

# The Assize of Bread in 18th-Century Oxford

By W. THWAITES

## SUMMARY

*This article describes the enforcement of the assize of bread, a medieval regulation for controlling bread prices, in 18th-century Oxford. A detailed analysis is made possible through the records of University market officials preserved in the University Archives. Material on other parts of Oxfordshire is fragmentary. A brief account of the surviving data precedes the analysis of the assize in Oxford, which is divided into two sections: first, technical aspects of enforcement and the response of the authorities in Oxford to the passage of assize legislation; and secondly, an assessment of the relevance of the assize in the changing economic climate in the 18th century. It is concluded that the assize was not without significance given the way in which corn marketing and the baking trade were organized in Oxford. Conclusions on Oxford cannot necessarily be applied to other towns in which the assize continued to be set.*

The assize of bread, dating back to the Statute *Assisa Panis et Cervisiae*, 51 Henry III, 1266, was a complex regulation. It has been little researched and its operation and relevance remain difficult to assess. The major account of the assize in the 18th century is still that written by Sidney and Beatrice Webb in 1904.<sup>1</sup> Adolphus Ballard's short article on the setting of the assize in Wootton Hundred in the first decade of the 19th century is available for Oxfordshire.<sup>2</sup>

This article concerns the setting of the assize in the City of Oxford. Evidence on the operation of the assize in rural areas and towns other than Oxford is available, but it is fragmentary and therefore difficult to interpret. The records of Henley's Court Leet in the 18th century provide occasional references to fines for assize of bread offences<sup>3</sup> and in 1800 an anonymous letter sent to the Mayor of Henley mentioned the assize.<sup>4</sup> Lists of London bread prices sent to the Mayor in 1816–1817 may indicate that attempts to regulate bread prices continued.<sup>5</sup> A few references can also be found to the setting of the assize in Banbury. A report in 1758 declared that the bakers were refusing to obey the assize;<sup>6</sup> *Jackson's Oxford Journal* noted a seizure of short-weight bread in the town in 1795<sup>7</sup> and in 1800 it was clearly stated that the Mayor was setting the assize.<sup>8</sup> No assize was issued for the county as a whole. However, the County Quarter Sessions occasionally issued orders for the enforcement of different aspects of the assize laws.<sup>9</sup> Moreover,

<sup>1</sup> S. and B. Webb, 'Assize of Bread', *Economic Jnl.* xiv (June 1904), hereafter abbreviated Webb, 'Assize'.

<sup>2</sup> A. Ballard, 'Assize of Bread in Oxon. in the 19th Century', *Oxon. Arch. Soc. Reports* for 1906 (1907).

<sup>3</sup> Oxon. R.O. MS. D.D. Henley B IV 40–41, Papers of the Court Leet, 1675–1778.

<sup>4</sup> *London Gazette*, 8–12 April 1800, 345.

<sup>5</sup> Oxon. R.O. MS. D.D. Henley C IV 8, London Grain Prices, 1816–1817.

<sup>6</sup> Oxon. R.O. B.B. XV/ii/1–2, Banbury Jnl. 1722–1761, 251–2.

<sup>7</sup> *Jackson's Oxford Jnl.* hereafter abbreviated *J.O.J.* 27 June 1795.

<sup>8</sup> P.R.O. H.O. 42:49, Richard Williams to Duke of Portland, 28 April 1800.

<sup>9</sup> For example, *J.O.J.* 15 Jan. 1774.

Justices for particular hundreds or groups of hundreds were sometimes recorded either setting the assize within their hundreds or hearing cases against offending bakers.<sup>10</sup>

The significance of this data is difficult to assess. It is certainly possible that many records concerning the assize have been lost and that some aspects of law enforcement, for example seizures of short-weight bread, were never recorded systematically. However, it is perhaps more likely that, outside Oxford, the assize was not set or enforced on a regular basis.<sup>11</sup> This is suggested by the way in which the evidence which is available is concentrated around certain critical periods. Most of the material comes either from periods of food shortages and high prices or following the introduction of new legislation.<sup>12</sup>

The problem of interpreting fragmentary data does not apply over the City of Oxford. Following the massacre of St. Scholastica's day in 1355 the University gained control of the assize of bread.<sup>13</sup> The two university officials who from 1513 were called clerks of the market were responsible for setting the assize.<sup>14</sup> The control of the assize by educated officials ensured that accurate records were kept and these have largely survived. Assize books are available for the years 1692–1700<sup>15</sup> and for the period 1733–1836.<sup>16</sup> Only for the years 1700–1733 are the records missing. The assize ceased to be set in October 1836, following the passage of 6 and 7 William IV c. 37, *An Act to repeal the several Acts now in force relating to Bread to be sold out of the City of London* . . .

