in the public markets repeatedly reinforced the legitimacy of the presence of those designated ‘the country traders’ within these markets. An act of Common Council recorded in the Letter Books of the city in 1602 identified ‘places of the said citie w[h]ich have byn of auncent tyme accustomed to be specially used for the countrey people to stand and sitt to sell victualls in’, and exempted them from orders to suppress hawkers.\(^{46}\)

Similarly, in 1631 and again in 1643, the mayor and aldermen acted against freemen pushing country people out of the markets they had traditionally occupied on market days.\(^{47}\) In 1663 the ‘Countrey people who bring Eggs Butter Piggs Bacon Geese Poultrie wares and other p[ro]visions of victual to the Markett in Leadenhall Street and other white markets of this Citty’ complained about ‘Ingrossers Regrators Hucksters & other people of the City’ taking up all the market places to sell the same commodities but ‘at third hand’ driving prices up at the same time as selling wares of inferior quality thus to the ‘great abuse and damage of His Ma[jes]ty[rs] Subjects’.\(^{48}\)

Accusations that traders engrossed and sold poor produce were utilized by both sides in a series of conflicts between the Butchers’ Company and those they designated ‘foreign butchers’, but which the City authorities increasingly referred to as ‘country butchers’.\(^{49}\) The labels were not stable but were actively utilized to position different groups of traders within the hierarchy of legitimacy. A petition lodged by the Butchers’ Company in 1661 blamed butchers in the suburbs and “skirts” of London for the sale of corrupt and stolen meat, whereas the country sellers’ petition of 1663 identified the City’s inhabitants as the main culprits.\(^{50}\) In 1670 and 1671, when the Butchers’ Company was actively pursuing prosecutions against ‘Country Butchers’, alternately referred to as ‘Country victuallers’, for market abuses, both the country people and the Butchers again made petitions to the court accusing each other of hawking. Unlike earlier campaigns, such as that in the 1630s, when the Court of Aldermen had supported the Butchers’ requests and encouraged the prosecution of offenders, in 1671 they suspended the Butchers’ suits against country butchers.\(^{51}\) This was done on the grounds that stopping the trade would disrupt much

\(^{46}\) CLRO, Letter Books COL/AD/01/036 (LL) ff. 115v-116v.

\(^{47}\) Corporation of London, An Act of Common Councell for the Reformation of Sundry Abuses ... Vpon the Common Markets; CLRO, Reps. COL/CA/01/01/049 ff. 290 & /061 f. 5.

\(^{48}\) CLRO, Reps. COL/CA/01/01/073 ff. 196-7.

\(^{49}\) See CLRO, Reps. COL/CA/01/01/033 ff. 180 & 201-v for conflict in 1611; /039 ff. 55v, 232v-3, 252-3 for 1620s; /048 ff. 326v & 375-v, /049 ff. 94 & 290, /051 ff. 84-v, /056 ff. 27, 37v, /059 f. 33v for the 1630s; /073 ff. 196-7, 199-199v, 259v-260v & 378, /074 ff. 15v-16v for the conflict in 1663.

\(^{50}\) CLRO, Reps. COL/CA/01/01/071 ff. 272-3 & /073 ff. 196-7.

\(^{51}\) CLRO, Reps. COL/CA/01/01/051 ff. 84-v, 251, /055 f. 206, /056 ff. 27, 37v & 101, /059 f. 33v ; /076 f. 119; /077 ff. 250-250v; /080 ff. 283v-284 & 293; /081 f. 94 b
needed supplies to the City, which was still in the process of rebuilding after the fire.52 Not stated, but underlying this ongoing conflict of trading interests was the relative placement of the company butchers and country traders against the trading ideal. Both sold processed meat for consumption, but while company butchers sold meat they had processed from animals bought in markets and thus acted to some degree as retailers, country traders more closely approximated the producer selling directly to the consumer.

At the end of the seventeenth century, trade in the public markets remained the ideal for food traders dealing in necessities, although this no longer applied to luxury food items. An Act of Common Council for the regulation of the public markets passed in 1695 explicitly stated that grocery and confectionery wares ‘by the usage and Customes of this Citty ought only to be sold in the shops and warehouses of the freemen of this Citty and lib[er]ties’ as ‘the publick markets and Markett places [were] appointed only for the sale of victuals food herbs rootes’ along with leather wares, tallow and wool.53 The retention of the open market trading ideal for food necessities, while luxuries could be sold in relative privacy and outside official oversight, reflected a continued focus of concern by London’s governing elite to minimize the potential effects of retailing on the price and quality of the foodstuffs available to the poorer sorts.54

Concerns about the effects of retailing on the price of essential goods were still extant at the end of the eighteenth century.55 Although the national government may have increasingly embraced the principles of free trade and the benefits of unregulated retailing, the policies and actions of other levels of government showed that this belief was not universal. Indeed, it would appear that as the crown withdrew from regulating food sellers, the City government filled the gap in calling for a reinstatement of what had earlier been national measures. Under the Tudor and the Stuart monarchies, dearth or the threat of dearth generated Royal proclamations targeting ‘forestallers, regrators and ingrossers’.56 In the later eighteenth century it was the mayor and aldermen who initiated these measures.

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52 CLRO, Reps. COL/CA/01/01/080 ff. 283v-284; /081 f. 94v.
53 CLRO, JCC COL/CC/01/01/050 ff. 59-60v.
54 Excluding luxury foodstuffs and manufactured goods from these locales freed up space to allow more traders in necessities to operate in officially designated sites.
55 Brown, “‘A Just and Profitable Commerce’”.
For example, in 1786, the Corporation of London called for a revival of early modern laws against forestalling and regrating, and for the control of middlemen in the meat trade in order to ensure a just price was charged for meat in Smithfield market. In the subsistence crises of 1795 and 1800, it was again the Lord Mayor and Aldermen of London who advocated measures that were in direct opposition to national government policies, arguing that the claims of rioters against middlemen as the cause of the scarcity and the high cost of grain and flour were justified. They then called for legislative interference to regulate middlemen in the grain trade in order to remedy 'evils' in the trade.

The language used and the measures advocated by the London government in the late eighteenth century were consistent with those of the sixteenth and seventeenth centuries. For example, the ‘Ten Several orders to be put in execution by the Lord Major and Aldermen of London’ issued by city authorities in response to the dearth of 1647 also blamed middlemen in the victualling trades, especially those dealing in grain products, for artificially creating dearth, and called for the reformation of the trade and enforcement of the earlier laws of the markets against forestallers and regrators of food. Similar arguments were also put forward at other times, especially in the 1590s, and were again cited in the 1690s. Ideas about the political economy might have changed at a

57 Brown, “‘A Just and Profitable Commerce’”, p. 311.
59 City of London and Court of Aldermen, Ten Severall Orders to Be Put in Execution by the Lord Major and Aldermen of London, for the Price and Sale of Meale, Flesh, Butter, and Other Commodities; and to Prevent Disorders in the Markets: With the Penalties to Be Inflicted Upon Every Person or Persons, Which Shall Not Obey the Same. Also, ... There Be No Regrating or Forestalling the Markets. November, 5. 1647, London, Bernard Alsop, 1647.
60 See, for example, CLRO, Letter Book COL/AD/01/027 (BB) ff. 29v-30v; Charles I, King of England, A Proclamation for Preventing the Dearth; Elizabeth I, Queen of England, A Proclamation for the Dearth; Elizabeth I, Queen of England, A Proclamation for the Restreining and Punishment of Forestallers; The Lords Justices, By the Lords Justices. A Proclamation for Putting the Laws in Execution against Forestalling, Regrating and Ingrossing of Corn, London, Charles Bill…, 1698. For the presentation of this argument in popular sermons see Brodie Waddell, ‘Economic Immorality and Social Reformation in English Popular Preaching, 1585-1625’, Cultural and Social History, vol.5, no.2, 2008, pp. 165-82. Popular preaching on this issue was not confined to this period, for example, see John Dickinson, Two Discourses on the Injustice and Wickedness of False Weights and Measures; Preached at the Parish Church of Sheffield, on Sunday December 15th, 1754, Sheffield, John Dickinson, 1755 & Nathan Drake, A Sermon against False Weights & Balances Preach’d at Sheffield, January the 10th, 1696/7, London, A. Bosvile & N. Simmons, 1697. Examples of other popular representations include Two Knaves for a Penny or, a Dialogue between Mr Hord the Meal-Man and Mr Gripe the Broker. Wherein Is Discovered the Unjust and Oppressive Practises of Those Caterpillers; to the Great Prejudice of the Kingdome, Especially the Two Cities of London, and Westminster. With Some Expedients Offered for the Future Prevention of the Same, London, J. M., 1647; The Baker and Brewers Warning-Piece. Or, Excellent Orders to Be Observed, by Such as Shall Be Appointed to Serve the Markets with Corn, Meal, and Other Grain, for Relief of the Poor People the Officers Appointed to Be Present in the Market, to See Poor Citizens, Tradesmen, and Others, Relieved Upon Reasonable Prices: The Admirable Edict Made against Ingrossers, London, G. Freeman, 1662; An Essay to Prove, That Regrators, Engrossers, Forestallers, Hawkers and Jobbers of Corn, Cattle, and Other Marketable Goods, Provisions and Merchandizes, Are Destructive of Trade, London, James Roberts, 1718. It is interesting that while the arguments put forward attributed the cause of shortages to the activities of retailers not dearth, most of these years were indeed years of harvest failure; Outhwaite, Dearth, Public Policy and Social Disturbance, p. 21, defined dearth as ‘sudden leaps in grain prices’; see table 1, p. 20 for the years when
parliamentary level by the end of the eighteenth century; however, at a local level, when prices were rising and food was again becoming scarce, the legitimacy of Thompson’s ‘moral economy of the crowd’ was confirmed in the London government’s call for tight regulation of middlemen dealing in foodstuffs to ensure a just price.\textsuperscript{61} Thompson’s moral economy model has generated intense and ongoing debate.\textsuperscript{62} One criticism was that Thompson failed to give sufficient weight to the dominance of the free market ideas espoused by Adam Smith and earlier commentators in the eighteenth century. These arguments, however, fail to account for Brown’s findings of a mismatch between national and local government policies and actions when food supplies were threatened.\textsuperscript{63} When dearth threatened, economic activities that could restrict supply and/or drive up prices, such as retailing, were suspicious and generated tension. Local government actions seen to demonstrably restrict such activities or punish offenders served to allay anxieties and reassert the legitimacy of the ruling elite. Failure to do so risked public disturbance.

The realities of trade: the example of the London Grain trade
Assumptions about the possibility (or lack of it) of food adulteration in the pre-modern world have been based on an idea that the early modern market place approximated the ideal of direct trade between producer and consumer under the public scrutiny of the guild


\textsuperscript{63} Brown, “‘A Just and Profitable Commerce’”. The moral right of all to access adequate supplies of unadulterated food over the right of businesses to make profits was not only evident in early modern popular writing and local regulation, they also underpin modern debates on the global economy and the effect of free trade on access to food by the poor; Walton and Seddon, \textit{Free Markets}; Amy Bentley, ‘Reading Food Riots: Scarcity, Abundance and National Identity’, in Peter Scholliers (ed.), \textit{Food, Drink and Identity: Cooking, Eating and Drinking in Europe since the Middle Ages}, Oxford, Berg, 2001, pp. 179-94; Paul D. Almeida, ‘Defensive Mobilization: Popular Movements against Economic Adjustment Policies in Latin America’, \textit{Latin American Perspectives}, vol.34, no.3, 2007; Susanne Friedberg, \textit{French Beans and Food Scares: Culture and Commerce in an Anxious Age}, Oxford, Oxford University Press, 2004. The scale and specific details of concern may have changed; the basic issue has not.
companies and city authorities. Even if this ideal were ever a reality, by the seventeenth century the quantities of produce required to feed London’s rapidly expanding population rendered it an increasingly unachievable goal. Economic historians have shown that produce sold in London was sourced from all over the country, and that both the distance covered and the quantities being brought in changed the dynamic of food sales and distribution. Even if London’s market places could have given room to the numbers of producers needed to ensure adequate supply, the distances that produce was being brought from acted against the ideal model being upheld. Though distrusted by moral commentators, middlemen – both wholesalers and retailers – had become an essential component of the provisioning of the City. The City government had to balance competing pressures to regulate food retailers to ensure food quality, while at the same time keeping prices down and ensuring an adequate supply of food to prevent dearth and the subsequent social unrest that could eventuate from scarcity and high prices.

These developments particularly affected the supply of grain. As Chartres has noted, the corn trade was one of the first to become truly national rather than local, with the grain market well integrated on a national scale by the end of the seventeenth century. Well before this, London had been drawing on sources at an increasing distance outside the City’s immediate proximity to supply the needs of its inhabitants. By the 1630s London’s civic authorities could no longer operate from the price of grain brought into the London markets, but needed to take grain prices in other market locations into account to set the assize of bread. Compounding the problem facing the Lord Mayor and aldermen

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66 Chartres, ‘Marketing’, pp. 210-16; J. A. Chartres, ‘Food Consumption and Internal Trade’, in A. L. Beier (ed.), London 1500-1700: The Making of the Metropolis, London, Longman, 1986, p. 188. This was particularly the case for wheat, which was the dominant grain consumed in London by this period.


68 G. A. Phillips, 1666 and All That: A History of the Bakers’ Company, Cambridge, Granta Editions, 1993, p. 84. In October 1632 the Lord Mayor asked the Privy Council for reports from the Justices of the Peace of market areas near to London but outside London’s jurisdiction, regarding the price of grain, in order that he could set the assize of bread more effectively. In making this request, the City government
was the fact that the main trade into London, even in the public markets, was increasingly in meal and flour, not grain.69 London was a major market for meal and flour, but City authorities lacked jurisdiction over country millers and wholesalers of meal – who mostly now operated outside the City’s legal influence – and there was no national mechanism to address the gap. In the sixteenth century, the City had established municipal mills to process the grain brought in from the country. However, as these mills could not keep up with demand, London instead increasingly relied on imports of ready ground meal and flour from country millers.70 The development of country milling led to a falling off in the supply of grain to London, which by 1633 had put the London millers out of business.71 By the 1660s the situation was acknowledged officially when the calculation for the assize was set on a quarter of meal not of grain.72 While acknowledging the need to assess costs of production from the price of meal not grain, the nationally directed Assize of bread did not encompass scrutiny of the processors or traders in flour. Instead, it continued to focus regulatory orders about bread and its ingredients on the activities of the bakers, until finally overhauled in 1757. In contrast, London orders attempted to circumscribe the activities of meal men and flour sellers as forestallers and engrossers of the City’s supplies.73

71 Thrupp, The Worshipful Company of Bakers, p. 27.
72 Thrupp, The Worshipful Company of Bakers, p. 28. The idea that the quality of grain might be a separate issue to the quality of bread was already present in the inclusion of a separate edict against the sale of musty or otherwise deceitful meal in the assize. This was originally included under the Assize of the Bakers in 1592, but became a separate section of the books of the assize from 1595. See John Powel, The Assise of Bread Newly Corrected and Enlarged, According to the Raising & Falling of the Price of Wheate in the Market, Togethier with Sundrie Good and Needful Orders Commanded to Be Kept in Making of All Kindes of Bread, That Are Appointed to Be Sold in All Places Whateoeuer ..., London, John Windet, 1592 & John Powel, The Assise of Bread Newly Corrected and Enlarged ... Whereunto There Are Also Added, Sundrie Good and Needful Orders in Making and Retailing of All Kindes of of Lawfull Breads, London, John Windet, 1595. The assize was reprinted and reissued into the eighteenth century. See for example, John Powel, The Assise of Bread, London, John Windet, 1600; John Powel, The Assise of Bread Together with Sundry Good and Needfull Ordinances of Bakers, Brewers, Inholders, Victuallers, Vintners, and Butchers, London, William Stansby, 1632; John Powel, The Assize of Bread... Also the Ordering of the Clerk of the Markets Office and for Reformation of False Weights and Measures According to the Statute, London, Andrew Crook, 1671; John Powel, The Assize of Bread with Sundry Good and Needful Ordinances for Bakers, Brewers, Inholders, Victuallers, Vintners, and Butchers ... Whereunto Are Also Added, Sundry Good and Needful Orders, in Making and Retailing of All Kinds of Lawfull Breads, Vendible Unto His Majesties Subjects in the Commonwealth, London, R. Chiswell, B. Griffin, W. Battersby, S. Smith, B. Walford, N. Watson, and G. Connys, 1698; John Powell, The Assize of Bread; and Other Assizes of Weights and Measures, Which, by the Laws of This Realm, Are Commaned to Be Observ’d and Kept by All Bakers, Brewers, Innholders, Victualers, Vintners, Butchers, &C, London, J. Walthoe, 1714.
73 In doing this the London regulations focused more generic national laws against engrossing, regrating and forestalling onto particular food products and were more specific in separating the functions of the bakers and the meal and flour sellers. These local regulations echoed the sentiments and actions that had been evident in national policies articulated in the Books of Orders issued by the Crown up to 1630, but
In the seventeenth century, the chain of supply in the grain trade had extended to include wholesaling middlemen, including corn chandlers, brokers for millers, meal men and flour sellers, who acted as retailers to the public, but also sold the meal or bolted flour on to the bakers and to retailing salesmen like chandlers shops and small grocery stores, and to the general populace. City regulations recognized the changes in who processed and sold meal and flour and had thus made some concessions towards the presence of middlemen. Nevertheless, they were conservative in continuing to push for sales of grain products to both bakers and citizens in the open market. Although the sheer quantities of grain required to feed the burgeoning population of the metropolis militated against this in practice, and grain factors, meal men and chandlers became an increasingly recognized part of the trade, beliefs that trade outside public scrutiny was linked to fraud and artificial scarcity remained.

The kinds of concerns that middlemen attracted were evident in both pamphlet literature and in regulatory documents. The dishonest, immoral miller was a literary stereotype of long-standing, but he was joined in the seventeenth century by the even more deceitful meal-man or chandler. *Two Knaves a Penny: Or, a Dialogue between Mr Hard the Meal-man and Mr Gripe the Broker* (1647) spelt out very clearly the deceits that middlemen in flour and grain were suspected of practicing, as well as the motivations contemporaries ascribed to them. The meal-men stood accused in this pamphlet of both forestalling the market by restricting the supply of grain and flour and driving the prices up, and of adulterating flour in collusion with the millers. As chapter two discussed, their practices in both of these deceits were explained in some detail, their motivations spelt out, and the way in which the two types of deceit interlinked highlighted. The use of private shops to which were discontinued after this time; Paul Slack, ‘Dearth and Social Policy in Early Modern England’, *Social History of Medicine*, vol.5, no.1, 1992, p. 14.

Fisher, ‘The London Food Market’, especially, p. 57 & 60-1; Thrupp, *The Worshipful Company of Bakers*, pp. 26-9. The advent of the flour sellers was a slightly later development than the meal men. Meal men sold unbolted flour containing the bran which the baker or householder then bolted themselves to determine the degree of refinement of the flour. Flour sellers sold bolted flour, meaning that while a buyer could further sift the flour themselves if they wished, they had far less control over the quality of the flour used.

Everitt, ‘Marketing’, has noted the extent of the food trades and the development of middlemen as a necessary part of the London trade up to 1640, and Chartres, ‘Marketing’ has argued for the increasing acceptance and thus expansion of this practice in the period after the restoration.


*Two Knaves for a Penny.*
Chapter 5: Economic disorder

sell the bulk of their wares was identified as a major part of their success in deceiving customers as it allowed the meal men to escape the scrutiny of the meal weighers and magistrates who regulated market stalls. By withholding grain products from the meal markets, the meal men ran down the supply of corn available in these public venues. This in turn enabled them to enhance the price, as customers were forced to purchase flour and meal from private shops, and had less opportunity to compare prices. At the same time, selling out of the public eye helped them to pass off ‘all the worst commodities at as good a rate as our best would yield, if brought into the market’. This clearly linked the frauds of adulteration and price manipulation.

Representations of blame seen in popular literature both reflected and influenced the concerns evident in London regulations of the period. It was no coincidence that the publication of Two Knaves occurred in 1647, the same year as an aldermanic enquiry into the activities of the meal men and the decay of the meal markets. The aldermen’s report explicitly linked the trade from private houses and shops to deceits in the availability and price of grain, which in turn were connected to the adulteration of meal and flour. It thus presented the same arguments as those found in the broadsheet representation. In addition, the report found retail shops selling grain supplies to be an abuse. This investigation resulted in the banning of meal shops from the City of London and its liberties and a reinstatement of the requirement for all meal sold in the City to be sold in open market directly to the public. The ban was printed in the opening section of the 1647 reissue of the Ten severall orders to be put in execution by the Lord mayor and Aldermen of London. As justification, the preamble to these orders explored the question of why, when the harvest had been good, there could be a dearth ‘on all sorts of commodities’ in the City, especially for ‘that which makes bread (the staffe of man [sic] life)’ so expensive. Although recognizing the exhaustion of stores as a result of the civil war and the quartering of the army so close to the City as contributing causes, the orders gave a third equally important reason. They accused the people who had been allowed to set up Corporation meal houses as retail outlets, a recognizably new trade, of forestalling the markets and keeping country people from coming into the City to sell meal and grain directly to consumers. While the orders were triggered by concerns about the meal sellers, the ten orders that followed the prohibition on meal shops specifically addressed the sale of butter, poultry wares and

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78 Two Knaves for a Penny, pp. 4-5.
79 Two Knaves for a Penny, p. 5.
80 CLRO, Reps. COL/CA/01/01/062 ff. 54v-55v.
81 City of London and Court of Aldermen, Ten Severall Orders.
82 City of London and Court of Aldermen, Ten Severall Orders.
butchers goods, as well as forestalling, regrating and ingrossing and issued a blanket prohibition against the sale of ‘unwholsome or stale victuall’.\footnote{City of London and Court of Aldermen, Ten Severall Orders, pp. 2-3.}

The lengthening chain of supply that the meal men and other middlemen represented also posed a problem in apportioning blame for the presence of substandard or corrupt meal. The assize of bread, the main regulatory mechanism for bread sold in the City, targeted the bakers.\footnote{See chapter 2 for more detail.} If bakers were no longer fully responsible for the processing of grain into meal and flour, then the bakers could increasingly claim to be at the mercy of the millers, meal men and flour sellers who determined the grades of flour available. In an investigation held by the Mayor and Aldermen into abuses of the Assize in 1632 the bakers acknowledged the common sale of inferior bread, but claimed it was not due to their own practices.\footnote{Thrupp, The Worshipful Company of Bakers, pp. 26-7.} Instead they blamed the ‘flower men and Chaundlers that keepe flower Mills’. They claimed that ‘the Bakers are generally poor men, and such of them as cannot make better provision soe buy their Meale of Meale men and Chaundlers, and runninge into their debte, the Mealmen & Chaundlers doe in a while sell both deare and bad stuffe, By which meanes also divers tymes it happeneth, that bread is very ill Conditioned’.\footnote{It is curious that this dependence on the meal men and chandlers was not included in the appeal made by the bakers of London to a member of parliament about their plight in 1730. The Bakers Appeal; or the Ruinous and Deplorable Condition of the Bakers of London, and Parts Adjacent, Faithfully Represented, and Humbly Address’d to a Member of Parliament, London, [s.n.], [1730].} This apportioning of blame to the suppliers of meal and flour was repeated in the eighteenth century when agitation in pamphlet literature accused them of corrupting bread with even worse adulterants.\footnote{See chapter 2 pp. 59-61.} However, the bakers’ failed to mention in their accounts to the court that many of the wealthier members of their own fraternity owned and controlled the country mills that ground the flour.\footnote{Thrupp, The Worshipful Company of Bakers, p. 28.} As discussed in chapter two, William Ellis’s evidence that the secret addition of alum by bakers was standard practice well outside of London by 1740 throws further doubt on the complete innocence of the City’s bakers.\footnote{See chapter 2 p. 61.}

There was an ongoing tension between the realities of the scale of trade involved in marketing grain products in the City, and concerns about maintaining a just price and good quality food for the general populace, especially for the poor. Complaints about middlemen selling meal and flour in private locations and arguments for setting up new markets to extend supply were frequently couched in terms of the harm done to the poor by private sales and of the need to prevent this.\footnote{Everitt, ‘Marketing’, pp. 127-8. See for example, CLRO, Letter Book COL/AD/01/027 (BB) ff. 74v; CLRO, Reps. COL/CA/01/01/033 f. 125, /065 ff. 27-9, /073 ff. 196-7 & 378.} However, not all middlemen attracted the same
degree of official concern. Those facilitating the movement of supplies into the city, such as the higglers and carriers acting as wholesaling intermediaries between country farmers and millers, and city wholesalers, were encouraged by the London authorities, particularly in times of shortage. The actions of retailers operating in private spaces such as Inns, however, were suspect, as were bakers who combined wholesale and retail functions. An order of the Court of Aldermen in 1625 to establish a new market at Bishopsgate for the sale of meal clearly shows that the meal men operating out of private shops had become established within the City by this time. It was explicitly aimed at curtailing the private trading that was taking place, and directly addressed arguments that meal sellers were forced to trade outside the official market places and hours because there was insufficient space within the existing markets. As the aldermanic orders from 1647 illustrate, concerns about ensuring a sufficient supply of good quality flour and grain and the dangers of private trading were not confined to the early seventeenth century but resurfaced intermittently in times of dearth, outbreaks of epidemic disease and of heightened social tension. The 1647 ban on retail outlets for meal outside the markets was not permanent and the retailing of corn remained a contested area into the eighteenth century.

Despite the continued unease about the role of middlemen in the grain trade, Chartres’ argument that by the late seventeenth century the role of the middleman and retailers in produce was growing as it had become more acceptable is in part justified. A 1690 Act of Common Council shows that the battle against private shops as selling locales had been lost as trade was by that time allowed to take place ‘only in his, her or their own

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91 Public Record Office, Calendar of State Papers, Domestic Series, of the Reign of Charles I, 1625-1649, volume 1, Nendeln, Kraus Reprint, 1967, p. 79. In August 1625, a year of both plague and dearth, the Lord Mayor of London requested assistance from the Lords of Council over an order made at the Assize in Essex, forbidding carriers and higglers from carrying supplies of corn out of Essex to London. The Lord Mayor argued that if supplies to London were stopped, the City government would not be able to restrain the possible violence that could ensue.

92 See Thrupp, The Worshipful Company of Bakers, p.28, regarding bakers who combined wholesale, retail and tertiary trade functions.

93 CLRO, Letter Book COL/AD/01/027 (BB) ff. 74v ‘Whereas there is a place appointed and verie convenientlie fitted nere unto Byshopsgate w[i]thin this citie, w[i]th purpose that the place should be used for a market place for buyeinge and sellinge of meale Ottemyeale wheat Ry Mault and other sorte of Grayne to be brought to this Citie to be sould And where there is great abuse and disorder w[i]thin this Citie by receivinge harboringe and howseinge of meale Otomeale wheate Ry Maule and other Grayne by Inholders Chandlers and others which ought to be brought to some one of the common markeete of this Citie, and be there first pitched and bought and sould, whereby the common people Inhabitants within this same Citie might be the better served.’

94 CLRO, Letter Book COL/AD/01/027 (BB) ff. 74v. ‘The which abuse and disorder groweth (as the offenders in that behalf pretend) by reason there is not sufficient roome in the markeete of the said Citie for Storage and placinge thereof’.

95 See p. 169 above.

96 Further concerns about retailing are evident in the City’s records into the eighteenth century see for example: CLRO, Reps. COL/CA/01/01/067 ff. 93v, 96v-97; /073 f. 378; /086 f. 88; /107 ff. 43-46; CLRO, JCC COL/CC/01/01/053 f. 157.
shop or shops, or in the publick Market-place or places, and in Market-time only. However, not all private sales were acceptable. The lists of prohibited locales presented in the regulations provide a picture of places where the authorities suspected illegal trade was taking place and the anxiety it generated. These lists got progressively longer over the seventeenth century and flour and meal were not the only products that attracted concern.

The 1646 Act of Common Council to prevent abuses in the markets forbade the sale of meat ‘in any Street or Lane, Inne, or other place or places within this City of London or Liberties thereof, but onely in his, or their open Shop or Shops, Stall or Stalls, or in the usual Market place or places, and in Market time onely’. That this was a problem for other food types was evident in orders issued intermittently by the Court of Aldermen. By the 1670s the list of both the foods affected and the prohibited locales had become much longer. The 1671 act for reforming abuses in the markets and streets of London ordered that

no Butcher, Poulterer, Country Farmer, Lader, Kidder, Victualler, Gardener, Fruiterer, Fish-seller, or other person or persons whatsoever, shall from and after the publication of this Act, sell, utter, or put to shew or sale, by way of hawking, or as a hawker, or in any otherwise, any Beef, Mutton, Lamb, Veal, Pork, Poultry, Butter, Cheese, Fish, Fruit, Herbs, or other Victuals, or Provision whatsoever, in any private house, Lane, Ally, Inn, Warehouse, Street-stall, or Common Passage, or other place or places whatsoever, within the City of London, or Liberties thereof, but only in his or their open Shop, or Shops, or in the publick Market place, or places, and in the Market time only.

In the 1690s, meal and bread were added to the list of goods affected, and coffee houses appeared in some lists of prohibited sales locales. The practice of private sales might have

97 Corporation of London, Act of Common Council for Settlement and Well-Ordering of the Several Publick Markets within the City of London, London, Samuel Rycroft, 1690, p. 11. The ‘his, her or their’ referred to here as owning shops were listed earlier in the Act as ‘Butcher, Poulter, Victualler, Country-Farmer, Lader, kidder, Gardener, Fruiter, Fish-seller, Meal-man or Baker’.


99 See, for example, CLRO, Reps. COL/CA/01/01/030 f. 200v; /032 f. 79; /038 ff. 21, 37v, 38 & 242; /040 ff. 207-08; /064 f. 92v; /065 ff. 138-v; /148 ff. 398-9. See chapter 6, for a more detailed discussion on hawkers and street sellers.


101 Corporation of London, Act of Common Council for Settlement and Well-Ordering of the Several Publick Markets within the City of London. The Statute-Laws Perused and Revived, or, a Remedy against Pedlers, Hawkers, and Petty Chapmen &C. Fit to Be Known by All Constables and Other Parish-Officers, Also by the Ministers in the Countrey, and All Other Persons Whatsoever, London, Brab. Aylmer, William Miller, Daniel Browne, 1693, p. 3.
grown and to some extent been allowed, but sales outside officially known locales were still suspect, even if shops themselves became permissible.\textsuperscript{102}

The example of the grain trade highlights the ongoing nature of tensions over retailing as a marketing practice. While regulatory policies increasingly acknowledged the necessary presence of middlemen in supplying grain and flour to early modern London, the essential place of grain in the English diet meant that, despite this necessity, the retailing of grain products remained problematic. This was particularly the case in periods of scarcity.\textsuperscript{103}

**Concerns about tradesmen selling other food products**

Grain products were not the only food goods sold by retail in early modern London. As Fisher noted, with the exception of grocers’ wares, international trade in food stuffs had dwindled by the seventeenth century as English production expanded. However, items like fruit and vegetables, cheese and salted butter, meat, fish and poultry were sourced from a wide area nationally. This meant that an increasing proportion of the City’s food of necessity passed through the hands of wholesalers and retailers.\textsuperscript{104} The meat trade operated on a national basis, though it dealt in live animals with butchering being carried out in the City. Preserved dairy products such as cheese and salted butter came from as far away as Yorkshire. Fruit and vegetables were produced nearer at hand, coming from Sandwich, Kent and Surrey as well as from suburban locations in Southwark, Chelsea, Fulham and Kensington, and from the Neat House gardens in Westminster. Fresh fish were brought in from ports like Ely and Bristol, where the Fishmongers’ company employed factors to buy up fish from fishermen and transport them to the City to be sold by the trading fishmongers.\textsuperscript{105} Although the public market place remained an important location for the sale of food, other venues became increasingly common.\textsuperscript{106} As was evident for the trade in grain products, there was not just one layer of middlemen but rather a stratified market with brokers, wholesalers and retailers operating between country producers and city consumers. However, the degree of stratification present was not the same for all foods, and both the types of concern and the degree of concern expressed differed between the different kinds of produce. The place of a food in the diet, its relative availability, the number of layers of middlemen involved and the degree to which adulteration was possible or likely all affected the way the different traders were described, and the level of concern they generated.

\textsuperscript{102} See, for example, CLRO, Reps. COL/CA/01/01/107 ff. 43-46; CLRO, JCC COL/CC/01/01/053 f. 157.

\textsuperscript{103} See footnote 60 on p. 170.


The legal sales of garden and fruit produce took place within the City’s markets and streets. While for the most part the sellers were not the producers, but rather their employees, the layers of middlemen were few. As such, they approximated the ideal of trade between producer and consumer.\textsuperscript{107} In addition, their produce was perishable, and as such could not be held back from the markets to the same extent as wheat and flour without all profit being lost. Concerns focusing on those selling vegetables centred more on the polluting smells that decaying root vegetables and cabbages caused if they were stored too long.\textsuperscript{108} Some products, like berries and peas, were so perishable that the sellers were granted extended selling hours after the markets were officially ended, although this was only permitted if the sellers remained to sell the goods themselves and delegating this job to employees was prohibited.\textsuperscript{109} Concerns that approved sellers trading outside the market space or times did not employ others to sell for them related to concerns about retailing. However, as will be seen in chapter six, regulatory anxieties about the presence of street sellers were more usually focused on possible immorality of the sellers and their corruptive effect on apprentices and servants than on their wares or the method of sale per se.\textsuperscript{110} In addition, while root vegetables and cabbages were staples for the poor, apricots, melons, garden peas, cherries and asparagus were not. Some growers, particularly those close to London, focused on producing delicacies for the wealthy.\textsuperscript{111} This focus attracted the same condemnation as other luxury goods, with moralists and health writers expressing reservations about the healthiness of foods produced using forced production methods.\textsuperscript{112} However, as by the seventeenth century most of this produce was sourced locally, and therefore did not affect the balance of trade or the national economy, the trade in luxury garden wares was not subject to the same level of concern as imported luxury items. Although Evelyn and Tryon and other commentators might have condemned such consumption,\textsuperscript{113} these concerns were not evident in discussions on the economy, nor did they attract any attention in regulatory documents.

The meat sellers also generated relatively little concern about their activities as retailers. While the London meat trade drew upon a national network of supply by the seventeenth century, in the interests of insuring freshness, live animals were imported, not

\textsuperscript{107} In justifying their claim for the City to recognise their legitimacy in regulating sales of garden produce, the Gardeners’ Company’s stated that they to employ large numbers of poor men and women in the harvesting and sale of their wares. Their description of the trade showed street sellers operating as their direct employees putting them at only one remove from the producer. See. chapter 4, pp. 141.

\textsuperscript{108} See chapter 2, p. 64.

\textsuperscript{109} CLRO, JCC COL/CC/01/01/41 ff. 196v-198v.

\textsuperscript{110} See chapter 7.

\textsuperscript{111} See chapter 1 p. 40-1.

\textsuperscript{112} See chapter 1 pp. 40-1.

\textsuperscript{113} See chapter 1 p. 41.
The slaughtering of animals and processing of meat mostly occurred within the City’s markets and streets, and the dirt, smell and noise the butchers’ trade generated was the greatest focus of regulatory concern. Though far from exempt from suspicions of fraud, concerns about the butchers were more centered on the pollution of the City, sales on prohibited days and on the possibility for disease these practices engendered. It was when company butchers tried to exclude the country butchers from selling meat in the markets, and thus restrict supply, that accusations of butchers forestalling the markets or manipulating prices occurred.

In contrast, the sellers of grocers’ wares dealt almost exclusively in imported goods, and as such were always by definition middlemen. However, the type of trading activity with which they were associated changed over the seventeenth century. This shift was reflected in the changing meaning of the word ‘grocer’. A grocer had originally meant ‘one who buys or sells in the gross’, and at the beginning of the seventeenth century this equated ‘grocers’ with wholesalers and merchants. By the end of the century, ‘grocer’ equated not with ‘merchant’ but with ‘shopkeeper’. This shift in the meaning of grocer as an occupational descriptor reflected changes in how grocers were represented, their social status and in the kinds of concern they generated, even though (with a few additions) the kinds of goods they traded in remained the same.

