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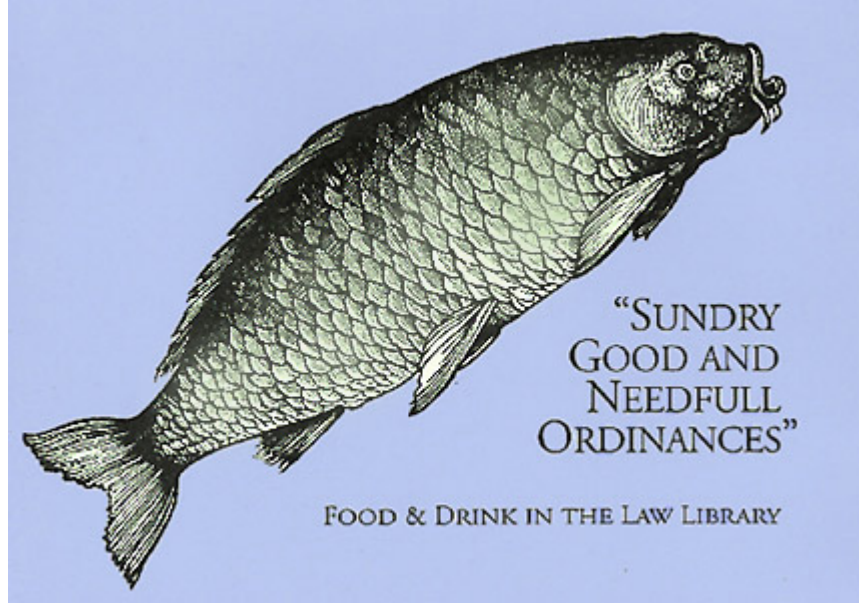
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Sundry Good and Needfull Ordinances: Food & Drink in the Law Library



Food is of abiding interest to almost everyone, and concern with food and drink has left its traces in the law in the form of codes and regulations regarding everything from bread and coffee to oysters and beer. Displayed here is a sampling of books, manuscripts and photographs from the Law Library's Special Collections, covering the period from the thirteenth through the early twentieth centuries. All the materials deal in some way with food and drink, though not always strictly with the law. Not intended to illustrate the history of food law, the aim of this exhibit is to provide a sense of some of the little-known resources available in the Law Library. It was scheduled to coincide with several other exhibits of food-related materials in Harvard libraries and museums.

The items shown here reflect the biases of the Law Library's collection, whose strength lies in western European law, from the 16th to the nineteenth centuries, especially in English, French and German law. The exhibit has been divided into nine categories of materials encompassing several frequently-regulated food groups (bread, beer, meat & fish, etc.) and food in certain social or religious contexts such as the public consumption of alcohol, institutional food and religious food prohibitions and regulations. It is hoped that this exhibit will be of interest not only to culinary and legal historians, but anyone concerned with social history, the history of commerce and mercantilism, guilds, trade unions and urban history.

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Bread

The importance of grains as a staple in the human diet is reflected by the number of laws regulating the sale and milling of grains and of bread production. England's *Assize of Bread*, the earliest English legislation regulating the price of bread, dates from the 51st year of reign of Henry III (1266). In force--at least in principle--for six centuries, the statute fixed the size, weight and price of loaves, in relation to the price of wheat.

The *Assize* was first enacted at a time when there was little trade in wheat; farmers grew just enough for their immediate neighborhoods. From year to year there could be great fluctuations in price depending on the harvest. Unscrupulous bakers could have increased the price of bread out of proportion to rising price of grain, and thousands would have starved, or perhaps taken vengeance on the bakers. Enforced by local bailiffs, these highly detailed regulations attempted to keep the populace fed while protecting bakers from a potentially angry mob. (See Paul Studer, *The oak book of Southampton*, of c. A.D. 1300. Southampton : Cox & Sharland, 1911.) Displayed here are four examples of the *Assize of Bread* dating from the early fourteenth to the mid-eighteenth centuries, as well as grain or bread-related items from eighteenth century France and Boston, Massachusetts.

Magna carta cum statutis. English manuscript on vellum, early fourteenth century. Photograph of HLS Ms. 12.

Written less than 100 years after the *Assize of Bread* was first enacted, this copy of the *Magna carta* contains illuminated initials illustrating the substance of each statute. Shown here is a photograph from the beginning of the statute of bread and ale, *l'assise du pain [et] servoyse*, showing two round loaves of bread and a tankard of ale (regulations for beer and ale often followed the assize of bread). The original manuscript is in the Law Library's collection.

Here begynneth the boke named the assyse of breade, what it ought to weye after the pryce of a quarter of wheete. London : Robert Wyer, ca. 1540.

Facsimilie reprint, London : W.E. Ashbee, 1869.

These pages show the prices established for wheat and seven sizes and types of loaves. Wastell was the standard bread, made of fine white flour. It varied according to the price of wheat and was the basis for fixing the price of other kinds of bread. Simmel bread was the finest and richest of the breads; wheaten loaves were coarser than wastell, and household loaves were coarse brown breads made from meal with the bran intact.

The introduction to this work reiterates the basic standards for measuring grain; for example, thirty-two "cornes of wheete" from the middle of the ear as equal to the weight of an English "rounde peny sterling" and eight pounds of wheat as equal in weight to a gallon of wine. Bakers were to mark bread with their own sign--helpful in determining breakers of the assize--and only bakers or their servants only were allowed to sell the bread. The text also notes certain standards for bread baking, differences between the breads of London and Stratford, and outlines punishments for violations of the assize. For the first three offenses, a baker was fined; after a fourth offense he received the "judgement of the pillory." If a baker persisted in charging too much, he could be forced to leave the town. Confiscated loaves were given to the poor.

[\(See illustration 1\)](#)

John Powell. **The assize of bread. Together with sundry good and needfull ordinances for bakers, brewers, inholders, victuakers, vinters, and butchers.** London : William Stansby, 1630.

Like its predecessors, this edition of the *Assize* details the standards for prices of bread, as well as other necessities. Note the maxims above each of the illustrations of bakers at work.

Many of the same regulations still applied, with a few variations. Bakers were prohibited from selling spice cakes, buns and biscuits except for burials, and on the Friday before Easter and Christmas. If a baker raised his bread prices above a certain level, he was pilloried even for a first offense, "without any redemption, either by gold or silver."

[\(See illustration 2\)](#)

Statutes at large, from the 30th to the 33d year of King George II. Cambridge : Joseph Bentham for Charles Bathurst, 1766.

31 George II, chapter 29:

An act for the due making of bread; and to regulate the price and assize thereof; and to punish persons who shall adulterate meal, flour, or bread.

This statute begins with a reference to Henry III's original statute. As this table shows, calculating the price of bread had not grown any simpler with the passage of time. Another table in this volume shows the price of breads made from rye, barley and oat flours, and from meals made from beans and peas. Bakers were to mark their breads with "W" for wheaten bread and "H" for household bread. This statute also addresses the practice of selling bread made with flour adulterated with alum or made with inferior flours and then sold as a better grade of bread. For these offenses bakers could be fined and have their names published in a local newspaper.