These extensive records permit a precise analysis of the working of the assize. They also facilitate an assessment of the relevance of traditional regulations in the changing conditions of the 18th century. However, conclusions on Oxford should not necessarily be assumed to apply to other towns in which the assize continued to be set.

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The assize of bread was a mechanism not for reducing bread prices but for ensuring that they bore a relationship to the prevailing price of wheat. Between 1692 and 1700, the assize was fixed in relation to the second highest price paid for a bushel of wheat in Oxford market, a higher price than that which the Webbs suggest was originally intended.<sup>17</sup> When records resume in 1733, this was apparently still the case. Between 1733 and 1753, however, details of a second assize are also given, for New College, and based upon the highest wheat price. The reason for this is unclear. It is possible that the College had a special arrangement with its bakers, as had All Souls, where the baker

<sup>10</sup> For example, *J.O.J.* 3 Dec. 1768; Oxon. R.O. Quarter Sessions, hereafter abbreviated Q.S. Bundles Epiphany and Easter 1758.

<sup>11</sup> Henley may be an exception. The pattern in prosecutions does not permit precise conclusions.

<sup>12</sup> The fragments of evidence are tabulated chronologically in my thesis. Univ. of Birmingham TS Ph. D. thesis, W. Thwaites, 'Marketing of Agricultural Produce in 18th Century Oxon.' hereafter abbreviated Thwaites, 'Marketing', (1980), 417–29. For a more detailed analysis of the problems of interpreting regulations data surviving from periods of high prices see W. Thwaites, 'Dearth and the Marketing of Agricultural Produce: Oxon. c.1750–1800', *Agric. Hist. Rev.* xxxiii (2) (1985).

<sup>13</sup> *V.C.H. Oxon.* iv, 56.

<sup>14</sup> *Ibid.* 309.

<sup>15</sup> Bodl. MS. Top. Oxon. f 18, Assize of Bread, 1692–1700.

<sup>16</sup> Oxford Univ. Archives, hereafter abbreviated O.U.A. MR 3/5/1 – MR 3/5/6, Corn Books of the Clerks of the Market 1733–1822; Bodl. MS. Top. Oxon. d 68 and d 69, Univ. and City of Oxford Assize of Bread 1822–1870. The Corn Books and other Archive material are referred to by kind permission of the Keeper of the University Archives. My thanks are also due to Ruth Vyse for her considerable assistance with Archive material.

<sup>17</sup> Webb, 'Assize', 198.

supplied 14 ld. loaves for 1s.<sup>18</sup> Alternatively the College may have expected particularly high-quality bread.<sup>19</sup>

From 1753 onwards only one assize is recorded, still fixed ostensibly in relation to the second highest price. From 1769, however, the second highest price tends to be an inaccurate description. Very occasionally the price was higher, mostly lower.<sup>20</sup> This price may represent an approximate average,<sup>21</sup> perhaps in an attempt to make the assize relate more accurately to the wheat prices paid by the majority of bakers. However, two other factors may have been influential. Firstly, W.F. Lloyd, examining the assize in 17th-century Oxford, noted that the authorities sometimes employed lower prices than the second highest, 'particularly when the price of corn (was) high.'<sup>22</sup> Wheat prices in the second half of the 18th century were frequently high and the authorities may have been reluctant to follow every upward trend. Secondly, and perhaps more significantly, from 1769 the University officials began to use the Table of Assize found in 31 George II c. 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*. As we shall see, this table was far more favourable to the bakers and by setting the assize on lower prices the authorities may have been attempting to redress the balance.

From 1813, following the passage of 53 George III c. 116, *An Act to alter and amend Two Acts of the Thirty first Year of King George the Second, and the Thirteenth Year of His present Majesty, so far as relates to the Price and Assize of Bread to be sold out of the City of London* . . . the assize was officially fixed in relation to the average price of wheat.

One further point should be made concerning the price on which the assize was set. By 8 Anne c. 18, *An Act to regulate the Price and Assize of Bread*, the authorities were permitted to have reference to the price of flour in fixing the assize.<sup>23</sup> However, in Oxford, the assize was set only twice in relation to the price of flour, during a period of unprecedented wheat price rises early in 1801.

In addition to the price of wheat, the authorities also had to take into account an allowance to the baker to cover the cost of wood, candles, yeast, salt, wages and miller's fees. In the 17th century the urban bakers were apparently allowed a larger sum to cover their expenses than were bakers from rural areas.<sup>24</sup> There is evidence that separate assizes were set for country and city bakers in 17th-century Oxford<sup>25</sup> but the division does not occur in the records after 1692.<sup>26</sup>

A list of quarterly payments of city and country bakers between 1679–1681 may suggest that allowances were paid directly at this time, although it is not certain that 'of' means to rather than from the bakers.<sup>27</sup> By 1733, however, the situation is clear. The

<sup>18</sup> Sir William Blackstone, *Dissertation on the Accounts of All Souls College, Oxford*, (1753, reprint, Roxburghe Club, 1898), 9–10.