Concerns about the grocers’ trade in the first half of the seventeenth century clustered around the effect of luxury import trades on the balance of payments and the national economy. Grocers were not singled out in this concern, but were rather one group among several of merchants trading overseas who attracted such anxieties. In 1581, the author of *A Compendious and Brief Examination* … divided the trades into three types:

Some of them do but convey money out of the country: Some other that which they get, they do spend againe in the country. And ye third sorte of Artificers is of them that doe bring in Treasure into the country.

He placed grocers within the first group, along with mercers, vintners, haberdashers, milliners ‘and such as do sell wares growing beyond the sea, and do fetch out our treasure

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115 See chapters 2 and 3 for more detailed discussion on the frauds suspected and known to be committed by the City’s butchers.
116 See chapter 7.
117 ‘grocer’ (defn. 1) *OED Online*, [accessed, 10 Oct. 2010].
118 ‘grocer’ (defn. 2) *OED Online*, [accessed, 10 Oct. 2010].
119 Hales, Smith and Stafford, *A Compendious or Briefe Examination*, ff. 37v-38.
for the same’, who were ‘not so necessary in a common Weale’. This equation of grocers with merchants was also evident in the debates between the crown, the Grocers’ Company and the Corporation of London in the early seventeenth century over the granting of a separate charter of incorporation to the apothecaries, removing them from the Grocers’ oversight. In responding to the Grocers’ Company’s objections to this separation of its membership in 1618, James I described the grocers who objected as ‘but Merchants’, unskillful in the mystery of the apothecaries, and guilty of bringing ‘home rotten wares from the Indies, Persia and Greece’. The equation of those members of the Grocers’ Company who objected to the splitting of the membership with the merchant companies is not surprising given that members of the higher echelons of the Company were likely to also be members of the merchant companies. While James’ criticism was focused on the Grocers’ Company specifically in his defence of the Apothecaries, most criticisms of merchants were generic or focused on trading companies, such as the Levant Company or the East India Company (EIC).

The damaging effect of luxury imports on the balance of trade, and the role of the merchants in this, were represented in ballads like The Troubles of this World, which complained that:

From Foreign Lands all Merchandise,
    As Linnen, Silks, Fruit, Sugar, Spice,
They to the Nation sorrow rise,
    And to a vast excessive price,
We have just cause to sigh and weep,
    Here’s nought but poor mens labour cheap.

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120 Hales, Smith and Stafford, A Compendious or Briefe Examination, f. 37v. Most other victualling trades fell into the second group, while manufacturers formed the third.

121 See chapter 3 pp. 96, regarding the splitting of the Grocers’ Company. While the Apothecaries were granted their charter in December 1617 after more than seven years of agitation, and began business as a company in 1618, the Grocers’ Company continued to fight against it with the support of the Corporation of London, and it was not until 1624 that they were able to execute their charter in full without opposition. J. Aubrey Rees, The Worshipful Company of Grocers: An Historical Retrospect, 1345-1923, London, Chapman and Dodd, 1923, pp. 146-51.


124 The Troubles of This World; or, Nothing Cheap but Poor Mens Labour; London, Printed for P. Brooksbys, I. Deacon, I. Blare, I. Back., [n.d.] [EBBA, Pepys 2.87].
The EIC was particularly subject to debates about its activities. The arguments of writers such as Mun and later Davenant, outlined above, on the benefits of overseas trade were written in its defence. Yet in 1747 *The London Tradesman* was still representing the EIC as the focus of disputes about their benefit to the nation ‘since they carry out mostly Bullion, and bring us in return, … only Superfluities’. The author acknowledged that the EIC’s trade could become beneficial if the re-export trade maintained a balance against imports, but warned that if other countries went into the trade directly for themselves it would be a ‘public Calamity since I know noone Article they import but what serves to increase luxury’. This continued concern about the EIC would indicate that efforts taken by the company from the 1620s onwards to reframe its trade goods as necessities ‘to preserue their health, and to cure their diseases’, part of the essential ‘foode, rayment, and munition for warre and trade’, or desirable – ‘fitting for health’, and not as the unnecessary luxuries ‘which serve for our pleasure’, had not entirely succeeded.

By the later part of the seventeenth century the direct connection made between the Grocers’ Company and the merchant companies, seen in earlier representation of the trade, no longer applied. Instead grocers were increasingly framed as retail traders rather than wholesale merchants. This shift was more one of representation than reality, as not only was the retail aspect of the trade already extant in the medieval period, but, as Gauci has shown, members of the Grocers’ Company continued to engage in overseas trade in the 1690s. However, how the trade was represented was also affected by the changes in fortune facing the company over the century. Already in debt as a result of loans made to Charles I and to the Corporation of London in the 1640s, the Grocers’ Company lost substantial numbers of buildings, including their hall, as a result of the great fire in 1666. This not only meant that they lost the rents from the properties that made up much of their wealth, but also that they suffered a public loss of face when they were unable to complete the rebuilding of their hall and their creditors declared them debtors. This forced

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126 Mun, *A Discourse of Trade*, pp. 5-6.
the Grocers’ Company to petition the Court of Aldermen for help in 1673, and had a damaging effect on membership.\textsuperscript{129}

The petitions published by the company in the 1680s documented this change in representation. The brief history of the Grocers’ Company contained in Ravenhill’s vindication of the company’s plight, printed in 1682, reinforced earlier assessments of the past trade status of the London Grocers as merchants.\textsuperscript{130} The 1686 reprint of the petition, however, presented a very different picture of contemporary trade when it listed the branches of the trade included under the company’s aegis in 1680s. Instead of claiming the merchant companies as members, this version of the document gave the trades that should be included under the Company’s control as ‘all Druggists, Confectioners, Tobacconists and Tobacco-Cutters … as well as Grocers’,\textsuperscript{131} All of these were retailing trades, and no mention was made of importers or wholesalers. The Grocers’ Company was at this time trying to recruit membership. In the same year as this reprint was published, they petitioned the Court of Aldermen to force all practicing the trades of grocers, confectioners, druggists and tobacconists in London to take their freedom of the Company.\textsuperscript{132}

If grocers no longer appeared in discussions of the balance of trade, they emerged in discussions about the relative merits and dangers of retailing. \textit{The Compleat Tradesman or the Exact Dealers Daily Companion}, published in 1684 when concerns about shopkeepers were again coming to the fore, represented grocers as one of the types of retailer who should be encouraged as they contributed to the common weal and paid taxes.\textsuperscript{133} This text

\textsuperscript{129} CLRO, Reps. COL/CA/01/01/079 ff. 92v & 97. Ravenhill, \textit{The Case of the Company of Grocers}, 1682: ‘The Hall continuing in Ruines, the Company was thereby rendered Reproachful. The Apprentices bound to other Halls, and turned over. The Freemen take their Freedoms of other Companies. And all Benefactors decline as despairing of any good to Posterity. So that, the Members every year dying and failing, and many removing into the Country, and none to succeed in their places. It must needs follow that the Company in a few years must dissolve for want of a Succession of Members.’

\textsuperscript{130} Ravenhill, \textit{The Case of the Company of Grocers}, 1682, p. 1. This section of the petition has separate pagination from the Grocers’ case. It stated that traditionally the Grocers were great merchants ‘trading into foreign parts, From whence we have received either Spices, Druggs, Fruits Gums, or other rich Aromatick Commodotiti\textsuperscript{es}, and claimed the ‘merchants trading to the Levant Seas and other Societies’ as having been ‘the off-spring of this Society’.


\textsuperscript{132} CLRO, Reps. COL/CA/01/01/089 f. 27, /091 ff. 5v-6 & 128v.

\textsuperscript{133} N. H. Merchant of the City of London, \textit{The Compleat Tradesman, or, the Exact Dealers Daily Companion Instructing Him Throughly in All Things Absolutely Necessary to Be Known by All Those Who Would Thrive in the World and in the Whole Art and Mystery of Trade and Traffick: And Will Be of Constant Use for All [Brace] Merchants, Whole-Sale Men, Shopkeepers, Retailers, Young Tradesmen,
presented grocers as a model for other retailers to copy. It claimed that their probity was ensured and enforced by their membership in a company, which meant they had to undertake an apprenticeship. Although, according to Strype, the Grocers' Company's finances had recovered by the 1720s, this did not change the way grocers as traders were depicted in other texts. When *The London Tradesman* was published in 1747, grocers were clearly classified as retailers, buying 'their Goods from the wholesale Importers, and their profits arising between the buying and selling Prices'. By this time the Grocers' Company had become the first of the companies involved in the food trades to cease even the pretence of policing their trade. While the Company minutes for most of the seventeenth century showed little evidence of engagement in the trade the Company supposedly represented, their ordinances and the petitions in the Court of Aldermen regarding membership and the right to appoint the garbeller maintained at least an appearance of engagement. When they actively sought to enforce this right as part of a range of strategies to restore the company's finances in the 1680s they encountered difficulties due to their having allowed this function to lapse. When the Grocers' ordinances were redrafted in 1711, all mention of their actual trade had disappeared. The company had become a social and charitable institution rather than a trade organization. The grocers' trade and the Grocers' Company appeared to have parted ways. By the mid-eighteenth century Campbell's 1747 advice book to parents on occupations stated that the grocers' trade was not presented as an occupation worth apprenticing sons to. This was not because it was not profitable, but because the trade was easily learned in a month or two. So that, as long as they operated outside the London boundaries (for example, in fashionable Westminster) and could afford the money for the stock to start up, the aspiring grocer 'need only set up in a good Neighbourhood, at a Distance from one of the same

_N. H., The Compleat Tradesman_, p. 1. This portrayal of the Grocers Company as models of moral probity was presented at a time when the company was deeply in debt and under threat of bankruptcy. See fn. 131 above.


_136_ See chapter. 4 pp. 118-9.

_137_ See Worshipful Company of Grocers and William Le Hardy, *Calendar to the Court Minute Books, 1556-1692, 5 (1668-1692)*, London, 1930, volume 5, pp. 618, 638-40, 645, 721-2, 732-3, 735, 765-6 & 833-5 regarding the attempts of the company to regain privileges of search and the right to administer the King's beam. They finally exchanged the right to exercise these privileges for a financial consideration.

_138_ The ordinances of 1687, GL MS 11639, p. 29 & 32-34, (items 19 and 22), prohibited members of the company from knowingly buying or selling corrupt wares and gave detailed instructions for search. In contrast, while the ordinances ratified in 1711, GL MS 11640, stated that the Court of Assistants was responsible for the reformation of abuses and disorders, they gave no details regarding the nature of the offences involved, nor did they contain any specific order to search.
Trade’ to have a good chance at succeeding.\(^{139}\) The reason given for this likely success was that grocers dealt ‘in what are now esteemed the Necessaries of Life’.

The one aspect that ties both grocers as merchants and grocers as retailers together was the connection of their trade with luxury. Spices, dried fruits and sugar, and later tea and coffee were all luxury goods and maintained this status throughout the seventeenth century. Their relative rarity and the high prices they fetched were incentives to sellers to either artificially extend them or to fabricate them and thus increase profits. However, their status as luxury goods also meant that they were extras, not essentials, and frauds perpetrated in their sale were likely to affect relatively few buyers. So, although legislation regarding the Grocers’ Company and their wares had long contained provisions to prevent adulteration, the London records did not show the same degree of concern about those selling grocery wares as they did for necessities. Unlike bakers, mealmen and butchers, grocers were rarely the subject of mayoral orders. Even when in the 1660s pamphlet literature and early modern plays about grocers and those selling coffee, cocoa and tea, began to depict sellers as dishonest and greedy, it was the gullible customer who attracted the brunt of the criticism.\(^{140}\) The broadside *The Cup of Coffee, Or Coffee in its Colours* (1663) and the play *Knavery in all Trades* (1664) clearly showed the coffee sellers dealing in the novelty drinks as dishonest and described imagined frauds that could be perpetrated as a result of consumer ignorance.\(^{141}\) The focus of their criticism, however, was the pretensions of the customers who could be so easily duped into purchasing fraudulent goods. The anonymous author of *The Cup of Coffee, Or Coffee in its Colours* (1663) decried the effects of fashion on consumption where ‘… in this Age, nothing’s cry’d up for good,/ Save what’s stark naught, or what’s not understood’. This craving for novelty allowing coffee sellers to pass off anything as coffee or chocolate, as it was fashion not the taste of what was

\(^{139}\) Campbell, *The London Tradesman*, p. 189.

\(^{140}\) *A Cup of Coffee, or, Coffee in Its Colours*, London, 1663; John Tatham, *Knavery in All Trades, or, the Coffee-House a Comedy: As It Was Acted in the Christmas Holidays by Several Apprentices with Great Applause*, London, W. Gilbertson and H. Marsh, 1664; *Reasons Humbly Offered to the Consideration of the High Court of Parliament by the Drapers, Mercers, Haberdashers, Grocers, Hosiers, and Other Trading Housekeepers of This Nation, of the Great Decay of Their Trades. That There Are a Sort of People Called by the Name of Pedlars, Hawkers, and Petty-Chapmen, Who, Contrary to Law, Do Carry About, Dispose and Sell in All the Cities ... Very Great Quantities of Several Sorts of Goods and Commodities Belonging to the Said Trades, to the Ruine and Destruction of the Said Tradesmen, and to the Great Inconvenience and Danger of the Whole Nation in General*, London, 1675; *An Answer to the Pretended Reasons of Some Drapers, Mercers, Haberdashers, Grocers, and Hosiers, &C. Against Pedlars, Hawkers, & Petty-Chapmen Humbly Offered to the Consideration of the High-Court of Parliament*, London, 1675; L. Meriton, *Pecuniae Obediunt Omnia: Money Does Master All Things, a Poem Shewing the Power and Influence of Money over All Arts, Sciences, Trades, Professions, and Ways of Living in This Sublunary World*, York, John White, 1696, p. 78; Campbell, *The London Tradesman*, p. 189.

\(^{141}\) *A Cup of Coffee*; Tatham, *Knavery*. 
consumed that made the drinks acceptable. It was not the frauds that such retailers committed that attracted the greatest criticism, but rather luxury consumption. In this way retailers who encouraged consumption were tied back to the merchants who sent money out of the country in exchange for the goods brought in.

Nancy Cox has argued that a change in thinking about luxury had taken place by the late seventeenth century, leading to a questioning of whether the consumption of luxury goods really constituted a threat to society’s well being. However, pro-trade writers confined their questioning to whether the trade in luxury goods actually harmed the economy. As Roy Porter pointed out, the wealth of nations did not equate with the health of nations. Indeed, health writers and reformers, like Thomas Tryon in the 1690s and George Cheyne in the 1720s, attributed the decay in the moral and physical strength of Englishmen to increased national wealth and the excessive consumption of luxury goods that this wealth allowed. Even authors like Bernard Mandeville and Daniel Defoe, who promoted the import trades in the late seventeenth and early eighteenth centuries, acknowledged the moral dangers, as opposed to the economic benefits, of the trade in luxury. Mandeville recognized the connection between luxury and vice, but argued that

Their darling Folly, Fickleness
In Diet, Furniture and Dress,
That strange ridic'ous Vice, was made
The very Wheel, that turn'd the Trade.

Mandeville was arguing that the luxury trade was a necessary evil, as the moralists’ ideal outcome, where consumers, including physicians

Left Drugs in cheating Countries grown
And us’d the Product of their own;

142 Cox, “Beggary of the Nation”, p. 29.
143 Porter, ‘Consumption’, p. 63.
144 George Cheyne, The English Malady: Or, a Treatise of Nervous Diseases of All Kinds, as Spleen, Vapours, Lowness of Spirits, Hypochondriacal, and Hysterical Distempers, &C., London, G. Strahan and J. Leake, 1733, pp. 49-50; Thomas Tryon, The Way to Health, Long Life and Happiness, or, a Discourse of Temperance and the Particular Nature of All Things Requisit for the Life of Man, as All Sorts of Meats, Drinks, Air, Exercise, Etc. With Special Directions How to Use Each of Them to the Best Advantage of the Body and Mind. Shewing from the True Ground of Nature Whence Most Diseases Proceed, and How to Prevent Them. ... Communicated to the World for a General Good, by Philotheos Physiologus; London, Printed and Sold by Andrew Sowle, at the Crooked-Billet in Holloway Lane near Shoreditch, 1683, pp. 220-4. Tryon was concerned that the overuse of imported ‘Ingredients do make Englishmen too Effeminate and do in no wise agree with their Constitutions; for cold Countries do make hardy strong and Martial People’. Cheyne linked the excessive consumption of luxury to a mushrooming of chronic disease. While Cheyne’s concerns were for the elite, Tryon had taken this one step further expressing concerns about how far down the social scale the corrupt consumption of sugar and spice had spread. For Tryon, excessive consumption of luxury foods by an expanding number of consumers had a greater impact, and traders encouraging the consumption of luxury by making it ever more widely available were debilitating the nation’s trade and strength.
146 Mandeville, The Fable of Bees, p. 9.
Knowing the Gods sent no Disease
To Nations without Remedies147
would impoverish England, not return it to a utopia. Defoe presented a similar defence of
the luxury trade in food, giving the added argument that it employed large numbers of
people. While acknowledging that the excess and gluttony such trade promoted was
unhealthy for the individuals who overindulged, he argued that what was healthy for the
individual was unhealthy for the economy, as ‘moderation and temperance, practis’d first to
reform our manners, wou’d be soon necessary to us, for want of Money to live better’.148
Arguments in favour of luxury trade as a necessary evil began to displace the balance of
trade theory of economics by the 1750s, but even those espousing the change nevertheless
continued to reflect a common understanding of the connections between the trade in
luxury goods and immoral and immoderate behaviour.149

Increasingly, the sellers were also implicated, not only for their role in encouraging
such consumption, but also because unbridled demand where novelty goods were in short
supply encouraged dishonest trade. Sellers of luxury not only corrupted, they were also
corrupt. It is no coincidence that ideas of grocers as dishonest increased as their tie to
retailing not wholesale trade was reinforced. In 1696, during the height of the 1690s
financial crisis, a poem on the power and influence of money described a grocer putting
‘off his faulty Rotten Spice’, but only to those buying by credit. Customers paying much
needed cash received good quality wares.150 In contrast, fifty years later the author of The
London Tradesman made no such differentiation. Instead grocers were depicted as invariably
corrupt, with a grocer’s skill lying in his use of cunning to ensure he did not sell for less
than he paid. In situations like the sale of sugar, where this was not possible the deficit on
one product was made up by overcharging for another. His journeyman’s task was to ‘be
alert at weighing out, to give his Master the Advantage of the Scales’.151

Luxury versus Necessity
Not all luxury goods attracted the same concerns. Where goods remained luxuries available
to a few they attracted little official attention. It was when imported foods began to move
into the realm of necessities that the issue of the nature of retailing itself and its profit
motivations became prevalent causes for concern for the authorities, and that fraudulent

147 Mandeville, The Fable of Bees, p. 13.
149 Joyce Appleby, ‘Ideology and Theory: The Tension between Political and Economic Liberalism in
Cox, “Beggary of the Nation”, p. 29.
150 Meriton, Pecuniae, p. 78.
practices became the subject of regulation. The trajectories for sugar and tea offer useful examples. According to Shammas sugar had become an item of mass consumption by the end of the seventeenth century. This finding is supported by concerns about consumption expressed by late seventeenth century writers. Tryon’s 1683 essay on health outlined concerns about the effect on the health of the lower orders of increasing consumption of sugar as they became more affordable and therefore accessible. In the eighteenth century, tea also changed status from luxury to necessity. However, differences in the mechanisms of trade for these two products led to different perceptions of both their effect upon the economy and of the likelihood of their adulteration.

The retail of sugar attracted few concerns for several reasons. While still a luxury product, by the second half of the seventeenth century, England’s sugar supply was produced by English colonies, making it a product of internal not external trade. In addition, from 1660 to 1740 England re-exported any surplus sugar to the continent, which meant that the sugar trade brought in foreign coinage. Even after the continental trade dried up, the colonies were also major consumers of English manufactured wares. As a result, the sugar trade represented a net gain within the balance of payments model, rather than the loss associated with other imported food products. Sugar production in the colonies also increased over the seventeenth century, keeping pace with increases in demand, so that from the 1660s onwards shortages were rare. This meant that while moral commentators may have complained about the increasing consumption of sugar, especially by the lower orders, the economic incentive for adulteration was reduced. Whereas in dearth years the flour traders were suspected of having adulterated the flour used to make the white bread preferred by Londoners, sugar did not attract similar accusations of fraud.

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152 Shammas, The Pre-Industrial Consumer, p. 182.
157 Mintz, Sweetness and Power, pp. 37 & 44-5.
158 Joan Thirsk, Food in Early Modern England: Phases, Fads, Fashions 1500-1760, London, Hambledon Continuum, 2007, p. 80, states that James Hart in 1633 ‘suspected that the high death rate in London, shown in the Bills of Mortality, was due to merchants whitening sugar with lees of lime’. However, Hart was referring to the method used to in the refining process and not to deliberate adulteration of the product. James Hart, Klinike, or the Diet of the Diseased Divided into Three Bookees. Vvherein Is Set
The situation for the trade in tea was quite different. Although known of much earlier, tea only became accessible in London in the second half of the seventeenth century when coffee houses were established in the city.\textsuperscript{159} These sold prepared drinks, but also sold the means for customers to make tea at home.\textsuperscript{160} By the late seventeenth century first coffee and then tea had become part of the stock of the retail grocers’ shops and specialist shops dealing in tea, chocolate and coffee and the paraphernalia for drinking and preparing them also developed. Shammas contends that at least in London, substantial numbers of people were consuming tea by the beginning of the eighteenth century.\textsuperscript{161} By the 1730s contemporaries were reporting tea consumption by the lower ranks.\textsuperscript{162} While demand increased, legally available supplies remained restricted. The EIC imported tea from the 1660s, but it was only after 1713, when they established direct trade with Canton, that the supply became assured.\textsuperscript{163} The crown imposed heavy duties on tea, making smuggling a lucrative activity. It has been estimated that by the 1740s only twenty five percent of tea was acquired legally.\textsuperscript{164} A petition presented in the 1730s by ‘the Druggists, Grocers, China-men and others dealing in tea’ complained that the excise law was the ‘ruin of the fair trader’, as smuggling was rife and those selling smuggled tea could undercut the prices charged by honest traders.\textsuperscript{165} In 1750 Thomas Short linked smuggling to adulteration.\textsuperscript{166} He

\textit{Downe at Length the Whole Matter and Nature of Diet for Those in Health, but Especially for the Sicke; the Aire, and Other Elements; Meat and Drinke, with Divers Other Things}, London, Robert Allot, 1633, p. 97. The eighteenth-century belief that white sugar contained bulls’ blood outlined by F. A. Filby, \textit{A History of Food Adulteration and Analysis}, History of Science Library, London, George Allen and Unwin Ltd, 1934, pp. 37-8, was also connected to the refining process, as bulls’ blood was used to clarify sugar. The only accusation of adulteration of sugar recorded in the City’s records was of a bad batch of sugar supplied to James I in 1615. In this case the London sugar refiners responded that the sugar in question was not their product but that of foreign refiners, a standard response employed by the Grocers’ company to accusations about sales of substandard imported goods. Corporation of London, \textit{Remembrancia}, IV, 2&3.


\textsuperscript{160} See Ukers, \textit{All About Tea}, volume 1, p. 39 & 41-2. A reproduction of the earliest known tea advertisement in England dating from 1658 is reproduced on p. 42.

\textsuperscript{161} Shammas, \textit{The Pre-Industrial Consumer}, p. 84.

\textsuperscript{162} Thomas Short, \textit{A Dissertation Upon Tea, Explaining Its Nature and Properties by Many New Experiments; and Demonstrating from Philosophical Principles, the Various Effects It Has on Different Constitutions. To Which Is Added the Natural History of Tea; and a Detection of the Several Frauds Used in Preparing It}, London, Fletcher Gyles, 1730, p. 3, reported that ‘It has so singularly prevail’d in England, for these forty or fifty Years past, among all Persons (except of the very lowest Ranke)’. In Eustace Budgell’s \textit{The Bee}, a speaker in a parliamentary debate maintained that tea was ‘of late Years sold so cheap, that the very meanest of the People make use of it, which I know by my own Experience to be true; because but lately a poor Woman of that Part of the City where I live, for whom I had, some Time before, procured Twelve-pence per Week Charity, acknowledged to me that she had Tea every Morning for her Breakfast, and said, that, except Water, it was the cheapest Drink she could get’. Eustace Budgell, \textit{The Bee: Or, Universal Weekly Pamphlet. Containing Something to Hit Every Man’s Taste and Principles}, London, Richard Chandler, 1733-1735, volume 6, p. 174.

\textsuperscript{163} Cox, ““Beggary of the Nation””, p. 34; Shammas, \textit{The Pre-Industrial Consumer}, 1990, p. 84.

\textsuperscript{164} Shammas, \textit{The Pre-Industrial Consumer}, p. 85.

\textsuperscript{165} Budgell, \textit{The Bee}, volume 6, p. 174.
maintained that the tea being smuggled was often of much poorer quality than that brought in legally, leading to another Mischief, which was, Tea becoming so general and fashionable a Liquor, even by People that knew it not; and the Inland Duty, and other Customs added to the Price of the Tea, made it come at a high Price to ignorant People, that it gave Rise to sophisticating and counterfeiting, as well as staining, dyeing, and colouring of Tea.

By the mid eighteenth century tea had also moved from a luxury for the elite to a product of mass consumption. However, unlike sugar, the legal supply remained problematic. Suspicions of adulteration became more acute as consumption expanded, with the blame being leveled at those dealing in illegally procured tea.

**Conclusion**

London’s rapidly expanding population in the late sixteenth and first half of the seventeenth centuries led to significant changes in the mechanisms of supply. The sheer quantity of produce, particularly of grain, needed to feed the London populous meant that the ideal trade in raw ingredients, where purchasers bought goods in open market directly from the producer under the strict scrutiny of the guilds and city officials, became increasingly untenable. This led to a gradual, if grudging, acceptance of locales outside the London market places for the sale of food. By the end of the seventeenth century wholesaling middlemen were allowed to operate in the city, and freemen’s shops had become part of the definition of the open market, but concerns about trade by unknown persons in locations out of the public eye remained problematic. Not all locales and sellers gained equal legal standing, leaving some groups of non-citizen traders vulnerable to official displeasure and attention. As the next chapter will examine, this was particularly the case for poor female petty traders selling in the streets.

Underlying early modern depictions of food traders as dishonest lay a longstanding distrust of middlemen. The belief that adulteration was likely was underpinned by an awareness of the pecuniary interest of the seller in padding, substituting or disguising foods sold. This led to an ongoing official distrust of retail traders, despite the necessity for most of the City’s population to purchase their food from retail sellers in the markets, shops and

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168 This argument was used to argue against the Tea act later in the century, on the grounds that it encouraged smuggling and adulteration. Richard Twining, the Elder, *Observations on the Tea and Window Act, and on the Tea Trade*, London, T. Cadell, 1784, p. 44.
streets of the City.\textsuperscript{169} In addition, extending chains of supply caused difficulties in establishing responsibility for frauds perpetuated. So while middlemen became more necessary, they also became more suspect. Low consumer knowledge of a product, as in the sale of new goods, or difficulties in identification occurring when a product was sold in a processed form, intensified perceptions of the possibility of fraud. While this might seem to identify new foods as the biggest source of concern, this was not in fact the case. The attention early modern economic theorists and moralists gave luxury goods and their consumption has meant they have received the greatest attention from historians of retailing and consumption. However, they received relatively little attention from early modern regulators against fraud when they were only available to a small elite. It was when luxury foods became or approximated a necessity to a wider group of consumers that official concerns appeared in the form of regulations and orders for the control of the activities of sellers, and this attention was most evident where demand was not matched by a legally available supply.

The presence of increasingly lengthy lists of illegal trading sites and activities seen in early modern regulations supports the contention that retailing was indeed a burgeoning area of trade in this period.\textsuperscript{170} However, it is equally evident that, while it may have become an increasingly necessary part of trade, necessity did not mean legitimacy. Dismissing the rhetoric of disdain and condemnation of retailers evident in early modern literature, pamphlets and sermons, as ‘merely … the views of contemporaries’ on the basis of this growth, as was advocated by Cox and Dannehl in their recent history of retailing, and treating all forms of early modern retailing as acceptable is problematic.\textsuperscript{171} While multiple types of retailing activity and traders were certainly present in London in the seventeenth and early eighteenth centuries, and their continued and growing presence is an indicator that consumers found them useful, their acceptability to regulators was relative and conditional, dependent on the nature of the trade they engaged in and the location where such sales took place. In practice, the lines of demarcation between formal legal types of trade and informal, and frequently illegal, practices were not precise in the early modern world; however, they were differentiated within the legal framework, and this needs to be


\textsuperscript{170} Cox and Dannehl, \textit{Perceptions of Retailing}, pp. 1-3.

\textsuperscript{171} Cox and Dannehl, \textit{Perceptions of Retailing}, pp. 1-3 & 9-10.
acknowledged. Failing to do so risks ignoring or misinterpreting the contests for legitimacy that took place between different types of sellers within the London courts, which will be taken up in the next chapter. Contesting claims to legitimacy framed sellers against ideal notions of trade, which included direct dealing within the public eye to ensure that food supplies were wholesome and kept available to all, at a fair price.
Chapter 6. Moral Disorder

[I]t hath beene heretofore allowed to certaine women being wives & widowes of freemen & other antient dwellers within this City & Libertyes to buy upp ye middle & worse sort of fish such as were left & refused by ye fishmongers provided the same were sizeable & wholesome & utter & putt to sale ye same againe within this City & Libertyes for ye benefit & reliefe of ye poore ... But ... this Liberty of late yeares has beene abused for that a great number & sort of disorderly & lewd women & maids fitter for more painfull & laborious service appropriating to themselves the benefit of this allowance doe take upon them to sell & carry fish upp & downe ye streets of this city & under that pretence do practice many wicked & unlawful things.

Repertories of the Court of Aldermen, July 1669

As this extract from a 1669 aldermanic report on the London fish traders illustrates, contemporary depictions of food traders tied ideas about sellers’ economic activities to judgements about their characters and integrity. This connection was at the heart of advice given to consumers in market guides like Jaspar Arnaud’s An alarm to all persons (1740), which advised consumers ‘to apply ourselves for what we want to Persons of known Credit and Honesty’ to avoid falling victim of food fraud.² Clearly not all traders were thought equally worthy of consumers’ trust. While this advice may seem self-evident, Arnaud was not the only commentator who felt it necessary to spell it out. The aldermanic report of 1669 differentiated between groups of traders on the basis of their relative benefit or threat to public order, labeling those thought to threaten disorder in moral terms, and not in terms of economic risk.

This labeling echoed that found in other regulatory documents of the period. For example, a proclamation issued in January 1660 framed controlling the activities of cooks, taverners, innkeepers, and those selling meat, fish, poultry, fruit, vegetables and other victuals as being for the ‘reformation of evil’.³ As we have seen, the evils of which food

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¹ CLRO, Reps. COL/CA/01/01/078 ff. 89-91v.
³ CLRO, JCC, COL/CC/01/01/043, 87-88v.
traders were suspected included the sale of corrupt and unwholesome food. Chapter five showed how corrupt food was also linked to other aspects of disorder, such as trading outside the public eye, at unauthorized times and by unauthorized sellers. Spatial and temporal order equated with moral order. This chapter examines how concerns about the location of sales in turn linked street traders to other illegal and immoral activities, including fraud, prostitution and theft. The articulation of concern about food traders thus connected the multiple meanings of ‘corruption’ with the sale of food. Labeling groups of sellers corrupt tied the economic regulation of food traders to moral regulation.

Early modern discourses against corrupting food traders posited them as a risk, not just to health, but also to social order. In Purity and Danger and in her subsequent work on risk perception, the anthropologist Mary Douglas identified the construction of discourses of blame, which targeted marginal groups as polluting others, as a strategy for reconfirming or defining social order. She argued that pollution ideas are usually invoked when societal boundaries are under threat and are a means of defining the components or behaviours of a society that are deemed acceptable, and those that should be excluded. Consequently, pollution ideas constitute and reinforce moral values to support political power. Within this view, perceptions of risk are selective and negotiated rather than absolute and constant.

While concerns about corrupt trade and traders recurred in the regulatory documents over the early modern period, they were not continuously present. Rather, the resurgence of regulatory concern about street traders was driven by active campaigns by the London companies to exclude other traders from the city. The companies’ success depended on their ability to portray non-guild trade as a threat to the interests of the broader community.

The previous chapter discussed the hierarchy of relative virtue that applied to different groups of retail traders in London based on their relationship to ideals of trade, marked by a traders’ status, the kinds of goods sold, their trading locale and the degree of transparency such trade allowed. This chapter explores the role of gender and socioeconomic status within depictions of honesty, arguing that young, female street sellers constituted the most suspect group for most of the period under consideration. It further contends that the positioning of different types of sellers within hierarchies of honesty

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4 See chapter 2.
affected not only how such traders were perceived, but also how and where traders were prosecuted and punished. Qualifying the potential threat of food sellers in terms of where and when sales took place, and by whom, allowed contending traders to draw rhetorical boundaries that defined legitimate and illegitimate trade. As the example discussed in chapter five of the conflict between the Butchers’ Company and country traders over the right to trade in London’s markets demonstrated, these boundaries were neither natural nor fixed, but were instead negotiated against early modern ideals of trade. This chapter extends this analysis to see how different groups of traders were constructed within early modern ideals of social order.

This chapter draws upon insights provided by studies of moral panics to examine the presentation of concern, and possible factors contributing to their periodic resurgence over the period. It is important to note that waves of concern were not purely rhetorical constructions. As Beardsworth argues, it is the awareness of actual incidence of a problem that gives the rhetoric credibility and enables it to trigger responses. However, where the discourse of blame does not match the evidence of offence, it was likely that other agendas were in play and they need teasing out. This chapter firstly discusses the way street traders were framed in early modern regulatory documents and contemporary pamphlet literature. Then, using a series of campaigns by the Fishmongers’ Company for regulations to exclude street traders from the right to retail fish in London as a case study, it examines the language and processes by which boundaries of legitimacy were negotiated and contested, focusing not only on what was said, but also by whom and to what effect. The rhetoric of the campaigns is then compared to the evidence presented in prosecution records. The final section considers possible motivations that pushed the campaigns and influenced their reception.