Arrest de la cour de Parlement, qui réduit à deux especes tout le pain qui se débüte dans les marchez, & dans les boutiques des boulangers. Paris: Pierre Simon, 1725

This decree reduced the types of bread sold in Parisian markets and bakers' shops from four main grades to two. Specifically, the finest bread was to be made using half twice-milled white flour and half fine oat flour. The second grade of bread was to be made using half white flour and a combination of fine and coarse oat flour, including the bran. Failure to comply with this regulation could result in fines, confiscation of bread and ejection from the baking profession. This *arrêt* stipulated that confiscated bread be divided between the informer and the nearest *hôpital*.

Code de Louis XV. Grenoble : André Giroud, 1749.

In an effort to alleviate the scarcity of food due to several years of bad harvests, this law of October 1740 exempts wheat, rye, barley, oats, maslin, rice, beans and other vegetables from import duties. At the same time it declares that all back rents and debts payable in grain are to be paid in money and at a fixed rate.

Sentence de Police. Paris : N.H. Nyon, 1789

This ruling condemns 27 Parisian bread bakers to pay fines of 50 pounds each for having sold bread for more than the prescribed price. A 28th baker was fined 100 pounds for the same offense *and* for having sold bread at a false weight. This document goes on to explain that the bakers felt justified in raising bread prices when the price of flour went up. While acknowledging that bakers' prices and livelihoods were dependent on flour prices, the commissioners state that the winter had been a particularly rigorous one and that townspeople had come to the police for three days in a row with complaints about high bread prices.

The by-laws and town-orders of the town of Boston, made and passed at several meetings in 1785 and 1786. Boston : Edmund Freeman, 1786.

These laws established guidelines for the sale of imported wheat based on grade and weight, and called for the appointment of "measurers of grain" in every seaport town. These men were supplied with scales and weights based on the Winchester standard and charged to "weigh as many bushels as the buyer or seller shall desire." These laws also stipulated that millers in the towns of Boston, Roxbury and Charlestown "be provided with suitable mill stones, fans and skreens needful for the cleansing, well grinding and making good meal out of all sorts of English grain." The fines resulting from failure to comply with these various regulations were divided between the informer and the poor of the towns where the offenses were committed.

Beer & Ale

Beer had its origins at least 10,000 years ago, probably in the Middle East. In many parts of northern Europe beer and ale were the most common beverages--for children and adults alike--until well into the eighteenth century and were consumed in quantities that seem astounding to us today. Even as recently as eighty years ago, England's annual rate of consumption was nearly twenty-eight gallons per capita. While beer can be made from any grain, in Europe it has usually been based on water and barley malt, and flavored with the flowers of the hop vine. Strengths and grades varied considerably.

Beer and ale were more than thirst-quenchers. High in carbohydrates and containing some protein, these beverages formed an important part of the diet of people of all classes. It is not surprising, then, that laws regarding beer and ale production appeared with regular frequency. This case displays German and English materials pertaining to various aspects of brewing, from the purity of raw ingredients and the production process to the standardization and enforcement of weights and measures.

Bairische Lanndtzordnung. [s.l. : s.n.], 1553

This 1553 collection of Bavarian ordinances includes an article stating that all beers are to be made from barley, hops and water only and that beer should be properly heated and cooled, according to the season. This regulation echoes Munich's well-known purity decree of 1516 which determined the minimum standards for beer production and is considered the oldest extant quality control regulation. The Bavarian decree also stipulated that breweries be inspected twice a week in the winter and three times a week during the summer. Long thought to be the oldest law of its kind, research has shown that a Bavarian law of 1447 also set standards for beer-making, including a provision that the water used in making beer come from wells, not streams.

England, statutes. **Anno XXIII. H. VIII.** London : Thomas Berthelet, [ca. 1536]

27 Henry 8, chapter 4:

An acte that no brewers of bere or ale shall make theyr barrels kylderkyns nor fyrkyns within them, and howe moche the same barrels kylderkyns and fyrkyns shall conteyne.

In an effort to standardize the size of vessels for beer put up for sale, and to protect the "mystery or crafte of coupers," this statute forbids brewers from making their own barrels. (Kilderkyns were casks of 18 gallons, and fyrkyns, 9 gallons.) The statute further states that the cooper should make all the vessels "of good and seasonable wood, and is putte his propre marke upon everye of them," and that brewers were allowed to keep in their house one or two servants of the coopers' trade to repair casks, but not to make them.

England, statutes. **Anno secundo et tertio Edouardi sexti.** London : Richard Grafton, 1549.

2 & 3 Edward VI, chapter 16:

An acte for the true makynge of malte.

This act begins with a sharp commentary on people who had taken up malt-making "for their owne private lucre, gaine, and profit" rather than the good of the kingdom. They had "of late by theyr insaciabie, covetous, and greadye mindes, accustomed, and commonly made much malte, unpure and unseasonable." This law specifically condemns the practice of making malt in eight or nine days--rather than the standard twenty-two days--not allowing it to dry sufficiently, and mixing good malt with bad. Bailiffs and constables were given the power to inspect any malt made for sale, though anyone who was a witness to improper malt-making could report it to the authorities. Fines for this offense were based on the quantity of malt improperly made, at a rate of twenty pence for every quarter (about eight bushels).

Georg Christoph Wagner. **De Jure cere-visiario.** Strassbourg : Josias Staedel, 1656.

The first chapter of this legal dissertation on the law of beer begins, "It should not be beneath the dignity of a lawyer to investigate diligently the nature of beer." Wagner goes on to describe the history of beer-making, pointing out that

... beer is now prepared in the different parts of Germany in different ways ... Barley beer is the more common. However, the barley used in beer is today better prepared than [that prepared] by the Romans.

The recipe for beer that follows is so detailed and specific that one could easily use it today. The Library's copy of this dissertation is also interesting for its seventeenth century annotations, most of them in Latin. On page four is a recipe for barley malt, duly noted by the reader; on page five, there is a Latin translation of a Greek poem to Bacchus and an intriguing--and so far undeciphered--annotation in German.

England, statutes. **Anno XXXIX. Reginae Elizabethae.** London : Christopher Barker, [ca. 1597]

39 Elizabeth I, chapter 8:

An acte for the true gawging of vessels brought from beyond the seas, converted by brewers for the utterance and sale of ale and beere.

This act required that "butts, pipes, puncheons, hogsheds, tierces and such other vessels" were to be gauged and marked by coopers at a specified rate per container. Brewers could request that coopers come to their shops to do this, and coopers had to respond within forty-eight hours. Coopers could hold the vessels they had gauged until the brewer had paid for the work. This law only applied to vessels for beer sold in London and its suburbs; foreign casks of English beer destined for sale abroad were exempt.

[\(See illustration 3\)](#)

England, statutes. **An. Reg. Jacobi.** London : Robert Barker, 1604.