<sup>19</sup> It is possible that a separate assize may have been set for New College before 1733. Certainly New College bakers were mentioned as a separate group under an account of quarterly payments of bakers at St. Thomas Day, 1680. O.U.A. N.E.P. Supra 14, Miscellaneous Market Regulations c. 1664–1732, fo. 13.

<sup>20</sup> The prices are detailed in Thwaites, 'Marketing', Appendix, Table B.

<sup>21</sup> Average prices in Oxford between 1770 and 1783 are detailed, Ibid. Appendix, Table C.

<sup>22</sup> W.F. Lloyd, *Prices of Corn in Oxford in the Beginning of the 14th Century. Also from the Year 1583 to the Present* . . . (1830), 6–7.

<sup>23</sup> C.R. Fay, 'The Miller and the Baker. A Note on Commercial Transition', *Cambridge Hist. Jnl.* i(1) (1923), 86.

<sup>24</sup> A. Annesley offers an explanation of this in terms of the extra tax paid by urban bakers. *Strictures on the True Cause of the Present Alarming Scarcity of Grain and other Provisions* . . . (1800), 45.

<sup>25</sup> O.U.A. N.E.P. Supra 14.

<sup>26</sup> Village bakers certainly continued to supply the City. Bodl. MS. Top. Oxon. e 98, Papers relating to the Clerks of the Market and their Work, 1821–1851, 3.

<sup>27</sup> O.U.A. N.E.P. Supra 14, fo. 13.

price of wheat was found, the allowance added and the assize set on the final figure. Thus, in March 1769 the second highest price of a bushel of wheat was 5s. 3d., the allowance was 1s. 3d. and the assize was therefore set in relation to 6s. 6d. on the Table of Assize. The allowance was increased as the century progressed. In 1733 it stood at 9d.; in June 1754 this was increased to 1s.; in April 1766 to 1s. 3d.; in December 1776 to 1s. 6d. and in January 1805 a 'temporary' increase to 1s. 9d. was granted. Allowance was also made for unusual increases in the baker's costs. In August 1798 5d. was added to the price of a quarter of wheat to cover an additional duty on salt.

Several significant changes occurred in the assize tables in the course of the 18th century. Firstly, the amount of bread which it was assumed should be produced from a quarter of wheat was gradually reduced as the century progressed. Until 1710, it was assumed that 418 pounds of bread should be made from each quarter of wheat; in 1710 this was reduced to 417 pounds and in 1758 to 365. In practice this meant that before 1758, if the assize was set on 5s., a 1d. household loaf had to weigh 18 ounces 9 drams; after 1758 it only had to weigh 16 ounces 6 drams. Secondly, until 1758, the price of a loaf was always constant and the weight altered. By 31 George II c. 29, loaves of constant weight were allowed, the price to be adjusted. Thirdly, until 1758, it had been assumed that three sorts of loaves would be produced, white, wheaten and household. After the passage of 31 George II c. 29 and an amending Act, 3 George III c. 11, it was assumed that two sorts of bread only would be made for sale, wheaten and household.<sup>28</sup> In 1773, by 13 George III c. 62, *An act for better regulating the assize and making of bread*, the baking of a third type of bread, standard wheaten, was permitted and magistrates were given the right to prohibit for fixed periods the baking of any other sort than standard wheaten.

Changes in the law seem not to have produced an immediate response in Oxford. 31 George II c. 29, passed in 1758, clearly repealed previous legislation. However, it was not until 1769, eleven years after its passage, that the authorities finally abandoned the repealed Act of 1710 and commenced using the 1758 Table.<sup>29</sup> The reason for the delay remains unclear.

Again, while the Act of 1758 had permitted loaves of constant weight with the price to be adjusted, until 1774 the authorities continued to retain constant prices and alter the weight of bread. Some change in the range of prices is, however, noticeable. In January 1696, the Vice Chancellor ordered that no white loaf should be sold for more than 2d., wheaten loaves should cost only 3d. and 6d. and household loaves only 6d. and 1s. Although this order was repeated in January 1699, it apparently proved so unpopular that in June it was declared that bakers would be allowed to produce larger loaves, costing up to 18d. By the mid 18th century 18d. loaves were no longer mentioned and the prices were 1d., 2d., 3d., 4d., 6d., and 12d. The 4d. loaves were omitted after 1754. The first time that loaves of standard weight, peck, half peck and quartern, were recorded was in February 1774, sixteen years after they had been permitted. On the whole, from this time, an assize was fixed for 1d. and 2d. loaves and a price for peck, half peck and quartern.