The Rhetoric of Regulation

The unease about disordered street traders and their moral probity was reflected in the language used to describe them. This was a concern that both affected, and was affected by, beliefs about the types of activities in which they could potentially be involved. The language used to describe suspect traders was consistent. Orders to regulate the markets focused on the ‘great and oppressive number’ of ‘divers unrulie people’ who flouted the good orders of the City. An order for the suppression of hawking recorded in the Butchers’ Court of Assistants records for 1624 described those offending as ‘many idel and

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7 See chapter 5 pp. 167-9.
9 CLRO, JCC COL/CC/01/01/029 f. 300, /036 f. 332.
lewd people”. Similarly, the Lord Mayor’s order against abuses in the meat trades in 1630 was aimed at the ‘ill disposed people’ who hawked meat in the streets.10 In a letter submitted to the Court of Aldermen in 1661 the Fishmongers’ Court of Assistants described hucksters selling fish in the London streets as ‘disorderly persons’.11 The 1669 report took this further, labeling those to be excluded from trading as ‘lewd women and maides’.12 In many of the complaints, the issue of the numbers of persons offending and the offence they committed were connected, with street traders referred to as ‘a great oppressive number’, a ‘multitude of ffooreyners idle and evill disposed people’, who were said to ‘pester’ the streets.13

Operating outside designated markets was an indication of disorder and attracted suspicion. Chapter five showed that the locale in which trade took place shaped ideas about the likelihood of duplicitous behaviour. It was not only the locale of trade that was problematic. When the Act of Common Council for the Reformation of Sundry abuses Vpon the Common Markets and Streets of the City of London (1631) presented traders operating outside market times as a ‘great scandall of the governemente’,15 it clearly marked the sale of foods outside market times as a moral issue. The situation was scandalous not only because markets were disordered but also because the ‘div[er]s unrulie people’ the act sought to restrain included ‘Butchers, Bakers Poulters Chandlers ffruiterers’ and sellers of grocers wares as well as ‘Oyster wives, herbewives, Tripe wives & the like’.16 All of these sellers were found to be trading ‘for the most p[ar]te of the daie … not onelie upon market daies but all the weeke longe with multitudes of Basketts, Tubbes, Chaires, boardes & stooles’, rendering them not only a nuisance, but also of suspect honesty. Operating outside official oversight increased beliefs that deception was likely.17 The freemen and their ‘wives, children and servants’ who thus traded illegally, were further accused of setting a bad example and encouraging ‘verie great multitudes of ffooreyners idle and evill disposed p[er]sons inhabiting in or neere the cittie’ to seek to ‘lead a more easie life then by labour’

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10 GL MS 06440/2 Pt 2, f. 324.  
11 CLRO, CLA/017/LC/05/001 30/08/1630.  
13 CLRO Reps. COL/CA/01/01/078 f. 90.  
15 CLRO, JCC COL/CC/01/01/036 f. 332.  
16 See CLRO, Reps. COL/CA/01/01/045 ff. 57v-58 & /048 268v-269 for specific complaints lodged by inhabitants that preceded the passing of this act.  
17 CLRO, JCC COL/CC/01/01/036 ff. 332-3, /039 ff. 172-172v, /041 196v-198v (especially 197v); CLRO, Reps. COL/CA/01/01/045 ff. 57v-58, /049 f. 94.
by similarly setting up without a licence to sell goods in the common markets.\textsuperscript{18} As these evil foreigners were accused of pushing the ‘country people’ – who entered the City on market days to supply fresh foods directly to the inhabitants – out of the markets and forcing them to sell their goods in the streets. This meant that not only were the markets full of disorderly traders but that the country people, who as the last chapter showed were at times construed as representing a close approximate of ideal trade, were disordering the streets of the city, a complaint that was to recur.\textsuperscript{19}

If selling in the market places outside the set days and hours caused general disorder, sales in the streets (especially by hawking) or other suspect venues like taverns, inns and later coffee houses, were worse. Street sales were problematic for two reasons. The first problem was that of static sellers blocked the streets causing physical disorder, a problem that will be addressed in chapter seven. The second problem was that mobile sellers too easily evaded oversight, and it was this evasion that rendered sellers morally suspect and linked them to other crimes and vices. The most obvious connection drawn in the regulatory documents was the link between clandestine sales and fraud. In a letter to the Lord Mayor of London in 1611 the Lords of Council urged action to suppress the trade of those selling by hawking ‘in such corners and remote places as might best serve to sell their bad and unwholesome fish without control or oversight of the [Fishmongers’] Company’.\textsuperscript{20} The 1646 \textit{Act to reform sundry abuses in Common Markets and Streets} also stated that hawking was the ‘means of much unwholesome meat hath been vended and sold to the great deceit of the Buyer thereof and prejudice of the Com[m]on wealth’, a connection that was repeated in other sources.\textsuperscript{21} As chapter five discussed, the use of venues like inns and taverns had long been connected with private trading that could unfairly influence prices, however by the end of the seventeenth century a further concern was being raised.\textsuperscript{22} Inns and taverns were included in the 1690 list of venues prohibited for the sale by hawking of provisions generally, and meal and bread specifically, on the grounds

\textsuperscript{18} CLRO, \textit{JCC COL/CC/01/01/028 f. 332.}
\textsuperscript{19} CLRO, \textit{JCC COL/CC/01/01/039 f. 206; CLRO, Reps. COL/CA/01/01/044 f. 204v, /049 f. 290, /056 ff. 27 & 37v, /080 f. 293, /073 ff. 196-7 & 378, /074 ff. 15v-16v & 37v-38, /086 f. 88, /132 ff. 126-7.}
\textsuperscript{21} CLRO, \textit{JCC COL/CC/01/01/041 f. 197v.} See also CLRO, \textit{Reps. COL/CA/01/01/064 f. 92v & /065 f. 138v, for complaints by the Grocers, & Corporation of London, Act of Common Council for Settlement and Well-Ordering of the Several Publick Markets within the City of London, London, Samuel Rycroft, 1690, p. 10. See also John Taylor, \textit{Jack a Lent His Beginning and Entertainment with the Many Pranks of His Gentleman-Vsher Shroue Tuesday That Goes before Him, and His Foot-Man Hunger Attending. With New Additions, Dedicated Both to the Butchers Farewell and the Fishmongers Entrance: Written to Choake Melancholy, and to Feed Mirth}, London, Printed [by G. Purslowe] for I. T[rundle?], 1620, which describes butchers as eluding control by resorting ‘into Stables, Privies, Sellers, Sir Francis Drakes Ship at Detford, My Lord Mayors Barge, and divers secret unsuspected places’ to conduct illicit trade.
\textsuperscript{22} See chapter 5, pp. 177-9.
that by this practice, ‘much unwholesome provision, corrupt Meal and light Bread (dangerous and prejudicial to his Majesties Subjects) may be uttered and sold’. An earlier order made by the Lord Mayor in 1630 spelt out that the major concern was the covert or secret nature of such sales, which allowed offenders to ‘shunne and escape all search and due punishment’ and encouraged ‘many ill disposed persons to some unlawfull attemptes and Actes to the greate deceipte and damage to Hys Ma[jesty’s] Subiectes’. Clandestine sales were automatically suspect and those selling in this way were assumed to be corrupt.

Sales outside the set market times and places were also connected to both vice and theft, although the specific association changed over time. These concerns were often gendered. Concerns about street sellers mostly frequently focused on fish and herb wives and basket women selling fruit, and linked street selling with idleness and lewd living. The wardmote returns for Cornhill in 1610, for example, accused ‘div[er]s yong women & maid servants’ of living in an ‘idle course of life’ selling apples and fruit in front of the Exchange and presented them for, among other things, sitting ‘there at unlawfull houres in the night tyme, & intice apprentices and servants to wast their moneys unduly’ and of being ‘the occasion of many brawles’. As Paul Griffiths has demonstrated, some of the women labelled lewd, who were consequently sent to Bridewell for punishment, were food sellers, with lewd assumed to mean feminine sexual misdemeanours. Some sellers, like Elizabeth Bastey, a fishwife’s servant taken up by the watch and presented at Bridewell who confessed to the court ‘that one Allen a Collier had the use of her body’, were presented as lewd as a result of actual sexual misconduct. Anne Lancaster was in a slightly less compromising situation, when she was taken up by the watch of Faringdon Without for being in the company of Edward Farow at midnight in the stall where she usually sold apples when they were, in his words, ‘drunk as a Taylor’. For others no direct proof was offered.

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24 CLRO, CLA/017/LC/05/001.
26 GL MS 04069 vol. 1, ff. 118.
27 Griffiths, Lost Londons, chapter 3, especially pp. 123-34. Regarding the connection drawn between night walking and sexual misconduct particularly for fishwives see pp. 124 & 132. See, for example, BBA, BCB 05 ff. 101v, 108v; 07 ff. 44, 44v, 151, 329; 08 f. 63.
28 BBA, BCB 05 f. 101.
29 BBA, BCB 07 ff. 44-v.
30 BBA, BCB 07 f. 151.
released with a warning as there was no proof against them. Elizabeth Williams, the servant to a fishwife, was presented with a group of other women picked up for night walking, though there is nothing to show that they had been found in any situation more compromising than being abroad at night.

Gambling was another inappropriate activity street sellers were accused of encouraging. The connection between costermongers and gambling in literary representations depicted this kind of disorder as masculine. The costermonger in *Turners’ Dish of Lenten Stuffe* (1612), was accused of having ‘in his purse a paire of Dice, for to play at Mumchance’ – a popular dicing game. Dapper – the lawyer’s clerk in Ben Jonson’s *The Alchemist* (1612) – was also exhorted not to ‘play with coster-mongers at Mumchance’. Over a century later, in William Hogarth’s series *Industry and Idleness* (1747), when the idle apprentice played in a churchyard with other youths instead of attending church, this was an early step on his road to ruin. That at least one of his companions in depravity was a street trader is evidenced by the stool and basket of a shoeblack placed next to the feet of the player at the right of the frame. Convicted criminals’ life stories presented in *The Ordinary of Newgate* portrayed similar stories. William Rose who was convicted for burglary in 1717 had started his working career selling cakes and fruit from a barrow to children and others in the streets. He admitted to encouraging youths to throw dice with him instead of attending school. In this story working as a street seller is described as ‘an idle way … to get a Livelihood by, and an introduction to many Vices’. John Dickenson, condemned for assaulting and robbing on the highway, appeared in the same account and told a similar story, though he had run away from an apprenticeship with a fisherman and taken up selling fruit and fish in the streets as an alternative occupation. Both youths’ careers followed the same trajectory from street selling to petty theft in bad company to more serious offences. Other cases show similar trajectories.

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31 BBA, BCB 07 f. 329.
32 BBA, BCB 04 f. 366v.
33 W. Turner, *Turners Dish of Lenten Stuffe, or, a Galymaufery to the Tune of Watton Townes End*, London, Printed for [J. W., 1612].
By the eighteenth century, references in regulations against street traders became more generic and complained of barrow sellers rather than basket or fish women. Orders prohibiting selling from wheelbarrows and presentments of offenders made reference to ‘persons’ committing the offences, but rarely gave the names or gender of these people. It is therefore not possible to determine whether the change in the range of vices associated with barrow selling reflected a change in the presumed gender of offenders. The

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39 The wardmote presentments for Cornhill for 1715 complained that the ‘high street (as indeed many other parts of the Citty) are frequently pester’d with a loos sort of People, who sell Fruit and other things in wheelbarrows and permit youth to play with Dice for their Wares To the hindrance of the Passage through the streets and the corruption of such youth as resort thereto’; GL MS 04069 vol. 2, f. 229. The other entries in this volume are less detailed but equate those selling in the street with beggars, see also ff. 215v, 219v, 232, 236v. Similarly, the wardmote returns for Cheap ward between 1701 and 1749 record general presentments of barrow sellers ‘debauching the youth of this Citty’, GL MS 00060 f. 75. See also ff. 8, 13, 22v, 27v, 32, 37v, 47, 52v & 56. Similarly, orders issued by the Middlesex sessions of the peace in 1715 and 1716 prohibited the sale of foods such as oysters, oranges and ‘decayed cheese’ from wheelbarrows. These addressed all who were guilty of the offences; LMA, MJ/SP/1715/01/87 & /1716/10/58. See also LMA, MJ/SP/1720/05 24, 25 & 27. The Repertories for London show similar issues in the 1740s; see for example, CLRO, Reps. COL/CA/01/01/149 ff. 84-6, /150 ff. 43 & 94-5, /152 ff. 81-4, /154 f. 85, /156 ff. 123-29.
constables’ returns for St Giles in the Fields for February 1718 were an exception in this. Of the six entries, five were for male sellers and only one for female. Barrow sellers were also suspected of selling stolen foodstuffs, with smuggled goods adding to the illegally obtained goods being clandestinely sold. A draft of an order for the suppression of street traders for Middlesex made this connection overt, though many of the clauses about the role street sellers were believed to play in the commission of theft were crossed out and did not make it into the final order issued in 1716. There was a further assumption that stolen and smuggled wares were more likely to be fraudulent, especially with regard for the new luxury imports including coffee, tea and chocolate. This focus on the connection between illicit sales and theft supports Beattie’s assessment of the general preoccupation with property crime by the late seventeenth century, an indication that concerns about food sales paralleled more general social concerns and priorities about crime.

The associations made between illegal sales and other kinds of crime were applied to food traders generically. In prohibiting the sale of meat by hawkers in 1630, the Lord Mayor accused ‘divers Butchers and other persons doe g[o around] the streetes and lanes of this City’ of ‘offering and putting to sale by way of hawking in s[e]c[re]tt mann[er] Beef, veale, mutton, lamb and other flesh contrary to the auntient custome of this City.’ However, many of the calls to regulate the food trades, often presented by groups of food traders, attempted to differentiate the kinds of sellers operating in London. As the next section will show, the livery companies presented unregulated and disorderly traders

40 LMA, MJ/SP/1718/02/50.
41 Of the five of entries referring to male sellers, one of these recorded the ‘repressing of boys in Linkinson [sic] fields and Bloomsbury Square’ indicating that male barrow sellers were perhaps more common as this refers to multiple offenders.
43 See LMA, MJ/SP/1715/01/87 for the draft and /1716/10/58 for the final printed order.
44 Defoe, A Brief State of the Inland or Home Trade, p. 38, argued that hawkers had to sell in the dark in order to prevent to close inspection of their wares. Richard Twining the Elder made the connection between illicit trade and poor quality wares even more overt. In his defense of the legitimate tea trade, he identified the source of adulterated tea as illegal traders selling smuggled tea. See his Observations on the Tea and Window Act, and on the Tea Trade, London, printed for T. Cadell, [1784]. These arguments echoed earlier arguments put forward against hawkers of other food wares.
46 CLRO, CLA/017/LC/05/001 30/08/1630.
operating outside the companies’ controls as the cause of these problems and not the well-regulated company members, who were citizens of London and contributed to its well-being.

In doing this they drew upon established ideas about credit, repute and relative honesty. Recent work has shown how concepts of honesty were shaped by assumptions about gender and social status. Keith Thomas, Martin Ingram and Laura Gowing have all argued that gender was a crucial factor determining ideas of relative moral integrity, with women seen as inherently less honest than men.47 Alexandra Shepard has qualified this showing that gender was only one aspect affecting beliefs about moral integrity, arguing that social standing and financial independence were also important.48 The category of financial independence was problematic, however, as its utility in establishing integrity was dependent on how the other factors of gender, age, and social standing interacted. As Paul Griffiths has shown, living by your own hand more readily landed food traders, particularly young, women traders, in Bridewell on suspicion of ‘loose living’.49 In examining the probity of traders, in most social categories women ranked lower than men of an equivalent standing. Poor, masterless men were also objects of suspicion, in some periods seen as being of as great, or greater, concern as poor, single women living outside the controls of a male householder.50 The combination of gender with social status as well as the degree of financial independence, age, marital status and, I argue, the trade locale and the demeanour of the seller shaped how any group of traders might be represented (see figure 6.2).

The ideal ‘citizen’ assumed all other attributes of legitimacy. They were, by definition, members of one of the London livery companies,51 and as such male, mature and able to support themselves through work. In addition, their company ordinances


51 The standing of the particular company of which they were a member, and their standing within that company as an office bearer, a member of the livery or a yeoman further nuanced this status. Membership of one of the twelve great companies, a requirement in becoming an alderman, conferred greater assumed integrity.
required them to be well ordered in their dress and behaviour and observant of the rules of trade. They were also, at least in theory, policed by company authorities who enforced these requirements. Food sellers who did not meet these criteria were portrayed as less honest, with the degree of honesty and legitimacy decreasing with each ideal criterion not met. So, country traders, who were not citizens but nevertheless traded within the markets, at the set times in a decorous manner could claim legitimacy. By the same criteria, a food trader who was female, poor and trading outside the designated markets and hours was constructed as suspicious, especially if her physical appearance and behaviour was disordered. It was this image of illegitimacy that the food companies called upon in their campaigns to exclude hawkers from the London trade.

### Characteristics

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Legitimate</th>
<th>Illegitimate</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal Status</strong></td>
<td>Citizen</td>
<td>Non-citizen</td>
</tr>
<tr>
<td><strong>Financial Status</strong></td>
<td>Independent</td>
<td>Poor</td>
</tr>
<tr>
<td><strong>Gender</strong></td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td><strong>Age</strong></td>
<td>Mature</td>
<td>Young</td>
</tr>
<tr>
<td><strong>Behaviour/deemeanour</strong></td>
<td>Ordered: obedient, deferent, tidy, quiet, clean.</td>
<td>Disordered: brawling, licentious, raucous, untidy, dirty.</td>
</tr>
<tr>
<td><strong>Spatial</strong></td>
<td>Inside designated areas</td>
<td>Outside designated spaces</td>
</tr>
<tr>
<td><strong>Temporal</strong></td>
<td>Within permitted hours of trade</td>
<td>Outside permitted hours</td>
</tr>
</tbody>
</table>

Figure 6.2: Factors affecting ideas of honesty

An act of Common Council from 1611 placed the oversight of hawkers under the auspices of the governors of Bridewell Hospital, the institution set up to regulate the disordered poor, and in so doing categorized hawkers within the undeserving poor.52

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only did the Bridewell governors have the job of issuing licences to those recommended by the aldermen of the wards, they were responsible for punishing those found trading without a licence. First offenders were to have their wares seized and redistributed to the poor prisoners in London’s goals, while repeat offenders were to be sent to Bridewell for correction. This treatment fitted contemporary advice given to Justices of the Peace on the appropriate treatment of ‘incorrigible rogues’, who were defined as either repeat offenders or those who appeared ‘dangerous to the inferior sort of people’, and were to be sent to a house of correction, such as Bridewell, or to gaol. The appearance of danger referred to both a potential for physical violence but also to loud or threatening speech. Raucous street cries, jostling bodies and contention were common in negative depictions of food hawkers, and the differentiation of ordered and disordered sellers lay at the heart of definitions drawn in regulations between legitimate and illegitimate traders.

The appearance and comportment of sellers thus affected ideas of legitimacy. It was for this reason that the ordinances of most food companies included exhortations that members, and any family members or servants employed to sell their wares, were to wear decent and clean apparel, avoid swearing, drunkenness and unmannerly speech, both to each other and to their customers, and to take any contentions to the wardens of their company and not to outside arbitrators. Some companies also prohibited members from vilifying the wares of other members, or from using any other means to undermine the trade of others in order to take it over for themselves. In addition, city orders for the licensing of basket women stipulated that licences be restricted to ‘persons of honest

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53 CLRO, JCC COL/CC/01/01/029 ff. 300-302. The act also stipulated that a licensee who breached any of the articles contained within the act were to have their licence revoked and allowed for the imprisonment of offenders in ‘any prison or stocke within the City there to remaine by the space of foure & twentie howers’.  
54 Michael Dalton, The Countrey Justice Containing the Practise of the Justices of the Peace out of Their Sessions. Gathered, for the Better Helpe of Such Justices of Peace as Have Not Been Much Conuersant in the Studie of the Lawes of This Realme, London, Printed [by Adam Islip], 1619, p. 100; Hitchcock, “All Besides the Rail, Rang’d Beggars Lie”, pp. 75-6.  
55 See for example, CLRO Reps. COL/CA/01/01/058 ff. 83-4v, /069 ff. 119-v & 128-9, /073 ff. 196-7, /078 ff. 89-91v & /095 ff. 6-v.  
56 Bakers: GL MS 05197A 1624 f. 9; Butchers: GL MS 10561 1607 ff. 81-2 (item 31), 84-5 (item 35), 85-6 (item 36), 92 (item 49), 93-4 (item 52) & 96-7 (item 55), & GL MS 09809 1638 f. 8 (item 81); Cooks: GL MS 03354 1686 ff. 23-4 (items 31 & 32); Fishmongers: GL 05842 1668 f. 20 (item 23) & 36 (item 55), & GL MS 05572 vol. 1, 1604 f. 396; Poulterers: GL MS 02168 1688 ff. 2 (item 9), 8 (item 30), 9 (item 38), 10 (item 41).  
57 Butchers: GL MS 10561 1607 f. 86 (item 37); Cooks: GL MS 03354 1686 f. 7 (item 8); Poulterers: GL MS 02168 1688 f. 9 (item 38).
name & conversac[j]on’ and ‘of the Age of thirtie yeares at least and not under’. Similar restrictions had been made in the sixteenth century for the licensing of men involved in the food trade who were not members of one of the City companies. Stipulations on the age and deportment of non-citizen traders promoted orderly behaviour approximating that required of company members. Since the articles of licence also required that licensees be related to a citizen of the City, this act again drew a line between ordered, decorous citizenry and disordered outsiders.

**Campaigns against street sellers**

The most vocal of the companies involved in agitating against street traders were the Fishmongers’ and Butchers’ Companies. The regulations that resulted from their campaigns might also cast the net wider to include street traders of all types of food. The 1611 act, which resulted from agitations of the Fishmongers’ Company to control the London fishwives, was an example of this. In February 1611, the Lord Mayor and Aldermen of London received a letter from the Lords of Council that outlined a complaint made by the Fishmongers about the prevalence of fish sales by street traders. The letter claimed that the sale of fish was no longer confined to traditional markets, making it difficult for Company officers to survey the produce sold, and that the new conditions enabled people to sell fish ‘in such corners and remote places as might best serve to sell their bad and unwholesome fish without control or oversight of the Company’. The mayor and aldermen were instructed to discover where these sales were taking place and by whom. The Privy Council also threatened direct intervention should the City’s government fail in ordering the situation satisfactorily. It appears that this threat was sufficient to get the aldermen to act, as in March of the same year the Court of Common Council passed *An Act concerning Fishwives*. This act reinforced earlier sixteenth century orders regarding the licensing of women selling fish in London’s streets. Unlike the earlier orders,

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58 CLRO, JCC, COL/CC/01/01/029 ff. 300-302.
59 According to Alan Everitt, from 1563, ‘Drovers, badgers, corn-carriers and the like … had to be married householders, of at least thirty years of age, and a resident in the county in question for at least three years’, in order to be licensed at the quarter sessions to carry out their trade; ‘The Marketing of Agricultural Produce, 1500-1640’, in J. A. Chartres (ed.), *Agricultural Markets and Trade 1500-1750*, rev. edn., volume 4, chapters from the Agrarian History of England and Wales 1500-1750, Cambridge, Cambridge University Press, 1990, pp. 15-141.
60 CLRO, JCC, COL/CC/01/01/029 ff. 300-302. The act stipulated that the women nominated for licensing by each ward ‘shalbe the wives or widowes of free men of this Cittie or other auncient dwellers within this Cittie’.
63 CLRO, JCC COL/CC/01/01/029, ff. 300-302.
however, the act of 1611 was not confined to the ordering and control of fishwives. Instead, it targeted the ‘greate and oppressive number of men women widowes & maides which have been tolerated & permitted to carrie & convey, oysters ffishe fruite Roots, & other victuall about the streets lanes & other places’ within the City and liberties. While men were included in this directive as potential culprits, the use of three different identifying words to indicate women’s involvement gave greater emphasis to the necessity for their control.

The City’s diligence in enforcing the 1611 Act is open to question, as the concerns it voiced were repeated over the seventeenth century. Less than a year after its enactment, the Court of Common Council issued an order that the act was to be enforced. In 1635 a committee was appointed to examine abuses in the markets and streets by hucksters of fish, and in 1639 the Fishmongers’ Company petitioned the Court of Aldermen regarding the excessive number of young people carrying fish about the streets of the City. The Fishmongers’ petition coincided with agitation by the Butchers’ Company and eventually resulted in the passing of an Act of Common Council for the suppression of hawkers in 1644. This act was neither published nor enforced, even by intention, until 1646 when the Court of Aldermen authorized the City’s solicitor to prosecute offenders. The 1646 act did not permanently resolve the issue. A 1661 report on the trade in fresh fish argued for the necessity of reform measures for the marketing of fresh fish to avoid ‘many greate inconveniencies and abuses in buying fresh fish by Hucksters and other disorderly persons’.

In 1669 the company’s campaign became more focused against the fishwives in particular. However, the aldermanic subcommittee appointed to review the issue did not condemn all of the fishwives, although the rhetoric of disorderly conduct and the danger to trade the women represented was still evident. Instead they differentiated between the women involved, dividing them discursively into deserving and undeserving poor. Orderly, poor widows of freemen were permitted to trade in the lesser types of fish, while the ‘lewd women and maides’ identified as infringing on this trade were to be suppressed.

65 CLRO, JCC COL/CC/01/01/029, 303v.
66 CLRO, Reps. COL/CA/01/01/054 f. 54 & /058 ff. 84-84v.
67 CLRO, Reps. COL/CA/01/01/061 f. 59 & /062 ff. 191 & 202.
68 Worshipful Company of Fishmongers, Calendar of Minute Books, volume 4, 1276-79.
69 CLRO, Reps. COL/CA/01/01/078 ff. 51v, 89-91v, 121, 170v, 180v, 202v-203, 213v, 227b, 271v-274v.
70 CLRO, JCC COL/CC/01/01/029 ff. 300-302. The first condition of the 1611 Act was that those licensed had to be nominated by the alderman for their ward as being ‘of honest name & conversac[i]on Inhabiting within the same ward as shalbe the wives or widowes of free men of this Cittie or other auncient dwellers within this Cittie … of the Age of thirtie yeares at least and not under’. 
It was not only the Fishmongers’ Company who invoked concerns about hawkers. The ongoing campaigns by the Butchers’ Company, discussed in chapter five, also agitated for the suppression of foreign butchers. In 1621 they complained of foreigners selling meat ‘up and downe the streets and lanes of this Citty, and in secrett manner putt to sale much unwholsome flesh’. Their petition was supported after a report presented to the court linked the clandestine sales by the foreign hawkers to sales of ‘much flesh unlawfully come by’, and an order from the court restricted sales by foreign sellers to Leadenhall markets on Saturdays only. An order made by the Butchers’ Court of Assistants, recorded in the Butchers’ account books dated 29 July 1624, again called for the suppression of hawkers and for the seizure of the meat they had on sale. This action was justified on the basis that many idle and lewd people who daily offer and putt to sale much unwholesome and corrupte fleshe by way of hawking to ye scandal of this Company, and contrary to sundry acts and orders enacted and made by the Courte of Lord Maior and Aldermen of this Citty.

They lodged further complaints over the 1630s, and were again petitioning the Court in 1645. When the Act of Common Council against hawkers was finally published in 1646 it paid particular attention to the butchers’ trade. Like the fishmongers, the butchers continued to campaign for reform over the latter half of the seventeenth century, claiming that the 1646 Act was not being upheld. An outbreak of disease in milking cows in 1714 led the Court of Aldermen to take action to curtail the sale of meat by hawkers, but by 1726 the aldermen were refusing to assist in taking action against foreign butchers when the Company again petitioned for support.

While the Fishmongers’ and Butchers’ Companies were the most active in pursuing the suppression of street traders, other companies involved with the sale of provisions also raised concerns about competitors. In 1649 the Grocers complained that those hawking grocery wares were the means by which ‘corrupt and unwholesome stuff is uttered’, leading the Court of Aldermen to order an examination of how hawking could best be curtailed.

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71 CLRO, Reps. COL/CA/01/01/039 ff. 232v-233.
72 CLRO, Reps. COL/CA/01/01/039 ff. 252-253.
74 CLRO, Reps. COL/CA/01/01/055 f. 206; /056 f. 101; /058 ff. 116v-117, 217v-218 & 323; /059 f. 33v & /060 ff. 212-212v.
75 CLRO, Reps. COL/CA/01/01/061 ff. 210v & 217v & /062 ff. 191 & 203; CLRO, JCC COL/CC/01/01/041 ff. 196v-8v.
76 CLRO, Reps. COL/CA/01/01/067 ff. 69, 80-81, 84 & 257, /069 ff. 41, 50 & 93; /071 ff. 238 & 272-3, /072 ff. 50v & 63, /073 ff. 196-7, 199v & 259v, /074 ff. 15v-16v & /080 f. 8v.
77 CLRO, Reps. COL/CA/01/01/123 ff. 11-15 & /134 f. 125.
78 CLRO, Reps. COL/CA/01/01/064 f. 92v & /065 f. 138v. Hawkers of grocers’ wares had previously been a focus of concern in the 1605 actions against hawkers – /030 f. 200v.
The surviving Court Minutes of Poulters’ Company record an order in 1692 to have a clause inserted into a Bill against hawkers ‘for the good of the company’. The minutes also contain many orders for the prosecution of ‘h eglers and hawkers’.79 These included those selling butter, eggs and cheese in the streets, ‘shops, Inns, and hostleries’, though the fear they invoked was not always one of bad food but rather that of inflated prices.80

Despite ongoing agitation by the food trade companies, or perhaps as a result of this agitation, anxieties about hawkers did not go away. Indeed concerns about unregulated traders in the markets and streets of the City resurfaced in the eighteenth century, visible in tracts like An essay to prove, that regators, engrassers, forestallers, hawkers and jobbers of corn, cattle, and other marketable goods, provisions and merchandizes, are destructive of trade, published in 1718 and in Defoe’s treatise on the state of trade published in 1730.81 These texts repeated the linkage of hawkers to dubious illegal dealings, and to the sale of unwholesome food to an unsuspecting public in order to justify their suppression.82

The evidence of prosecution

The passing of new or revised regulations to curb a problem does not occur unless the problem is believed to exist.83 With such a consistent rhetoric of blame against outsiders hawking goods in the seventeenth century, it could be expected that there would be some support of this connection in the surviving records for prosecutions of food offences in the City and its surrounds. As chapter three discussed, the records of prosecution for food-related offences from this period are both scanty and patchy, making a meaningful quantitative examination of the numbers of offences and types of offenders impossible. Nevertheless, some records do survive, and while they cannot reliably inform on the number of offences occurring, they do allow for a qualitative examination of the trade offences that were presented, including the sale of corrupt and unwholesome food and those caught hawking food. They also provide information regarding how City authorities described such occurrences.

An analysis of the surviving company prosecution records (see chapter four) shows that most of those presented before the company courts were their own members of the

79 GL MS 02148 vol. 1 p. 11, 22v, 24v, [54], [54v], [55v] & [58v]. The Poulter’s Company minutes are unpaginated after p. 30.
80 Corporation of London, Remembrancia, V, 33 & VII, 137. See also CLRO, Reps. COL/CA/01/01/035 ff. 39v & 300v, 036 ff. 88 & 271v & 040 ff. 203 & 207-208.
81 Defoe, A Brief State of the Inland or Home Trade.
82 An Essay, pp. 12 & 16; Defoe, A Brief State of the Inland or Home Trade, pp. 21, 22-3, 28-35 & 38. Defoe was mostly concerned with manufactured goods and only included luxury imported foods in his essay, nevertheless he indicated that the goods sold by hawking, including tea, coffee, chocolate, sugar and spices, were substandard.
companies and not the outsiders blamed in their petitions.\(^{84}\) Similarly, most of the butchers pursued in the Southwark Leet Courts and in the Westminster sessions for selling carrion beef, mutton and veal, stinking calves, measled and blown pork, or murrained flesh, operated as butchers in the markets and not as street traders.\(^{85}\) The evidence of prosecution suggests that legitimate traders and not hawkers were the focus of regulation.

The records do, however, provide evidence that the companies pursued hawkers. The Butchers’ Company accounts, for example, record payments for warrants to be issued for the taking up and punishment of hawkers.\(^{86}\) They do not, however, identify those who were apprehended. Similarly, the court records for other companies show efforts to apprehend non-guild members, and particularly those hawking in the streets.\(^{87}\) The Poulters were certainly pressing to prosecute all hawking poultry wares.\(^{88}\) Their records provide some of the only examples of women actually being presented before Company authorities.\(^{89}\) However, a closer look at those presented in the company court shows that their offence was that of trading in London without guild sanction, and no mention was made of the quality of the goods being sold. The fines they paid were in effect de facto licences.

The sessions records for London, Westminster and Middlesex also sometimes provide glimpses of people accused of hawking.\(^{90}\) In 1620, for example, the butcher John Wallens was bound by recognizance for his appearance at the next sessions for hawking

\(^{84}\) See chapter 4.

\(^{85}\) LMA, WJ/SR(NS)5/16, 10/95, 11/36, 21/133, 25/61 &/62. Abigail, wife of Thomas Luke of Elstree Hertfordshire, was also indicted at the sessions for selling corrupt butter, but again she was selling in the markets not hawking wares; LMA, WJ/SR(NS)50/119 & /183. Her case, however, supported the idea put forward by the companies that country sellers were also guilty of selling corrupt wares.

\(^{86}\) GL MS 06440/2 ff. 434v & 508v & 509v. There are also payments for charges that occurred at sessions and in bringing indictments on ff. 509 & 510 but no details regarding what offences this might be for.


\(^{88}\) GL MS 02148 vol. 1, ff. 5, 11, 16, 22v, 27v, 30v & 34.

\(^{89}\) GL MS 02148 vol. 1, these records are unpaginated, but for examples see entries dated 25/05/1693, 12/11/1694, 06/09/1695, 05/01/1696, 30/11/1703, 14/12/1703 & 21/02/1704. Later records, like those for 12/05/1712 and 07/04/1714 show that the concern was to get all trading to be licensed by the Poulters’ Company rather than an issue with hawking per se, or any indication of a connection to the sale of unwholesome wares.

\(^{90}\) These glimpses are however rare as more usually recognizances and indictments give few details as to why people appeared before the court; Shoemaker, Prosecution and Punishment, pp. 53-4. This detail was also lacking in the Leet Court returns presented in the Westminster Court of Burgesses in the early eighteenth century. Although the minutes for the Court of Burgesses from 1709-1714 recorded that both April and Christmas Leet Courts presented their returns of offenders and the fines they had collected to the court, they did not detail the offences fined. In contrast, the Southwark Leet court records were a lot more detailed. See, for example, CLRO, CLA/043/01/012 & CLRO, CLA/043/01/015.
and seeking to sell unwholesome meat.\textsuperscript{91} Similarly, John Howell appeared in the Middlesex sessions, accused of stealing part of a sheep carcass from a Smithfield butcher and hawking it in the streets in 1709.\textsuperscript{92} They also provide examples of hawkers who were family members or servants of legitimate traders. One example was the binding by recognizance of Elizabeth, the wife of the Smithfield butcher Robert Boyer, for hawking meat from house to house in 1631.\textsuperscript{93} Similarly, a deposition made in Westminster on 11 June 1645 described a Covent Garden butchers’ wife as one ‘yt goith about’, a term that marked her as a street hawker.\textsuperscript{94}

The presentments of the wardmotes for Cornhill, Cheap and St Dunstan’s in the West in London also provide evidence of street sellers, particularly of those selling fruit and herbs.\textsuperscript{95} However, whereas the orders and petitions against street selling mostly construed hawkers as walking about the streets, the street sellers presented by the wardmotes were trading from static locations, often those designated by the City as appropriate for such trade. When Goodwife Powell was presented in 1611, 1626 and 1627 it was because her ‘sellinge of fruite in the streete against the Exchange’ was ‘to the pesteringe of the streete and disturbance of the gentry m[e]rchants and others repayring thether’.\textsuperscript{96} The herb women and the oatmeal sellers at the four spouts near Leadenhall were presented as annoyances or nuisances for similar reasons, with the herb wives also accused of causing pollution and the oatmeal sellers of trading out of hours.\textsuperscript{97} This is possibly because encroachment upon the King’s highway was a customary offence for wardmotes to correct. However, it could also mark a possible conflict of definition. At this time, ‘herb’ could refer to any leaf or vegetable not designated a root, and it is possible that the herb women saw themselves as included under an aldermanic order of 1618 that permitted those selling peas and beans ‘to

\textsuperscript{91} LMA, WJ/SR(NS)3/064. He was indicted at the next sessions, but the indictment made no mention of hawking or indeed where the sales took place, only the unwholesome meat he had put up to sale; LMA, WJ/SR(NS)3/109. This omission of location of trade was the more usual way that offences involving unwholesome meat were described. See, for example, LMA, WJ/SR(NS)1/009, /011, 3/111, 5/016 & 11/38. Other examples where hawking is specifically mentioned include LMA, WJ/SR(NS)29/055 & 60; and for fish LMA, WJ/SR(NS)47/184, /286, 48/24-5, /26-7 and /38. This case was more involved as it also breached the plague quarantine orders. See also Southwark Leet court records, e.g. CLRO, CLA/043/01/009 for 1661/2 item 4 & 1677/8.

\textsuperscript{92} LMA, MJ/SP/1709/12/31-32. See also LMA, MJ/SP/1691/07/101 in which the Grand Jury did not present individual hawkers, but instead complained of knowing from their own knowledge, as well as by informations given, of butchers and ‘heglers’ selling unwholesome butchers’ meat and other victuals in the markets of the county and in other unspecified places at night, and of other hawkers vending unspecified wares in the streets.