1 James I, chapter 18:

An acte for avoyding of deceit in selling, buying, or spending corrupt and unwholesome hoppes.

This statute opens with the observation that

...of late great fraudes and deceits are generally practised and used by foreiners merchants strangers and others in foreine parts beyond the seas, in the false packing of foreine hoppes ... and [the hops are] sold with leaves, stalkes, powder, sand, strawe, and with loggets of wood, drosse, and other soyle ... for the increase of the waight thereof, ... to the enriching of themselves by deceit...

The law estimates that the kingdom was defrauded in this manner of at least 20,000 pounds annually. Under this act, anyone caught bringing unpure hops into England was subject to a fine equal to the value of the hops. Half of the fine was to go to the informer, half into king's coffers.

Public Consumption of Alcoholic Beverages

Judging from the sheer volume of laws and ordinances regulating the sale and consumption of beer, ale, wine, and other spirits, this was an area of perennial concern to lawmakers everywhere. In England, laws regulating public drinking were often promulgated with a view to prevent debt and crime. Many of these were difficult to enforce because alcoholic beverages were an integral part of everyday life, even in prisons. Imported wines and spirits seem to have provided a significant source of revenue for the government in the form of tariffs. These tariffs also protected local and national production of alcohol from foreign competition. Shown here are just a few of the many laws enacted with both issues in mind.

Indenture of bargain and sale. January 15, 1527/8, 19 Henry VIII.

This indenture made the xvth daye of Januarye yn the xxth year of the Reyne of Kyng Henrye the VIIIth [1528] by William Heyward of Danbury in the count' of Essex...[selling] to John Springfild...the blew boar [a tavern in the town of Chelmsford]...

A typical tavern of its time, the Blue Boar is interesting to us today for being unexceptional. It had a garden where patrons could, presumably, sit outside to drink in warm weather. This indenture also mentions that the tavern possessed two brewing vats and a stove in the kitchen. The tavern's neighbors were a priest on one side and an almshouse on the other. This juxtaposition was probably not unusual in small towns and in a period when consumption of beer and ale was universal.

Statuta Brixie. [Brescia : Angelus Britannicus, 1508]

In this collection of Brescian statutes there are several regulations governing the operation of taverns. Article 236 (right-hand page) forbids the sale of wine in taverns at night after the ringing of the third night bell and before the first bell in the morning, under penalty of forty soldi.

Acts and laws, passed by the General Court of his majesty's province of New-Hampshire in New-England. Boston : B. Green, 1716.

An act for the inspection, and suppressing of disorders in licensed houses.

This act of 1715 sets down regulations for tavern and inn-keepers, beginning with their responsibility to provide "suitable provisions and lodging, for the refreshment and entertainment of strangers and travellers..." It prohibits customers from "drinking or tipping after ten o'clock at night... or above the space of two hours." And tavern-keepers were not to "suffer any person to drink to drunkenness or excess." These regulations were enforced by "tything-men" who inspected inns and taverns and reported "all idle and disorderly persons, prophane swearers or cursers, sabbath-breakers, and the like-offenders" to local justice of the peace.

The statutes at large. v.7. Cambridge [England] : Joseph Bentham for Charles Bathurst, 1763.

4 James I, c.5

An act for repressing the odious and loathsome sin of drunkenness.

Throughout the seventeenth and eighteenth century, numerous English statutes were enacted with the aim of reducing drunkenness, which seems to have been increasingly associated with many of society's ills. Legislation of this type was often blatantly aimed at the lower classes, and in 1736 the wording of a similar act is said to have provoked riots.

The preface to this particular statute sums up the prevailing morality:

Whereas the loathsome sin of drunkenness is of late grown into common use within this realm, being the root and foundation of many other enormous sins, as bloodshed, stabbing, murder, swearing, fornication, adultery, and such like, to the great dishonour of God, and of our nation, the overthrow of many good arts and manual trades, the disabling of divers workmen, and the general impoverishing of many good subjects, abusively wasting the good creatures of God.

By this act, drunkenness and lingering too long in an alehouse were punishable by fines. If the offender was unable or refused to pay the fine, his goods could be confiscated or he could be put in stocks for several hours. Constables who failed to enforce this law were also fined.

Ordonnances de Louis XIV ... Concernant la jurisdiction des prevost des marchands & eschevins de la ville de Paris. Paris : Frederic Leonard, 1685.

Chapter eight of this compilation, "Concerning the sale of wines and cider," contains twenty-seven articles on various aspects of the wholesale and retail trade. Article 17, shown here, states that tavern-keepers, if they anticipate a slow market, cannot close their wine-cellar until they have sold their entire stock. This law attempts to prevent tavern-keepers from creating a false scarcity, which would in turn have increased the price of wine. The two articles that follow forbid the mixing of wines by wholesale and retail merchants.

Arrest du conseil d'etat du roy, du 17 avril 1717. Paris : la veuve Saugrain, [1717].

This decision of the Council of State clarifies an article of the 1680 law establishing wholesale and import tariffs. The present ruling orders that duties on wine, cider and perry (pear cider) coming from regions exempt from wholesale and import tax be paid upon these goods when they enter the region of Paris.

([See illustration 4](#))

Arrest de la cour de Parlement. Paris : P.G. Simon & N.H. Nyon, 1783.

This *arrêt* confirms a decision of the Chambre de Police of the Châtelet (responsible for maintaining public order in Paris) which had condemned a wine merchant, one Monsieur Desavelle. He had been fined eight times before for selling wine after hours and for having broken the regulations governing keepers of lodging houses. Desavelle had evidently appealed to the Cour de Parlement, which upheld the decision of the Chambre de Police. The text of the *arrêt*, which lists Desavelle's previous abuses and fines, condemns him to pay a fine of 12 livres.

Tarif des droits d'entrées établis à Versailles. [Paris] : G. Lamesle, 1745.

This list of tariffs to go into effect in October 1745, covers various types of wine, champagne, cider, perry and beer in quantities ranging from hogsheds (*muids*) to pint bottles. While three quarters of this list pertains to alcoholic beverages, tariffs on oats, hay, straw, wood, and livestock are also included.

A collection of all the statutes now in force relating to excise and the duties upon salt, malt & leather. London : Charles Bill, 1697.

These pages show some of the excise taxes on alcohol and other beverages in effect in England in the late seventeenth century. This volume also includes the texts of the acts relating to excise tax on these beverages.

Meat & Fish

While meat and fish were -- and are -- not always a daily part of the diet of many people, these foods have long been an important source of protein. Throughout history they have been subject to an abundance of laws and regulations. Most of the material displayed here is concerned with weights and measures, sanitation, food quality, packing guidelines, etc. and includes eighteenth century Parisian sanitation codes for butchers, Board of Health rules from early nineteenth century Boston, and an illustration of the variety of Russian fish nets.

Bairische Lanndtzordnung. [s.l. : s.n.], 1553.