At the start of the period, three sorts of loaves were assized in Oxford, white, wheaten and household. White loaves should have been omitted after 1758, but, along

<sup>28</sup> *Reports from Committees of the House of Commons*, ix, *Provisions, Poor, 1774-1802*, (1803), 4.

<sup>29</sup> It is unclear how quickly the authorities implemented 8 Anne c. 18. However, they had certainly done so by 1733, when the 1710 Table was clearly being used and loaf weights were given in ounces and drams, as required by the Act of 1710. The problems which arose from the fact that prior to 1710 bread had to be sold by Troy weights when avoirdupois weights were in common use is discussed in J. Houghton, *A Collection for the Improvement of Husbandry and Trade*... ed. R. Bradley (1727), i, 111-14.

with the 1710 Table, they were not abandoned until 1769. Again the reason for the delay is unclear. The authorities were certainly much quicker to respond to the passage of 13 George III c. 62, perhaps because the reaction to this Act was county wide. In January 1774, the Vice Chancellor ordered that for three months from February 21 bakers in Oxford were to be prohibited from making any priced loaves superior in quality to standard wheaten.<sup>30</sup> Accordingly, on February 26 a price was fixed for peck, half peck and quartern standard wheaten and household loaves. 1d. and 2d. wheaten and household loaves continued to be assized as before.<sup>31</sup> The introduction of loaves of constant weight therefore coincided with the introduction of standard wheaten bread. For the wheaten and household loaves, the authorities used the Table of 1758, for the standard wheaten, the Table of 1773.

The pattern established in 1774 prevailed for the rest of the 18th century, except during the severe dearths of 1795–1796 and 1800–1801, when various attempts were made to bring about a reduction in wheat consumption by prohibiting the use of loaves made from high-quality flour. The assize followed a complex pattern during these dearth years. The first major change occurred on July 11 1795, when assized loaves were omitted and prices established for loaves termed household and inferior. This was followed by a period between July 18 and September 19, when only one type of bread was permitted, termed 'usual Oxford household'. On October 17 the assize was set normally but this situation only lasted until December 26, when the bread is again termed household and inferior. This pattern prevailed until December 24 1796. On February 25 1797 the price of household bread alone was recorded and it was not until May 1797 that the assize was again set normally. The return to normality was shortlived. On December 4 1799 the Vice Chancellor and Heads of Houses ordered that no finer bread than standard wheaten should be made. Throughout 1800 and January 1801, while both assized and priced loaves were permitted, all bread had to be either standard wheaten or household. On January 31 and February 7 1801, when the assize was set in relation to the price of flour, only one type of bread was mentioned, termed 'wheaten', and on February 28 prices and weights for household bread alone were recorded. After this, and for the remaining months of 1801, there was a return to the pattern established in December 1799, with the addition, from March 7, of a half quartern loaf.

Not only was the assize of bread set in Oxford throughout the period but the authorities also made regular checks to see that it was being obeyed. In 1835, when the Clerk of the Market was requested to furnish the House of Commons with information on whether assize of bread offences were punished in Oxford, he replied:

The Examination of the weight of bread takes place more or less frequently according to information given to the Clerks of the market, or their own suspicions of particular Bakers, and since the 1st of June 1833 two seizures, both of a small quantity only, of bread have occurred. As, in both cases, there was every reason to suppose that the deficiency arose more from the carelessness of the Servants, than from any intentional dishonesty on the part of the master baker, the Clerks of the market contented themselves with seizing, according to ancient custom and distributing it to the poor, not thinking themselves justified in convicting the parties before the Vice Chancellor.<sup>32</sup>

In the 18th century, *Jackson's Oxford Journal* occasionally reported that bakers had been

<sup>30</sup> *J.O.J.* 22 Jan. 1774.

<sup>31</sup> The orders made in 1774 mention that 1d. and 2d. white loaves might still be made. However, white as opposed to wheaten loaves are not mentioned in the Oxford assize records.