\textsuperscript{93} LMA, WJ/SR(NS)29/060.

\textsuperscript{94} LMA, WJ/SP/1645/3.

\textsuperscript{95} GL MS 00060; GL MS 04069 vol. 1 & 2; GL MS GL MS03018/1.

\textsuperscript{96} GL MS 04069 vol. 1, ff. 125v, 182 & 185-186.

\textsuperscript{97} See for example GL MS 04069 vol. 1, ff. 127v, 137v, 140 & 147v-148.
stand between Leadenhall corner and the conduit at the exchange. Clearly the wardmote did not share this understanding. Similarly, in 1643, Henry Fry, Richard Smart and John Deveraux were all presented by the wardmote for St Dunstan’s in the West for ‘annoying the street and their neighbors by setting in the streets Apple baskets Apples and other fruite.’ The offence committed was not hawking, but rather creating a nuisance or annoyance and inconveniencing wealthier citizens by blocking access to shops or more prestigious sales locations like the Exchange. By labeling these infringements ‘nuisances’ or ‘annoyances’ the wardmote brought the offenders under their traditional jurisdiction.

Despite the rhetoric about street traders as outsiders, presentments in the wardmotes show that not only were the street traders presented not wandering the streets, they were also not always strangers. Where they were named, many of those presented in the wardmotes either belonged to one of the companies, or were the wives and widows of citizens, not the outsiders invoked in the Companies’ calls for regulation. Adam Harrison, repeatedly presented by the wardmote of St Dunstan’s in the West, was identified as a fruiterer, and as such had the right to trade on the street. In 1618 the Court of Aldermen had granted the members of the Fruiterers’ Company the right to ‘stand and sell their fruit in the streets of the City from morning until sunsett on all our market days’. Harrison, however, was breaching the section of the order that the fruiterers were restricted to using ‘no more than one basket or prickle of fruit’ and must ‘stand in decent order’. Similarly, Robert Whitlock’s wife was one of the women presented by the Cornhill wardmote in 1612 for selling herbs in the street on the Sabbath. Whitlock’s wife and Harrison were unusual, in that they were specifically identified. Most of the wardmote presentments do not identify those selling food in the streets by name.

The Cornhill wardmotes indicate that this information was originally attached as a separate list that has since been lost. The presentments of the Cornhill wardmote in 1612 presented ‘certen woemen and their ser[er]vants’ for sellinge of fruite and other thinges at the South gate of the Royall Exchange.

98 CLRO, Reps. COL/CA/01/01/038 f. 38.
99 GL MS 03018/1 f. 130v. See also GL MS03018/1 ff. for repeated presentments of Adam Harrison or Harris for ‘thrusting out his fruit into the high street there so Farr as is to the great annoyance of the kings people passing on that side the way’ and for ‘hindering the passage of his Ma[jes][y]’s Subiects through flockstreete by settinge his baskets daily in the same streete’, and GL MS03018/1 ff. 170v & 171v, for examples of later presentments of fruit and oyster sellers operating in Fleet Street in the 1680s.
100 GL MS 03018/1 ff. 94, 97, 101v, 103v, 104v, 108v, 110 & 113v.
101 CLRO, Reps. COL/CA/01/01/038 f. 37v.
102 GL MS 04069 vol. 1, f. 127v.
103 In the annoyance presented in 1610 for selling ‘apples and other frutes at the Exchange whereby the streete is obstructed w[i]th baskets & other things that coches and carts cannot well passe & div[er]s yong women & maid servants do live in that idle course of life & sit there at unlawfull houres in the night tyme, & intice apprentices and servants to wast their moneys unduly and are the occasion of many brawles to the disquieting of the neighbors’, none of the offenders was identified by name; GL MS 04069 vol. 1, f. 118v.
as by the Indenture appeareth’ and ‘certen woemen p[resent]ed for sellinge of herbs neere the ffour spootts at Leadenhall con[duit]’. The second entry was also accompanied by an indenture, which, in this context, meant ‘official list’. It is possible, however, that the unnamed group of women complained of in 1612 included Goodwives Powell and Davies and the widows Price and Robinson, who had been named in an earlier presentment for the same offence in 1611.

It is not until the end of the seventeenth century that presentments of sellers specifically described as ‘wandering’ appeared in the wardmote records. Despite the exclusion of food sellers in an order for the presentment of hawkers issued by the Court of Aldermen in 1696, from 1701 onwards, the Cheap and Cornhill wardmotes presented barrow sellers selling fruit and other wares. The barrow sellers caused obstructions, but these later records also reflected the link made in regulatory texts between the barrow sellers and vice. The presentments for Cornhill in 1716 described the high street as ‘frequently pestered’ with sellers peddling ‘Fruit and other things in Wheelbarrows … To the hindrance of the Passage through the streets’, but now the sellers were described as ‘a loos sort of People’ who encouraged ‘youth to play with Dice for their Wares’ causing ‘the corruption of such youth as resort thereto’. Similarly, in the same year the people selling fruit and oysters from wheelbarrows in Cheap were accused of carrying dice with them and of ‘debauching the youth of this Citty’.

Evidence of food thefts in the sessions records also gave credence to the rhetorical connection increasingly made in the later seventeenth and eighteenth centuries between hawking and theft. Cases like that of John Howell, who stole half a sheep carcass in 1709, that directly connected the two activities were rare. More numerous were cases where the amounts stolen argued against their being for immediate private consumption. This type of case is exemplified by the charges made against John Headley, a Richmond shoemaker, who was accused of stealing a side of beef from a stall, and John Burton and Richard Booth, who were accused of stealing a cow and slaughtering it, or the series of presentments made in the Middlesex sessions in May 1698 against those accused of stealing

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104 GL MS 04069 vol. 1, f. 127v.
105 ‘indenture, n. c.’ OED Online [accessed 15/04/2009].
106 GL MS 04069 vol. 1, ff. 118v & 125v.
107 CLRO, Reps. COL/CA/01/01/104 f. 110; GL MS 00060 ff. 8, 13, 22v, 32, 75 & 166v; MS 04069 vol. 2, ff. 229 & 232.
108 GL MS 04069 vol. 2, f. 232.
109 GL MS 00060 f. 75.
110 See also LMA, WJ/SR(NS)49/5 where Richard Jones (or James) was accused of stealing chickens from Gregory Mitchell and William Tanner and then offering them for sale to John Mould in the Spittle Knightsbridge.
sheep. Such cases would have fueled the belief that thefts and hawking were connected. However, it should be noted that while the evidence of the theft and resale of food items presented in the court records showed a wider social spread of those presented than did the records of the company courts, traders officially identified as butchers were also to be found among the accused. In the Westminster and Middlesex sessions records, designated butchers were accused of both stealing animals and meat, and of receiving stolen animals, slaughtering them and selling the processed meat, and victuallers were accused of receiving and reselling stolen goods. The wandering women selling food in the streets complained of in the calls to regulate hawkers were noticeably absent from most of the surviving court records usually connected to the prosecution of traders.

In contrast women do appear in the minute books for the courts held by the Governors of Bridewell, a set of records not normally associated with trade regulation. As chapter two indicated, the Companies’ charters gave them the responsibility for ensuring that all trading within the City of London and its suburbs, and liberties adhered to their ordinances. They thus had responsibility for apprehending those selling unwholesome wares. However, most companies’ ordinances did not address the problem of ‘hawking’. This was instead covered under City regulations. The 1611 Act had stipulated that the responsibility for identifying eligible people who could be licensed as street traders fell to the aldermen of the wards. The aldermen nominated eligible women, but it was the governors of Bridewell who were responsible for both issuing the licences and punishing those trading without one. As the purpose of the Bridewell Court was to control the

111 LMA, WJ/SR(NS)13/32, 81 & 111; LMA, MJ/SP/1695/01/002-004; /1698/05/029-30, 054-5, 062-3. See also LMA, WJ/SR(NS)13/23, 24, 82, 88, 112, 113; LMA, WJ/SR(NS)14(MISC)/11&12; LMA, WJ/SR(NS)20/24 & 221; LMA, MJ/SP/1696/04/047-50; /1698/10/028 & 031, /12/011-12, /1699/02/048, /05/038, /07/061; /1708/07/065, /12/008; /1709/12/34-5.
112 LMA, MJ/SP/1695/01/002-004; LMA, MJ/SP/1699/07/061; LMA, WJ/SR(NS)12/23, 24, 82, 112 & 113; LMA, WJ/SR(NS)14/11 & 12.
113 Griffiths, Lost Londons, pp. 125-6, 131-2.
114 William Herbert, ‘Fishmongers’ Company’, The History of the Twelve Great Livery Companies of London, Principally Compiled from Their Grants and Records, with an Historical Essay, volume II, Newton Abbot, David and Charles (Publishers) Ltd., 1836, pp. 29-30. This placement of the responsibility for licensing and regulating petty food traders outside of the Guilds was also true for those running victualling houses, who were the province of the wardmote courts.
115 The Butchers’ orders were an exception in this, but even their prohibition on hawking applied to their members.
116 Griffiths, Lost Londons, pp. 239-40; CLRO, JCC COL/CC/01/01/029 f. 303v. The Repertories of the Court of Aldermen however, show that it was the City who paid for the badges; CLRO Reps. COL/CA/01/01/033 f. 310v & /034 f. 186v. Members of the Fruiterers’ Company sought and gained an exemption on this requirement. According to a report in 1618 this exemption was granted on the grounds that their wares were perishable, the Fruiterers were granted the right to stand in the streets on the four market days until sunset without the need for a special licence; however, they were restricted to one basket of goods per person and bade ‘to stand in decent order’. An additional provision in the order limited this to ‘Fruiterers freemen of the Cittye’ and limited them to ‘one man or woman a piece in the one Market to sell fruite, who was to stand where the Lord Mayor appointed; CLRO, Reps. COL/CA/01/01/038 f. 37v.
social and moral disorder of the poor, and not to regulate the sale of goods or to examine wares for their relative quality,\(^ {117} \) this division of authority between those who searched and prosecuted trade breaches and those who controlled hawkers, affected not just where, but also how the two types of traders appeared in the legal records (see figure 6.3).

**Figure 6.3 Differentiated representation of types of food traders in the court system**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Legitimate</th>
<th>Illegitimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who</td>
<td>Citizens and licensed traders</td>
<td>Unlicensed traders and servants</td>
</tr>
<tr>
<td>Where</td>
<td>• Guild Courts</td>
<td>• Ward presentments</td>
</tr>
<tr>
<td></td>
<td>• Leet Courts / Ward presentments</td>
<td>• Bridewell</td>
</tr>
<tr>
<td></td>
<td>• Sessions</td>
<td></td>
</tr>
<tr>
<td>Why</td>
<td>Economic concern</td>
<td>Moral concern</td>
</tr>
<tr>
<td>What was the focus of concern</td>
<td>The goods</td>
<td>The traders</td>
</tr>
</tbody>
</table>

Offences committed by male citizen traders were mostly dealt with as trade infringements. The records focused on the goods being sold and did not comment on the character of the offender. Although this could be inferred through references to the scale of an offence or to the repetitive nature of offences, it was not explicitly stated. Offences relating to food quality listed in the Butchers’ Company accounts simply recorded the name of the offender, the particular offence and the amount fined (see figure 6.4 for an example). The Fishmongers’ records, at least in the earlier seventeenth century, give more detail, though they provide essentially the same information. For example, an entry for 1607 recorded that Robert Dowley, ‘knowen to be an often offender’, was charged with ‘buyng & sellyng of unswete fishe’ that was found by the Fishmonger’s court to be ‘verry fowle’.\(^ {118} \) He was fined eleven shillings. While some offenders, like Dowly, were presented singly, other records, such as an entry in the minutes for April 1669, which listed forty fishmongers fined forty shillings each for ‘offering to sale unsweet and corrupt Lobster’ in their shops, covered multiple offenders.\(^ {119} \) Gross abuses, such as those perpetrated by the merchant James Crope and the fishmongers Thomas Paxton and John Lowe, who passed off ‘206 Keggs of stinking unsweete Sturgion’ onto other retailing fishmongers and their


\(^ {118} \) GL MS 05572 vol. 1, f. 511.

\(^ {119} \) Worshipful Company of Fishmongers, *Calendar of Minute Books*, volume 5, pp. 150-1.
customers in 1671, were referred to other courts, but even here, the wording of the record focused on the trade breach not the character of the offenders.120

Figure 6.4 Fines from the Warden’s accounts for the Butchers’ Company 1622121

Griffiths has argued that badly behaved citizens were subject to the same labelling as vagrants.122 It should be noted, however, that in the case of food related offences such labelling occurred where the offender refused to submit to the authority of the court and its officers. Except in these circumstances the focus of the record was more usually on actions relating to the sale of bad food and not on the character of the person offending. An extreme example of this was a case presented to the Court of Aldermen by the Butchers’ Company in November 1709. Richard Miles and Charles Whapshot, members of the Butchers’ Company, had served meat at the Company dinner for the Lord Mayor’s Day

120 Worshipful Company of Fishmongers, Calendar of Minute Books, volume 5, p. 513.
121 GL MS 06440/1 f. 296v.
122 Griffiths, Lost Londons, p. 173.
that was ‘not wholsom or fit to be eaten’ in protest against being forced to take up the role of steward.\textsuperscript{123} When they were brought before the Court this was recorded as only one part of their misconduct, as they had also ‘abused the said Company by giving them opprobrious Language’. On being told the meat was bad they had responded that ‘it was good enough for them [the members of the Livery].\textsuperscript{124} In a time when wholesomeness was relative to social standing, and food declared unwholesome for man’s body could be ordered to be given to the poor, this statement was a pointed insult against Miles’ fellow members.\textsuperscript{125} Miles and Whapshot were also accused of calling ‘the Wardens and Company a parcel of broken dogs’ before refusing ‘to Permit many of the said Livery to come into their Hall to Dine there, so that they were forced to Provide for themselves a Dinner elsewhere at their own Charges’.\textsuperscript{126} The Court saw it as ‘a matter of great Concernm[en]t … to all … Companys within this City to have their stewards appointed to make a Dinner on these Publick occasions for ye Honour of this City, so scandalously to perform, and to be affronted and abused by them’.\textsuperscript{127} It was the disrespect to the honour of the Company and to the mayor and aldermen that their actions posed, and not the threat they had made to the health of their fellow members, that made them the focus of concern and led the court to describe the offenders in terms that questioned their honour and moral probity.\textsuperscript{128}

In contrast, when infringements by fishwives and their servants, and other street traders, who were usually female, were presented in the Bridewell court, they were treated not as economic breaches but as social threats connected with immorality. Although early seventeenth century entries simply stated that the women were suspected of trading without a licence, either on their own behalf or working for others, or of employing others to do so, this reason for apprehension was soon replaced by accusations of vagrancy, or statements that they were taken up on ‘suspicion of night walking’.\textsuperscript{129} This was a treatment much more in keeping with the rhetoric of concern. While many of the entries simply gave the reason for presenting women in the court in these bare generalist terms, leaving the

\textsuperscript{123} CLRO, \textit{Reps. COL/CA/01/01/118 f. 40. The Company had previously had to take Miles before the Court of Aldermen in order to force him to accept the office of steward}; Jones, \textit{The Butchers of London}, p. 153.

\textsuperscript{124} CLRO, \textit{Reps. COL/CA/01/01/118 f. 40.}

\textsuperscript{125} See chapter 1.

\textsuperscript{126} Jones, \textit{The Butchers of London}, p. 154; CLRO, \textit{Reps. COL/CA/01/01/118 f. 40.}

\textsuperscript{127} CLRO, \textit{Reps. COL/CA/01/01/118 f. 40-41.}


\textsuperscript{129} Compare BBA, BCB 04 ff. 11v, 80v, 119v, 224, 267, 267v, 366v, 378, 389, 418v & 480; BBA, BCB 05 ff. 163, 163v, 351v, with BBA, BCB 05 101v, 108v, 351v; BBA, BCB 06 231, 298 & 392 and BBA, BCB 07 44v, 97, 151 & 329.
actual circumstances of their arrest unknown, 130 in a few cases more details were supplied. These detailed entries show that at least some of the women were actually selling goods, usually identified as food wares, when taken up. Mary Aldridge, for example, was presented to the court in November 1629 having been taken up ‘reputed to be a lewd woman a ffishwoman’. 131 The entry for Elizabeth Phillipps accused her of being a ‘ffishwief a night walker’. 132 Margaret Sadler, who in October 1655 was ‘taken in the night acting suspiciously’, was found on examination to be an apple woman who had ‘sat late to sell her apples’. 133 Anne Wafer who went missing for a week in 1606, returned minus the basket of oranges she had been selling and reported that ‘she hadd them taken from her at Bridewell where she had byn a wecke’. 134

One of the aspects of concern that connected the street sellers with the normal functioning of Bridewell was that they frequently traded outside market hours. 135 Selling at night was presented as a means by which street sellers passed off substandard foods, but their presence in the streets at night also left sellers, particularly women traders, open to accusations of ‘night walking’. The rhetoric connecting women food traders to sexual misconduct was not entirely unfounded, as the Bridewell Court records provide examples of street sellers caught while engaged in sexual misconduct. 136 However, the connection was extended to all women street sellers, and being in the streets selling goods at night was enough for women to be taken up and prosecuted. As the legal writer Michael Dalton pointed out in his advice to Justices of the Peace, hard evidence was not required as justices could act on suspicion only. 137

Like the basket women who appeared in the wardmote courts, when sellers were presented in Bridewell, they had often been taken up for general misconduct, while their work as sellers and the goods they sold were incidental to their arrest. When Symon Bayle, who hawked ‘Ducks and other things about the Cyttie’, was apprehended it was because he

130 See, for example, BBA, BCB 06 f. 392.
131 BBA, BCB 05 f. 108v.
132 BBA, BCB 07 f. 151.
133 BBA, BCB 08 f. 63.
134 BBA, BCB 05 f. 108v. On being presented in the Court for running away from her dame, it emerged that ‘Two porters tooke her at Billingssgate and sayd they woud have her to Bridewell but they hadd her to a prison w[h]ich they said was bridewell but yt was not so’. As the outcome of the case was that she was ‘d[eliver]d to her dame unpun[ished]’, it would appear that the Governors hearing her case believed her story.
135 CLRO, JCC COL/CC/01/01/036 332-3, /039 172-172v, /041 196v-198v (especially 197v); CLRO, Reps. COL/CA/01/01/045 ff. 57v-58, /049 f. 94; Corporation of London, Act of Common Council for Settlement and Well-Ordering of the Several Publick Markets within the City of London, 1690.
136 Griffiths, Lost Londons, p. 132.
137 Dalton, The Countrey Justice, p. 76.
had slandered a Bridewell governor.\textsuperscript{138} The fishwife Mary Aldridge’s lewd reputation was based on her appearance in the Court on an earlier occasion, when she had been taken up with Jane Bird ‘in the street with a tumult of people about them making an uproar Aldridge being accused to have taken a pot nothing being apparent against them they are warned & delivered’\textsuperscript{139} Her lewd behaviour was that of general disorder – creating an uproar and suspected theft – rather than an actual reference to either her sexual activities or the produce she sold. When the applewife Anne Lancaster was taken up with Edward ffarrow in October 1627, it was their drunkenness that had drawn official attention.\textsuperscript{140} Where street sellers appeared in the Bridewell records, it was not the food they were selling or its quality that led to their apprehension, but their having drawn attention to their presence in the street through other disorderly behaviour.

The wording of the Bridewell and wardmote records was very different to that found in Quarter Sessions or in the minutes of the Companies’ Courts of Assistants. Whereas the latter records focused on the goods being sold, and it was their condition or relative wholesomeness that was noted, records relating to food sellers in the Bridewell minutes focused entirely on the sellers themselves and their behaviour – both actual and suspected. While lewd women traders, and to a lesser extent men, were visible, and their connection to moral transgression and theft was evident, the records that detail their punishment gave no attention to the street traders as the source of unwholesome food, the connection that had been complained of by the companies in their campaigns and in the regulations the City passed in response to these campaigns.

The rhetoric urging the suppression of food hawkers in London clearly linked hawking to the sale of unwholesome food, giving this as a major reason for suppression. It also explicitly situated the main culprits of such offences outside the guilds, and indeed outside the citizenry of the City, with company membership and oversight forming a method of both quality and behavioural control. Yet the evidence in the prosecution records and of reports from aldermanic investigations, such as the report on the fish trades tabled in 1669, paint a different picture. Company members and their servants and family members were at least as prevalent amongst those presented for breaches of trade regulations as those they accused. Likewise, the presentation of people hawking wares in the London streets not only showed the involvement of the so-called ‘legitimate traders’ in hawking, but made no mention of the quality of the wares they sold, even where those presented were not connected to the Companies or their members. This discrepancy would

\textsuperscript{138} BBA, BCB 05 f. 116.  
\textsuperscript{139} BBA, BCB 07 ff. 98 & 151.  
\textsuperscript{140} BBA, BCB 07 ff. 44 & 44v.
indicate that more was going on in the campaigns to control the food trades than an attempt to stop the sale of bad food, and this needs to be explained.

**Suppressing the street traders: a moral panic?**

One method of explaining a situation where official concern is focused ‘on specific marginal groups who are characterized as posing a threat to the moral order’ despite the existence of evidence that this apportioning of blame is disproportional to the problem, is the concept of moral panic.\(^{141}\) As Critcher outlines in his recent review of the concept, there have been two main methods of approach used by scholars in sociology and cultural studies: the processual approach (pioneered by Stanley Cohen in the 1960s) and the attributional approach (initially proposed by Nachman Ben-Yehuda in the 1980s and further refined in 1994).\(^{142}\) The main difference between these two approaches is the emphasis they give to the role of the media in creating and transmitting moral campaigns. While Cohen continues to see the media as central,\(^{143}\) Ben-Yehuda places less emphasis on its role, while giving greater emphasis to the discourse of claim-making and labelling of deviance.\(^{144}\) The two models, however, agree on the elements that identify a moral panic: a heightened level of concern about the behaviour of a particular group or category; increased hostility towards the deviant group, who are depicted as “harmful or threatening” to the values and interests of society; at least minimal terms of consensus across society or designated parts of it that the threat posed is real; a disproportionality between the rhetoric of blame and the evidence of wrong doing; and the volatility of the panic, as heightened concern cannot be sustained for long periods but can recur.\(^{145}\) The models also share the understandings that moral panics are an extreme form of more general processes of constructing social problems in the public arena, and that they function as a means of confirming the core values of a society.


\(^{143}\) Cohen, Folk Devils, p. xxxv. It should be noted here, however, that Cohen also explained that this focus on the media is based on his interest in explaining how ‘Every now and then speeches, TV documentaries, trials, parliamentary debates, headlines, and editorials cluster into the particular mode of managing information and expressing indignation that we call a moral panic’ in today’s context.

\(^{144}\) Critcher, ‘Moral Panic Analysis’, p. 1134.

There has been ongoing debate about the utility of moral panic as a concept, and about its applicability to periods of history prior to the development of a mass media. This latter concern stems from the tendency of historians to use the original model of the concept initially developed by Cohen to explain the demonizing of mods and rockers in twentieth-century Britain, in which the involvement of the mass media to influence a mass audience was central. However, I would argue that the creation of scares by the mass media is not the component that makes a panic ‘moral’. One of the criticisms of the approach has been that the use of ‘moral’ excludes many other types of media-influenced panics. Indeed, sociologists working on modern food scares have questioned whether the concept ever applies, despite their being identified as panics and fuelled by media coverage.

Alan Beardsworth has suggested that ‘media spiral’ better explains the development and effect of modern food panics more generally. In questioning the applicability of moral panic models to all media-influenced panics, Beardsworth echoes Hier’s concerns that studies of moral panics focus too much on the function and fail to explore the content of panic discourses. If moral panics are instead viewed as one aspect of social control and moral regulation, albeit a fairly extreme method of calling for its enforcement, then the moral framing of campaigns should be crucial to the relevance of the model.

Beardsworth’s concern is valid when considering modern food scares. While they call into question the honesty of producers and sellers of food and, to the extent that honesty is a category of moral judgment, thus to some extent address morality, they are more focused on describing the frauds and detailing health risks than on detailing the moral dangers posed by the culprits. This criticism would also be appropriate to the food

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148 Beardsworth and Keil, ‘Food Risks’, pp. 166-7. See also David Miller and Jacquie Reilly, ‘Making an Issue of Food Safety: The Media, Pressure Groups, and the Public Sphere’, in Donna Maurer and Jeffery Sobal (eds.), Eating Agendas: Food and Nutrition as Social Problems, New York, Aldine de Gruyter, 1995, pp. 328-9. Cohen himself has argued that while other types of panics may have similar characteristics with moral panics, this is not necessarily the case; Folk Devils, p. xxvi.


151 Beardsworth and Keil, ‘Food Risks’, p. 164. While individual scandals, such as the meat reprocessing scandal of the 1990s, might involve specific actors, they are individual culprits not representative of a group. Other scares, like that generated by BSE present generic concern about all involved in the production of beef rather than scapegoating one category of producers. Similarly, despite criticisms of companies like Monsanto involved in developing genetically modified crops, the panic generated by
quality campaigns in the mid-eighteenth and nineteenth centuries, which were waged using the mass media, but where the main emphasis was to expose fraudulent practices and give advice on how to detect them, with all persons involved in a trade potentially suspect.\textsuperscript{152} This is true even where the naming and shaming of individual culprits was part of the exposé presented.\textsuperscript{153} Neither Accum nor Hassell assumed the problem would go away because some offenders had been identified.

The campaigns of the seventeenth century, however, were very different in both content and form. They aimed to get governmental support for action against a defined group of traders, with the division between legitimate and illegitimate traders framed in moral terms. Their emphasis was on blaming non-company traders, and on the threat posed to social order by immoral outsiders, with only a generic reference made to the quality of wares they sold, despite this being the putative reason for calling for their control.

Where the usefulness of moral panic theory might be questionable in examining modern food scares, the version of the model advanced by the sociologist Nachman Ben-Yehuda, in which the media is only one of a possible range of actors and methods involved in stirring up concern and eliciting action, can be usefully applied to explaining these earlier campaigns.\textsuperscript{154} Ben-Yehuda’s model involves examining both what he refers to as the ‘moral dimension’, or content of a crusade to consider the language used to define deviance and how this reflected broader societal moral struggles and beliefs, in conjunction with exploring the ‘interest dimension’, investigating the ‘specific political, economic, or other

\begin{flushright}
GMOs is one focused on the possible health risks posed by consumption and potential genetic transfer to other plants.
\end{flushright}

\textsuperscript{152} Arnaud, \textit{An Alarm to All Persons; My friend, a physician, A Final Warning to the Public to Avoid the Detected Poison; Being an Exposure of the Many Dangerous Falsities, Base Assertions and Gross Impositions Industry: Propagated from the Venal Pen, in an Infamous Pamphlet, Called an Essay on Bread, Wherein the Millers and Bakers Are Said to Be Vindicated, &C. By P Markham}, London, 1758; My friend, a physician, \textit{Poison Detected; Or Frightful Truths; and Alarming to the British Metropolis. In a Treatise on Bread, and the Abuses Practised in Making That Food}, London, 1757; My friend, a physician, \textit{A Dissertation on Adulterated Bread, and the Great Benefit of Hand-Mills}, London, printed for M. Cooper, [1758]; My friend, a physician, \textit{Syhoroc: Or, Considerations on the Ten Ingredients Used in the Adulteration of Bread-Flour, and Bread ... By Peter Markham, M.D.}, London, M. Cooper, 1758; Friedrich Christian Accum, \textit{A Treatise on Adulterations of Food, and Culinary Poisons: Exhibiting the Fraudulent Sophistications of Bread, Beer, Wine, Spirituous Liquors, Tea, Coffee, Cream, Confectionery, Vinegar, Mustard, Pepper, Cheese, Olive Oil, Pickles, and Other Articles Employed in Domestic Economy, and Methods of Detecting Them}, 2\textsuperscript{nd} edn., London, Sold by Longman, Hurst, Rees, Orme and Brown, 1820; Arthur Hill Hassall, \textit{Food and Its Adulterations; Comprising the Reports of the Analytical Sanitary Commission Of “The Lancet” For the Years 1851 to 1854 Inclusive, Revised and Extended}, London, Longman, Brown, Green, and Longmans, 1855.


interests of the individual or groups involved in creating the panic.\textsuperscript{155} Combining these two aspects avoids the danger of taking the accusations made in the campaigns as statements of object truth, while at the same time addressing Hier’s concerns about the importance of the content in understanding panics.\textsuperscript{156}

The final section of this chapter will therefore return to the rhetoric involved in calls for regulation and the language used to label street sellers discussed earlier in this chapter, to examine how these connected to wider social concerns to create a plausible threat to social order. As the issue of the language invoked brings up a related question about the real focus of concerns, I will then explore the extent to which the campaigns to control food traders in London were about ensuring the purity of the food supplied, or whether other motivations underlay the utilization of these concerns. Finally, as not all of the campaigns to repress poor street traders were equally successful in garnering public or official support, I will briefly examine which factors influenced the success or failure of particular campaigns in galvanizing citywide regulatory action against outsiders, using the Fishmongers’ successive campaigns as a case study.

\textbf{The framing of concern}

The language used to describe groups targeted in campaigns of exclusion helps to tie them to existing social concerns and to heighten the level of threat they allegedly present.\textsuperscript{157} A common thread in seventeenth-century depictions of street sellers was that they were lewd and idle. As we have seen in the discussion above, accusations of lewdness did not necessarily mean immoral. Not only could ‘lewd’ mean unlearned, ignorant, worthless or vile in this period, it could also function as a blanket term to cover a range of disorderly behaviour, of which sexual misconduct was one.\textsuperscript{158} Accusations of ‘idleness’, when many of these sellers were actively engaged in trades similar to those practised by the company members who accused them, need further exploration.

When City authorities discussed the idleness they associated with street selling, they were referring to ideas of appropriate labour and divisions of the poor. Part of the uneasiness felt about people retailing goods, regardless of their status or the location of the sales, was that it was an easier option than other types of work. As a result, it was inherently less honest, since retailers made their money off the labour of others.\textsuperscript{159} The

\textsuperscript{156} See footnote 149.
\textsuperscript{157} Cohen, \textit{Folk Devils}, p. xxx.
\textsuperscript{158} See “lewd, adj.”, \textit{OED Online} [accessed 27/09/2009]. Lewd as unchaste is the seventh meaning listed, though it is the surviving meaning of the word today.
\textsuperscript{159} See chapter 5.
anonymous author of *Trade of England* (1681) differentiated between working trades and selling trades, dividing the latter category again into working and retailing shopkeepers, and placing pedlars and hawkers below all of these categories.\(^{160}\) He argued for the restriction of access to the last category of trade to prevent the ‘very many (like a mighty Torrent)’ of ‘Husbandmen, Labourers and Artificers, who have left off their Working Trades and turned Shopkeepers’, because ‘the Shop-keeping Trade is an easie life’.\(^{161}\) Shopkeepers of higher social standing were construed as better suited to the trade, as their upbringing and training made them more honourable. Idleness as a negative quality only applied to the poor. A 1631 Act of Common Council described hawkers selling in the street in the same terms.\(^{162}\) Similarly, in the presentments of people selling fruit outside the Exchange in 1610, the Cornhill wardmote argued that such trade meant that ‘div[er]s yong women & maid servants do live in that idle course of life’, and the aldermen’s decision on who was permitted to sell fish in the streets of London in 1669 argued that the ‘great number … of disorderly & lewd women & maids’ then operating were to be excluded as they were ‘fitter for more painful & labourious service’.\(^{163}\) Idleness was therefore defined in terms of social status.

Applying the term ‘idle’ to hawkers placed them in the category of the undeserving poor, who deserved not assistance and relief, but correction.\(^{164}\) Its use with the associated words ‘lewd’ and ‘disordered’, equated hawkers discursively with vagrants, vagabonds and beggars. These were sources of great anxiety in discussions of effective control of a burgeoning populace in early modern London.\(^{165}\) Such constructions drew boundaries of legitimacy between settled respectable citizen traders and the wandering poor who were strangers. The statute regarding beggars and vagabonds enacted under Edward VI identified all people wandering the King’s highways, including serving men without masters, as vagabonds. The highways specifically included streets in cities and towns. In the Elizabethan vagrancy acts, pedlars, tinkers and petty chapmen were identified in the definition of those who were included under the term ‘vagabond’, a construction that remained over the seventeenth and early eighteenth centuries.\(^{166}\)

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\(^{161}\) *Trade of England Revived*, p. 28.

\(^{162}\) CLRO, Journal COL/CC/01/01/038 f. 338.

\(^{163}\) Cornhill: GS MS 04069 vol 1 f. 118v; CLRO, Reps. COL/CA/01/01/078 f. 90.

\(^{164}\) See Hitchcock, “‘All Besides the Rail, Rang’d Beggars Lie’”, pp. 75-6, on the divisions and definitions of the poor.


\(^{166}\) *The Statutes of the Realm: Printed by Command of His Majesty King George the Third, in Pursuance of an Address of the House of Commons of Great Britain, from Original Records and Authentic...*
to be better observed recorded in the Journal of the Court of Common Council for 1613 (Figure 3.1) clearly defined hawkers or hucksters as vagabonds and rogues, and as such a threat to the peace.\textsuperscript{167} So too did Dalton’s 1618 advice book for Justices of the Peace.\textsuperscript{168}

Dalton’s explanation of the vagrancy laws showed the connection contemporaries drew between vagrancy and sellers who were poor and - though working - were ‘living by their own hand’ and not under the control of a citizen householder. He marked vagrants as those who could ‘abide in no service or place’, and extended this to include those of labouring status – that is, healthy enough to work but with no trade identity – who had no master.\textsuperscript{169} This can most clearly be seen in practice in a set of cases that appear in the early seventeenth century in the Westminster Court of Burgesses. When Marjory Carter was presented because ‘she now lived at her own hands, out of service, and did sell apples in a stall or shedd, under the house of one Richard Coleman’, she was ordered to shut her stall, cease selling fruit and get herself back into service in order to avoid being punished according to the law, which would deal with her as though she were a vagrant.\textsuperscript{170} Similarly, Richard Ashcoll and Howard Morris, two men who had not completed their apprenticeships within the City of London before opening shops in Westminster, were ordered to put themselves under the control of a master and complete their apprenticeships or risk being dealt with as vagrants.\textsuperscript{171} These people were actually working, but without proper trade status they were to be treated as vagrants if they failed to conform and continued to operate businesses within the City of Westminster. Westminster was outside the City of London’s direct jurisdiction, but the Burgesses were echoing in practice what the Common Council of London had regulated for in its 1611 Acte concerning fishwives discussed above.\textsuperscript{172} A follow up explanation of the act, issued a month later in April 1612, specified that all persons who fell outside the definitions for licensing set out in the act, and
who were not directly connected to citizens of London, were vagrants to be sent to Bridewell for correction.\textsuperscript{173}

The identification of non-citizen unlicensed street traders with vagrancy was still in force in the eighteenth century, but was contested. Presentments of barrow boys in the Cornhill wardmotes between 1711 and 1716 equated them with beggars.\textsuperscript{174} However, when another call to reissue the 1611 Act was made in 1725, the commissioners responsible for licensing hawkers requested that instead the Act be suspended.\textsuperscript{175} Although they were informed that this was not possible, it would appear that the commissioners had at least some support from the judiciary. A 1738 petition by a group of shopkeepers to the Court of Aldermen complained that having apprehended some of the hawkers, the shopkeepers then found that the Magistrate refused to treat them as vagrants.\textsuperscript{176}

By using the language of vagrancy, the companies campaigning for the exclusion of non-company sellers from the London trade placed their identification of the street traders as the source of bad food within the parameters of existing ongoing concerns about dangerous outsiders. This clustering of concerns is common in labelling deviance or risk effectively.\textsuperscript{177} Before going on to discuss the factors affecting the ability of companies to articulate a sense of heightened danger and gain support from the London’s governing elite, it is important to explore the role of the companies themselves as moral entrepreneurs and their motivations in instigating campaigns.