These magnificent woodcuts of a carp, pike and a *schied* (a type of carp native to middle and eastern Europe) illustrate the size restrictions imposed on Bavarian fishermen. The sizes shown in these pages represent the actual minimum sizes of fish allowed to be taken from ponds, lakes and streams.

([Title page illustration](#))

England, statutes. **Anno XXXIII. Henrici octavi.** [London : Thomas Berthelet, ca. 1546]

33 Henry VIII, chapter 11:

An acte for bouchers to sell at their libertie by weight or otherwise.

This statute repealed two acts, passed several years earlier, which had required the butchers of England to sell beef, pork, mutton and veal by weight only, had required all butchers to have scales and weights, had set the price per pound at which these meats could be sold, and had established fines for failure to comply. Spokesmen for the fellowship of butchers argued that continuing to abide by these regulations "shoulde be the utter undoing [of the butchers] forever". With the passage of the act shown here, butchers, their wives or their assistants were able to "sell their vittailles from time to time by themselves ... to all manner of persones that will bie the same, in like manner" as they had prior to the two unpopular statutes.

Massachusetts, laws. **An act, to prevent fraud and deception in curing and packing smoked fish, and to regulate the size and quality of boxes, and the exportation thereof from this commonwealth.** [Boston : s.n., 1808]

In addition to specifying the details of packing and labeling boxes of smoked fish (specifically alewives and herring), this act of January 1808 established two grades of smoked fish.

"First sort" shall consist of all the largest and best cured fish; the "Second sort" of the smaller, but well cured fish. And in all cases shall be taken out as Refuse; all those which are belly broken, tainted, scorched, or burnt, slack salted, or not sufficiently smoked...

Each box of fish was to be branded with its grade, the inspector's name and "MASS "for Massachusetts.

Sentence de Police, du troisième juin 1718. Paris : la veuve Saugrain, [1718].

Obviously concerned with sanitation, this ruling prohibits the butchers of Paris from letting blood run from their premises into the streets, at least during daytime hours. They are directed to keep the blood resulting from their work in scalding tubs which are to be drained only between the hours of seven in the evening and two in the morning. Evidently these were drained into the street, but the butchers are enjoined to flush the street of blood with quantities of clean water until no traces remain. Likewise *triplers* (tripe-sellers) living near the Seine are prohibited from throwing offal from their windows into the river. Ofal was to be carted away before seven in the morning.

Ordonnance de Messieurs les prevost des marchands & echevins de la ville de Paris. Du dix juin 1721. Paris : Joseph Saugrain, [1721].

Sanitation was still apparently a problem three years later when this second *ordonnance* was issued. It notes that offal was sometimes left for days, emitting foul vapors and eventually causing various illnesses in the *quartier*.

Butchers are here enjoined to send out offal between the hours of five and seven in the morning. It was to be transported by boats leaving from the Quay de Gevres, and dumped further down the river, on pain of whipping. To ensure that butchers complied, a person was appointed to remind them by walking through the neighborhood ringing a bell.

Zhurnal Ministerstva vnutrennikh del. (Journal of the Ministry of the Interior) part 27. St. Petersburg : The Ministry, 1838.

This fine hand colored engraving, illustrating an article on fishing in Russia, shows the use of various kinds of nets such as drift nets, driving nets, sweep nets, and a "spoon bait" snare for ice fishing.

The by-laws and orders of the town of Boston, ... together with the rules and regulations of the board of health. Boston : Manning & Loring, 1801.

Many of the rules and regulations of the Board of Health pertain to the preparation, storage, sale and disposal of various types of food. Note the regulations regarding oysters (no. 2), fish (nos. 3, 4, 5, and 6), and the stalls at Fanueil Hall (no. 7).

Acts passed at the first session of the legislative council of the territory of Orleans. New Orleans : James M. Bradford, 1805.

Chapter 45:

An act regulating the inspection of flour, beef and pork.

In this bilingual edition of the laws of New Orleans, the regulations for packing and inspecting flour, beef and pork are spelled out on facing pages. Of particular interest here are the guidelines for marking inspected barrels of beef and pork for shipment, with the best quality beef or pork being labeled "medium," the lesser marked "prime." Inspectors are enjoined from purchasing more beef or pork than needed for their own personal use; those who did faced a penalty of four hundred dollars.

Sugar & Spice--Condiments & Caffeine

There have always been certain foods, or accompaniments to food, so desirable or highly prized that the demand for them far outweighs whatever nutritional value they may have, if any, in the human diet. Whether they enhance (or hide) the flavor of staple foods, help preserve foods, or produce a narcotic effect on their consumers, luxury or semi-luxury foods and drinks figure prominently in the marketplace and subsequently in laws and legislation. Much of this legislation is what we might today call quality control, aimed at maintaining the purity of these products. One can only assume that tainted goods must have turned up regularly, judging from the legislation that appears. Other laws are primarily concerned with collecting tariffs and duties on these items. Displayed here are materials on spices, salt, vinegar, sugar, coffee and tea, from England, France and the United States, from ca. 1236 to 1821.

Grant by John de Brittwell to Geoffrey de Langley.

ca. 1236, 20 Henry III.

The value of spices is not to be underestimated. This grant of land stipulates that the yearly rent was a pair of spurs, a pair of gloves and a pound of cumin, or the equivalent value in cash. There is evidence that many spices were used much more liberally in the medieval period than they are today, so a pound of cumin was not necessarily an impractically large amount of this spice to have on hand.

England, statutes. **An. Reg. Jacobi.** London : Robert Barker, 1604.

1 James I, c. 19:

An act for the well garbling of spices.

This act calls for the "garbeling" of spices and drugs, that is sifting to sort out impurities. It begins:

...great deceits and abuses have bene committed in uttering, selling, and putting to sale sundry sorts of uncleane, corrupt and mingled spices, drugges, wares, and other merchandizes garbleable, to the jeopardie of his majesties person, and of his subjects using the same in their meats, drinks, and other needfull occasions...

Spices were to be cleaned, garbeled and sealed by an appointed "garbler" or his deputies. The act also granted garbelers authority to enter and search any suspect shops, warehouses or cellars during the daytime.

The spices listed here give an idea of the great variety available in early seventeenth century England, at least to those who could afford them. They include: several kinds of pepper, cloves, mace, nutmeg, cinnamon, ginger, cumin seeds, anise seeds, coriander seeds, tumeric, and caraway seeds.

Arrest de la cour des aydes de Clermont-Ferrand. Du deuxième avril 1692. [Paris : s.n., 1692?]

This decision prohibits all retail and wholesale sellers of salt from selling in bulk during the night, except to certified officials. Otherwise they were allowed to sell in quantity only between the hours of six a.m. to seven p.m. during the period March 1 through September 30, and between seven a.m. and four p.m. from October through February. Smaller amounts for personal consumption could be sold at any time.

Déclaration du roi, portant règlement pour la communauté des vinaigriers de la ville de Paris. Paris : P.G. Simon, 1773.