<sup>32</sup> Bodl. MS. Top. Oxon. d 70, Bliss Papers – Univ. Market Book, 1828–1836, fo. 225v.

convicted before the Vice Chancellor and fined for selling short-weight bread.<sup>33</sup> One baker was announced to have been dismissed from serving New College for the same offence.<sup>34</sup>

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Given that the assize of bread was still issued throughout the 18th century and punishments inflicted on offending bakers, it is natural to assume that it remained a meaningful regulation. Certainly the authorities in Oxford seem to have been at pains to ensure that it continued and there is little suggestion of widespread disobedience by the bakers. Indeed, only once, in 1696, was it suggested that the bakers attending Oxford market were ignoring the regulation and exposing 'to sale bread of uncertain prizes and Denominations & of Assizes contrary to the Laws of the Realme'.<sup>35</sup> Moreover the 18th-century crowd seem to have retained a commitment to the assize. In November 1767, an anonymous letter was sent to John Shorter, a Bailiff of Witney. It commenced, 'I hope that (you - omitted) will be so good in a week or two's time to oblige the Bakers to make the Bread according as the Price of Wheat is As they do at Oxford, Abingdon and many other Places...'.<sup>36</sup> In addition, in 1800, when Oxfordshire experienced a series of disturbances over high prices and food shortages, the assize attracted attention not merely in Oxford but in Henley and Banbury as well. In March, the Mayor of Henley was in correspondence with the Duke of Portland over publishing in the *London Gazette* a letter carrying a threat to burn the town, 'if the Bread... is not fallen two assizes this week'.<sup>37</sup> In April, the Mayor of Banbury was threatened with an attack on his person should he raise the price of bread.<sup>38</sup> Finally, in October, one of the rioters involved in an assault on Dr. Cooke, President of Corpus Christi College and Pro Vice Chancellor, 'expressed great dissatisfaction at the conduct of those who set the assize of bread and contended that according to the price of corn Bread ought to fall in price'.<sup>39</sup> In other words, the crowd was interested not merely in bread prices but in bread prices as determined by the assize.

In spite of this acceptance by the authorities in Oxford, the bakers and the Oxfordshire crowd that the assize was a meaningful regulation, it was nevertheless suggested at the time, and has been suggested by historians since, that the regulation was ineffective in the economic conditions of the 18th century.

The first major question concerning the assize is whether the price of wheat on which it was set was actually paid by the baker. W.J. Shelton, for example, suggests that the official price was the product of a contract staged in the market place for the benefit of the authorities and unrelated to the prices being paid in the inns where the majority of transactions took place.<sup>40</sup> Evidence to substantiate this type of suggestion is virtually impossible to find. However, there are definite indications that Oxford's open corn

<sup>33</sup> *J.O.J.* 9 June 1764; 23 Oct. 1790; 18 July 1795; 22 Oct. 1796; 2 May 1801.

<sup>34</sup> *J.O.J.* 24 Dec. 1768.

<sup>35</sup> O.U.A. N.E.P. Supra 14, fo. 7. That this type of complaint was not repeated in the 18th century may suggest that the Act of 1710 made the assize easier to set.

<sup>36</sup> *J.O.J.* 14 Nov. 1767.

<sup>37</sup> *London Gazette*, 8-12 April 1800, 345.

<sup>38</sup> P.R.O. H.O. 42:49, Richard Williams to Portland, 28 April 1800.

<sup>39</sup> P.R.O. H.O. 42:52, The Examination of Thomas Robinson, Inclosure in Dr. Marlowe to Portland, 17 Oct. 1800.

<sup>40</sup> W.J. Shelton, *English Hunger and Industrial Disorders*, 33, 72.

market was thought to be threatened in the mid 18th century<sup>41</sup> and that both sample-selling and inn trading did develop in the City.<sup>42</sup> Thus, large-scale and possibly cut-price deals may have been taking place out of the view of the market officials. Nevertheless, the authorities in Oxford persisted in collecting wheat prices in the market, not merely to set the assize but also to establish the corn rents paid by lessees of college estates, and there is no evidence that they felt they were being deceived as to the true price levels. Moreover, between 1692–1700 and again between 1795–1800<sup>43</sup> the prices in a number of transactions each week were recorded and it would seem unlikely that all of these transactions were contrived. Between 1795 and 1800 individual bakers were occasionally involved in as many as six of these transactions in one market day, purchasing, for example, 45 quarters of wheat. This would seem excessive had they been able to purchase much more cheaply at inns.

A related criticism of the assize is that it continued to be set on the price of wheat, when the bakers had become very largely purchasers of flour. In 1795, for example, it was declared, 'It is in vain to think of tying the bakers to sell bread according to the assize from the market price of wheat, and at the same time to leave the millers at liberty to buy up the wheat and make the bakers pay what price they please for the flour.'<sup>44</sup> Evidence on individual purchases of flour is not available but doubtless it would show that Oxford bakers did make flour purchases.<sup>45</sup> Certainly by 1824 the baker Alexander Bayne could declare that a great deal of flour was bought in Oxford.<sup>46</sup> Nevertheless, there is no evidence to suggest that the authorities had been unrealistic to continue fixing the assize in relation to the price of wheat in the 18th century, as leading City bakers remained regular purchasers of wheat throughout the period. Indeed, an analysis of the clientele of Oxford corn market indicates that between 1692 and 1800 the bakers remained numerically dominant.<sup>47</sup>