The motivations of the companies as entrepreneurs of panic

To understand why moral campaigns are instigated it is important to establish who initiates them. While it is clear that the food companies mostly launched the campaigns against street traders and hawkers, this does not explain why. Goode and Ben-Yehuda divided explanatory theories of moral panics into a framework that asks both who initiates concerns and what motives inform them.\textsuperscript{178} The first category refers to the social status and role of the initiators. As one of the twelve great companies from which the City aldermen and mayors were drawn, members of the Fishmongers Company were at least potentially part of the City’s elite. However, most of the trading members of the company – who were

\textsuperscript{173} CLRO, JCC COL/CC/01/01/029 f. 303v. For the connection of Bridewell to the control and licensing of fishwives from the 1580s onwards, see pp. 207-8 above. See also Griffiths, Lost Londons, p. 129. That the crown also made this connection between petty traders and vagabonds is evident in the Royal proclamation recorded in the City’s Journals for the Court of Common Council in September 1630; CLRO, JCC COL/CC/01/01/036 f. 227v.

\textsuperscript{174} GL MS 04069 vol. 2, ff. 215v, 219v, 229, 232.

\textsuperscript{175} CLRO, Reps. COL/CA/01/01/133 ff. 419-20.

\textsuperscript{176} CLRO, Reps. COL/CA/01/01/146 f. 314.

\textsuperscript{177} Cohen, Folk Devils, p. xxx; Lupton, Risk, p. 21.

\textsuperscript{178} Goode and Ben-Yehuda, ‘Moral Panics’, pp. 159-161.
the driving force behind the Fishmongers’ campaigns – and the members of the other food companies were unlikely to attain this status. The company’s efforts to exclude non-citizen traders were instigated by what Goode and Ben-Yehuda refer to as middle level actors: professional organizations who push interests that suit their commercial activities, and that may diverge from the immediate concerns of the elite. The campaigns were therefore not top down efforts at control, but rather an attempt by the middle to get Company and City elites to reinforce and shore up existing regulations that favoured the interests of the trading members of the companies. This fits within what Goode and Ben-Yehuda call the interest group model of explaining why campaigns are run. That is, where ‘crusades, panics, and campaigns [are instigated] in the face of elite … indifference’. The central question to be asked in taking or examining an interest group approach is ‘For whose benefit? Who profits? Who wins out if a given issue is recognized as threatening society?’

This assumes that campaigns are at least part motivated by self-interest, as although ‘[i]nterest group activists may sincerely believe that their efforts will advance a noble cause’, Goode and Ben-Yehuda argue that ‘[a]dvancing a moral and ideological cause almost inevitably entails advancing the status and material interests of the group who believes in it’. Material objectives and ideological/moral objectives are not always easy to separate.

Despite the rhetoric they often employ, instigators of moral panics do not aim at reforming the character of designated deviants. Instead, moral panics are short-lived phenomena concentrated on limiting the action and/or agency of specified sub-groups, and on galvanizing action from authorities when the process of regulation is perceived to have broken down, at least as perceived by those initiating the action to force better governance. Campaigns may be followed by instances of exemplary punishment of offenders, but this is usually a response from regulatory authorities to prove that action has been taken and to restore faith in the regulatory mechanism.

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185 The importance of the appearance of taking action whatever the reality of regulatory frequency is evident in discussions of modern food regulation. Unni Kjaernes, Mark Harvey and Alan Warde, *Trust in Food: A Comparative and Institutional Analysis*, Basingstoke, Palgrave Macmillan, 2007, chapter 9 (especially pp. 164-84), explain that the relatively high levels of consumer trust in meat sold in the UK, despite its being the country most affected by BSE and the occurrence of other major scandals, as resulting from the rapid response by government to reform the regulatory mechanism and create an independent body (the Food Standards Agency) to oversee regulation and give transparency to food quality issues. This response had the effect of reassuring consumers that regulatory activity was occurring. Yet other reports indicate that a lack of personnel and funding preclude constant surveillance. Mass surveys of particular food items conducted by the FSA’s authenticity unit often reveal fraud and
Fishmongers’ Company and the market authorities to search for trade breaches after the trading members of the company forced the issue by complaining to the Privy Council about the lack of regulation was an example this kind of response.\textsuperscript{186} As chapter four found, examples of public shaming of company members for transgressions against trade orders were rare by the seventeenth century.\textsuperscript{187} The few examples that did occur followed campaigns by food companies to force the City to act against outsiders. For example, the punishment of George Slater for selling unwholesome flesh in February 1650, where he rode through the City with some of the offending meat suspended around his neck to signify his offence, occurred a month after the Butchers had petitioned the Court of Aldermen to enforce the 1636 Act for the regulation of the markets. In the same month the Court convened a special committee to regulate foreigners selling in London. It was followed a month later by an instruction for the City’s Remembrancer to speedily prosecute an Act for the restraint of sales of flesh.\textsuperscript{188} That the regulatory response may be short lived, explains the repetitive nature of the Companies’ campaigns.

The deviance of groups singled out for blame in moral campaigns is not inherent, but is rather created by the act of labelling.\textsuperscript{189} Moral campaigns divide societal groups discursively, marking them in terms of ‘us’ and ‘them’.\textsuperscript{190} They thus function as a means of marking boundaries. The seventeenth-century campaigns against street hawkers connected their supposed status as outsiders with their danger as the sellers of contaminated and unsafe food and polluters of the moral health of early modern Londoners. This connection was a means of differentiating types of traders into legitimate guild-traders, semi-legal non-guild traders and illegitimate non-citizen traders. Griffiths’ statement that the most strident calls to exclude the non-citizen other in the early modern period occurred where the boundaries between rootless non-citizens and citizens were blurred, echoes Mary Douglas’s argument that the presence of pollution ideas in public rhetoric is indicative of societal

\textsuperscript{186} See pp. 207-8 above.
\textsuperscript{187} Chapter 4
\textsuperscript{188} CLRO, \textit{Reps.} COL/CA/01/01/064 ff. 48v, 55v, 62 & 86v.
\textsuperscript{190} Hier, ‘Conceptualizing Moral Panic’, p. 329.
boundaries under threat. The calls for exclusion were a means of reasserting order. After all, why ‘harp on about this desired distance’ between upright citizens and dishonest, poor outsiders ‘unless there was little legroom to tell citizens apart from London’s riff-raff?’

As the evidence of prosecution shows that the members of the City’s food guilds were as involved in the practices of hawking and selling adulterated and unwholesome food as the street traders they petitioned to exclude, it would appear that there was more going on in the campaigns to have street traders suppressed than a reaction to a specific threat to health. There is no denying that Company concerns to prevent the sale of unwholesome produce were at least partly genuine. The active regulation of their own members evident in the Butchers’ and Fishmongers’ records demonstrates their efforts to reprimand all offenders. So too does the Poulters’ threats to their members if they persisted in breaking the laws against selling game. After all, bad practice damaged the reputation and standing of all sellers. However, their focus on the street traders as the sole offenders for these practices, and the terms in which they expressed their concerns, argues that an interest in the common good does not adequately explain the campaigns.

There were two additional and related financial motivations behind pushes to define company members as the only legitimate traders. Firstly, restricting the number of persons trading in London protected members’ livelihoods. Secondly, restricting competition would enable sellers to maintain higher prices and hence profits. These related motivations were articulated in the petitions to the courts for action. In 1602, for example, hawkers were accused of ‘weakennge the Cittizens in suche sorte as they shall not be hable to yelde their aide in bearinge scott and lott and other chardgs ordinarie and extraordinarie for mayntenance of the good estate of the said cittie’. In the early part of the seventeenth century the Fishmongers’ argument that the restriction of sellers to the markets and prohibition on hawkers enabled them to ensure that prices were kept down, an implication that the hawkers were responsible for enhancing prices, was accepted by both the Privy Council and the Court of Aldermen, though it was called into question in popular literature. The London government’s responses to later representations from the

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193 See chapter 4 regarding the fines issued against members for trade breaches.
194 GL MS 02148 vol. 1, f. [70] (this part of the record is unpaginated, page number is my own). See also ff. 24-v for prosecutions of members who break the regulations regarding market times.
195 For example, CLRO, *JCC COL/CC/01/01/027* ff. 6-7. See also CLRO, *Letter Books COL/AD/01/027 (BB)* ff. 29v-30v & Corporation of London, *Remembrancia*, III, 19.
196 CLRO, *Remembrancia*, COL/RMD/PA/01/003, III, 40. For an example of popular representations of the fishmongers actions see Taylor, *Jack a Lent*, where the Lenten orders were depicted as a means by
Company viewed this control over trade and lack of competition with greater suspicion, instead arguing that it drove prices up and was detrimental to the rights of the poor.\textsuperscript{197}

Douglas’s idea that invoking the ‘polluting’ other is a mechanism to reinforce boundaries is particularly pertinent in times of societal stress and change.\textsuperscript{198} This was certainly the situation for London in the late sixteenth and early seventeenth century. By the seventeenth century, traditional mechanisms of trade were increasingly inadequate to supply the burgeoning populace of early modern London.\textsuperscript{199} While company members sought to uphold trade monopolies and privileges, the City authorities, themselves members of companies, were also faced with a need to maintain adequate food supplies, especially for the poor, and could not afford to eliminate potential suppliers from the market. The need to maintain adequate supplies came into conflict with the need to protect the employment and income of citizens, who paid the poor rates and took part in civic duties. This was particularly true in times of disaster or dearth.\textsuperscript{200} This conflict led to fluctuations in the policies of authorities. Invoking the threat of unwholesome food, thus depicted much needed supplies as threatened. Identifying non-citizen traders as the culprits was then a means of garnering support for the trade interests of Company members.

**What factors influenced the success of campaigns to regulate street traders?**

Another important question in understanding moral campaigns as mechanisms of control is why some campaigns work, while others don’t.\textsuperscript{201} As we have seen, agitation by the food companies that identified street traders as sellers of unwholesome food was repeated at various times over the course of the seventeenth century. This was not a continuous campaign, but rather recurring episodes of concern. These probably reflect the persistence of a low-level perception of threat that could be tapped into when presenting a new incidence of threat in later scares. In this sense the seventeenth-century scares approximate the typical sequence of a food scare outlined by Beardsworth.\textsuperscript{202} The street traders did not disappear from the streets in between the campaigns against them, nor did the practices and deceits within the food trades, as the fines in the Butchers’ accounts show. Yet, despite

\textsuperscript{197} In their 1669 report to the Court of Aldermen the investigating committee into competing grievances of the Fishmongers Company and the Fishwives argued for the necessity of allowing licensed fishwives to trade as a benefit to the poor.


\textsuperscript{201} Cohen, *Folk Devils*, p. xxix; Goode and Ben-Yehuda, ‘Moral Panics’, pp. 152 & 156.

\textsuperscript{202} Beardsworth and Keil, ‘Food Risks’, p. 164.
the consistency in the presentation of outsiders as the source of the problems in the food trades, not all attempts to stigmatize the street sellers succeeded. One of the criticisms made against studies of moral panics is that they can assume that those labelled deviant passively accept this designation and that the public believes the message of deviance presented by campaigners.\(^{203}\) The Butchers’ Company’s attempts to exclude outsiders indicate that neither of these assumptions can be taken for granted.\(^{204}\) Their attempts to label sellers from the surrounding countryside selling meat as deviant was contested firstly by the sellers they sought to exclude, and then by the City government.\(^{205}\) The Fishmongers’ campaigns over the course of the seventeenth century also met with varied success and serve as a useful case study to examine the factors that influenced success in garnering support.

While the Fishmongers’ Company was successful in getting the City to act in 1611 and again, albeit more slowly, in 1646, success in the 1660s was equivocal and their attempts in the 1690s to yet again get the City to suppress the fishwives, and to prevent Billingsgate from becoming a free market, failed completely. Given that the content of the campaigns did not significantly change, it is useful to explore what circumstances could have led to these different outcomes. Ben-Yehuda’s explanation of the factors that can influence the success of any moral crusade offer a useful basis for analysis. These factors include the ability of ‘moral entrepreneurs’ to mobilize power, the perceived threat potential of the issue being presented, the ability of the crusaders to create public awareness, and the type, quality and amount of resistance encountered.\(^{206}\)

Before looking at factors that might impact on the reception of campaigns, it is important to consider how success might be measured. One of the major measures of the success of a moral crusade is whether it leads to action against those labelled deviant, either by the general populace, or by the government.\(^{207}\) Unlike modern sociologists we cannot survey early modern Londoners about their beliefs or buying patterns in response to the claims made by the Companies. However, the enacting of new regulations, or the reinforcement or reiteration of existing ones, can be used as an indicator of the possible success of campaigns with at least the governing elite of society. Similarly, direct actions –

\(^{203}\) Cohen, *Folk Devils*, p. xxiv.
\(^{204}\) See chapter 4
\(^{205}\) See chapter 4
\(^{206}\) Ben-Yehuda, ‘The Sociology of Moral Panics’, p. 496.
such as riots – that target the group labelled deviant, give an indication of a consensus of belief from below.208

In the campaign that preceded the passing of the 1611 Act of Common Council against fishwives, most of the factors that made achieving the goal of the campaign likely were favourable. This push came at a time when plague had been present in the City for almost a decade, and followed the 1609 reissue of the book of orders for the prevention of plague, which argued for the control of vagrants and those that wander about as part of measures to prevent the spread of disease.209 As chapter seven will explore in more detail, explanations of disease prevalent at this time argued that the plague was primarily a punishment from God for immorality and disorder, although secondary physical causes were the means by which God implemented retribution.210 The first step in preventing the disease from spreading was to remedy disorder, and to ask God’s forgiveness through fasting and prayer. Although the largest numbers of deaths occurred in 1603, the failure to rid London of the plague for the rest of the decade would have suggested that reformation had not been taken seriously enough. Controlling the sinful, and especially the disordered poor, therefore had implications for health as well as social order. Describing the hawkers as lewd and idle firmly placed them within this category. It was no coincidence that the Courts of Aldermen and Common Council again issued orders to implement and enforce the 1611 regulations against hawkers pestering the streets and creating disorder in 1626, 1631 and 1635 when plague was again a threat to the City.211 This constituted what Ben-Yehuda has termed a ‘threat potential’.212

208 The criteria of ‘consensus’ utilized by both approaches to studying moral panics does not in any case mean total consensus, but instead, according to Cohen, refers to ‘a widespread agreement that the threat exists, is serious and that ‘something should be done’ with ‘the majority of the elite and influential groups’ sharing this consensus; Cohen, Folk Devils, p. xxii. Ben-Yehuda agrees, defining consensus as ‘a certain minimal measure of agreement in society as a whole or in designated sections of the society that the threat is real, serious and caused by the wrongdoing group members and their behaviour’. He further states that moral panics ‘come in different sizes – some gripping only certain social categories, groups, or segments, others causing great concern in the majority’; Goode and Ben-Yehuda, ‘Moral Panics’: p. 157. It is worth noting here that in terms of food scares that people believe that bad practices are occurring, does not necessarily lead to changes in purchasing habits; Beardsworth and Keil, ‘Food Risks’; A. M. Sellerberg, ‘In Food We Trust: Vitally Necessary Confidence - and Unfamiliar Ways of Attaining It’, in E. Furst (ed.), Palatable Worlds: Sociocultural Food Studies, Oslo, Solum, 1991, pp. 193-206.


211 See Slack, Impact of Plague, for overview of plague outbreaks. Griffiths, Lost Londons, p. 133.

212 Goode and Ben-Yehuda, ‘Moral Panics’.
Furthermore, anxieties about the seemingly uncontrollable growth of London, disordered by a burgeoning population of immigrants were well entrenched. By the beginning of the century this anxiety had become increasingly focused on the numbers of poor single women arriving in the City and its suburbs.\textsuperscript{213} The Fishmongers Company were tapping into and enhancing a discourse that already existed. By bringing together the perceived threat of female outsiders with that of moral disorder, and by attaching these to a threat to the City’s food supplies, the Fishmongers made the street traders the focal point for a range of anxieties, many of which had little to do with the issue of ensuring food quality, the ostensible reason for their concern. By presenting their concerns in this way they enhanced the credibility of their claims.\textsuperscript{214}

This call for control was also assisted by the fact that the action the City took was not new.\textsuperscript{215} An earlier act had been passed in 1588 prohibiting any to sell in the streets unless allowed by the Court of Aldermen, with a cap of 160 sellers placed on numbers of hawkers to be permitted.\textsuperscript{216} The fact that food riots aimed at enforcing just sales specifically targeted the fishwives in June 1595 fell between this later act and the earlier one of 1588 would also not have impeded an understanding that such control might be necessary.\textsuperscript{217} In addition, an act against huxters passed in 1602, which focused on the sale of cloth, had prohibited hawkers entirely, though it made an exception for those providing victuals.\textsuperscript{218} It

\begin{footnotes}
\item[213] Griffiths, \textit{Lost Londons}, chapter 3, especially p. 131.
\item[215] Griffiths, \textit{Lost Londons}, p. 129.
\item[216] Griffiths, \textit{Lost Londons}, p. 129 indicates that the number allowed was raised to 160 in 1596. However, a list of unrepealed by-laws still extant in 1767 – see CLRO, Court of Common Council CLA/CC/09/005 [MSS 346/1] item 192 (this booklet is not paginated) – indicates that this number was set in an act against vagrants passed Eliz. 32 meaning it was enacted in 1588/9. The 1596 order was a reiteration of this act. See Griffiths, \textit{Lost Londons}, pp. 128-9 for other sixteenth-century campaigns.
\item[217] Archer, \textit{The Pursuit of Stability}, pp. 1-6. According to John Bohstedt, these riots were exceptional as they are the only food riots to have taken place in London; \textit{The Politics of Provisions: Food Riots, Moral Economy, and Market Transition in England, c.1550-1850}, The History of Retailing and Consumption, Aldershot, Ashgate, 2010, p. 57.
\item[218] CLRO, CLA/CC/09/005 item 300; John Stow and John Strype, \textit{A Survey of the Cities of London and Westminster: Containing the Original, Antiquity, Increase, Modern Estate and Government of Those Cities. Written at First in the Year Mdcxviii ...}, London, printed for A. Churchill, et al., 1720, p. 410 gives a transcript of this order. Again women were defined as the main transgressors: ‘now of late there be two sorts of people, which are greatly encreased, and do greatly hinder the ordinary and honest Tradesmen, being Shop-keepers, in their several Trades within this City, and the Liberties of the same, and impoverish others, and utterly undo many of them: The one of which two sorts be Foreigners, and others, which walk up and down the Streets hawking with Wares, and offering the same to be sold openly to all sorts of people, as they stand, sit or pass; and likewise come to Men or Womens Doors, and into their Houses or Rooms, and offer their said Wares to sell: And the other of the two sorts be for the most part Women, and some others also sitting or standing at Mens Doors or Stalls, with their Wares lying or hanging for Shew and Sale there, and some of them standing or sitting with their Wares upon Tables or Stools in the open Streets, Lanes or High-ways of the said City, ordained and appointed for passage, and not for Sale of Wares’. The exception was for those selling food, though even here hawkers were to confine their activity to the markets (see p. 411).
\end{footnotes}
can be surmised that the Fishmongers’ Company was pushing for a removal of that exception. There is no surviving evidence of any significant resistance in the early seventeenth century. Instead the Fishmongers’ complaints joined concerns raised by other groups about hawkers of grocers’ and butchers’ wares, fruit and butter, and of general disorder in the markets made over the twenty years that separated the passing of the two acts.\(^\text{219}\) As well as presenting a credible threat, the Fishmongers were able to mobilize political support. They had garnered the backing of the Privy Council, and the threat from the Lords of Council to intervene directly if the City government did not take immediate action would have been hard to ignore.

In the 1660s when the Fishmongers Company were again petitioning for the suppression of hucksters of fish,\(^\text{220}\) the Company were unable to garner the same level of support. This time the fishwives fought back against what they described as vexatious prosecution, and lodged a petition with the Court of Aldermen in which they requested ‘the lib[er]ty & protect[ion] to continue their s[ai]ld imploym[en]t’.\(^\text{221}\) A draft of a petition by four women trading in fish for relief from prosecutions being brought by the Fishmongers’ Company was carefully worded to address all of the usual concerns raised against women selling food in London, and to clearly position the petitioners as guiltless. It argued for the women’s legitimacy as traders on the grounds of customary practice – ‘without interrupc[j]on have some of them satt and sold Fish their above 40 yeares’, that they traded from a static location in a market place for which they paid the appropriate fees, and the utility of their trade, both to their customers and to the maintenance of their families. In addition, they explained that their fish were purchased in Billingsgate, countering any accusations of forestalling, and that the fish they sold were always ‘good and wholesome’ and ‘not injurious to any’.\(^\text{222}\) This was a comprehensive and well-directed programme of resistance and led to a very different outcome.

In response to these conflicting complaints the Aldermanic Court appointed a committee to investigate the arguments presented by both parties, calling on the fishermen supplying the markets for further evidence. The report that was subsequently tabled in the Repertories for the Court of Aldermen found both of the contenders for legitimacy guilty of offences against the trade, with trading fishmongers as culpable as the fishwives they

\(^{219}\) CLRO, Reps. COL/CA/01/01/030 ff. 200v, 208-9, /031 ff. 203v-4, 288, /032 ff. 79 & 120v, /033 ff. 99v, & 104.
\(^{220}\) Worshipful Company of Fishmongers, Calendar of Minute Books, volume 5, p. 1497.
\(^{221}\) CLRO, Reps. COL/CA/01/01/078 ff. 51-51v.
\(^{222}\) CLRO, CLA/011/AD/01/013. These documents are undated but are from the seventeenth century and from the content would appear to be contemporary with the petition reported in the Repertories. There are two documents in the file and they appear to be a draft and fair copy of the same petition.
This led to a recommendation that the Act of 1611 be reprinted and enforced, calling for the licensing of the reputable wives and widows of freemen, but also that licensed fishwives be granted the right to sit and sell at the lower end of Billingsgate Market, as well as to go ‘upp and downe the streets’ to sell their wares.

The issue of supply was another factor that had damaged the Fishmongers’ case. This conflict over legitimacy took place after the City had been devastated, firstly by the plague of 1665 and then by the great fire of London in 1666, leaving the markets severely disrupted and authorities faced with problems in maintaining adequate supplies of food in the City. The evidence of the fishermen supported the fishwives’ claim of utility, both in supplying food for the poor and in maintaining the fishermen’s trade. The fishermen claimed that it was essential that the practice of allowing certain women being wives & widows of free men & other antient dwellers within this City & Libertyes to buy upp ye middle & worse sort of fish such as were left & refused by ye fishmongers provided the same were sizeable & wholesome & utter & putt to sale ye same againe within this City & Libertyes for ye benefit & reliefe of ye poore be continued. Otherwise the fishermen could not utter ye greate quantityes of fish they bring to this city but must bee forced to throw away a great part of what they bring to ye markets of this city.

The possibility that this supply of food might be limited was clearly a concern. Where earlier claims made by the Fishmongers’ Company had been accepted without question, this time the aldermen’s report described the trading fishmongers’ motivation as purely economic. This ascription of motivation in the aldermanic report matched closely the stereotypical image of fishmongers in pamphlets as greedy, and prone to inflating his prices during Lent and other fast periods, thus making it difficult for the poor to properly observe fast days.

While their earlier campaigns were more successful in getting the City government to act against food hawkers, it needs to be noted that the Fishmongers’ Company was not

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223 CLRO, Reps. COL/CA/01/01/078 ff. 89-91v.
225 CLRO, Reps. COL/CA/01/01/078 ff. 89-91v.
226 CLRO, Reps. COL/CA/01/01/078 ff. 89-91v: ‘[I]n truth their real meaning thereby is to weary out & utterly discourage ye pet[itioners] from following their imploym[en]t That thereby they may wholly get ye trade into their owne hands & sell their ffish att unreasonable & excessive prices to ye abuse of his Maj[esty]es subjects’.
227 Taylor, Jack a Lent.
at any stage able to obtain the complete suppression of other traders in fish in the City. This was because the City government was also faced with the problem of maintaining adequate supplies of food at fair prices, especially for the poor. The food riots of the 1590s had illustrated the potential threat that scarcity posed to order, even if no major food riots were recorded in London in the seventeenth century.

The ability to rally support for a campaign relies heavily on the credibility and integrity of those petitioning. It did not help the Fishmongers’ cause that in 1663 the Court of Aldermen had been called on to discipline recalcitrant trading fishmongers for ‘their undutiful proceedings’ in taking out false and malicious complaints against their government in the company.228 Where earlier in the century the appearance of fishmongers for punishment in trade offences would have demonstrated the Company’s ability to control their own, the extent to which the Company elite had had to call upon their brethren in the Court of Aldermen for support in the 1660s demonstrated that such control was lacking.229 The Company’s response to this report did further damage. In rebutting the Fishmongers’ response, the aldermen quite pointedly differentiated members of the Company into those who were honourable and those who were disordered ‘freemen of the Company of fishmongers who by these and such like practices doe bring a Scandal on the Company.’230 This division was similar in wording to the separation made in the earlier report between women traders of ‘honest name & conversacjon’, who could be licensed to trade, and lewd women who should be excluded from trade and punished.

In the 1690s the trading fishmongers were again petitioning for an act of parliament against hawkers of fish, and in 1695 and 1698 opposing an act to make Billingsgate a free market.231 Unlike the earlier campaigns, this campaign failed completely. As the 1669 outcome shows, attitudes to street hawkers of food had relaxed, and with the constraints on space only increasing within the markets, selling abroad was no longer condemned. The licensed fishwives were permitted to trade in the streets on non-market days, as long as they remained mobile and did not employ others to trade on their behalf, as well as in the markets on market days.232 Exceptions had already been made for other women selling milk, berries and peas and other perishables.233 In 1685 the court decided that Joan Johnson, Anne Batten and Mary Welsh were to be referred favourably to the sessions for

228 CLRO, Reps. COL/CA/01/01/073 f. 233v.
229 Chapter 4
230 CLRO, Reps. COL/CA/01/01/078 ff. 271v-274v.
232 CLRO, Reps. COL/CA/01/01/078 ff. 89-91v.
233 CLRO, JCC COL/CC/01/01/041 ff. 196v-198v.
licensing to sell fish and poultry.\textsuperscript{234} This was not an isolated case. By the 1680s the Court of Aldermen was encouraging not only the licensing of women traders, but also their inclusion in the companies, such as the Cooks’ and Poulters’ Companies through both apprenticeship and by redemption.\textsuperscript{235} By the 1690s when the problem of hawkers again resurfaced, the order that all complaints against hawkers were to be presented to the Court of Aldermen very explicitly made an exception of those selling victuals.\textsuperscript{236} The Act of Parliament passed in 1698 made it ‘lawfull for any Person or Persons to buy or sell any sort of Fish in … [Billingsgate] Market without any Disturbance or Molestation whatsoever’, and gave as its justification the need to stop the abuses of the fishmongers, who were still trying to exclude all other sellers from the trade.\textsuperscript{237}

In addition, the nature of the Company had changed, with the trading fishmongers having less and less control over the top echelons of membership. Many of those holding high office in the Company had no connection with the trade, belonging to the Company for social and political rather than trade reasons. The Company records show an increasing reluctance by the wardens to pay the costs of petitioning the courts or of prosecuting transgressions.\textsuperscript{238} This reluctance was perhaps reinforced by the fact that searches in the markets repeatedly pulled up the trading fishmongers themselves as culprits in the sale of corrupt fish.\textsuperscript{239} If the company was to be seen to be made up of men of high standing and of upright, moral behaviour, the ongoing agitations of the trading fishmongers were an embarrassment, and detrimental to the standing of the Company as a whole, a case clearly made by the aldermen reporting on the contention between the fishwives and fishmongers in 1669.

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{234} CLRO, Reps. COL/CA/01/01/094 f. 109v & /095 f. 31v,
\item \textsuperscript{235} For examples of the Poulters’ licensing, apprenticing and making women free of the company see GL MS 02148 vol. 1, f. 30v, and entries for 12/02/1696, 25/02/1696, 03/06/1698, 04/11/1698, 06/10/1699, 07/02/1700, 30/11/1703, 14/09/1705, 09/11/1705, 07/06/1706, 03/02/1709, 04/12/1713 & 21/12/1713. For women being bound as apprentices or admitted to the Cooks’ Company see GL MS 03111 vol. 1, ff. 233, 245, 258v & GL MS 09994 vol. 2, f. 9v; vol. 3, ff. 8, 44, 88v; vol. 4, ff. 64, 110 &135. In 1727 and again in 1731 there are examples of the Court of Aldermen preventing the Apothecaries’ and Innkeepers’ Companies from proceeding against women working in the trades and instead pressuring them to admit them to the memberships. See CLRO, Reps. COL/CA/01/01/104 f. 110.
\item \textsuperscript{236} CLRO, Reps. COL/CA/01/01/104 f. 110.
\item \textsuperscript{237} ‘William III, 1698: An Act for makeing Billingsgate a Free Market for Sale of Fish. [Chapter XIII. Rot. Parl. 10 Gul. III. p.3. n.4.]’, Statutes of the Realm, volume 7: 1695-1701 (1820), pp. 513-4 [British History Online, accessed 02/03/2009].
\item \textsuperscript{238} The issue of cost in bringing prosecutions for what were essentially minor misdemeanours was noted as a barrier at several levels. CLRO Reps. COL/CA/01/01/066 ff. 36 & 50v; /067 ff. 100v, 246 & 247v; /072 f. 51v, /073 f. 273; Worshipful Company of Fishmongers, Calendar of Minute Books, volume 5, pp. 1101, 1212 & 1303; see also GL MS 06443 vol. 3. p. 182; vol. 4, pp. 165 & 282.
\item \textsuperscript{239} For examples of petitions, see CLRO, Reps. COL/CA/01/01/107 f. 258, /108 ff. 26 & 32 & Worshipful Company of Fishmongers, Calendar of Minute Books, volume 5, pp. 1397, 1400-1, 1405 & 1409. For examples of the Company’s reluctance to pay for actions, see volume 5, pp. 1101, 1212, 1298 & 1303.
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Conclusion

Beardsworth and Hier have rightly raised reservations about the application of the concept of moral panics to modern food scares and to the appearance of sensationalist reporting of a range of issues, and have cautioned against the uncritical use of the term. However, the concept is useful in exploring the social conflicts and struggles for legitimacy of traders in early modern London, where the Companies attached ideas of disorder and moral corruption to the sale of unwholesome food in campaigns to lay blame on non-company traders in order to exclude them from trade. The purpose of the companies’ campaigns was only partly to eradicate the sale of bad food in the City, but was much more an attempt to deflect blame from their own members and exclude non-members from the London trade.

Using the concept to investigate this kind of moral campaign, whether they were successful in initiating full blown large scale panics or not, is a useful means of examining the power relationships operating within the early modern city. Failed campaigns are as useful as successful ones, as they highlight the contingent and negotiated nature of these relationships.

The success of the company campaigns varied. Getting London’s government to reissue or enact exclusionary regulations was dependent on the concurrence of company claims with the broader anxieties current when petitions were made. In the early seventeenth century the rhetoric used to depict street traders – especially female traders, aligned with contemporary concerns of London’s governing elite about vagrants and the great number of young single women flocking into the City. The call to control a group equated with vagrants at this time also sat well with instructions issued with plague orders to cleanse the streets. That the Fishmongers’ claims prior to 1611 were reinforced by the claims of other companies also lent them credibility. In later campaigns this support was lacking and the campaigns in the latter half of the century were less successful. They were made after the trading members had themselves been found guilty of disordered behaviour that called the honour inherent in citizenship into question. Also, they were calling for the exclusion of alternative methods of trade at a time of great scarcity when city authorities had relaxed restrictions of trade more generally in a bid to get London rebuilt and the populace fed. In addition, the presence of a strong conflicting discourse of blame presented by the fishwives problematized the Fishmongers’ message and led to an investigation of the state of the trade. The gap between the rhetoric and the evidence of wrongdoing was therefore highlighted, lessening the Company’s claims and reinforcing the fishwives’ claims.

of utility in supplying the poor. The hierarchy of legitimacy allowed in the resulting orders reinforced the right of members of the Fishmongers’ Company to the best and most lucrative part of the trade, but rejected their call for exclusion of all others from trading in London.
Chapter 7. Physical disorder: Pollution and Disease

There are divers causes of this disease [plague]. The first is sin, which ought to be repented of. The second an infected and corrupted air, which should be avoided. The third an evil diet, which should be amended. The fourth are evil humours heaped together in the body, being apt to putrifie, and beget a Fever, which must be taken away by convenient medicines.¹

Thomas Sherwood, 1641

This chapter explores the way in which food traders were seen to disorder the physical environment of the City of London, and the connections made between the trade in food and epidemic disease. Over much of the early modern period the threat of plague was one of the dominant concerns driving regulatory policies, particularly those relating to the control of the environment.² It was only once the spectre of plague disappeared that concerns about the environmental control of the City lessened,³ though they resurfaced, along with a concern that miasma was the cause of epidemic disease, with the cholera and typhus epidemics of the nineteenth century.⁴

As Sherwood’s 1641 explanation of plague shows, early modern understandings of the disease saw it as having multiple interconnecting causes, yet the academic exploration of these ideas of causation and treatment has been very uneven in coverage. Medical historians have discussed early modern debates about contagion versus miasma as the mechanism of dispersal of the disease, and the possible effectiveness of quarantine and the

¹ Thomas Sherwood, The Charitable Pestmaster, or, the Cure of the Plague, Containing a Few Short and Necessary Instructions How to Preserve the Body from Infection of the Plague, as Also to Cure Those That Are Infected. Together with a Little Treatise Concerning the Cure of the Small Pox. Published for the Benefit of the Poore of This City and Not Unmeet for the Rich, London, Printed by A. N. for John Francklin, 1641, p. 1.
³ Jenner, “Cleanliness” and “Dirt”, pp. 10 & 119.
sequestration of plague victims and their families to limit its spread.\textsuperscript{5} Other types of prevention have received less attention. Although historians have examined the religious purpose of repentance and atonement in relation to fast days, the placement of periodic abstinence from meat and the enforcement of fish days within early modern dietary theory, and the enforcement of fast day regulations as a preventative to plague are often ignored.\textsuperscript{6} This is despite a general consensus that religious and medical beliefs at this time cannot be divorced from each other, but rather combined to explain the occurrence of disease and its transmission, and to determine possible treatment.\textsuperscript{7} Similarly, while academic discussions of plague advice explore the medical understandings underlying plague orders, they tend to focus on the therapeutic remedies attached to the orders as suggested treatment of the disease once contracted, and either ignore or gloss over the preventive dietary aspects of this advice. Even in those studies that acknowledge the importance of diet within theories of medicine, measures to control the food trades as part of public health initiatives have remained unexplored.\textsuperscript{8} This chapter therefore aims to bring early modern dietary regimens back into focus and to place early modern regulation of the food traders within the context of managing the urban environment for the prevention and control of disease. It will examine ideas regarding the causes and treatment of plague and how these related to perceptions of the food trades, especially the meat trades.

Early modern theories of plague occurrence, prevention and cure revolved around ideas of corruption, which resulted from disorder. As Paul Slack maintains, this ‘was not only a physical process, but also a moral one’, applying to both ‘the macrocosm of the universe and the microcosm of man’.\textsuperscript{9} This corruption affected the soul and the body; and

\textsuperscript{5} Slack, \textit{Impact of Plague}, pp. 228 & 254. However, despite acknowledging the continuity of miasma as a cause of plague up to the 1720s, Slack’s study privileges contagion over miasma in his history of the disease. Jenner, “\textit{Cleanliness}” and “\textit{Dirt}”, pp. 120-1.