This royal declaration sought to limit the amount of vinegar made by the vinegar makers of Paris, who had been producing up to 7,800 hogsheds, when only 2,000 per year was deemed sufficient. The king also forbid them from mixing vinegar with wines and ciders and selling it to unscrupulous wine merchants, who then sold it to the public as wine. These vinegars were all made from wine and presumably were milder or softer than the distilled vinegars of today. Vinegar-makers found with ciders, perry or wine-gar-wines in their storehouses or cellars would be fined and their stocks confiscated.

Recueils de reglemens, edit, declarations et arrêts, concernant le commerce et la police des colonies françaises de l'Amérique et les engagés. Paris : Libraires Associez, 1745.

This *arrêt* of 1690 is one of a series regulating sugar between the years 1671 and 1733 collected and published in this volume. Noting that large quantities of sugars had been coming into the kingdom from foreign countries, such as Brazil and

St. Thomas, to the detriment of sugar growers in the French colonies of America and to French refiners, this act set a tariff on all sugars in various states of refinement. These are listed as loaf and granulated forms, rock sugar, white and brown sugars. Foreign sugars ultimately destined for other countries could be temporarily stored exempt from duties in warehouses in French seaports.

Letter from the secretary of the Treasury, in reply to a resolution of the House of Representatives upon the subject of the cultivation of the sugar cane, and the manufacture and refinement of sugar. 21st Congress, 2d session. Doc. No. 62. [Washington, D.C. : United States Printing Office, 1831]

In January 1830, at the request of the House of Representatives, the United States Treasury Department solicited information from sugar growers and others in the sugar industry, mostly from Louisiana, in order to "prepare a well digested manual containing the best practical information on the culture of sugar cane and the fabrication and refinement of sugar." This government document, consisting of detailed letters, tables and statistics from the growers themselves, is the result.

The statistics in these tables illustrate some of the costs of the sugar industry and reveal the perspective of the growers in terms which can be chilling to us now. For example, the cost of feeding slaves is listed in the same table with the cost of oxen and horses and repairs to boilers.

The statutes at large. v.15. Cambridge [England] : Joseph Bentham for Charles Bathurst, 1765. 11 George III, c.30

An act for more effectual preventing frauds and abuses in the publick revenues ...

This act lists a wide variety of items subject to excise tax, including brandy, rum, "spirits and strong waters," coffee, tea, cocoa, chocolate and salt, which, "not withstanding the good many laws" passed over the years, had not always been taxed as intended.

Section 9 (page 265) prohibits the adulteration of coffee. Apparently, "divers and evil-disposed persons" had the habit of mixing butter, lard, grease or water with coffee at the time of roasting. This had the effect of increasing the weight of the coffee--not to mention what it might have done to the taste!--and thus the price. Offenders were subject to a fine of 100 pounds, as were traders or dealers who knowingly bought or sold such coffee.

The statutes at large. v.31. Cambridge [England] : John Archdeacon for Charles Bathurst, 1775. 17 George III, c.29:

An act for the more effectual prevention of the manufacturing of ash, elder, sloe and other leaves, in imitation of tea, and to prevent frauds in the revenue of excise with respect to tea.

By the eighteenth century, tea's popularity had surpassed that of coffee in England, so its purity was important to a good many people. This law begins with a quote from a similar act of 4 George II (1731) which prohibited dealers from selling sloe, licorice or the leaves of any other plant or shrub as tea. It also prohibited the coloring, staining or dyeing of these pseudo-teas, and listed as coloring agents terra japonica, sugar, molasses, clay and logwood (a tree native to Central America and grown for dye).

These practices had evidently not been eradicated by 1777 and this statute essentially reaffirms the earlier one. Excise officers were granted special warrants to search any suspect buildings or storage areas, day or night, and anyone convicted of dealing in such "tea" would be fined five pounds for every pound of false tea, or imprisoned for up to a year. Half of the fines would go to informers, half to the poor of the parish where the offense had been committed.

Other Foods

The previous five cases have focused on food groups for which there exists a significant amount of material in the Law Library's collections. But other foods or their purveyors have, of course, been subject to laws and regulations for years. The items displayed here relate to other foods, of both the forest and the marketplace, which do not figure as prominently in the law but which have, nevertheless, been the objects of law. They range from a 16th century game law to a twentieth century book on American food and drug regulations.

John Baillie, **A digest of Mohummudan law according to the tenets of the twelve imams.** Book 1, "Of merchandise or commerce," Calcutta : The Honorable Company's Press, 1805.

Chapter 8: Of the sale of fruit.

This chapter covers the guidelines for harvesting and selling not just fruit, such as dates--which are frequently mentioned--but all fruits of the earth, including vegetables, herbs, grapes, oilseeds and grains. Great emphasis is placed on the proper degree of ripeness of produce as a requirement for legal sale. This state of "perfect ripeness" is based primarily on observation; "the rising of the Pleiades or vernal stars has no influence whatever to the eyes of the law, with regard to ascertaining the condition of fruits." These laws cover the rights and responsibilities of both buyer and seller and the proper procedures to follow in a number of situations.

Ruth deForest Lamb. **American chamber of horrors : the truth about food and drugs.** New York : Farrar & Rinehart, 1936.

This cartoon from the "Food Field Reporter" illustrates a chapter on the labeling of canned foods, an issue of considerable concern and anxiety to canners in the mid-1930s, when stricter grade labeling was proposed. ("NRA" here stands for National Recovery Administration.) Other chapters discuss pesticide residues in fruit, diseases of livestock and poultry, lack of sanitation in commercial food preparation, deceptive packaging, and the Copeland bill, a proposed revision to the Food and Drugs Act of 1907.

[\(See illustration 5\)](#)

Arrest du conseil d'état du roy, du douzième juin 1708. [Paris : s.n., 1708]

This *arrêt* orders the creation of 50 positions of "licensed comptrollers of fruit" for the city and environs of Paris. They were ordered to make inventories of the quantity and quality of fruits found in the markets in order that the proper tariffs be paid on fruit coming into the city.

Privilege du roy, exclusif pour la fourniture de la glace. Donné à Versailles au mois d'avril 1701. [Paris] : François Muguet, 1701.

This privilege renews the license of Louis de Beaumont to furnish ice and snow to Parisian and provincial retailers. It seems likely that this ice and snow was largely destined to be used in making ice cream or flavored ices, which were introduced into France in about 1660. Until the mid-eighteenth century these were sold only during the summer months. This privilege notes that ices were useful for good health and had, in fact, become a necessity to people in the warmer southern provinces.

England, statutes. **Anno xxiii. Reginae Elizabethae.** London : Christopher Barker, 1581. 23 Elizabeth I, c. 10

An acte for the preservation of fesaunts and partridges.

Where the game of fesauntes & partridges is within these fewe yeeres in manner utterly decayed and destroyed in all partes of this realme, by meanes of such as take them with nettes, snares, and other engins and devices, aswell by day as by night, ...