However, even if the bakers were purchasing wheat and paying the prices on which the assize was set, there are still grounds for suggesting that it favoured the bakers unduly. For the greater part of the 18th century, the assize was set on the second highest price of a bushel of wheat, which meant that the majority of bakers would have been paying a lower price for their wheat than the assize price. To make matters worse the Assize Table established in 1758 was based on the assumption that the baker would be making far less bread from a bushel of wheat than was actually the case.<sup>48</sup> Allowances too were gradually increased until in 1813 they were apparently equal to those granted to London bakers.<sup>49</sup> Taken together these points suggests that the Oxford bakers were probably capable of selling bread more cheaply than the assize would indicate. It was

<sup>41</sup> *J.O.J.* 15 Sept. 1753.

<sup>42</sup> Thwaites, 'Marketing', 248–56, 315–18.

<sup>43</sup> O.U.A. MR 3/5/7 – MR 3/5/8, Corn Returns 1795–1800. For a full discussion of the Oxford price material, see Thwaites, 'Marketing', 158–77.

<sup>44</sup> *Considerations on the Scarcity and High Prices of Bread-Corn and Bread in the Market . . . supposed to be written by Governor Pownall*, (1795), hereafter abbreviated *Considerations*, 27.

<sup>45</sup> For a discussion of the relative importance of millers and bakers in Oxford market see, Thwaites, 'Marketing', 224–9.

<sup>46</sup> *Report from Select Committee (House of Commons) on Allowances granted to Bakers by . . . 53 George III c. 116 in those Places where an Assize of Bread is set*, (1824), hereafter abbreviated *Commons Committee, Allowances*, Examination of Alexander Bayne, 16. Bayne added that the bakers could get the very best flour from the dealers, who went to the markets.

<sup>47</sup> Thwaites, 'Marketing', 183–8.

<sup>48</sup> This point is made by, for example, L. Heslop, *Observations on the Statute of the thirty-first George II ch 29 concerning the assize of bread . . .* (1799), 5.

<sup>49</sup> *Commons Committee, Allowances*, 16.

certainly felt that the bakers could reduce prices without hardship. For example, in November 1772, when a meeting was held in Oxford to discuss the best means of relieving the poor at a time of high prices, it was suggested that the Oxford bakers should be requested to report the lowest terms on which they would supply household bread for the purpose.<sup>50</sup> Again, in 1824, Alexander Bayne reluctantly accepted that bakers could sustain a price reduction.<sup>51</sup>

However, the fact that underselling was economically viable does not mean that it was widely practised in the City.<sup>52</sup> An Oxford baker, writing in 1867, explained that when he began in business he discovered that it was possible to sell below the assize price and make a profit but that most bakers tended, nevertheless, to obey the assize.<sup>53</sup> Alexander Bayne made a similar point in 1824. He reported that there had been a recent increase in the number of bakers and that some did sell cheap but that the 'respectable' bakers remained committed to the assize.<sup>54</sup> In conclusion it seems probable that by the late 18th century at latest the retention of the assize and its acceptance by the leading bakers may have been causing the price of bread to be artificially high.

However, while the continued setting of the assize probably favoured the bakers in normal periods, the way in which it was set during the dearth years of 1795–1796 and 1800–1801 caused them considerable hardship. This was particularly the case in September 1800.

On September 13, the assize was set on a wheat price of 13s. 6d per bushel when the second highest price had been 18s. On September 20, following crowd pressure on local farmers to reduce their prices,<sup>55</sup> all those who attended Oxford market offered their wheat for sale at £20 per load, even though the prevailing price was around £35. The assize was therefore set on a price of 9s. 6d. per bushel. The following week much of the wheat was still sold at low prices and the sum on which the assize was set was consequently raised a mere 1s. to 10s. 6d. At least nine bakers did apparently manage to obtain wheat at £20 per load. However, those who had failed to obtain the cheap wheat were faced, for three weeks, with baking bread fixed on an artificially low wheat price. Moreover, as Sir Christopher Willoughby pointed out, the bakers of the neighbourhood were also regulated under the Oxford assize and as they too had failed to obtain cheap wheat, 'they must either lose a great deal of money, in case they lessen the price of bread; or there will be tumult in every village in the county.'<sup>56</sup>

The solution which was adopted was to grant subsidies to the bakers. On September 18, in response to the way in which the assize had been set on the thirteenth, the City Council resolved that, 'The House will indemnify the bakers against the loss at a sum not exceeding 7s. 6d. on every sack of flour baked into bread on or before next Tuesday.'<sup>57</sup> It would appear that the University and City magistrates then agreed to extend the offer of indemnities to cover the losses which had resulted from the way in which the assize was set on September 20 and 27. On October 8, it was agreed that the indemnities which had been offered without the consent of the Council should be

<sup>50</sup> *J.O.J.* 28 Nov. 1772.