\textsuperscript{8} Slack’s comprehensive examination of the plague in Tudor and Stuart England discusses the medical implications but does not include diet in this discussion, nor does he relate plague advice to more generalised contemporary health advice; Slack, \textit{Impact of Plague}. Wear and Pelling are exceptions. Wear, \textit{Knowledge & Practice}, pp. 160, 225-7, gives detailed coverage to the dietary aspects of plague advice and the contribution of dietary theory to understandings of the causes and treatments of plague. However, he fails to incorporate the food trades, their regulation or fast day enforcement within this framework. Pelling, ‘Food, Status and Knowledge’, pp. 42-4, indicates the importance of food regulation to maintenance of social order but does not tie this to plague controls.

the ideas of the body that could be corrupted applied equally to that of the individual and to the metaphorical bodies of the City and its populace, in the form of the body politic.\(^\text{10}\)

Of Sherwood’s four causes of plague there is an obvious link between the second two causes – ‘evill diet’ and ‘evill humours’ – and food consumption. While the connection is less obvious, the first two causes – sin and polluted air – also concerned the food trades. These causes showed a hierarchy of culpability. Levels of disorder moved from the macrocosm of disordering the City of London through pollution of the environment and moral corruption of the populace more generally, to the microcosm of disordering individual bodies, both as committed by individuals through their choice of diet and by traders through the sale of adulterated or fraudulent food (see section one). The first three causes in combination increased the likelihood of the disordered humours and putrefying bodies that the final cause described. As this chapter argues, the food trades were therefore heavily implicated as sources of possible corruption at multiple levels. Just as food could both preserve and corrupt the bodies of individuals, so too the food traders provided essential wares to feed and preserve the population, while at the same time contributing to the pollution of London’s physical environment with the waste from the products they sold. Similarly, just as obstructions in the bodies of individuals were believed to lead to disease by preventing the proper concoction and elimination of foods, causing them to putrefy and corrupt within the body, concerns about the blockages and obstructions of the London streets also had implicit connections to corruption and the spread of disease at a macro level. The food traders therefore occupied an ambiguous position within the city. Though essential to the feeding of the London’s population, if left uncontrolled they posed a threat to the bodies of that same city and the individuals it contained.

This chapter examines how the control and ordering of the food trades fitted within the efforts of London authorities to cleanse and purify both the populace and the external environment. It argues that this not only constituted economic and moral regulation, but was also a response to disease. It investigates measures taken against the food trades to enforce acts of repentance, cleanse the environment and prevent putrefaction through blockage, and ensure good diet, which tied control of the traders to the preventive measures for controlling the disease advocated by commentators like Sherwood.\(^\text{11}\)

\(^{\text{10}}\) Cook, ‘Policing the Health’, pp. 30-1. Somatic disease was to be ameliorated by better order and government.

\(^{\text{11}}\) Sherwood, The Charitable Pestmaster. The steps to rectify and overcome plague were firstly, making peace with God, and secondly, shunning all things that ‘begat disease’. This latter measure was discussed at some length in most of the plague advice literature and approaches to it were holistic, being firstly preventative and then remedial. They involved calls to cleanse the physical environment and purify the air, to moderate diet and avoid excess, and to adopt dietary and medicinal regimens that either balanced
Sin and repentance

Pre-civil war plague orders, plague advice texts and general commentaries on the times consistently identified God’s displeasure as the primary cause for plague, with natural causes a secondary means of divine retribution. This argument was not without controversy. Disagreement particularly centred on the use of enforced public fast days as a method of demonstrating contrition. Fast days were also called fish days as they were days on which the killing, processing, sale and consumption of meat were proscribed by law. They could, but did not necessarily include Wednesdays, Fridays, Saturdays, the Sabbath, Ember days, Lent and extraordinary days of fasting called by the Crown or, the humours or purged the body. Later medical discussions of disease, such as George Cheyne, An Essay of Health and Long Life, London, Printed for George Strahan and J. Leake, 1724, pp. 11-12, 15-16 & chapter II, particularly p. 35, dropped the religious aspect of causation, but nevertheless ascribed epidemic disease to poor air quality and corruption within the body, and argued for moderation in diet and cleansing the environment as preventive measures, with purging the body of corruption as treatment. See also Thomas Sydenham, The Whole Works of That Excellent Practical Physician Dr. Thomas Sydenham Wherein Not Only the History and Cures of Acute Diseases Are Treated of, after a New and Accurate Method: But Also the Shortest and Safest Way of Curing Most Chronical Diseases, London, Printed for Richard Wellington and Edward Castle, 1696, pp. 1, 18-21 & 80-4, though Sydenham gave less attention to diet than Cheyne, digestion was nevertheless an issue.

12 Proclamations: James I, King of England, By the King. A Proclamation for Restraint of Killing, Dressing, and Eating of Flesh in Lent or on Fish Days, London, Robert Barker and John Bill, 1620/1; A Collection of Such Statutes as Are Now in Force and Made in the Reigns of K. Ed. 6, Queen Eliz., K. James 1st, & K. Charles the 1st Which Enjoyn the Observation of Lent, and Other Fish Days Throughout the Year, with the Reasons for Enjoying the Same, [London, Printed by H. Hills Jun. for R. Taylor], 1685; A Collection of Such Statutes as Do Enjoyn the Observation of Lent, and Other Fish Days Throughout the Year, with the Reasons for Enjoying the Same, Loudon [sic], R. Pawley, 1661. Plague texts: Stephen Hobbes, A New Treatise of the Pestilence, Containing the Causes, Signes, Preseruatiues and Cure Thereof the Like Not before This Time Published [sic], London, John Windet for Mathew Law, 1603; Francis Herring, Certaine Rules, Directions, or Advertisments for This Time of Pestillential Contagion: With a Cauoet to Those That Weare About Their Neckes Impoisoned Amulets as a Preseruative from the Plague, London, Printed by William Iones, 1625; Lachrymae Londinenses: Or, Londons Lamentations and Teares for Gods Heauie Visitation of the Plague of Pestilence. With, a Map of the Cities Miserie: Wherein May Be Seene, a Journall of the Deplorable Estate of the Citie, from the Beginning of the Visitation Vnto This Present, London, Printed by B. Alsop and T. Fawcet for H. Holland and G. Gibbs, 1626. See also Londons Lamentation. Or a Fit Admonishment for City and Country, Wherein Is Described Certaine Causes of This Affliction and Visitation of the Plague, Yeare 1641, London, Printed by E. P. for Iohn Wright Junior, 1641; Sherwood, The Charitable Pestmaster; City of London and Court of Aldermen, The Orders and Directions, of the Right Honourable the Lord Mayor and Court of Aldermen, to Be Diligently Observed and Kept by the Citizens of London, During the Time of the Present Visitation of the Plague as Also, Rules and Instructions, to All Brewers, Butchers, Fish-Mongers, Victualling-Houses, Hackney-Coaches, Brokers, and the Rest of the Inhabitants, Both in City and Suburbs. With Divers Excellent Receipts, as Well for the Cure of the Plague, as for Preventing the Further Increase and Infection Thereof, by Gods Blessing and Assistance, London, Printed for George Horton, 1665.


14 The Sabbath was a contested term with debates focussing not only on whether the Sabbath should be strictly observed, but also on whether the term ‘Sabbath’ referred to Saturday or Sunday. See D. S. Katz, Sabbath and Sectarianism in Seventeenth-Century England, Brill’s Studies in Intellectual History, Leiden, Brill, 1988, chapter 1; James T. Dennison, The Market Day of the Soul: The Puritan Doctrine of the Sabbath in England, 1532-1700, Lanham, University Press of America, 1983.
between 1642 and 1660, by parliament. How fast days were defined and which days were deemed significant were contested issues. Ideas of appropriate observance also differed, as did motivations for fasting. When Elizabeth I promoted an additional weekly fish day on Wednesdays, she framed this as part of a strategy to maintain the navy. When at parliament’s insistence, Charles I reinstated Wednesday fasts in 1642, they were monthly not weekly, and held for religious not secular reasons. Charles also called extraordinary fasts and special sermons during plague outbreaks, but he limited the number, length and content of these fast day services, which led to further contention. In general, however, prayers and atonement for sins were accepted as a necessary component of efforts for the prevention (or cure) of plague, to be implemented in conjunction with the health measures ordered. In discussing plague measures, the author of *Lon dons Lamentation for her sinnes* (1625), gave the reason for public fasting and prayer as being ‘for the diverting of this publike Judgement’. The mayoral orders issued during the 1665 plague stated that plague was sent by God ‘to scourge and chastise a stiff-necked and perverse Generation of People,

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15 *A Collection Of ... Statutes.*


17 5 Eliz. 5 Cap. XI, *The Statutes at Large, in Paragraphs, and Sections or Numbers, from Magna Charta, to the End of the Session of Parliament, March 14. 1704*, London, Printed by Charles Bill et al., 1706, volume 1, p. 792, ordered that Wednesdays were to be ‘used and observed as a fish day … as the Saturdays in every week be or ought to be observed” marking both Wednesdays and Saturdays as fast days, though they were kept for different reasons.

18 August 1642: An Ordinance for the Better Observation of the Monethly Fast’, in C. H. Firth and R. S. Rait (eds.), *Acts and Ordinances of the Interregnum, 1642-1660*, 1911 [British History Online, accessed 27/10/2008]; Durston, ‘For the Better Humiliation’, pp. 132-4. These fasts were observed by parliament throughout the Civil War, but discontinued after Charles I’s execution in 1649. Charles changed the day of fasting for his forces during the Civil War period to Fridays.


20 Crashaw, *Lon dons Lamentation for Her Sinnes*. In the ‘Epistle Dedicatoria’ Crashaw explained the move by Charles I to cut back the days of public fasting and prayer to Sundays only, while encouraging private prayers and fasting on the other times as outlined in the Statutes, as being ‘Out of no dislike for Fasting and Prayer, nor any wearinesse of those holy exercises … But out of conscience to his God and care of his subjects lives’.
by spreading the *Black-Cloud of Plague and Pestilence* to the doors of those who provoked him "by their wicked and abominable Oaths, by their sad and lamentable Imprecations, by their vitious Vices of Whoredom, Dunkeness, Sabbath-breaking &c." When plague threatened again in 1720, a day of national fasting and prayer was called as part of the precautionary measures. This reiteration of the need for public prayer as atonement to God was in keeping with the messages issued from the pulpit about the need to reform and repent for sins, and was acknowledged in many of the health texts on plague published at this time.22

Within this framework, actions that disordered the proper observance of the fasts risked causing a continuation of disease. As fasting did not refer to complete abstinence but to refraining from killing, selling or eating meat, controlling the actions of the meat trades was a major focus of fast day regulation.23 The ordinances of the Butchers’ Company from 1607 included two items regarding the proper observance of both the Sabbath and designated fast days. They forbade the opening of butchers’ shops, putting flesh to sale, driving cattle or other stock through the City and killing any animals on these days. They also prohibited butchers and their apprentices or servants from assisting Lenten butchers.

21 City of London and Court of Aldermen, *The Orders ... During the Time of the Present Visitation of the Plague*, p. 1.
23 The cooked food traders were also specifically singled out for control. A Proclamation issued by Elizabeth in January 1600 identified the eating of meat on fast days as a means ‘whereby Almighty God is justly offended, the prices of victuals are greatly enhanced and raised, and the whole commonwealth of this realm is greatly damned, and seafaring men and mariners greatly diminished’ and targeted consumers, cooks as secondary suppliers and butchers in prohibiting the killing, dressing or eating of meat on fast days; Paul L. Hughes and James F. Larkin (eds.), *Tudor Royal Proclamations: Volume III, the Later Tudors (1588-1603)*, New Haven, Yale University Press, 1969, p. 204-5. This three pronged prohibition aimed at the suppliers of meat, the cooks as secondary suppliers, and consumers was repeated in subsequent proclamations which were issued on an almost yearly basis, though the order that the prohibitions came in varied. Whereas Elizabeth had targeted consumption first, the cooks and victuallers second and the butchers third, in Stuart proclamations this order was reversed. James I, King of England, *By the King. A Proclamation for Restraint of Killing, Dressing, and Eating of Flesh in Lent, or on Fish Days, Appointed by the Law to Be Hereafter Strictly Observed by All Sorts of People*, London, Robert Barker and John Bill, 1620/1, for example, identified the licensing of butchers to kill and dress meat in Lent as the primary cause of disorder, and called upon those entitled to grant licences to Lenten butchers not to do so and thus ensure that none could sell meat under colour of operating under such a license. The proclamation recognised that the offence could not be remedied without curtailing demand as well as supply. It contained clauses aimed at preventing the sale of meat in inns, taverns, cook houses, victualling houses and ordinaries and made it illegal for anyone to eat meat without a special licence from the bishop of the diocese where they lived. See also James F. Larkin and Paul L. Hughes (eds.), *Stuart Royal Proclamations: Volume I, Royal Proclamations of King James I 1603-1625*, Oxford, Clarendon Press, 1973, pp. 413-16, 424-6 & 450-4; James F. Larkin and Paul L. Hughes (eds.), *Stuart Royal Proclamations: Volume II, Royal Proclamations of King Charles I 1625-1646*, Oxford, Clarendon Press, 1983, pp. 78-82, 180, 220, 251-52, 354-55 &701-3. For examples of later proclamations, see Charles II, King of England, *A Proclamation for Restraint of Killing, Dressing and Eating of Flesh in Lent, or on Fish-Days Appointed by the Law to Be Observed*, London, Printed by John Bill and Christopher Barker, 1662 & Charles II, King of England, *By the King, a Proclamation for Restraint of Killing, Dressing and Eating of Flesh in Lent, or on Fish-Days Appointed by the Law to Be Observed*, London, Printed by John Bill and Christopher Barker, 1664.
in any way.\textsuperscript{24} However, it is clear from the repetition of the proclamations, from letters recorded in the Corporation of London's Remembrancia, and from court records, that none of the Butchers' ordinances against trade at proscribed times, and the acts of parliament they related to, were observed by all members of the butchers' trade.\textsuperscript{25} As Jones has argued, greater effort was made to enforce the orders against the illegal killing and sale of meat during the Sabbath and other proscribed times than to policing the Lenten orders.\textsuperscript{26} In 1609/10, the only sample year in which any Lenten fines were imposed, the five fines against Lenten orders meted out to William Pawle, Jeremie Lytton, Richard Nettles, Samuel Some and Mr Greene were for allowing licensed Lenten butchers the use of their premises.\textsuperscript{27} No fines were recorded for the illegal sale of meat during Lent. In contrast, most years saw fines for trading at other proscribed times, even if the number of such fines varied greatly.

Given this lack of evidence for fines against breaches of the Lenten trade restrictions in the Company's accounts, it is perhaps not surprising that in 1630 the Lord Mayor and aldermen appointed the Fishmongers' Company to search out illegal trade in fish days, and not the Butchers' Company.\textsuperscript{28} The link between this action to ensure the observation of fish days, controlling the activities of the butchers and preventing plague was made overt in a letter from the Lord Mayor to the Privy Council where it was listed as one of several measures taken by the City government to avert the threat of plague in the 1630 outbreak.\textsuperscript{29} This appointment went against normal procedure, as once companies gained incorporation they had the right and responsibility to search and discipline their

\textsuperscript{24} GL MS 10561 pp. 91-2 & 104-5 Items 47, 48 & 66. It should be noted that while this last ordinance prohibited the killing of animals during Lent, it made no mention of selling meat. The first two orders were repeated in the 1638 ordinances, but the order regarding the Lenten trade had been dropped. GL MS 09809 f. 7, items 74 & 75.


\textsuperscript{27} See Appendix 1. GL MS 06440/1 ff. 125y-128v.

\textsuperscript{28} Corporation of London, Remembrancia, VII, 56, 64 & 65; Reps COL/CA/01/01/049 f. 29v & 30.

\textsuperscript{29} Corporation of London, Remembrancia, VII, 56. In letters 64 & 66, dated April and May of the following year and also addressed to the Privy Council, the Lord Mayor claimed the enforcement of fish days had been so successful in controlling the populace that few delinquents were being found. This discussion of successful fish day regulation accompanied assurances that the plague was departing, and subsequently had departed, from the City. The implication was that the two situations were related. The letters responded to specific instructions sent to the Lord Mayor and Aldermen by the Privy Council, and appeared against a background of ongoing dissatisfaction over the City’s failure to implement effective and timely action in times of plague, particularly over their lack of response to Parliamentary orders during the outbreak of 1625, when one fifth of London’s population died. Slack, Impact of Plague, pp. 151 & 213-15.
members and any others practising their trade. However, it was not without precedent. The appointment of searchers from outside the trade was also evident in earlier appointments of non-victualling tradesmen to search the food markets in the 1590s, when the anxiety about market practices was acute.\footnote{Ian Archer, Caroline M. Barron and Vanessa Harding (eds.), \textit{Hugh Alley’s Caveat: The Markets of London in 1598: Folger Ms V. A. 318}, London, London Topographical Society, 1988, pp. 23-5.} Such appointments reflected both the awareness by city authorities of the conflict of interest inherent in the ways the companies regulated their trades, and a questioning of the willingness and ability of the Company’s officers to enforce regulations that went against their members’ financial interests. The failure of the Butchers’ wardens to attend the Lord Mayor in the markets would not have helped bolster any claim of consistent regulation on the Company’s part.\footnote{See, for example, the fines levied against Mr Hallett and Wardens White, Carter and Higby in the accounts in 1631/2 and against Wardens Syddden and Grey in 1632/3 for their ‘negligence in not attending on the Lord Maior in the Markettes’. GL MS 06440/2 ff. 422v, 424 & 439v.} The appointment of the Fishmongers’ Company to search out those selling and eating meat came after they lobbied the Privy Council for the stricter observance of fish days, and was made on the grounds that the Fishmongers’ members had a greater financial incentive to search diligently.\footnote{Corporation of London, \textit{Remembrancia}, VII, 56.}

That the financial motivations of both companies and the Butchers’ failure to observe the fast day restrictions reached the awareness of the wider public can be seen in popular literature. The ballad \textit{Iack a Lent} (1620) asserted that the greatest enemies of Lent were dogs, butchers and puritans, and outlined the ways in which some butchers eluded control by resorting ‘into Stables, Privies, Sellers [cellars], Sir Francis Drakes Ship at Detford, My Lord Mayors Barge, and divers secret unsuspected places’ to make ‘private Shambles with kil-calfe crueltie and sheepe-slaughtering murder, to the abuse of Lent, the deceiving of Informers, and the great griefe of every zealous fishmonger.’\footnote{John Taylor, \textit{Iack a Lent His Beginning and Entertainment with the Many Pranks of His Gentleman-Vsher Shroue Tuesday That Goes before Him, and His Foot-Man Hunger Attending. With New Additions, Dedicated Both to the Butchers Farewell and the Fishmongers Entrance: Written to Choake Melancholy, and to Feed Mirth}, London, Printed [by G. Purslowe] for I. T[ruddle?], 1620.} The fishmongers were described as bewailing the end of Lent as the reappearance of the butchers signified the return of people buying and eating meat instead. Similarly, \textit{Lamentable Complaints}, published in 1641, consisted of a dialogue between Kilcalfe the butcher and Hop the brewer about the effect a parliamentary ruling to enforce the observance of the Sabbath would have on their trade. They both complained that they would go out of business if the cooks, victualling houses, and alehouses had their Sabbath trade curtailed. The piece used the complaint to highlight frauds being perpetrated against customers by
the victuallers, in which the butchers and brewers who supplied them colluded.\textsuperscript{34} When Kilcalfe exclaimed ‘Sure, say you! Am I sure that ever I knokt downe an oxe and cut his throat on a Sunday morning thinke you?’, to prove the truth of what he was saying, he reinforced an image of butchers as Sabbath and fast day breakers, an image echoed in Mandeville’s description of a ‘constant plague of Sabbath breaking butchers’.\textsuperscript{35} Such depictions represented butchers as corrupters of the morals of the populace.

**Polluting the City**

If provoking God’s displeasure through moral corruption brought plague as retribution, the means of infection and transmission of disease was believed to be the physical corruption and pollution of the air. In 1603, Stephen Hobbes defined the plague, or pestilence, as ‘nothing else then a rotten or persistent fever, … being ingendred by a rotten and corrupt ayre by a hidden and secret propertie which it hath’.\textsuperscript{36} This corrupt air, or miasma, consisted of stinking vapours. A multitude of pollutant sources were named in the texts, including carrion and filth left in the streets, and the manure of animals (and people).\textsuperscript{37} The means by which the infection then entered the body was through inhalation of corrupt air into the lungs. From the lungs the corrupt air then went to the heart before being dispersed via the veins and arteries to all parts of the body. Once in the body this miasma bred the plague infection, first assaulting ‘the spirits: next the humours: and lastly the very fine firme substance of the whole body’.\textsuperscript{38} If polluted air was thought to be the source of infection, the obvious countermeasure to prevent the spread of plague was to purify the air and clean the environment.

The food trades contributed to the pollution of the City and, as such, became the focus of orders to clean the City’s streets. They were also targeted in the orders of the markets. The objection raised in 1597 against the use of cellars for the storage and/or sale of fruit and vegetables was not just because such practices encouraged frauds involving the

\textsuperscript{34} The Lamentable Complaints of Hop the Brewer and Kilcalfe the Butcher as They Met by Chance in the Country, against the Restraint Lately Set out by the Parliament, against Tapsters and Cookes, Which Hath Caused Them to Crackle Their Credit and Betake Them to Their Heeles, 1641. Kilcalfe describes the cooks as dressing twice as much meat on fast days as on other days and selling it ‘three times as deare’. As twice as much meat was sold, despite the skimping in amounts being served described in the text, breaches of fast days encouraged both greed on the victuallers’ part and gluttony on the consumers’.

\textsuperscript{35} The Lamentable Complaints of Hope the Brewer and Kilcalfe the Butcher; Bernard Mandeville, The Fable of the Bees, or, Private Vices, Public Benefits Containing Several Discourses to Demonstrate That Human Frailties, During the Degeneracy of Mankind, May Be Turn’d to the Advantage of the Civil Society, and Made to Supply the Place of Moral Virtues, London, Printed for J. Roberts, 1714, p. 92.

\textsuperscript{36} Hobbes, A New Treatise of the Pestilence, f. A2.


\textsuperscript{38} Cogan, The Haven of Health, p. 309.
mingling of fresh and stale ingredients but was rather that the premises emitted noisome smells.\textsuperscript{39} This was made overt in the presentment of Johan Harrys in 1606 for operating out of a cellar to the ‘great annoyance both to the neighbours thereabouts, and to the passengers in the kings highe waye with often and noisome smells’ by the wardmote of St Dunstans in the West.\textsuperscript{40} Similarly, this was what was meant when in 1685 the people presented by the St Dunstans’ wardmote for selling apples from cellars were said to damage their neighbours.\textsuperscript{41} Detritus resulting from processing goods for sale in the markets was also a problem. The very detailed ‘Orders for the markett’ for Southwark in 1624 forbid any person sitting in the market from casting ‘into the streete any Topps or Rootes, leaves, p[ar]lings Ecleskins, oystershells or such other like things, to annoy the streetes’ and ordered all sellers to clean the area they occupied at the close of the market.\textsuperscript{42} In 1657 the inhabitants of Cheapside similarly complained to the Court of Aldermen about ‘the unwholsome smells and Stenches of the parings and Refuse of Rootes plants and other filth there left and lying scattered & p[er]lishing and Corrupting’ by the herbwives who ‘pestered’ Cheapside with their ‘multitude of Basketts … of fruiites hearbes Cabages Hartichokes and other plants and Garden Comodities’.\textsuperscript{43} In the resulting aldermanic order to amend these abuses, all sellers of garden wares – excepting those selling peasecods – were banned from selling in Cheapside and instead were relocated to the north side of St Pauls.\textsuperscript{44} The peascod sellers’ permission to continue trading was conditional. The potential danger they posed as polluters was made clear when it was ordered that so ‘noe annoyance may ensewe by the p[er]mitting of Peascods to be still sould as formerly in the said streete

\textsuperscript{40} GL MS 03018/1 f. 83. See also ff. 94, 95v & 97-8 for other similar presentments.  
\textsuperscript{41} GL MS 03018/1 ff. 170v & 171v.  
\textsuperscript{42} CLRO, CLA/043/01/009, 1624. The orders were repeated in other years with little change. See, for example, those for 1634 & 1638.  
\textsuperscript{43} CLRO, Reps. COL/CA/01/01/069 ff. 119-v.  
\textsuperscript{44} CLRO, Reps. COL/CA/01/01/069 ff. 128-9. The problem posed by the herbwives in Cheapside was an ongoing one. See Vanessa Harding, ‘Cheapside: Commerce and Commemoration’, Huntington Library Quarterly, vol.71, no.1, 2008, pp. 87-8 for the City’s attempts to order and control the space, time and activities of sale in the 1570s, 80s and 90s. In 1609 a committee was appointed to consider and reform the disorders in Cheapside, but in 1629 the inhabitants of Cheapside were again complaining. This resulted in the herbwives and bakers being banned from the area and then temporarily relocated to Bread St and Cornhill respectively in 1631 after they also petitioned the Mayor and Aldermen. See CLRO, COL/CA/01/01/032 f. 120v, /041 f. 184, /048 ff. 268v-9 & 529v. In 1661 there was a move to repeal the act of 1657 regarding the herb market in St Paul’s and it was moved to Aldersgate, but a year later the City was enacting yet another law for the better regulation of the Aldersgate herb market. CLRO, JCC COL/CC/01/01/043 ff. 142-v & 248-9. The citizens in Cornhill Ward also repeatedly presented the women selling herbs near the spouts near Leadenhall as an annoyance between 1611 and 1620, equating them in 1614 with the people who layed ‘filth & soyle about the pumpe neere the Conduit in Cornhill’. GL MS 04069 ff. 127, 127v, 137v, 140 & 148. One of the problems here, also mentioned in the orders relating to the herbwives in Cheapside, was their washing their wares prior to sale, a practice which not only washed the soil from the vegetables onto the ground but added dirty water to the mix.
the shells are to be Constantly swept up and conveyed away that they may not be remaining and Corrupting produce any noisome or offensive smells.\textsuperscript{45}

Pollution concerns applied to most food traders, but the Butchers were especially singled out as a polluting trade. The Southwark orders, ordinances and by-laws for the Guildable manor of Southwark, which came under the City’s jurisdiction, included five separate orders regarding butchers.\textsuperscript{46} These ordinances were followed by the ‘Orders of the Market’, in which butchers featured to an even greater degree. Of the twenty-six items listed in the 1634 orders, eleven related to butchers and to sales of meat, including item fifteen banning slaughterhouses. In contrast, the bakers were mentioned twice, and the fish women, meal men and those selling herbs and roots are mentioned only once each. All other items were directed at the officers of the markets and Borough or were general statements regarding the setting up of stalls.\textsuperscript{47} Similarly, in ‘An Advice of the Physicians’ bound into the sets of orders sent out to Justices of the Peace during the 1630 and 1636 outbreaks of plague, part of the instruction ‘that all established good orders bee revived’ included the removal of all slaughterhouses to outside the liberties of London on the grounds that they were inherently offensive.\textsuperscript{48} The revival of orders against the sale of corrupt flesh and fish was also called for, with an enjoinder that they be strictly executed.\textsuperscript{49} This latter order was reinforced in greater detail under the instructions for cleaning the streets in the attachment the ‘Orders for Health’, which specified measures ‘for the preventing and avoiding of the Infection of Sickness’. Regulating the behaviour of the meat traders was a public health issue.

The offensive nature of butchers’ premises is clearly visible in the Butchers’ Company ordinances. The 1607 ordinances contained orders that the streets were to be kept clean by ensuring that there was no dumping of offal or ordure in the streets, and that butchers were not to allow blood to run down the streets when slaughtering animals. Company butchers were further ordered to ensure that the waste was carried to the barrow

\textsuperscript{45} CLRO, \textit{Reps.} COL/CA/01/01/069 ff. 128v.
\textsuperscript{46} CLRO, CLA/043/01/009 1624: ‘Southwalk orders or ordinances and By Lawes made by the Juro[rs] of this Courte to be onserved and kepte by the Inhabitants of this manor …’.
\textsuperscript{47} CLRO, CLA/043/01/009 1634: ‘Orders for the Market’.
\textsuperscript{48} Charles I, King of England, \textit{Certaine Statutes Especially Selected, and Commanded by His Majestie to Be Carefully Put in Execution by All Justices, and Other Officers of the Peace Throughout the Realme ... to Bee Put in Execution, Together with Sundry Good Rules, Preservatives, and Medicines against the Infection of the Plague}, London, Printed by Robert Barker and John Bill, 1630; Royal College of Physicians of London, \textit{Certain Necessary Directions, Aswell for the Cure of the Plague as for Preventing the Infection}, London, By Robert Barker ... and by the assignes of John Bill, 1636.
\textsuperscript{49} The City government reissued these and similar orders during later outbreaks. City of London and Court of Aldermen, \textit{Ten Severall Orders to Be Put in Execution by the Lord Major and Aldermen of London, for the Price and Sale of Meale, Flesh, Butter, and Other Commodities; and to Prevent Disorders in the Markets}, London, Bernard Alsop, 1647; City of London and Court of Aldermen, \textit{The Orders ... During the Time of the Present Visitation of the Plague}. 

Chapter 7. Physical disorder in the City: pollution and disease
houses for disposal in as discreet and secret a manner possible so as not to cause offence.\textsuperscript{50} This concern to avoid annoying the general public by removing waste discreetly to designated places set aside for it remained in the later sets of orders. However, a clause added to the 1638 ordinances acknowledging that ‘the saide service might be neglected and the Citty thereby greatly annoyed’ as a result of the Company’s failure to adequately pay the beadles responsible for carrying out this unpleasant work, would indicate that the discreet disposal of waste did not always occur.\textsuperscript{51} Such orders linked the Butchers to plague orders for cleansing the streets of decaying matter to prevent corrupted air. Clearly, to contemporary minds, controlling butchers was a means of both preventing and counteracting disease.

The City’s orders were responses to ongoing complaints about the markets. These complaints focused on the detritus left behind by the food traders, both by their animals and their wares. \textit{The Lawes of the Markette} gave general orders for the cleaning of the market, and specifically forbad butchers from casting ‘the inwarde of bestes in the streetes, cleaves off beasts feets, bones, horns of Sheepe, or other such like’.\textsuperscript{52} The Innholders, who were ordered not to push the dung from their stables into the street, were the only other trade specifically named. That the market orders and the Company’s environmental ordinances were frequently broken is clear from the repeated references in court records to butchers allowing blood to run down the streets and failing to adequately dispose of offal. For example, the surviving presentments for the Leet Courts of the Guildable Manor in Southwark show this as an ongoing issue, usually listed under ‘annoyances’. The wording of these presentments was fairly standard with the offender accused of ‘throweing and sweeping his offal and other noysome stuffe into the streete to the grievous annoyance of the inhabitants’.\textsuperscript{53} When in 1624 in the butcher, Gyles ffoster, went so far as to annoy one of the churches in this Southwark borough with ‘bloude & filth issueinge out of his slaughter house’, there was no greater tone of indignation.\textsuperscript{54} This is surprising as not only was he corrupting the physical environment of the street, but he was also polluting a house

\begin{footnotes}
\item[50] GL MS 10561, 92-3, orders 50 & 51.
\item[51] GL MS 09809 ordinances 53, 54 & 55, f. 6.
\item[52] Corporation of London, \textit{The Lawes of the Markette}, London, John Cawoode, 1562. This book was reprinted in identical format and wording in 1595, 1620, 1653, 1668 & 1677. Corporation of London, \textit{Whereas against Divers Lawes, Orders and Provisions}, London, James Flesher, 1657 contained orders to remove the vegetable sellers from the high street in Cheap ward, justifying this on the basis of the ‘anoyance thence arising from the unwholsome smells and stenches of the parings of Roots, Plants and other filth continually left and lying scattered and corrupting, in that principal Street and passage of the City’.
\item[53] For Southwark, see CLRO, CLA/043/01/009 and CLRO, CLA/043/01/010 Verdicts and Presentments for the Leet Juries for Guildable Manor Southwark 1620–1654 and 1660–1679, 1620, 1638, 1648, 1654, 1660, 1661, 1663, 1665, 1668, 1670 & 1673.
\item[54] CLRO, CLA/043/01/009, ‘Annoyances am[mer]iced’, 19 October 1624.
\end{footnotes}
of God in a very tangible way. This failure to register any greater reaction could be explained by the fact that this was a legal record of fines amerced and therefore stuck to the bare minimum of information. It might also have been due to the fact that the failure of butchers to dispose of blood and offal correctly was such a constant issue.\(^55\)

It is not just in the court records that this image of butchers as polluters appears. In his pamphlet *Fumifugium*, published in 1661, John Evelyn included butchers among the trades he suggested should be excluded from the City in order to eliminate the ‘horrid stinks, niderous and unwholesome smells’ produced by corrupted blood.\(^56\) Butchers were the only food trade identified by Evelyn as requiring removal from the City, advocating that at the very least ‘should noe Cattel be kill’d within the City’.\(^57\) The image of butchers as polluters of the City did not go away. Concerns became particularly acute when plague again threatened in 1720. In his 1721 essay on the plague, Richard Boulton argued for the elimination of slaughter-houses as a preventive measure, arguing that ‘the smell of Corruption is often so intense and furious, that it is not only an emblem, but carries the Effects of Mortality along with it, affording as pernicious fumes as the most contagious Effluviums’.\(^58\) He also targeted butchers’ shops claiming that they ‘often retain such odious Smells, that when you buy their Meat, you seem to purchase the off-springs of Death, and to imbibe at you Nostrils the Tincture of Mortality’.\(^59\) It is no surprise then that in the 1720s the Butchers were fighting a rearguard action to prevent the expulsion of the slaughterhouses from the City. In 1721 the Court of Aldermen again ordered the daily cleansing of the markets and banned the slaughter of animals from the markets, shops and streets of the City.\(^60\) This order was made in response to further complaints about the filth

\(^{55}\) The Butchers’ Company accounts show numerous fines of members for casting filth into the street and for letting blood run down the streets. In the accounts for 1632/3, for example, Mr Wight, Samuel Soame and Henry Piggott were all fined for the later offence, with Piggott fined on more than one occasion. This was in addition to the ten members fined for ‘casting in’; GL MS 06440/2 ff. 436v-440v. Nor was this a particularly bad year. By comparison the accounts for 1634/5 and 1639/40 recorded 34 instances of fines for similar offences; see Figure 4.1, chapter 4, for a summary of environmental offences for other years. See also CLRO, COL/CA/01/01/035 f. 304, /046 f. 142, /067 f. 210, /123 f. 37 & /129 f. 136 and CLRO, COL/AD/01/044 Letter Book TT ff. 40-v for examples of concern recorded in other courts.

\(^{56}\) John Evelyn, *Fumifugium, or, the Inconveniencie of the Aer and Smoak of London Dissipated Together with Some Remedies Humbly Proposed by J.E., Esq., to His Sacred Majestie and to the Parliament*, London, Printed by W. Godbid for Gabriel Bedel and Thomas Collins, 1661, pp. 20–2. Evelyn’s publication had three parts. The first was aimed at those trades that burnt large quantities of sea-coal, from which he excluded the food producers focussing instead on the manufacturing trades. The second, which targeted butchers, tallow-chandlers, burial grounds and charnel houses, identified other activities that corrupted the environment. The fishmongers got only a passing mention in this section. The third part advocated plantings of gardens to cordon off the habitations of the better sort and improve the air with the scent of aromatic plants.

\(^{57}\) Evelyn, *Fumifugium*, p. 22.


\(^{60}\) CLRO, CLA/009/01/012.
of the markets, and especially targeted the flesh markets and coincided with a concerted campaign to get a bill passed in Parliament for the removal of the slaughterhouses from the City and its surrounds. As in Boulton’s account, the concern was not so much the slaughtering itself, but rather the build up of the blood, offal and other refuse and the smell that the slaughtering process generated. 61 The campaign’s effectiveness without the support of national legislation is questionable. While the 1720 campaign to gain a parliamentary act failed, efforts to gain legislation to suppress private slaughterhouses and to regulate their practice were to resurface, and in the 1760s the Butchers’ Company was again the focus of a campaign to remove the slaughterhouses from the City. 62 However, just as earlier medieval campaigns against slaughterhouses did not permanently eradicate the problem, the eighteenth-century campaigns were similarly unsuccessful, and the problematic presence of slaughterhouses in London persisted into the nineteenth century. 63

As corrupt, stinking flesh and carrion contributed to the miasma that was believed to be a means of transmission and infection from plague, it is not surprising that butchers received so much ongoing attention. Nor is it surprising that this attention intensified at times when plague threatened the City. In addition to corrupting the external environment of the streets and the City as a whole, butchers also threatened both the moral and physical health of individuals. Not only were they connected with the breach of fast-day prohibitions on meat consumption as an act of atonement for sin, and in doing so encouraging the sin of gluttony, they were also accused of selling unwholesome food.