This act is one of many English game laws, a prominent category of English law, which evolved from Norman forest law, and lasted into the 19th century. While ostensibly passed to preserve wild game, one of the primary aims of game laws was to preserve the hunting privileges of the aristocracy. Poaching was clearly a constant problem and laws such as this one reappear regularly. In this case, anyone caught poaching pheasants or partridges was subject to fines and possible imprisonment.

Arrest du conseil d'estat du roy, sur les beurres & fromages venant des pays estrangers. Paris : l'Imprimerie Royale, 1723.

This *arrêt* prolonged an abatement of tariffs on both imported butter and cheese, and French butter and cheeses transported from one province to another.

Édit du roy, portant création de cent charges de jurez-vendeurs de volaille en la ville de Paris. Paris : la veuve François Muguet & Hubert Muguet, 1708.

In order to raise money to finance the War of the Spanish Succession (1700-1714), this edict of Louis XIV reestablishes 100 positions for licensed sellers of poultry, game, suckling pigs, lamb, horsemeat, eggs, butter and cheese. These licensed sellers must pay the crown a tariff of one sol per pound of merchandise sold.

Reglemens de police pour la ville et faubourgs de Reims. Reims : B. Multeau, 1727.

From this list of merchants liable for annual taxes to the city of Reims, one can glean information about what sort of food items were available to the population, and who sold what. Listed in this section are sellers of wine, fruit, veal, pork, grains, legumes, fish (including salmon), butter and cheese. Market gardeners from the country who came to sell their produce in the city were also taxed.

Provisions & Institutional Food

Most people leave few clues as to their daily diets and food habits. Among the holdings of the Law Library, however, is evidence from legal documents and institutional records which can provide at least a theoretical picture of the diet of people living in controlled situations, such as prisons, asylum, slavery and the military.

The Library has a number of sources of information on prison life; these include official and unofficial accounts of prison diet, or sometimes just passing mention of the food eaten by prisoners. Some notion of the diet of the slaves in French and British colonies can be gleaned from France's *Code Noir* and occasional contemporary observations. The words of some of these official sources must be taken with a grain of salt. We cannot be sure that all slave-holders adhered to the *Code Noir*, or that the patients at the Ohio Lunatic Asylum always ate as well as the annual report would seem to indicate. But these and other traces in the historic record do give us an idea of what the minimal standards--or the optimistic ideal--may have been for people who had no say in their diets.

Batty Langley. **An accurate description of Newgate.** London : T. Warner, 1724.

Informal and full of lively details, this booklet describes the life of debtors and criminals in Newgate and other prisons near London. Langley's description, of eating and entertainment in the "master debtor's side" of Newgate, displayed here almost reads like a description of a convivial gentlemen's club. Although they were imprisoned for debt, inmates sent out for and were expected to pay for their meals, which--if this description is indeed accurate--were hardly spartan. Drinking of alcohol was universal in prisons at that time, and, in fact, was often encouraged by prison officials, who usually stood to profit by charging the prisoners slightly higher than market prices for their beer and brandy.

John Howard. **The state of prisons in England and Wales, with preliminary observations, and an account of some foreign prisons and hospitals.** Warrington : William Eyres, 1780.

John Howard (1726-1790) became interested in local prison conditions and prisoners' rights when he was appointed high sheriff of Bedfordshire in 1773. Soon afterwards he was traveling to prisons throughout the British Isles and Europe, writing extensively of his observations. As a result of these trips he grew to be one of the leading prison reformers of his time, and his published observations led to some efforts at reform in English prisons.

Shown here in a lengthy footnote is Howard's detailed description of the weekly diet of prisoners at Rotterdam's *Rasp-house*. Men, boys and women were fed rations based on their workload. Women and boys apparently did only half the work of work men, and so were fed accordingly. At Sunday supper, for instance, men received milk with barley flour, cheese and bread, while women and boys received only milk. Prisoners in solitary confinement were fed on bread and water, usually for a period of under two weeks. Howard generally admired the Dutch prisons, and found the diet noteworthy.

B. Erdmann. **Collection of photographs of Orlov Prison.** ca. 1905.

Although clearly posed, this photograph of the prisoners at a meal in the model prison in Orlov, Russia gives a few clues to their diet: note for example the bread and communal bowls. Prisoners ate in their dormitory, beds folded up against the wall.

Rules and regulations for the government of the Massachusetts state prison. Boston : Phelps and Farnum, 1823.

Article 15 describes the spare, but adequate diet prescribed for Massachusetts prisoners, which consisted primarily of corn meal, pork, beans, salted fish, potatoes and molasses. Some prisoners were allowed to purchase additional food with money earned from extra work, but these purchases were limited to tea, chocolate, pork, cheese and onions.

While "the ordinary drink of the prisoners shall be water," beer was supplied to men at hard labor during the summer months to quench thirst and for its apparent medicinal qualities. This had been recommended by Abraham R. Thompson, the physician of the Massachusetts State Prison, who wrote to the warden in the summer of 1822 claiming that beer was preferable to water

to support, invigorate and preserve the spirits and strength. it is necessary to allow them beer for their drink, and [I] do accordingly direct that beer, composed of hops, ginger and molasses, be prepared and furnished to them immediately.

Le code noir, ou recueil des reglemens, concernment le gouvernement, l'administration de la justice, la police, la discipline & le commerce des negres dans les colonies françois. Paris : Prault, 1747.

Édit du roi, touchant la police des Isles de l'Amerique françois. Du mois de mars 1685.

Louis XV's *Code noir* of 1685 ordered the expulsion of Jews from French colonies, banned the practice of religions other than Catholicism, and provided a framework for the government of slaves in these colonies. While several chapters address the issue of the feeding of slaves in general, articles 22 and 23 spell out some specifics. Slave-owners were expected to provide all slaves aged sixteen and older with two pots of manioc flour or three cassavas of equivalent weight, plus two pounds of salted beef or three pounds of fish (or equivalent) per week. Allowances for children under 16 were half this quantity. Slave owners were prohibited from giving their slaves brandy made from sugar cane in lieu of food.

James Stephen. **The slavery of the British West india colonies delineated as it exists both in law and practice.** v.1. London : Joseph Butterworth and Son, 1824.

James Stephen (1758-1832), a master in Chancery and later a member of the British Parliament, was deeply opposed to slavery and fought for its abolition throughout his life. In an appendix to this comprehensive treatise on slavery, he compares the diets of the slaves in the Leeward Islands and the Bahamas. Although there was more variety in the diet of Leeward Island slaves, slaves in the Bahamas actually received much more food, leading Stephen to conclude that they were, in fact, better off.

Eighteenth annual report of the board of trustees and officers of the Central Ohio Lunatic Asylum . for the year 1856. Columbus : Richard Revins, 1856.

From the Library's collection of annual reports of the Ohio Lunatic Asylum, which covers the years from 1839 to 1860, one can glean information on the diet and dining customs of the patients there. It appears that many of their fruits and vegetables were grown on the asylum grounds. The maintenance of orchards and gardens in fact was considered an important part of the patients' treatment. The list here illustrates the scale of the asylum's enterprise. Female patients also helped out in the kitchen and bakery. While these reports tend to paint an almost cheerful picture of life at the asylum, the patients' days were clearly regimented and carefully controlled. Men and women ate in separate dining halls, were given "an abundance of food and of a good quality"--but were never forced to eat--and care was taken to keep them from leaving the dining hall with knives or forks.