<sup>51</sup> *Commons Committee, Allowances*, 16.

<sup>52</sup> For an account of the growth of underselling in other areas, see J. Burnett, 'The Baking Industry in the 19th Century', *Business Hist.* v (1962–3), 99–101.

<sup>53</sup> Bodl. G.A. Oxon. 4° 784, Scrap Book on Oxford 'Bread Riots' in 1867.

<sup>54</sup> *Commons Committee, Allowances*, 16.

<sup>55</sup> P.R.O. H.O. 42:51, Christopher Willoughby to Portland, 17 Sept. 1800 and 21 Sept. 1800; John Cooke to Portland, 21 Sept. 1800; P.R.O. H.O. 43:12, Portland to Duke of Marlborough, 22 Sept. 1800.

<sup>56</sup> P.R.O. H.O. 42:51, Willoughby to Portland, 21 Sept. 1800.

<sup>57</sup> *Oxford Council Acts, 1752–1801*, ed. M. Hobson, (Oxf. Hist. Soc. n.s. xv, 1962), 277.

honoured.<sup>58</sup> On January 22 1801, it was reported that the City had had to pay to the bakers £157 3s. 11½d. and the University £80.<sup>59</sup>

The other method by which the authorities might deal with advancing bread prices in dearth was to set the assize on the high wheat prices but then to open subscriptions to enable the bread to be sold with a subsidy so that the poor did not feel the full impact of the increases. For example, during the early months of 1795, more than 4000 people were supplied with bread at little more than half price, twice weekly for eleven weeks at a total cost of £638 14s. 5d.<sup>60</sup> It seems difficult to explain why the assize should have been set at all in severe dearth periods if the bakers or the poor or both had to be subsidized. However, it is possible that the existence of the assize may have helped to contain rampant profiteering and also to reassure the crowd that the authorities were continuing to regulate marketing in their interest.<sup>61</sup>

The second major criticism of the assize concerns the types of bread which it required to be made. It was widely claimed that, as the bakers were allowed to make a greater profit on white bread, they often omitted to make brown loaves. Even if the bakers wished to observe the assize it was felt that the millers, especially in regions which supplied London with flour, were not producing flour from which an acceptable household bread could be made. Moreover, 13 George III c. 62 was considered to be totally unworkable because millers never produced flour from which standard wheaten bread might be made.<sup>62</sup> There is little evidence that the Oxford bakers were deliberately baking incorrect types of bread. Certainly no prosecutions for this particular offence have been found in the Oxford records.<sup>63</sup> Moreover, we have already noted that the City bakers were not dependent on millers and mealmen for purchased flour but often continued to be corn buyers and therefore perhaps better able to decide the sorts of flour they required.

Loaves termed wheaten and household were definitely both produced in the City. As late as 1768, the term whitebaker was still employed in Oxford,<sup>64</sup> suggesting that most bakers made at least some brown bread.<sup>65</sup> In 1772, the bread to be sold to the poor was called household and, in 1824, when the only unequivocal statement on bread consumption in Oxford was made, it was suggested that household bread was in general use among the inhabitants while wheaten bread tended to be used in the University.<sup>66</sup>

It would, of course, not be possible to know how closely the 'wheaten' and 'household' loaves made in Oxford at any particular time did conform to the wheaten and household bread which the assize laws envisaged. Oxfordshire was definitely within the zone which supplied London with meal and flour in the 18th century.<sup>67</sup> As London

<sup>58</sup> Ibid. 281.

<sup>59</sup> Ibid. 283. Webb, 'Assize', 214, record that at Exeter also the assize was only maintained at the cost of raising a fund with which to induce the bakers to continue their trade.

<sup>60</sup> *J.O.J.* 28 March 1795.

<sup>61</sup> *Three Tracts on the Corn Trade and Corn Laws* (2nd. edn. 1766), 30. This suggests that the assize needed to be set in large towns to reassure people that they were not being cheated by the bakers.

<sup>62</sup> All these points are made by a number of writers. For example, *Considerations*, 25-6; 35-8; *The Annual Register*... 1800, xlii (1801), *Appendix to the Chronicle*, 94-5; 113-15; *The Gentleman's Magazine*, lxx(2) (1800) 1175-6; E.P. Thompson, 'Moral Economy of the English Crowd in the 18th Century', *Past and Present*, 1, (1970), 80-1.