Corrupting the body

Preventing the sale of unwholesome meat intersects with the third and fourth aspects of Sherwood’s plague prevention advice. That is, it addresses the connection between food consumption and individual susceptibility to disease indicated in the advice to amend ‘evill diet’ and correct ‘evill humours heaped together in the body, being apt to putrifie, and beget a Fever’. 64 If the build-up of corrupt air allowed the plague to infect the City, not all within the City became infected, and it was believed that it was an internal imbalance within individual bodies that rendered them susceptible to infection. In 1603, Stephen Hobbes gave the fourth cause of plague as

61 CLRO, COL/RMD/RM/01/03/003/9.
62 CLRO, COL/RMD/RM/01/03/003/9.
the aptnesse of the body of man, through corrupt and rotten humours fitte
to receive the effects of a venomous ayre, putrifying and corrupting the
body whereby the pestilence is ingended. And this aptnesse to infection
proceedeth by the abuse of the six things which are called by the Phisitions
not naturall.65
The second of these ‘six things’ was food and drink. Like many of those giving advice,
Hobbes’ overall message was one of maintaining balance, and exercising moderation in all
activities to maintain health.66 Similarly, the eighteenth-century doctor Joseph Browne
(1720) explained that susceptibility to the plague varied because ‘Externals do not simply,
or of themselves, contaminate us, but ‘tis the Domestick Enemy within, a broken
Constitution and an ill Habit of Body; by which means the ambient Air and Diet hath such
Influence or Effect upon us’.67 Susceptibility to plague thus resulted from an individual’s
internal health, and diet was thus important in preventing the spread of the disease.

Food could be corruptive or corrupted, and both the quantity and quality of food
consumed were important. In referring to ‘evil diet’, the health advice texts advocated an
avoidance of gluttony, and the observance of fast days thus served the dual function of
demonstrating piety and submission to God, while also ensuring – at least in theory –
moderation in diet to control health. This advice was a constant over the seventeenth
century,68 though earlier texts made a more overt connection between failure to observe
fast provisions and lack of control in diet and likelihood of death. Thomas Cogan (c.1545–
1607) drew the clearest connection, arguing that those failing to observe fish days were ‘in
contempt of all good order, and as it were despising all kinds of fish, as though God had

65 Hobbes, A Neiv Treatise of the Pestilence.
66 Cogan, The Haven of Health, p. 307, offered similar advice, urging readers to ‘have always in minde,
and practice in your life, this short lesson.
Ayre, labour, food, repletion,
Sleepe, and passions of the minde,
Both much and little hurt a like.
Best is the meane to finde.’
and (p. 308) if ‘excesse be taken in any one of them, there must needes follow great disturbance in our bodies’.
67 Joseph Browne, A Practical Treatise of the Plague, and All Pestilential Infections That Have Happen’d
in This Island for the Last Century, London, printed for J. Wilcox and sold by J. Roberts, 1720, pp. 22-3.
While there was intense debate over whether contagion or miasma caused plague outbreaks by this time,
and over the advisability of quarantining the sick, nevertheless many of the medical writers dispensing
plague advice in 1720 concurred with earlier writers over the importance of diet to disease prevention.
See for example, Blackmore, A Discourse Upon the Plague; Boulton, An Essay on the Plague; Robert
Samber, A Treatise of the Plague. Being an Instruction How One Ought to Act, in Relation, I. To Apparel
and Lodging. II. To Diet. III. To Antidotes or Preservatives. IV. To Such Medicines, as Are Necessary to
Be Made Use of, London, printed for James Holland et al., 1721.
68 The Plagues Approved Physitian Shewing the Naturall Causes of the Infection of the Ayre, and of the
Plague. With Divers Observations to Bee Used, Preserving from the Plague, and Signes to Know the
not created fish for our food as well as flesh, wilfully misorder themselves in this behalfe.\textsuperscript{69}

Cogan also argued that forgoing flesh in fasting was advisable as fish was considered less nourishing than flesh, constituting a greater sacrifice, but also ensuring that the advice in Ecclesiasticus, also known as the Book of Sirach, in the Apocrypha was observed, as ‘[b]y surfeit have many perished: but he that dieteth himselfe prolongeth his life’.\textsuperscript{70} It was surfeit, not simply a concern about the quality of supply, that worried Ralph Josselin in his diary entry for 1672 after eating oysters. The remedial action he took of purging the excess through vomiting fitted well with accepted views of dealing with dietary poisons.\textsuperscript{71}

Gluttony was not just sinful, it was dangerous.

Some health advisors also considered too much fasting harmful. Herring (1636) stated that ‘repletion and inanition (as two dangerous extremities) are heedfully to be avoyded’, advising people to

\begin{quote}
feede three times in the day, but more sparingly than at other times. Shunne variety of dishes at one meale … And if at any time the Rule holdeth, The most simple feeding is the most wholesome feeding; then it is in force at this time of infection. Angenius (a learned physician) thinketh it not possible that hee that live temperately and soberly, should be subject to the Sicknesse.\textsuperscript{72}
\end{quote}

The anonymous author of \textit{Physicall Directions in Time of Plague Printed by Command from the Lords of Councell} (1644), agreed that while excessive consumption was dangerous, ‘Fasting, or much emptinesse is bad’ and advised against going ‘forth early in the Morning, nor fasting; eat not much, sage and butter, a Potched Egge with Vinegar, or such like will suffice’.\textsuperscript{73} Cogan also advised that people needed to have ‘eaten or drunken some what’ before leaving the house, as ‘it is not good to goe forth with empty veins’.\textsuperscript{74} The idea was to have some substance in the body to prevent corrupt vapours entering the veins to fill spaces left empty. It was moderation and balance that was aimed at, not complete abstinence.\textsuperscript{75}

Too much food, or the wrong type of food, was a danger, as corruption could take place within the body if unused food was left lying there for too long. Just as surfeit could lead to food putrefying in the stomach, so ‘grosser’ types of food were less easily absorbed

\begin{itemize}
\item \textsuperscript{69} Cogan, \textit{The Haven of Health}, p. 160.
\item \textsuperscript{70} Cogan, \textit{The Haven of Health}, frontispiece.
\item \textsuperscript{71} Wear, ‘Perceptions of Health’, p. 241.
\item \textsuperscript{72} Herring, \textit{Certaine Rules}.
\item \textsuperscript{73} \textit{Physicall Directions in Time of Plague Printed by Command from the Lords of Councell}, Oxford, printed by Leonard Lichfield, 1644.
\item \textsuperscript{74} Cogan, \textit{The Haven of Health}, p. 310.
\item \textsuperscript{75} Slack, \textit{Impact of Plague}, p. 28.
\end{itemize}
by the body and similarly left the consumer open to corruption. The nature of the disease also influenced ideas of what diet was appropriate as a preventative. As Cogan pointed out, plague was thought to be especially dangerous if ‘the body abound with superfluous humours, chiefly with choler and blood’, positing a hierarchy of susceptibility based on the natural humoral state of the individual. Sanguine people, whose humoral makeup was hot and wet, were most susceptible; choleric people, who were hot and dry, came next; then came phlegmatic people, who were cold and wet; and finally, the least susceptible were melancholics, whose makeup was cold and dry. He reasoned that this was ‘because the cold & dry humour is the least apt to inflammation, & putrefaction’. Argue ranged that were applied to the environment about conditions that led to miasma were thus in microcosm applied to the internal state of an individual.

The focus of preventive treatment was to balance an individual’s natural humoral propensity and to avoid consumption of those things likely to artificially exaggerate or create a hot, moist humoral condition in the body. In plague dietary regimens, food that was easily absorbed was recommended over the ‘grosser’ foods, which did not digest easily or engendered too much heat during digestion. Not all food groups were viewed uniformly and an individual’s makeup could alter which foods were safe or dangerous to consume. In general, as red meat (beef and venison) was construed as overly heating and hard on digestion it would not have fitted the direction to eat ‘Dyet meats of easy digestion’. This was even more the case where the animal consumed was older. While fish was cooling, its moisness was a problem, and the warning against eating eels and similarly textured fish given in plague advice texts echoed the definition of oily fish as difficult to digest given in the dietary texts. Correctives such as the ‘sauce sower, sharpe, sorrel, Lemon, Vinegar, Verjuice, &c.’ recommended in Physical directions in time of plague in 1644 aimed at tempering any meat eaten. Muffett listed sauces to go with meat types if digestion was slow, and in ‘sauces for temperate meats’ outlined that these were: pork, mutton, lamb, veal, kid, hen, capon, pullet, chicken, rabbit, partridge and pheasant. He recommended temperate sauces

76 Cogan, The Haven of Health, p. 309.
77 Anon, Physicall Directions in Time of Plague, p. 4; Boulton, An Essay on the Plague, p. 10. See chapter one for a fuller discussion of rankings of meats given in dietary advice books for the relative ease of digestion based on the colour and texture. This prohibition was not however, universal. For example, Browne, A Practical Treatise, advocated consumption of both beef and venison on the grounds that it created good blood, despite the continued description of beef as hard to digest given in contemporary texts on health more generally, such as Cheyne, An Essay of Health. See chapter one also for a discussion on contemporary arguments supporting beef consumption based on usual diet and ideas of national humours.
78 For examples of advice about fish in plague texts see Physical Directions in Time of Plague, p. 4; Browne, A Practical Treatise, p. 66. See chapter 1 pp. 39-40 regarding viscosity and digestibility of types of fish and their construction in dietary texts.
79 Anon, Physical Directions in Time of Plague; Browne, A Practical Treatise, p. 64, gave similar advice.
that were not too hot or cold ‘for if their sawces should be either too cold or too hot, such meats would soon corrupt our stomachs, being otherwise most nourishing of their own nature’. It is curious that Muffett gave no qualification to the consumption of pork, as the Butchers’ Company ordinances, ratified in 1607, indicate it was considered ‘very dangerous to the health of man and a greate increase of sicknes’ during ‘the hot tymes and seasons of the yeare’, and therefore prohibited butchers from killing, putting to sale or selling any pork within the City between 1 May and 31 October each year.

When even ‘sweet’ clean foods could be corruptive to the consumer, consumption of corrupted meat posed an even greater danger. In 1721, Blackmore gave the consumption of unwholesome foods, such as ‘tainted and perishing Flesh … unripe Fruits and hurtful Herbs’ as one of the external causes of plague, and identified this as a major contributing factor to the high death rate in the Marseilles outbreak of the previous year. He argued that whereas plentiful, wholesome food enabled the body to ‘resist and expel the invading Poison, or if it forces itself a little way into the Blood, they obstruct its Progress, drive it back and exclude it with Success’, insufficient or poor quality food disposed ‘Men to admit the Pestilential Venome by the Collection of noxious Humours and corruptible Juices mingled with the sound’. Chapter five discussed beliefs about the dangers that economic frauds practised by food traders posed to people’s lives, particularly the lives of the poor. In plague years this was even worse, as it left defrauded customers more susceptible to infection.

Meat traders were not only singled out in plague orders to reduce pollution and clean the streets, they were also the only foods trades specifically identified in orders to regulate the quality of food sold in the markets. The Laws of the Market issued in 1595, for example, prohibited the poulterers and butchers from selling ‘stale victual’. They also proscribed the sale of diseased pigs and of unwholesome flesh generally. As we have seen, no other food trades were specifically identified. The sale of corrupted or unwholesome

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82 Blackmore, A Discourse Upon the Plague, pp. 23-4.
83 Blackmore, A Discourse Upon the Plague, p. 24.
84 See chapter 5.
85 Corporation of London, The Lawes of the Market, [London], John Wolfe, 1595. These orders were repeatedly reissued over the seventeenth century, with few changes to their wording. See, for example, Corporation of London, The Laws of the Market, [London], Printed by Andrew Clark, 1677; Corporation of London, The Laws of the Market [London]: James Flesher, 1668.
86 Even later Acts of the Market like Corporation of London, Commune Concilium Tentum in Camera Guildhall Civitas London, Die Jovis, Quinto Die Septembris, Anno Dom. 1672, [London], Andrew Clark,
meat also featured in surviving records of punishment. While the health texts show that even ‘sweet’ meat could be considered unwholesome if it unbalanced the eater’s humoral makeup, that the term ‘unwholesome’ when used in court records was often accompanied by the words ‘corrupt’, ‘putrid’, ‘stinking’, ‘carrion’, ‘murrain’, ‘measled’ and ‘naughty’ indicated another level of concern about quality altogether. The Butchers’ Company had the responsibility of searching out and punishing quality breaches in their trade in London, and, as discussed in chapter four, their records show that they were active in fining their own members.87

While the singling out of butchers in the orders and laws of the City is perhaps not surprising given their presence in the court records of prosecution, it is interesting that the members of the Fishmongers’ Company did not warrant similar concerns. The 1636 ‘Orders for Health’ issued by the College of Physicians listed stinking fish, unwholesome flesh, musty corn and other corrupt fruits as items to be searched for and avoided as part of the actions to keep the streets clean and sweet.88 The minutes for the Fishmongers’ Court of Assistants show ongoing presentments of fishmongers for sales of stinking and corrupt fish and orders for search, making them similarly culpable of polluting the air with the stench of corruption.89 Yet fishmongers did not attract the same generalized representation as butchers. The relative impact of slaughtering and dismembering animals for sale, and the scale of detritus produced would have been a major factor, but other differences also affected perceptions of the trades. The connection of fish consumption with pious behaviour – it was the food of fasting – was one such factor. Another was the relative standing and respectability of the two trades. The Fishmongers’ Company was one of the twelve great companies, membership of which remained a compulsory requirement for election to mayoral office. In contrast, the Butchers had always numbered among the lesser companies, subject to the direct oversight of the Lord Mayor until their incorporation in the early seventeenth century. It may also have been the multiplicity of the issues relating to butchers as a threat that influenced the way they were treated. Whatever the reason, and despite the fact that members of both Companies were accused of similar

1671, which refer to other provisions, only name the butchers and poulterers in the sections of the Act relating to food quality.
87 See chapter 4.
88 Royal College of Physicians of London, Certain Necessary Directions.
89 Worshipful Company of Fishmongers, Records of the Worshipful Company of Fishmongers: Calendar to the Minute Books, (1592-1699), London, 1934-1938, e.g. volume 4, 1646–1664, pp. 109–10, 598–9, 991–2, 995, 1005, 1065–7, 1226–7, 1476; volume 5, pp. 228, 250–1, 371–2, 486–7, 513, 533–4. This is an ongoing issue in the Fishmongers’ Company minutes with searches appearing to take place sporadically when company officers were pushed to search by the actions of those members actually engaged in the trade.
bad practice, it was the Butchers who were identified as the most dangerous potential polluters of the City and its populace.

Obstructions

The final area of concern that linked the activities of the food traders to ideas of disease was the blockage and obstruction of the City’s thoroughfares by those selling food in the streets. Such concerns tied ideas about the pollution of the external environment to ideas about the process of corruption within individual bodies that led to disease breaking out. In early modern explanations of disease, in addition to the imbalance and possible corruption of the humours brought about by poor digestion brought on by gluttony or a bad diet, or by the consumption of bad food, further problems could arise when ‘blockages caused build-up of putrid matter and consequent illness’. Returning to health involved clearing and cleansing the body. Treatment of the individual included purging treatments and bleeding to release stagnant and corrupting blood from the body and allow clean, healthy blood in.

This equated on a macro level with the orders to cleanse the city, which included clearing obstructions that blocked the streets, lanes and other public spaces. These obstructions included the traders whose trade obtruded into the streets. As in most other issues concerning pollution in London, butchers were also prominent in complaints of nuisance from the intrusion of their trade into the streets. In addition to the noxious smells from rotting offal, blood and debris from carcasses left in the streets, the practice of some butchers hanging meat out into the streets from their shops or from stalls in the markets presented another form of nuisance that also had health implications. It was not just the likelihood of blood dripping onto passers by and adding to the contribution of butchers to direct physical pollution that caused concern, but also the obstruction they caused both to commerce and to the clear navigation of people through the market areas and city streets. As the Laws of the Market repeatedly reiterated, under an Act of Common Council originally enacted in 1539 but still in force at the end of the seventeenth century, it was

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Footnotes:

90 Wear, Knowledge & Practice, p. 140; Peter Kennedy, A Second Discourse, by Way of Supplement to Dr. Kennedy’s First, on Pestilence and Contagion, &C. In Which Is Observ’d, That the Plague Is Generally, If Not Always, in Most Great and Crowded Cities, Tho’ Not Universally So, London, printed for T. Bickerton, 1721, pp. 3-4, for example, defined pestilence as ‘the Corruption, or Putrefaction, of Fluids, ... originally occasion’d by Obstruction, or Stagnation’. Browne, A Practical Treatise, pp. 8-9, attributed the likelihood of corruption to slow circulation of both air and blood, and to obstructions to digestion. Similarly, Sydenham and Pechey, The Whole Works, pp. 1-2, argued that acute disease was partly due to ‘Particles in the Air ill agreeing with the Body’ and partly to ‘the various ferments or putrefactions of Humours, which are detained in the Body beyond their due time’ with plagues a means by which Nature attempts to drive out putrefactions. As discussed earlier, dietary advice against consuming fatty or sticky foods was based on a premise that such food clogged the body leading to putrefaction.

illegal to ‘lay any Wares in the Street, or beyond the edge of their Stall’. The Butchers’ Company ordinances also forbade members from putting anything ‘whatsoever in any streete or lane within the walles of the said Citty whereby the saide streetes or lanes or any of them may be annoyed’. That this included the hanging out of meat is evident in the fines issued against members in the Company’s account books. For example, forty-one butchers were fined for hanging meat out too far in 1619/20 and twenty-seven in 1629/30. The Southwark Leet Court records also show regular presentments of butchers for meat hung on stalls or outside shops and for obstructing the streets with butchers’ blocks. In 1634, Samuel Bagshawe was amerced six shillings eight pence for ‘suffering meate to be hanged at his stall out into the Streete contrarie to an order made at the last Leete And likewise doth set out p[er]mitt and suffer a blocke to stand in the streete to the annoyance and hindrance of passengers’. Not all listed for the offence were butchers. Two of those fined for meat hanging too far in 1638 were women. Similarly, of those listed under ‘Presentments for the abuse of butchers by hanginge meate upon stalls’ in 1652, most of the offenders were not butchers. Like the widow Margaret Grimball, they were guilty of allowing their stalls ‘to be made use of for hanginge butchers meate upon to the forestallinge of the Neighbours and p[re]judice of the passage’. In 1654 all offending in this manner were presented under the umbrella category of forestalling but the wording of the record was clearer in indicating that offenders were guilty of two separate though connected offences, obstructing the passages and preventing meat from being sold in the open markets.

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93 GL MS 10561 f. 93, item 51; MS 09809 f. 7, item 77.


95 CLRO, CLA/043/01/009 1634/5 f. 14.

96 CLRO, CLA/043/01/009 1638/9 ‘Butchers’ (unpaginated)

97 CLRO, CLA/043/01/009 1652/3 (unpaginated). It is likely that Margaret is a relative of William Grimball, who was presented in the 1638 list.

98 This time Grimball was amerced for ‘suffering her two stalls w[i]thin this Mannor to bee made use of for hanging & uttering Butchers meate to the forestalling of the market & p[re]judice of the neighbors throughout the yeare’; CLRO, CLA/043/01/009 1654/5. This categorisation was repeated in later amerceaments presented in the early eighteenth century. See CLRO, CLA/043/01/015 1708/09 ff. 11-12, 1710/11 ff. 9-11, 1711/12 ff. 13-15. Presentments for hanging out meat into the street and butchers blocks blocking streets were included under ‘Sundry Presentments’ or ‘Sundry Amercements’ in the later records. This category also included butchers running blood down the streets. See, for example, CLRO, CLA/043/01/010 1669/70, 1670/1, 1673/4. The record for 1675/6 made a general statement of complaint against the annoyance caused by traders’ boards, baskets and stalls obstructing the streets, instead of presenting individual offenders.
prices, it could also mean obstructing people in the highway.\(^{99}\) The poulterers were also presented for annoying the streets with their cages, an offence that combined obstruction and pollution.\(^{100}\)

Though presented as making a lesser contribution to the miasma of dangerous smells in London than the Butchers, street sellers trading in other food – particularly those selling fruit, roots and herbs – posed a greater problem when the issue of blockage was considered. Complaints that hawkers, hucksters and pedlars, along with vagrants in more general terms, ‘pestered’ the streets equated street vendors with disease.\(^{101}\) Multiple concerns attached to street sellers. Concerns about fraud centred on mobile sellers whose mobility enabled them to evade official scrutiny, but their movement made them a lesser threat when pollution and disease were considered. Sellers roving from door to door might have presented a means of direct transmission of contagion between individuals (a concern evident in the calls to suppress vagabonds, including petty traders, issued in 1630). However, concerns about physical pollution and disease were more acute where sellers operated from fixed locations. This is because static sellers caused obstruction and potentially encouraged the build up of miasmatic airs, thus threatening all within the City.\(^{102}\)

In the London records, sellers were only described as pestering the streets where their baskets, barrows and carts blocked passageways, prevented access to the shops and made progress along the streets difficult for pedestrians.\(^{103}\) The Cornhill wardmote, for example, repeatedly presented the ‘sell[er]s of fruite at the xchange gate’ complaining in 1613 that...

100 CLRO, Reps. COL/CA/01/01/040 f. 236; CLRO, CLA/043/01/009 1654/5 ‘Presentm[en]ts for encroachment[en]ts and annoying the highway & com[m]on passages’; CLRO, CLA/043/01/010 1667/8, 1668/9, 1670/1, 1673/4. As with the offences for the butchers in this later set of records the poulterers obstructions were presented under ‘Sundry Presentments’.
101 CLRO, Reps. COL/CA/01/01/027 f. 4, /030 f. 208, /045 ff. 57v-58, /061 f. 5, 119-v, 128-9; CLRO, Letter Books COL/AD/01/LL 115v-116v; CLRO, JCC COL/CC/01/01/029 f. 300 & /038 f. 142; Corporation of London, Commune Concilium Tentum in Camera Guhald Ciuit’ London, Vicesimo Di Iuli Anno Regni Regis Caroli Angliae &C. Septimo, [London], Printed by Robert Young, 1631; Corporation of London, By the Mayor the Right Honourable the Lord Mayor of the City of London, Taking Especial Notice of Inordinate Liberty Now Used by Vagrants and Common Beggars to Wander About and Pester the Streets and Common Passage of This City, [London], Printed by Andrew Clark, 1676; Corporation of London and William Pritchard, Whereas This City and Liberties Thereof, and Especially the Street of Cornhill and Passages About the Royal Exchange, and Coffee-Houses, Are Much Pestered with a Sort of Loose and Idle People Called Hawkers, [London], Printed by Samuel Roycroft, 1682. See Harding, ‘Cheapside’, p. 88, for similar concerns expressed in the sixteenth century.
102 See CLRO, JCC COL/CC/01/01/036 ff. 183v-4, 236, 227v, /038 f. 254 /040 ff. 220 & 229. In the latter record the Lord Mayor admonished the aldermen for Portsoken Ward for neglecting to observe the orders, including the charge that they had failed to suppress ‘the confluence & concourse of disolute & vagrant persons in and about the city’.
103 CLRO, Reps. COL/CA/01/01/0069 ff. 119-v & 128-9; CLRO, JCC COL/CC/01/01/027 ff. 320v-322, /036 f. 180v, /038 f. 142, /041 ff. 196v-198v, /045 ff. 198v-201v; Corporation of London, Whereas against divers Lawes, Orders and provision; CLRO, CLA/009/01/021 10; CLRO, Letter Books, COL/AD/01/048 (XX) ff. 97-99v.
they pester the streete & otherwise annoy the ward'. The nature of this annoyance had been spelt out in earlier presentments, which complained that their presence meant ‘the streete [wa]s obstructed w[[i]]th basketts & other things that co[a]ches and carts cannot well passe’. That the sellers were also said to be ‘the occasion of many brawles’, matched obstruction to the physical eruption of disorder in the streets, and echoed the idea in medical texts that the red swellings evident in plague and small pox were eruptions caused as the body sought to expel the excessive build up of corrupted humours disordering the body. The problems associated with blockage and disorder exacerbated the potentially dangerous debris they left putrefying behind them.

Mark Jenner identified a lessening of concern about the environmental control of the City in the late seventeenth century. He argues that as plague receded as a threat after 1665, smallpox came to the fore, and that this shift in health concerns in turn altered the focus of regulatory concern about the London streets. The focus changed from measures to reduce the contribution dirty streets made to miasma and contagion, to attempts to ease the problems posed by blockage and obstruction of the City’s arteries. Jenner places this change in the late seventeenth century, but I would argue that it was not until after the 1720 outbreak on the continent failed to take hold in England that concerns about the contribution of the food traders to miasma, and hence epidemic disease, diminished. While it may be clear to historians that the 1660s outbreak was the last one to affect England, this was not clear to contemporaries, who anticipated another disaster when plague again hit Europe in 1720s and called for the implementation of similar preventative measures. If there was an easing of concerns about miasma it was temporary and resurfaced when another epidemic threatened.

104 GL MS 04069 vol. 1, ff. 118v, 125v, 127, 127v, 135, 157, 160, 171v, 182, 185v-186, 218. Similarly, the street traders selling bread, oatmeal and herbs ‘near the four spouts at Leadenhall’ pestered and annoyed the streets with their baskets. GL MS 04069 vol. 1, ff. 140, 147v-8, 151, 154.

105 GL MS 04069 vol. 1, f. 118v.

106 GL MS 04069 vol. 1, f. 118v. For explanations of swellings in the body of individuals, see The Plagues Approved Physitian, which explains the ‘botches behind the eares, or under armpoles, or about the share: or also if Carbuncles doe arise in any member sodainly’ as the body labouring ‘to drive the poison out’. Similarly, Sydenham, The Whole Works, p. 81, described the ‘Purple Spots [that] broke out’ in a patient he was treating for plague, as ‘the Relicks of the peccant Matter, which ought to have been wholly evacuated’ by bleeding.

107 Jenner, “Cleanliness” and “Dirt”, pp. 8-10.


Jenner’s argument is based in part upon the disappearance of the use of the word ‘sweet’ – meaning of clean/healthy smell or taste – from discussions of the environment. Jenner’s analysis applies to the orders for the cleansing of the streets. In other types of texts ‘sweet’ continued to be used as a descriptor of wholesomeness. Cheyne’s essay on health exhorted readers to ensure that servants and others who share close proximity or ‘mix Atmospheres’ were ‘to be as healthy, sound and sweet as they possibly can’.110 Worlidge’s description of baking instructs that ‘the oldest meal is best and yields most so it be sweet and untainted’.111 ‘Sweet’ continued to be used to describe persons and food for at least the first quarter of the eighteenth century, and I would argue well beyond. For example, Hanway and Pownall used it in their descriptions of bread adulteration in the 1770s.112 Meriton’s description of the care taken by the frugal Wife in her dairy and food production stated that

… all her Vessel kept, Neat, Sweet, and Clean,
No Sluttishness about her Milk is seen,
She minds to keep the same, both sweet and good,
And so she doth her Bread, and Drink, and Food

and William Ellis makes similar use of the term in his description of brewing.113

If looking at the evidence of concerns about the food sellers, blockage and obstruction did not replace pollution as issues; they were concurrent. The failure of sellers to vacate designated market areas prevented their proper cleaning. The accusation that sellers pestered the streets, which metaphorically equated them with disease, referred to this pollution but also to the obstruction they caused and their disruption of elite commerce and trade. As chapter six argued, it was this disruption that brought down official displeasure as it drove citizen traders to agitate for their removal.114 It was this

114 See chapter 6.
rhetorical linkage of blockage and pollution with disease that disappeared in the early eighteenth century. For example, in the Southwark Leet Court presentments for King’s Manor in the early eighteenth century, while street sellers still constituted an annoyance and were presented for blocking streets with baskets, barrows and stalls, the language of disease was not utilised in describing their actions.\textsuperscript{115}

If disease resulted from a disordered body, the street traders disordered the body of the City, pestering it by blocking the streets and lanes and disrupting the flow of ordered commerce that was the ideal. This ideal was articulated in instructions to impose spatial order on sellers within markets and in orders regulating the behaviour of sellers.\textsuperscript{116} Despite repeated orders to reform the markets and streets to confine sellers within the City, the lack of space within the markets meant that food traders constantly spilled outside these spaces. Rather than resembling the images of food sellers presented in \textit{Hugh Alley’s Caveat} or in the seventeenth-century editions of \textit{The Cries of London}, the descriptions of their presence given in complaints, petitions and official reports presented in the London courts more closely resembled Hogarth’s images of sellers in the London streets printed in the mid-eighteenth century.\textsuperscript{117}

Where trade was permitted outside the London markets and shops, attempts were made to control the behaviour of the sellers to minimise their disruption. The order permitting the fruiterers to sell in the streets in 1618 stipulated that they were to have no more than one basket or prickle of fruit apiece and ‘stand in decent order’.\textsuperscript{118} Similar conditions and restrictions were placed upon the licensing of the fishwives of London and

\textsuperscript{115} CLRO, CLA/043/01/010 ff. 9-10, 27, 33, 36-7, 50-1.

\textsuperscript{116} See, for example, CLRO, Reps COL/CA/01/01/036 ff. 58v-9; /038 f. 38; /039 ff. 252-3; /049 f. 529v; /060 ff. 212-; /069 ff. 119-v & 128-9; /115 ff. 163-4 & /132 ff. 126-7. See Harding, ‘Cheapside’, pp. 87-8 for a discussion of earlier attempts to impose spatial order in Cheapside.

\textsuperscript{117} Archer, Barron and Harding (eds.), \textit{Hugh Alley’s Caveat}. See Harding, ‘Cheapside’, p. 89, for a discussion of the gap between the representation of the ideal in Hugh Alley’s images versus the reality of contemporary late sixteenth century Cheapside, and Sean Shesgreen, \textit{Images of the Outcast: The Urban Poor in the Cries of London}, Manchester, Manchester University Press, 2002, chapters 2-4, especially pp. 35-6, 110, 112 & 115, regarding the ideal of ordered selling presented in seventeenth-century images in contrast to Hogarth’s depiction of raucous disorder.

\textsuperscript{118} CLRO, Reps. COL/CA/01/01/038 f. 37v.
the sellers of peascods, strawberries, raspberries, roses and milk who were authorised to sell wares outside of market hours in 1646, and on the women permitted to sell butter.\footnote{CLRO, JCC COL/CC/01/01/029 ff. 300-02; /041 ff. 196v-198v; CLRO, Reps. COL/CA/01/01/036 52v & 58v-59; /052 ff. 283v-4; /078 ff. 89-91v & 170v.}

Conclusion
According to early modern understandings of disease and its prevention, the food trades - particularly the butchers’ trade - were implicated in almost all aspects of the problem of plague and its control. With the possible exception of the fishmongers, they were associated with the sin of gluttony and of leading people away from proper acts of repentance by tempting them to break the fast day prohibitions, placing the City at risk of divine displeasure. In addition, rotting vegetative debris, dirty water from washing vegetables and fish, blood and offal from the slaughterhouses and dung from livestock contributed to the corruption of the air, inviting infection to corrupt the City and its populace. Thirdly, the consumption of the wrong foods threatened to unbalance the humoral constitution of individuals, inviting infection from plague. This was further exacerbated by food frauds that led to the consumption of bad food and led to the corruption of the humours and weakened the bodies of individuals, exposing them to greater risk of infection and depleting their ability to fight off disease. Finally, the presence of disordered sellers in the streets clogged the arteries of the City, which, in conjunction with the polluting detritus of their trades, allowed corruption to build. Control of the food trades thus came under the aegis of public health, and the strategies taken to control them reflected early modern theories of health and the treatment of disease. Restraining the food trades was therefore not only about economic regulation, but also about environmental control, a strategy for the protection of the morals and health of the body of the City, and of its citizens.

Food sellers were important in early modern London, as they provided the necessary supply of food to the City’s inhabitants. However, they were also a potential source of danger. As chapter five showed, the role of middlemen in trade was a source of unease for all goods, but the essential nature of the goods food traders supplied heightened such concerns and made the control of the food trades an ongoing area of concern. The sellers were, however, not a homogenous group. Although collectively they potentially threatened the economic, moral and physical order of the City, not all traders were considered equally threatening, nor were all deemed to be in need of external control.

Whether a trade presented a problem depended upon ideas of relative honesty. Honesty was affected by the degree to which trade approximated the ideal of direct
transactions between producers and consumers. The greater the distance between producer and purchaser, the more suspect goods became. Where trade took place was also significant. Trade outside the public eye was suspect. Although sales from private shops became increasingly accepted over the seventeenth century, sales in the streets or in taverns, inns, coffee houses and alehouses were more closely linked to fraud, particularly where the seller did not remain in a fixed space or where they were selling at night. The value of the goods and subsequent monetary incentives for fraud, and the status of the goods sold also impacted on beliefs fraud was taking place. Where goods were of high value and scarce, the likelihood that they would be fraudulent was relatively high.

Likelihood to defraud does not, however, necessarily equate with the need to control. As the case of tea and coffee indicated, if fraud was likely to affect only a small number of people, traders were less likely to be the subject of scrutiny. This was one of several reasons why, once therapeutic remedies had been removed from their control, the members of the Grocers’ Company did not attract the same degree of regulatory concern as those of the Bakers’ and Butchers’ Companies or the flour sellers, until the spices, sugar and later tea and coffee that they sold became more widely consumed. Bread and meat were necessities; for most of the period considered in this study, spice, sugar and tea were not.

The status of a food was not the only differentiating factor. The status of the sellers and the impact a trade had on the physical environment and disease were also important. High status trades like those of the Grocers’ and Fishmongers’ Companies, from whose membership London’s civic leaders were drawn, attracted fewer calls for external control than companies like the Butchers’, who were associated with disorder, pollution and disease. Traders operating in London, who were not members of companies or connected to them by kinship, attracted the greatest suspicion, and were the subject of repeated calls for control and suppression. This was especially so if they were poor and selling in the streets.

Ideas of seller integrity were complex and subject to change. As chapter six showed, while company membership conferred a presumption of honesty, members who transgressed the norms of expected behaviour too blatantly could also become suspect. Non-company sellers could also call upon expectations of honest trade to contest and claim legitimacy, particularly in times when food was scarce or there was a need to keep prices down to ensure supply to London’s poorer inhabitants.
Conclusion

The history of food quality concerns has largely been seen as the history of adulteration, despite this being only one component of concern covered by food laws. Even this aspect has been narrowly interpreted. Adulteration is the substitution, addition or omission of ingredients from food with the intent to defraud. Yet historians from Filby onwards have ignored or dismissed frauds that did not involve the presence of what in modern terms are deemed dangerous substances. There are several problems with this approach. Firstly, that a fraudulent practice might not kill you, does not make it legally acceptable, nor does it mean it does not harm consumers. In most periods fraudulent sales of food have been illegal, even if regulatory officials may choose to prioritize some types of offence over others. Failing to acknowledge this leaves the question of regulatory selectivity unexplored. Secondly, definitions of wholesomeness and danger are not static. Thirdly, assuming the study of the history of food quality concerns equals the identification and confirmation or denial of adulteration divorces food fraud from its context. Aiming, as Filby did, to judge whether past accusations were justified disconnects notions of food quality from contemporary understandings of health and wholesomeness, yet it was these understandings that informed contemporary reactions. Dismissing accusations of fraud as unjustified or based on ignorance not only assumes that actual quality in the past can be gauged, but also that this is the only factor driving expressions of concern about food and pushes to regulate and control traders. This ignores the impact that ideas about regulatory effectiveness and seller integrity have upon perceptions that fraud is likely, or that further regulation is necessary.