August V. Kautz. **Customs of service for non-commissioned officers and soldiers as practised in the Army of the United V. States.** Philadelphia : J.B. Lippincott, 1864.

This practical Civil War army manual contains 14 pages of information and advice on cooking while in permanent camp or in the field of battle. It gives no recipes, but provides rather straightforward general instructions, obviously intended for men with limited cooking experience. Kautz suggests building small clay ovens for baking bread, if the troops are stopped for a few days, and recommends substituting parched wheat or corn, cooked whole or as a cold or hot mess, when bread is unavailable. He also gives instructions on the preparation of fresh and salt beef, salt pork, beans, peas, rice, hominy and vegetables. He notes that "coffee is the soldier's greatest sustainer," but adds that "on a long and fatiguing march a canteen of cold tea is invaluable, greatly relieving exhaustion."

[\(See illustration 6\)](#)

Food & Religious Law

Not limited exclusively to secular law, the Law Library collections have a small number of books on religious law, including those displayed here. Food plays an important part in most religions in the form of offerings, symbolic foods, dietary restrictions and celebratory foods.

Manava-Dherma-Sastra; or the Institutes of Menu. v. 1 & 2. London : Cox and Baylis, 1825.

This Sanskrit volume and its English translation of these ancient Hindu law codes were edited by Graves Chamney Houghton, an English professor of Hindu religion. In his dedication to King George IV, he notes that the *Institutes* were not only revered by Hindus but "have contributed to preserve, in pristine force, opinions, usages, and manners, which have only grown stronger by the use of ages."

The pages shown here, "On diet, purification, and women," list some of the foods forbidden to the Brahmin class. These

restrictions continue for several pages and affect a wide variety of specific foods, as well as actions, such as killing animals for food.

Babylonian Talmud. v.19. Vilna : Rom, 1931.
Tractate Hullin 104b:

Mishnah. A fowl may be placed upon the table together with cheese but may not be eaten with it: so Beth Shammai. Beth Hillel say, It may neither be placed [upon the table together with cheese] nor eaten with it. R. Jose said, This is an instance where Beth Shammai adopt the lenient ruling and Beth Hillel the strict ruling. Of what table did they speak? Of the table upon which one eats; but on the table whereon the food is set out one may without any hesitation place the one [food] beside the other.

(Translation: Elii Cashdan)

This set of the Babylonian Talmud, printed in Vilna between the years 1927-1932, is one of the last complete sets of the Talmud to be printed in Europe before the outbreak of the Second World War. It was printed by the Widow and Brothers Romm, who were widely known for their quality editions of Jewish classical texts. The "Vilna Shas," as this edition was called, became a standard and continues to be photographically reproduced in the United States and abroad.

Biblia sacra : vulgatae editionis. Venice : Nicolas Pezzana, 1727.

The Pentateuch in chapter 11 of Leviticus lists in detail all the animals God declared clean or unclean and consequently permitted or forbidden to be eaten. Among the unclean animals are all those which chew their cud and have cloven hooves. "This is the law of the beasts, and of the fowl, and of every living creature ." (Verse 46)

Arrest de la cour de Parlement, portant permission d'exposer & vendre des oeufs pendant le Carême de cette année 1778. Paris : P.G. Simon, 1778.

This *arrêt* concerned the display and sale of eggs in the markets and public places of Paris during Lent 1778. It announces that the procurer general to the king had received an indulgence from the Church to allow the sale of eggs from Ash Wednesday through Easter Week.

Banquets

Ceremonial and social occasions are frequently enhanced and often defined by special foods and beverages. While the record of everyday meals is rarely committed to paper, special meals may leave some trace in printed menus, observers' accounts, letters, etc. Displayed here are the written remains of several banquets, from the elaborate festivities at the coronation of England's James II to a decidedly more modest dinner of HLS's class of 1915. *Bon appétit!*

Francis Sanford. **History of the coronation of James II and Queen Mary.**London : Thomas Newcomb, 1687.

This lavishly illustrated late seventeenth century "coffee-table" book on the coronation of England's James II is filled with engravings of all the participants in the coronation procession, their costume and royal regalia, and (shown here) the royal banquet that followed in Westminster Hall. The newly-crowned king and queen sit at the head table facing a double row of dining courtiers. Note the servants (about one for every two diners) waiting at table and the busy preparation of plates just behind the screens. Photographs from other pages show the careful and elaborate arrangement of plates and a list of dishes to be served at the head table.

(See illustration 7)

Menu and bill for the "Court of the Pow Wow in the Harvard Law School" dinner, 25th anniversary dinner, April 4, 1896.

This elegant dinner was held at the Hotel Vendome, a Boston landmark on Commonwealth Avenue in the Back Bay. Note that the total food bill for 81 diners came to \$202.50.

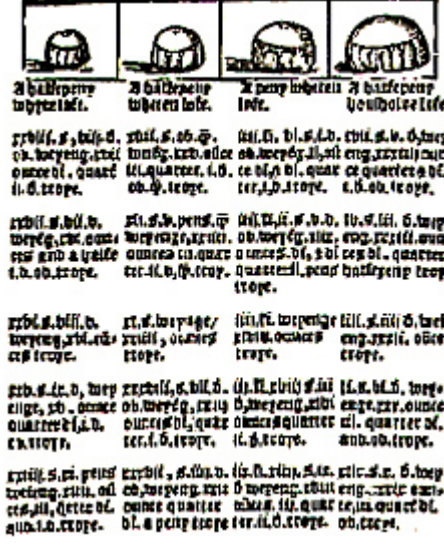
Program and menu of the third year class dinner of the Harvard Law class of 1915.

Somewhat more modest than the Pow-Wow Club dinner, this third year students' dinner was held at the Boston City Club on May 21, 1915. Pictured (left to right) are: Professors Samuel Williston, Austin Scott, Joseph Brannan, Roscoe Pound, Dean Ezra Ripley Thayer, Professors Edward Warren, Eugene Wambaugh, Joseph Beale, Joseph Warren, and Edward Brinley Librarian.

(See illustration 8)

Illustrations

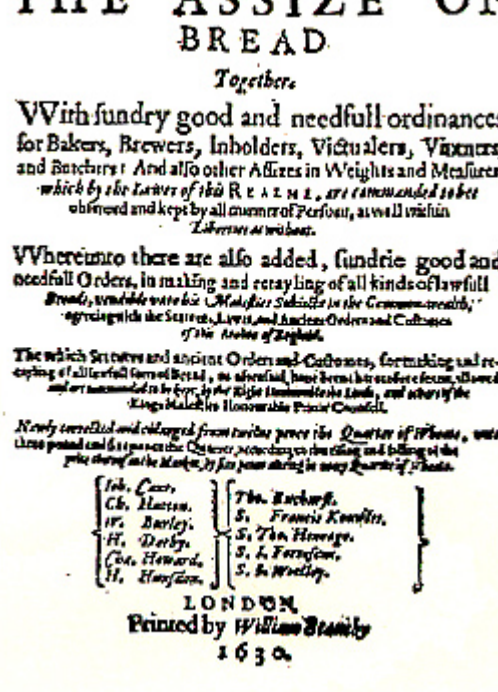
Illustration 1



Here begynneth the boke named the assyse of breade, what it ought to weye after the pryce of a quarter of wheete. London : Robert Wyer, ca. 1540.