<sup>63</sup> Although a number of cases concerning improperly marked or constituted bread were heard by Justices in the hundreds in 1757-1758. Oxon. R.O. Q.S. Bundles Epiphany 1758.

<sup>64</sup> Bodl. MS. Top. Oxon. c 283, List of Persons made Free of the City of Oxford 1740-1801, 25.

<sup>65</sup> For the traditional difference between white- and brown-bakers, see *V.C.H. Oxon.* iv, 321-2.

<sup>66</sup> *Commons Committee, Allowances*, 15; C.R. Fay, 'Miller and Baker', 89.

<sup>67</sup> For evidence on the trade with London, see Thwaites, 'Marketing', 257-62; 274; 279-89.

was thought to cream off the top quality flour, it is possible that the bakers who did purchase from millers and mealmen had to make their wheaten loaves from the coarse flour which was left in the county after the finest part had been exported. On the other hand, Alexander Bayne suggested in 1824 that the household bread sold in Oxford was less coarse than usually sold in the country and approximated to standard wheaten in quality.<sup>68</sup>

It is not clear whether white bread, that is bread of finer quality than wheaten, was used extensively or whether it continued to be made after it ceased to be assized in 1769. Neither has evidence been found to indicate whether standard wheaten bread *per se* was ever employed in Oxford. However, if household bread, which was at least as coarse as standard wheaten, was in general use then it would have been pointless to attempt to reduce the consumption of wheat by introducing standard wheaten bread. Thus, the Mayor of Abingdon, in January 1800, rejected the call to enforce 13 George III c. 62 on the grounds that the bread which was commonly used in Berkshire was produced from flour containing a higher proportion of bran than the flour from which standard wheaten bread was to be made.<sup>69</sup>

Finally, it is possible that the 'inferior bread' mentioned in 1795–1796 was actually produced. Certainly in March 1796, it was reported that, 'mixed bread in the proportion of  $\frac{3}{4}$  wheat and  $\frac{1}{4}$  barley has till lately been used in this city by the inhabitants in general, saving the poor, who have from the beginning almost universally refused to consume in their families any but the wheaten'.<sup>70</sup>

If the bakers were apparently trying to produce an acceptable wheaten and household bread, they also seem, on the whole, to have been producing an edible loaf. Adulteration, a common 18th-century practice, seems not to have been a problem in Oxford. Only once was it suggested that the bread was so bad that it was unfit to eat and must therefore have contained improper ingredients.<sup>71</sup> Moreover, this was in September 1800 when the bakers had the excuse of exceptional difficulties.<sup>72</sup> Indeed, the only illegal activity of which the Oxford bakers were accused in the 18th century was selling short-weight bread and, even here, they were sometimes able to find extenuating circumstances. When, in 1768, a High Street baker was dismissed from serving New College for selling short-weight bread, he defended himself on the grounds that the College required the crusty loaves from the edges of a batch of bread and these were automatically deficient in weight. He contended that the inner loaves were of correct weight.<sup>73</sup>

In conclusion, it would seem that, in Oxford, the assize of bread was set, enforced and very largely obeyed throughout the 18th century. Moreover, the assize was fixed on wheat sold in a market which the bakers did still attend. The price, if a little high, was almost certainly one which a given baker would have paid. It would seem too that the bakers were making loaves which at least approximated to the wheaten and household required. Moreover, the maintenance of the assize was thought to reduce the likelihood of bakers producing inferior, adulterated loaves. Finally, in dearth periods, even if the assize was maintained by artificial means, its continuance did help to reassure the crowd

<sup>68</sup> *Commons Committee, Allowances*, 15.

<sup>69</sup> P.R.O. H.O. 42:49, G. Knapp to Portland, 4 Jan. 1800. Knapp's comment supports the suggestion that country household bread was in general more coarse than the household bread sold in Oxford.

<sup>70</sup> P.R.O. P.C. 1:33 A 87 pt. 1, W.E. Taunton to Portland, 30 March 1796.

<sup>71</sup> *J.O.J.* 13 Sept. 1800.

<sup>72</sup> However, in 1824 the suggestion was made that the bakers who sold cheap sold inferior bread, which may also have been harmful. *Commons Committee, Allowances*, 16.

<sup>73</sup> *J.O.J.* 24 Dec. 1768.

that the bakers were unable to profit from the necessity of others. If it is hard to produce a clear, objective justification for the retention into the 18th century of a medieval regulation, it is perhaps worth remembering that the Oxford University authorities, the bakers and the poor seem each to have felt that the assize of bread remained of value. Ultimately the assize may have provided all parties with a sense of security in relation to each other which was perhaps more important to them than 1d. off the price of a loaf of bread. Finally, by bringing University, trade and the poor together it may have helped to promote a degree of understanding between them.

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