This thesis has presented a reexamination of representations of concerns about food fraud and food regulation in early modern London up to the 1740s. Examples of similar offences for other urban centres in early modern England, such as those identified in the Manchester Leet records by Emily Cockayne, suggest that food quality offences were not confined to London.¹ London’s place as the capital city and centre for international trade might be expected to heighten the tensions which could impact on regulatory activity, as could the presence of increasingly sprawling suburban areas outside the control of city authorities. However, systematic investigations of other urban centres would be needed before any conclusions can be drawn about the typicality of London’s situation, the size of population that allows food fraud to go undetected, or the effect (if any) that increasing or reducing the layers of regulatory responsibility might have upon abilities to control food

quality and those who sold it. What this study does show, however, is that assumptions of a progressive improvement or decline over time are untenable, and that a broader, more contextualized approach to the study of food concerns is needed when considering any period. Examinations of fraud accusations should enquire into what such claims tell us not only about notions of health and danger, but also about the regulatory and social relations of the society from which they emerge.

The first assumption questioned was the periodization of concern. Historians have assumed that a turning point in food concern occurred in 1820 when Frederick Accum published his treatise on food adulteration, alerting the London public to the fraudulent and often dangerous nature of the food they consumed. Yet, as the examination of the seventeenth and early eighteenth century records detailed in the first section of this study shows, most of the types of fraud Accum identified predate the nineteenth century. Not only was food fraud not a new phenomenon, but the specific frauds Accum presented did not substantially differ from earlier accusations. Indeed for some areas, such as the meat trades, Accum presented a much reduced and less detailed account of possible frauds committed. Nor was the publication of warning tracts to alert the reading public about such dangers a new practice. As Chapter two indicated, marketing guides emerged as a genre in the second half of the seventeenth century and were preceded by earlier laws and orders, many of which had been published and ordered to be read in public to ensure greater circulation. Early modern dietaries had also contained advice and warnings about bad or dangerous food practices.

It must be acknowledged that Filby did not argue that fraud was non-existent prior to Accum. He did, however, argue that Accum’s tract in 1820 marked the start of widespread fraud, and it was this finding that influenced Burnett’s and later historians periodization of concern. Yet, while Accum named and shamed offending grocers and

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confectioners, and thus gave an indication that numbers of people were committing the frauds suspected, as section two showed, similar evidence existed in the seventeenth century records of the butchers and fishmongers records, albeit for different trades. Accum’s account does not indicate how many traders were selling each type of food product in London in his day, nor how many of these foods were being regularly tested. Indeed, his lists of people convicted of adulterating food were not the result of any systematic testing that he conducted. They are instead taken from ‘[p]arliamentary records and other public records’,\(^5\) and as such do not indicate the proportion of traders offending or suspected of fraud at any one time in London. Like the evidence for the seventeenth century, which is patchy and scattered, the selective nature of Accum’s cases makes an assessment of numbers of offences impossible. It is hard to see on what basis Filby assumed that Accum’s account indicated that fraud had become more widespread or systematic than earlier periods, other than Accum’s unsubstantiated claims that he thought this was the case. Similar claims had also been made by earlier authors. There is no dispute that London experienced a significant population boom in the early nineteenth century and presumably an increase in the number of sellers, though evidence of this is not provided by either Accum or Filby; but more traders does not necessarily mean more widespread fraud. Comparative proportional data would be necessary to make such an assessment and this data is lacking. What Accum’s evidence, along with the later evidence provided by Hassel’s mid-nineteenth century testing campaigns published in *The Lancet* and the scanty evidence of the results of the Fishmongers’ late seventeenth century systematic campaigns of search, does indicate is that it was just as likely in past eras as it is today that when specific campaigns of search and inspection were carried out, they invariably found people offending.\(^6\)

This does not mean that there was no change over the period considered in this thesis, between 1750 and 1820, or between 1820 and today. Accum’s ambivalence towards the use of alum to bleach bread is an indicator that a different type of change was taking place. Ideas of what constituted a health threat and what equaled a purely economic fraud

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\(^5\) Accum, *A Treatise on Adulterations of Food*. p. v. Accum’s introduction indicates that he has been selective in reporting offenders.

\(^6\) Accum, *A Treatise on Adulterations of Food*. See Chapter 4, p. 124 & Chapter 6, p. 216, for a discussion of the Fishmongers’ searches. See Wilson, *Swindled*, pp. 284-294, for descriptions of modern targeted searches. For reasons of cost, these targeted examinations of foodwares for fraud are rarely repeated on the same product. Yet many of the searches have found widespread fraud occurring. See also ‘Caught: Inferior Fish Sold as Cod and Haddock’, guardian.co.uk, 24 April 2010.
did not remain constant. Adding alum was still a fraud under the law in 1820, as was padding wheat with other grain types in the production of wheaten flour, but Accum did not present these practices or the deliberate addition of alum as a threat to health. Instead, he described it as a necessary means of correcting poor quality flour in order to meet consumer demand for white bread. He blamed this necessity on the strictness of the assize and the meagre profits it allowed bakers, who were thus forced to purchase poor quality flour in order to be able to maintain their business. The same argument had been rejected when it was presented in defense of the bakers in the mid-eighteenth century. There was therefore a shift in ideas about the practice of bleaching to disguise poorer quality flour. In 1740 it was unacceptable; by 1820, Accum considered it a necessary evil to meet consumer demands, and today bleaching of flour is standard practice. The act of bleaching itself now goes largely unquestioned, except by the organic food movement, although the method of bleaching has changed. Similarly, while blowing meat to make it look bigger or fresher than it was and the sale of ‘animals that had died of themselves’ – i.e. of disease – were practices still deplored in Accum’s account, the substitution frauds exposed in earlier literature, that were discussed in Chapter two, received little attention. Since Accum did not mention the health implications of practices such as bleeding animals during slaughter, it is possible he regarded meat substitution frauds in purely economic terms: a shift from the earlier dietary writers’ view of them as health risks. If we compare Accum’s account with the work of early modern health writers discussed in Chapter one and the ideas about fraud outlined in Chapter two, it is clear that understandings of health, and how this informed definitions of types of fraud and their relative seriousness, had changed.

The biggest area of change was in the methods of detection used. By the nineteenth century analytical chemists could give more definitive proof of whether or not some types of fraud had taken place. Demonstrating this was a major reason for Accum’s publication. However, not all frauds could be detected in this manner. I would argue that one reason Accum’s description of frauds in the meat trades lacked detail was the fact that detection still relied on the appearance, smell and taste of a product. It was not until bacterial contaminants could be identified that a scientific means of detecting the sale of bad or

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8 Alum was used in bread production in the eighteenth century. In the nineteenth century, Accum, *A Treatise on Adulterations of Food*, p. 132, stated that bakers were also using ammonium carbonate to produce light white bread from spoilt flour. By the twentieth century oxides of nitrogen and chlorine or Benzoyl peroxide were used instead. A.I. Saiz, G.D. Manrique and R. Fritz, 'Determination of Benzoyl Peroxide and Benzoic Acid Levels by Hplc During Wheat Flour Bleaching Process', *Journal of Agricultural Food Chemistry*, vol.49, 2001 The Food and Nutrition Board Food Protection Committee, *The Use of Chemicals in Food Production, Processing, Storage, and Distribution*, 887; Washington, D.C., National Academy of Sciences - National Research Council, 1961. The effect however was the same. Poorer quality wheat could be used to produce the white bread so desired by customers.
9 Accum, *A Treatise on Adulterations of Food*, Dedication.
contaminated meats was possible.\textsuperscript{10} The ability to prove substitutions of one type of food for another when the two item are closely related items – for example, mutton for lamb – after it had been butchered into small segments and was not longer identifiable as a carcass, had to wait for DNA testing methods to develop.\textsuperscript{11} That frauds could not be detected in this manner in the early modern period did not prevent knowledge or belief that they were taking place, nor did it mean that they did not cause concern. At the same time, the availability of more sophisticated methods of proving fraud in the modern period does not mean that they are always used. Because it is now possible to detect and prove fraud, the idea that all food is therefore inspected and fraud prevented is equally unwarranted. Yet such ideas underlie historical models of continuous improvement and decline in food quality and regulation.

The second set of assumptions informing presumptions that a significant change in the levels of fraud developed in the nineteenth century concerns the degree of control exercised over the food trades in early modern London. Section Two questioned both the 	extit{caveat emptor} idea of pre-modern regulation and the contrasting model of rigid control and found that neither model adequately fits the evidence presented in the London regulatory records. Studies presenting the first model of regulation in the past, such as Draper and Green’s reexamination of the patterns of concern in modern history, assume that food quality was not a concern of government prior to industrialization. This idea has been influenced by the lack of national umbrella legislation against food quality offences prior to the enactment of the Adulteration of Food Act in 1860. Far from being indifferent to food quality, however, Chapter three showed that ensuring the supply of wholesome food to the general populace was an issue concerning all levels of government in early modern England. Not only was food quality a long standing issue in common law, but many offences involving individual food types were also covered by statutory law, as well as by city by-laws and the ordinances of the London livery companies. There was a multiplicity of potential searchers and courts theoretically involved in apprehending and punishing offenders.

This does not mean that the second historiographical model offers a better interpretation. The existence of multiple layers of regulation did not mean such tight control of the food traders in the pre-modern world that fraud was not feasible. While harsh public punishments might have acted as a deterrent against fraud, Chapter four showed that such deterrents were neither invariably applied nor long lasting in effect when

\textsuperscript{10} Anne Hardy, ‘Food, Hygiene and the Laboratory. A Short History of Food Poisoning in Britain, Circa 1850 – 1950’,\textit{Social History of Medicine}, vol.12, no.2, 1999

\textsuperscript{11} Wilson,\textit{Swindled.} pp. 284-296.
they were carried out. Accum’s certainty that prosecutions in the nineteenth century would not stop the practice of fraud is unfortunately applicable to all periods. Successful implementation of regulation was dependent not only upon the willingness of authorities to actively oversee and enforce food quality laws, but also upon the willingness of food traders to be regulated. Where the latter condition was not met, successful enforcement of regulation was dependent upon the degree of cooperation extant between the different levels of government. Chapter four showed that the ability of the food companies to control their trades was dependent upon the degree of internal cohesion within the individual companies and the acceptance by members and outsiders of the right of a company’s master and wardens to oversee trade practices. The companies were mostly only able to impose fines. Where offenders refused to conform to the standards set in company ordinances or to accept the authority of company officers to enforce them, company governments needed the support of the Corporation of London to force compliance and/or impose heavier punishments.

How this played out for the regulation of food differed between companies. The Gardeners’ Company were not able to gain the support of London’s mayor and aldermen in recognizing their right to regulate the sale of vegetables and herbs in London until the middle of the century when their ordinances were finally ratified, by which time they had lost the support of many of their possible members, making it difficult to have any effect on food quality in the city and its environs. The Grocers’ Company provides the best evidence of declining control over their trade. They suffered the fragmentation of their membership with the separate incorporation of the Apothecaries early in the seventeenth century and the loss of their influence to appointment London’s garbler by the eighteenth century. This loss followed years of neglect in exercising this right. Instead, oversight of imported grocery wares had returned to London’s government, who continued to appoint garblers and to reinforce their role until 1707, despite opposition from the overseas Merchant Companies. In this year the overseas companies won the battle when the crown abolished the garbler’s office as a permanent office. This meant that the only oversight of spices, dried fruits, tea, coffee, cocoa and sugar was that of excise officers, whose primary concern was to collect revenue, not to ensure the quality of wares. Importers and shopkeepers had effectively become self-regulating. London’s Lord Mayor could still appoint a temporary garbler if warranted, but the onus was on consumers to indicate when and if this was necessary. When the new ordinances of the Grocers’ Company were ratified in 1711, they were the first food company to give up even the theoretical right to inspect wares and punish offenders. It is perhaps no surprise that the term ‘grocer’ became synonymous with retail shopkeeper at this time and lost its original meaning. Instead bulk
imports of luxury food items had become identified with the overseas merchant companies, especially the East India Company. While this pattern agrees with Wilson’s idea of a collapse of oversight, it did not mean that quality regulation of food had disappeared from London completely as she contended. The garbler had only ever been responsible for the inspection of a limited range of imported wares. Tea, coffee and cocoa had never come under the garblers’ official remit and other food products were regulated by other companies. The results for one food company cannot therefore be assumed to apply to all.

The Fishmongers’, Bakers’, Butchers’ and Poulters’ Companies all continued to regulate their trades, though with varying degrees of success. The Fishmongers’ Company retained their right to regulate up to the nineteenth century. However, as the result of conflict between the trading and elite levels of the Company, it was increasingly the trading members of the Company who pursued active regulation, not the Company as a whole, as the Company government withdrew from direct engagement. The example of the Fishmongers’ Company clearly shows the contingent and negotiated nature of company control. For the most part, by the eighteenth century this regulatory activity was conducted without the support of the company government and the focus became increasingly the prosecution of non-members in the trade, rather than food quality, though the two aspects continued to be linked. The governing members of the Bakers’, Poulters’ and Butchers’ Companies remained the most directly involved in their trades and in pursuing oversight, though quality issues were not the focus of all. The Bakers claimed that their loss of control over the processing of the raw materials of their trade limited their ability to exercise total control of bread quality. This claim fitted the changes that had occurred in the processing of grain into flour, a fact finally recognized in national law in the middle of the eighteenth century when meal and flour sellers became subject to inspection. However, accounts, such as William Ellis’s, of the activities of bakers in this period would indicate that the millers and meal men were not necessarily the only culprits in the adulteration of flour. In contrast, the Butchers were especially active in attempting to enforce quality controls over the meat sold in London. Support for their efforts from the Lord Mayor and Aldermen of London was, however, variable. In addition, their records highlight the problem that the costs of oversight and prosecution presented when offences were increasingly pursued in courts other than their own Court of Assistants.

The ongoing importance of cost as a barrier to regulation has been overlooked in histories of food regulation. The significance of this problem to ideas of change over time will be taken up again below, because the issue of cost presents a significant problem today.

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13 See Chapter 4
despite all the developments in the technology to detect offences. The assumptions of ongoing and rigorous regulation in either the past or the present can not be taken as a given, and the differences assumed in models of progressive change – whether for the better or for the worse – need to be questioned. The number of people affected and the geographical area covered by the activities of one dishonest trader today is far greater than it had been in the seventeenth century, but the barrier of costs to investigating and prosecuting frauds remains. The prosecution of offenders was then and is now a significant financial burden. As Chapter four discussed, the Fishmongers’ and Butchers’ company records in the later seventeenth century indicate that the cost of bringing prosecution in other courts was an increasing problem. The problem was not confined to the companies as evidence from the city records showed similar issues arising. The time that needed to be given up by unpaid officials was also a disincentive to ongoing rigorous search.

The financial burden of prosecution and problems with personnel is also evident in reports on barriers to effective enforcement today. Two recent cases of investigations into long term and very widespread fraud in the meat trade in the UK show the kinds of costs involved in gaining successful prosecution. The investigation costs of Operation Fox, for example, in which frauds committed over a twenty year period involving the reprocessing of unfit meat back into the human food chain were uncovered and taken to prosecution, came to over 750,000 pounds and this did not include the legal costs involved in prosecution.14 Operation Aberdeen took over eighteen months of police time at a cost of 1,750,000 pounds, and was curtailed before the whole network of fraud was investigated as the cost was becoming prohibitive.15 These were extraordinary cases. However, recent reports show that councils are struggling to afford the environmental health officers and public analysts needed for regular searches and proper investigation.16 It is the cost of equipment and personnel in testing as well as the amount of food that would need to be searched that precludes repeat surveys of food types on a regular basis that might act as a more effective deterrent. Whether these are ongoing or recurrent issues from the eighteenth century to the present remains to be investigated.

Enforcement is now carried out by paid officers, but the fragmented nature of jurisdiction also remains a problem, though again the scale of the problem differs. In the seventeenth century the food supply was increasingly sourced nationally rather than

coming entirely from London’s immediate surrounds, with some international trade, especially in luxury goods. Regulatory orders were a mixture of local and national laws, but enforcement was entirely local and fragmented. Several groups were responsible for regulation, but they had finite areas of control. While the livery companies theoretically oversaw all traders, their search was confined to shops, warehouses and public markets, and they had no jurisdiction over the streets. Similarly, the clerk of the markets dealt with the markets only. Ward officers could deal with offences in the street but did not cover areas outside their ward boundaries, and while street traders were to be sent to Bridewell, this court dealt in moral offences and had no role in inspecting the quality of wares.

The complaints in seventeenth-century records that illegal sellers could easily move across boundaries, making apprehension difficult is echoed, though on a completely different scale, in the findings of a report tabled with the Food Standards Agency on the meat reprocessing scandals of the late twentieth century.\(^\text{17}\) In addition to the costs of investigation, the report found that the lack of cooperation and information sharing between the various agencies involved in the oversight of different aspects of the meat trade was a major barrier to bringing offenders to justice. Like Accum in 1820,\(^\text{18}\) the report found that by breaking the scam down into discrete steps, often separated in locality, each overseen by a different inspection authority, it was difficult to either identify or apportion blame for the offence. This division of labour and segmentation of process in the commission of fraud is a feature of the modern period, though its precursors can be seen in the questioning of responsibility for the adulteration of flour that appears in the seventeenth century. It was difficult to ascertain whether it was the bakers, the millers or the flour sellers who were responsible, but it allowed the bakers to claim they were the victims not the perpetrators of the offence. Food regulation is more streamlined now than it was five hundred years ago. However, whereas trade is global and laws are mostly national, oversight remains local and fragmented.\(^\text{19}\) Frauds that move outside jurisdictional boundaries are likely to go undetected without liaison and cooperation between agencies. As the reports analyzing the weaknesses in late twentieth-century regulation that were exposed by ‘Operation Fox’ indicate, this cooperation can no more be taken as given today than it could in the early modern period.

I would argue that Draper and Green’s cyclical model of concern applies to a much longer history than they conceived. This study does not examine the period between the 1750s and 1820, but it is likely that Draper and Green’s assessment of the period preceding


\(^{18}\) Accum, *A Treatise on Adulterations of Food*. pp. 5-6.

\(^{19}\) Hopkin, *Waste Food*. pp. 4-5.
(and, I would argue, following) Accum’s publication was one where food regulation was largely a case of *caveat emptor* was correct. Brown noted a similar pattern of neglect by national government over concerns about food quantity in the later eighteenth century. This neglect led to unrest that was only allayed where local governments acted responsively to local concerns in ways that were contrary to national policy. However, the evidence of prior concerns and efforts to regulate in the early modern period that was presented in this study indicates that limits must be placed on ideas about the duration of this cycle of neglect. A regulatory policy of ‘buyer beware’ may have been extant in the 1820s, but it was not the policy of the entire pre-modern past. Attitudes to food quality were no more monolithic in the early modern period than they were in the nineteenth or twentieth centuries and they were also subject to fluctuations and change. Rather than marking a period when concerns about quality emerged, I would hypothesise that the 1820s instead mark the resurgence of quality concerns and the idea that governments should be responsible for ensuring food quality. Accum’s treatise appeared within a protracted period of neglect. His work instigated a resurgence of public awareness, but it did not mark a change in the behaviour of either the sellers or the regulators. However, Accum’s treatise, the later work of Hassall, and the wider public concerns they raised were voiced by individuals, response from national government was to take further campaigns and over fifty years to obtain. Earlier patterns of concern and problems in regulation need to be acknowledged and considered in assessing changing approaches to regulation.

I would further suggest that instead of marking new offences, the lengthy period of heightened concern in the nineteenth century may not be due to increased actual risk, but rather an increased perception of risk sustained by a governmental failure to respond to public concerns. Ian Archer has argued that one reason food riots were not a feature of early modern London’s political life, was that other means of urging authorities to act, such as pamphlets and direct lobbying, were successful. The campaign waged over frauds in the meal and bakers’ trades in the 1740s and 1750s only subsided when additives such as alum were banned and permissible ingredients clearly defined in law. In addition, the Bakers’, Butchers’ and Poulters’ Companies powers of oversight were publicly

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21 Ian W. Archer, *The Pursuit of Stability: Social Relations in Elizabethan London*; Cambridge [England]: New York, Cambridge University Press, 1991. pp. 1-6. John Bohstedt, *The Politics of Provisions: Food Riots, Moral Economy, and Market Transition in England, C. 1550-1850*, The History of Retailing and Consumption, Farnham, Ashgate, 2010, has argued that riots were more usual in rural areas where the crops were produced than in centres of consumption as scarce resources were diverted away from local populations. The London riots were unusual, as rioters protested not the removal of essential food but the market practices and the presumed actions of market traders in compromising quality and driving up prices. They therefore were a response confirming popular acceptance of the messages from the pulpit and in calls to regulation evident in the London records.
reconfirmed. Accum’s account shows that banning the use of alum in the mid-eighteenth century did not stop bad practice, nor had earlier prohibitions against the adulteration of tea. However, the regulatory response to concerns about bread and flour in the mid-eighteenth century was an indication that the government was taking action. Earlier campaigns by the various food companies and contending traders urging tighter regulation, had similarly subsided when London’s governing body responded and the practices protested appeared to stop – however temporary this halt might have been.

If there is evidence that fraud is ongoing, and if regulation has been common but not a constant occurrence, and if punishments were an exemplary deterrent not an invariable consequence, then this leaves the question of why anxiety about food quality has been recurrent and sporadic but not a constant state. Sellerberg’s study into perceptions of risk in the late twentieth century, when risk from food received high levels of official and media attention, is very suggestive. Sellerberg found that as food was a necessity that people cannot withdraw from, in societies dependent upon others to provide food where people had limited or no access to alternative methods of supply, such as self-production, people dealt with uncertainties about the food available by drawing perceptual boundaries between what they consumed and the food that was supposedly risky. This meant that while respondents believed that food was risky, they also believed that the food they consumed was not, and this belief was highly resistant to change. This would appear to indicate that people may be predisposed to believing that the food they consume is safe.

One factor that can bolster beliefs that food is safe, is visible oversight of trades. Exemplary punishments where gross offenders were not simply fined but were instead paraded through streets and the food destroyed helped to provide evidence that traders were regulated, as was the presenting of offenders within the Lord Mayor or before the Court of Aldermen rather than issuing fines. As Chapter four showed, the reason often given for problems continuing to occur was that although there were perfectly adequate laws prohibiting the sale of unwholesome food or other forms of fraud, they were not being upheld. The appointed searchers were then ordered to be present in the market places, streets and shops a move aimed at increasing the visible evidence of vigilance. The worth of an identifiable presence in the markets as a deterrent was made in explicit in the aldermanic report on hawking in 1661, which called upon the Lord Mayor to ride ‘in per[son] through the Marketts for ye quickening & countenance of the officers & terror of Offenders’.

22 See for example CLRO, JCC COL/CC/01/01/058 90-2, 198v, 200-02.
24 See Chapter 4, pp. 145-6. CLRO, Reps, COL/CA/01/01/071 ff. 272v-3.
If visible oversight is an important factor in perceptions of food quality, I would argue that beliefs about the integrity of sellers is at least equally important, especially in triggering official actions to impose or enforce regulation. Yet the sellers have been neglected in examinations of adulteration and fraud in the early modern past. If governments do not invariably act, then the triggers that make them take action at one time and not at others need to be considered. The final section of the thesis argued that a very significant factor that could trigger regulatory action was the effect of perceptions of sellers’ integrity had upon beliefs about the likelihood of fraud. Food sellers were not an homogenous group, nor were they passive recipients of regulation. Rather they actively constructed identities for themselves – as legitimate – and for other food traders dealing in their wares – as illegitimate and needing control – in attempts to influence the direction and outcomes of regulation. Constructions of sellers’ relative honesty drew upon broader concerns about the economy, morality and pollution, placing different groups of food sellers within hierarchies of legitimacy that were in turn framed against ideal notions of trade and supply. Claims to legitimacy were not constant but negotiated and contested, and accusations of fraud and the sale of dangerous foods used against competing groups were as much aimed at stirring authorities against those stigmatized as culprits as they were at eliminating a threat to health. Although the pushes to exclude or control groups of sellers utilized the danger to health posed by the sale of unwholesome food as a major reason for increased control, success in garnering support was dependent being able to connect the danger of a certain group of sellers to other contemporary concerns.

The pattern of regulation and responses to concern does not remain static over the century and a half covered by this thesis. At the start of the period, controlling food quality was regarded as an essential element of good government and essential to public order; by the 1740s the City government’s responses to efforts to enforce quality fluctuated, dependent upon more specific health risks or fraud being identified. The Companies could no longer assume support. The period from the late sixteenth century to the end of the 1620s is one summed up by the mayoral proclamation of 1614, cited in the opening to Chapter three, which made explicit the connections between ensuring the supply of wholesome food, good governance and the maintenance of public order. Given this stated attitude, it is perhaps no surprise that when the Fishmongers’ Company reignited a campaign to exclude the fishwives from trading in London and the Butchers’ Company complained of the activities of the country butchers in 1611, with both campaigns of exclusion linking these outsiders to disorder and the sale of bad food, the city government was receptive and regulations were passed to exert greater control against non-citizen

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25 See Chapter 3, p. 81
traders. The Butchers’ push to again exclude foreign sellers on the ground they were the source of illegal and dangerous meat ten years later also met with support from the mayor and aldermen renewed regulation. That the company pushes for exclusion came after there had been complaints about the presence of fruit sellers in and under the city’s gates, the herb sellers near the Exchange and disorders in the markets in Cheapside, as well as numerous other complaints about hawkers generally, did not hurt. The temporal proximity of these complaints to the riots of the 1590s, which had specifically targeted fishwives for fraudulent dealing, and general anxieties over the influx of young single women into a city whose resources were already stretched also supported the Companies’ efforts to identify unregulated non-members as a danger.

By the 1630s this support of a division of honest company member and dishonest non-member was being problematized. Some of the city fishwives successfully lobbied for support of their trade against other women sellers, creating another level of legitimacy in trade. The foreign butchers also began to gain some support, with the Butchers’ Company’s claims not always upheld. Although the Company continued to refer to the outsiders as ‘foreign butchers’ in their petitions to the court, the court records show a change in labeling by aldermen to ‘country butchers’, who, like country sellers generally, were increasingly construed as necessary provisioners with a legitimate right to sell food in London. While orders in the 1640s to again restrain country sellers to set spaces supported some of the Butchers’ petitions and the Court of Common Council in 1646 passed an act to again reform the flesh markets, this support was not invariable. The country butchers also petitioned the courts and these counterclaims led to greater scrutiny being applied to the actual situation, problematizing the laying of blame, as both groups were in part at fault. Problems in the 1630s for the Butchers’ Company were to resurface in the 1660s, when they again sought backing to enforce the act of 1646, their push was rejected. This rejection of the Butchers’ calls to exclude outsiders was repeated in 1668. In the 1660s, when the fishmongers again launched a campaign to exclude fishwives, they also met with less support and a variable result that failed to exclude the women from the trade. Like the Butchers’ Company, the Fishmongers found that where the group they sought to stigmatize fought back with counter claims and accusations, their claims were given much tighter examination, which discredited the sharp dichotomy of honesty and blame the company had sought to invoke.

The fluctuations in support from the city government that characterized the middle of the century can be at least in part explained by a reaction to pressures put on London’s food supply by dearth and disease outbreaks. In both 1630 and the late 1660s the city was

26 See Chapter 5, p. 166.
faced with both epidemic disease and food shortages. While controlling the sale of unwholesome meat would usually be a concern in a disease epidemic, this time the members of the Butchers’ Company had been identified as at least as culpable as the country traders they sought to blame, which supported the need for greater oversight but not for exclusionary laws against outsiders. The danger of scarcity over the danger of possible substandard wares meant that there was a reluctance to exclude any potential supplier of food. The Butchers’ campaigns of the 1630s and 1660s and the Fishmongers’ efforts in the 1660s were contested by those they sought to exclude. With supplies tight and in the face of competing constructions of blame, the aldermanic court looked deeper into the issue, and in both periods found that the division of blame proposed by the companies was problematic. Both types of sellers were found to transgress the regulations. This led to a reinstatement of laws to regulate sellers but included company members amongst those needing to be restrained.

As the Gardeners’ Company could attest, without strong backing from the aldermanic court the companies would have had difficulty dealing with offences in their own courts. For most offences they could only impose fines. Where offenders refused to come before a company court or to pay fines, then companies were forced to use other courts to pursue punishment. By the late seventeenth century, companies were facing an increasing problem meeting the costs of prosecution in outside courts. This did not stop attempts at oversight, but efforts would have appear to have became much more sporadic and difficult to pursue.

A further change that undermined company efforts was the withdrawal of national government intervention in the regulation of London’s food traders. The 1611 act against fishwives was enacted after members of the Fishmongers’ Company complained to the Privy council about the situation in the city and the problems the fishwives posed to order.27 The Lords of Council had then put pressure upon the Lord Mayor to take steps. This was not the only time the Privy Council intervened to push regulatory action. When actions were taken to curb butchers in the 1630s, the Company had blamed the country sellers of being the source of corrupt unwholesome meat, and the City had again been subject to pressure to take regulatory action against plague.28 While parliamentary decisions, such as abolishing the garbler’s office and the act of parliament in 1699 to make Billingsgate fish market a free market, impacted upon both the Corporation’s and the Companies’ ability to act, this was an intervention for inaction, not to spur efforts on. An easing off of the focus of the city government is also evident and the exemption of food

27 See Chapter 6.
28 See Chapter 7.
sellers from new regulations against street hawkers in the 1690s, made the threat of the hawker as other and object of blame for the sale of bad food harder to invoke. As Chapter six showed, connections to theft and vice such as those drawn between barrow sellers and gambling were more effective than accusing them of selling bad food. The period up to 1750 marks one of decline, though concerns about the sale of unwholesome food resurfaced between 1714 and the 1720s when again major outbreaks of disease – both for cattle and for people – threatened. The emergence of first advice books and then warning tracts in the 1660s and 1740s respectively (both times of dearth) give evidence for ongoing issues with fraud, and an indication that governments were being nudged to take action. This nudging spurred action in the form of new or revised national laws to regulate the activities of bakers, meal men and flour sellers, as well as those for the regulation of tea and coffee and the reaffirmation of company rights of oversight.

As the third section of the thesis demonstrated, concerns about disorder and seller integrity in the early modern period heightened ideas that fraud was likely. Moral campaigns, such as those instigated by the Fishmongers and Butchers of London to get the City’s elite to exclude competitors that were discussed in Chapters five and six, could influence such perceptions of seller integrity, but only while they could maintain a claim to a higher moral status and more upright trade practices. Such attempts to influence outcomes were affected not only by competing discourses of blame, but also by the occurrence of outbreaks of disease, which highlighted the need to ensure food was safe, and of dearth, which made outside suppliers more necessary, especially to keep prices down.

A major disincentive to regulatory efforts was the increasing costs of search and/or prosecution. Food regulation in the early modern period was neither absent, nor consistently rigorous. Food is an essential and used by all, but its very necessity and the amount of wares this implies makes the checking of all food supplied an impossible task. The difficulties facing regulators were as acute in the pre-modern past as they are today. Comparative ideas about the history of fraud are premised on ideas about regulatory effectiveness, but the meaning of ‘effective’ needs to be questioned. The persistence of types of offence, even though the methods used to modify the appearance, smell and taste of food to defraud customers may have changed, calls into question the idea that frauds are ever completely eradicated. I would argue that while the public might hope that effective regulation means the total prevention of bad food practices, such an expectation is not likely to ever be met. The developments in scientific knowledge and technology now make it possible to prove when contamination and fraud have taken place. This means that unintended adulteration or contamination can be picked up by self-regulatory mechanisms.
of quality control and corrected, thus minimizing the effect on the consumer. With deliberate efforts to defraud things are much more problematic. Despite all the progress in knowledge and methods of detection, and despite the fact that developments in trade mean that when fraud is perpetrated it now affects an ever larger number of people, often over great distances, many of the barriers to regulation encountered in earlier periods remain. The cost of both detection and prosecution both in terms of man hours and the financial costs involved in bringing prosecution complained of in the later seventeenth century recur in the late nineteenth century and have been raised again in recent years. In addition, punishment was and remains to a large extent exemplary and often an inadequate deterrent to offenders of deliberate fraud. The longevity of such factors precluding the prevention of fraud are significant. An action repeatedly used to relieve public anxiety about food quality is the passing of new and presumably tighter laws. Government responses are a critical aspect of ensuring trust. People need to believe that regulation is taking place and food is safeguarded. Yet laws against food quality offences are among some of the oldest laws on record, and fraud is still with us. Focusing only on the changes in fraud and detection, and assuming that the problem is new, prevents a full assessment of the problem faced in the present.
### APPENDIX 1: Summary of fines recorded in the Butchers’ Company Warden’s accounts 1600-1645 by type of offence

<table>
<thead>
<tr>
<th>Category/year</th>
<th>Sub Cat.</th>
<th>Sub total</th>
<th>Group total</th>
<th>Offence</th>
<th>1600/01</th>
<th>1604/05</th>
<th>1609/10</th>
<th>1614/15</th>
<th>1619/20</th>
<th>1624/25</th>
<th>1629/30</th>
<th>1634/35</th>
<th>1639/40</th>
<th>1645/46</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
<td>Fraud</td>
<td></td>
<td></td>
<td></td>
<td>Kidneys</td>
<td>558</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>99</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Stuffed Lambs</td>
<td></td>
<td>25</td>
<td>19</td>
<td>38</td>
<td>16</td>
<td>0</td>
<td>1</td>
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<td>0</td>
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</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Loin beef / veal stuffed / pricked</td>
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<td>0</td>
<td>14</td>
<td>28</td>
<td>15</td>
<td>0</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Fillett</td>
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<td>0</td>
<td>4</td>
<td>8</td>
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<td></td>
<td></td>
<td></td>
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<td>Ewe for lamb</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Incorrect butchery - ribs</td>
<td></td>
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<td>0</td>
<td>24</td>
<td>10</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>blown carcass</td>
<td></td>
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<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
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<td>86</td>
<td>15</td>
<td>1</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Hot animal</td>
<td></td>
<td>0</td>
<td>2</td>
<td>12</td>
<td>8</td>
<td>9</td>
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<td></td>
<td></td>
<td></td>
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<td>Diseased meat</td>
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<td>Other common weal</td>
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<td>Ewes</td>
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<tr>
<td>Supply</td>
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<td>73</td>
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<td>Forestalling livestock</td>
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<td>0</td>
<td>2</td>
<td>0</td>
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<td>Religion</td>
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<td>5</td>
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<td></td>
<td>Kill/Dress meat illegal time</td>
<td></td>
<td>1</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>28</td>
<td>16</td>
<td>10</td>
<td>20</td>
<td>2</td>
<td>0</td>
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<td></td>
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<td>Transport stock on Sabbath</td>
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<td>0</td>
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<td>1</td>
<td>0</td>
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<td>Obstruction and pollution</td>
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<td>185</td>
<td></td>
<td>Hanging meat too far</td>
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<td>0</td>
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<td>0</td>
<td>41</td>
<td>1</td>
<td>27</td>
<td>8</td>
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<tr>
<td>Behaviour</td>
<td>Barrow house/tubs</td>
<td>Casting in and blood</td>
<td>Neglect of office</td>
<td>Late coming</td>
<td>Absence</td>
<td>Breach of Promise to wardens, ignoring orders</td>
<td>Abusing Wardens</td>
<td>Abuse of others</td>
<td>Apprentices/Joiners/journeymen/servant</td>
<td>Trading not free</td>
<td>Unpaid fines</td>
<td>Rent</td>
<td>Total</td>
<td></td>
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<tr>
<td>----------------------------------------</td>
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<td>122 139 288 228 259 72 154 268 117 101 1748</td>
<td></td>
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</tbody>
</table>

**Notes:**
- The data represents various categories of behavior and administrative issues categorized under 'Behaviour' and 'Other Admin.'
- The table contains counts for different behaviors and administrative issues.
- The data for the categories is presented in a tabular format, showing the counts for each category.
- The total values at the bottom of the table are summed across all categories.
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Ordinances, MS 05842

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Cheap, MS 00060, 1701-1800
Cornhill, MS 04069/1, 1578-1650 and MS 04069/2, 1652-1779
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