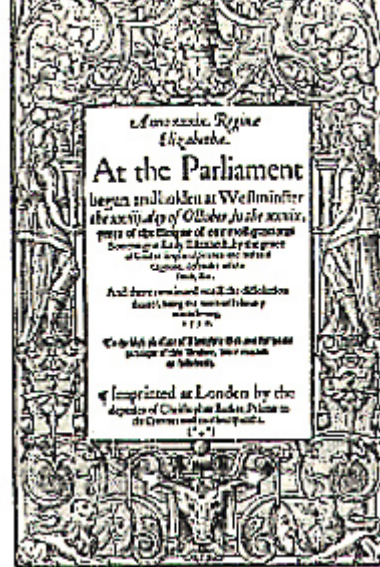
Facsimilie reprint, London : W.E. Ashbee, 1869.

Illustration 2



John Powell. **The aassize of bread. Together with sundry good and needfull ordinances for bakers, brewers, inholders, victualers, vinters, and butchers.** London : William Stansby, 1630.

Illustration 3



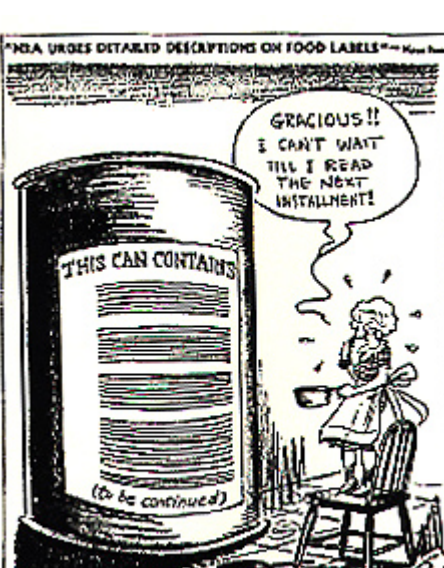
England, statutes. **Anno XXXIX. Reginae Elizabethae.** London : Christopher Barker, [ca. 1597]

Illustration 4



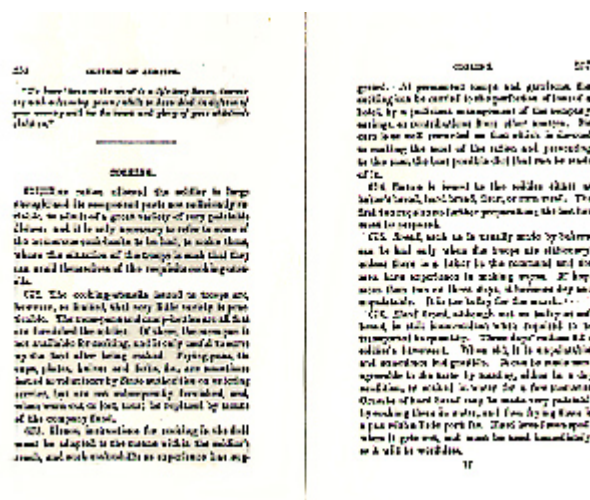
Arrest du conseil d'estat du roy, du 17 avril 1717. Paris : la veuve Saugrain, [1717].

Illustration 5



Ruth deForest Lamb. **American chamber of food and drugs: the truth about food and drugs.** New York : Farrar & Rinehart, 1936.

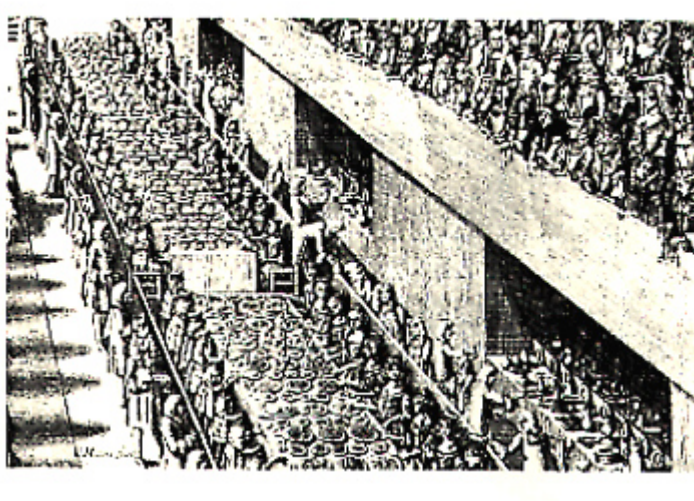
Illustration 6



August V. Kautz. **Customs of service for non-commissioned officers and soldiers as ... practised in the Army of the United States.** Philadelphia : J.B. Lippincott, 1864.

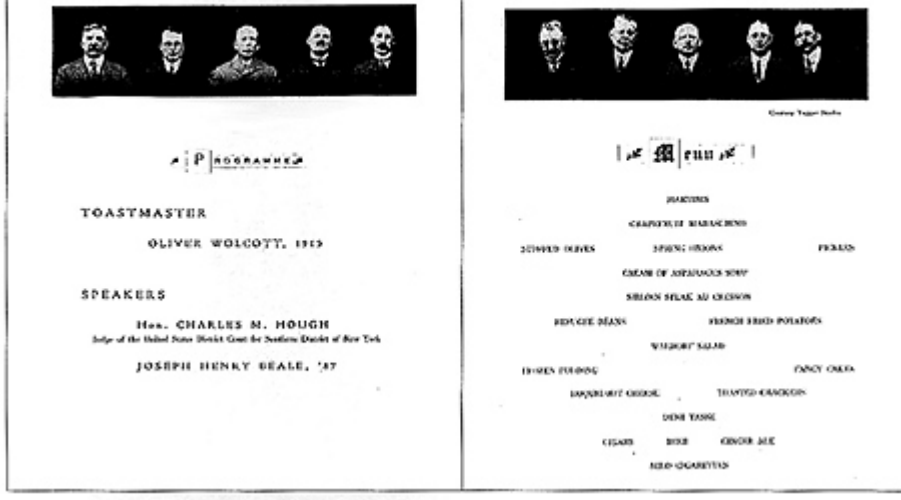
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Illustration 7



Francis Sanford. **History of the coronation of James II ... and ... Queen Mary.** London : Thomas Newcomb, 1687. (Detail)

Illustration 8




Program and menu of the third year class dinner of the Harvard Law class of 1915.

Exhibition and catalog prepared by Mary L. Person
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

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