

THE FACTORY CONTROVERSY 1830-1853

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Thesis submitted in the Faculty of Arts  
of the  
University of London  
for the degree  
of  
Doctor of Philosophy  
1958

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## ABSTRACT OF THE THESIS

The period from 1830 to 1853 has been called the age of paradox, the age in which the beliefs in Laissez-faire and state intervention alternately determined the legislation and attitude of Parliament. This was the case, for example, in the Repeal of the Corn Laws in 1846 and the Ten Hours' Act of 1847. Historians of the early 1900's, emphasizing the ruthless individualism of the period, frequently credited the Earl of Shaftesbury with single-handedly forcing exceptions on a Laissez-faire age. More recent writers, recognizing the work of Bentham and Chadwick, see two antithetical trends. Both these groups, looking more to events than to beliefs, fail to explain the seeming inconsistency of the men who voted in favour of both the Bill of 1846 and the Bill of 1847.

This thesis attempts to show, through a study of the controversy over Factory Legislation between 1830 and 1853, the development of a political theory justifying both Repeal and Ten Hours. It is a study of public opinion as seen in the pamphlets, periodicals, newspapers, books, speeches and popular agitations and of the work and opinions of the Factory Inspectors. The attitude towards Government in the early 1800's was strongly influenced by the classical economist's popularization of Adam Smith's teaching. Gradually

the condition of England made the country aware that an inflexible application of Laissez-faire was causing, or at least not remedying, the misery of the working class. The majority of men, however, continued to support Free Trade. Consequently, Laissez-faire was reinterpreted to comprehend the distinction between human wealth and commercial wealth, and to allow Government interference to increase the former, while still denying its efficacy to increase the latter; that is, to permit interference in the internal relations of industry while continuing to deny it in the external.

The English revolution will be a revolution of law, and not of violence.

A remarkable political feature of the present time is the insignificance of the men who are the visible instruments and the only apparent agents in this great change.

John Stuart Mill

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## INTRODUCTION

The term, Laissez-faire, needs to be reconsidered as much as did the term, Industrial Revolution. Perhaps it is the reappraisal of the latter term which forces a new study of the former one. Just as it has been shown that the Industrial Revolution had no precise beginning or end, indeed no easily definable meaning, so it must be realized that there was no systematic doctrine of Laissez-faire that sprang from an historical Zeus and had a constant form. Men have always desired to be left alone, but the restraints which they wish to throw off change from age to age. The advocates of Laissez-faire in the 1830's and 1840's strove for two things: they wanted to increase their commercial prosperity and to gain recognition of their position in society. This dual purpose leads to an explanation of the paradoxical content of their Laissez-faire beliefs and, consequently, of the paradox which historians have seen in that age.

The period with which this thesis is concerned was marked by the lowering of commercial duties and by social legislation, by the first Reform Bill and by the Chartist Movement. The commercial class felt that lower duties aided them materially and that the first Reform Bill recognized and ensured their role in society. From one point of view the Poor Laws and Factory Legislation were attempts to consolidate

their gains by alleviating the conditions which stirred the Chartists who threatened the position of the commercial classes. Of course, this view must not be allowed to obscure the influence of the humanitarian spirit both from within, the stirring of their own consciences, and from without, the criticism levelled at them by others, such as the Ashleyites.

Social Legislation is not consistent with Laissez-faire as the term is frequently used, but it was consistent with the meaning given to it by the majority of the commercial class by the middle of the nineteenth century. Only by providing to some extent for the working class could men demand with easy consciences that the labourer be left alone. He must not be starved or worked to death, but he must not be made equal. Laissez-faire had come to mean that men should be helped to help themselves; the labourer was not to be raised by legislation to a position of equality in society, but he should not be prevented by circumstances which he could not control from improving his condition.

It is with this meaning of Laissez-faire in the 1840's in mind that a glance at the historical development of the concept should be taken. The origin of Laissez-faire has frequently been attributed to Adam Smith because of the articulateness and impact of The Wealth of Nations. Two errors have arisen from this popular belief. First, the doctrine has been given a false date of birth; and secondly, through the fault of Smith's popularizers, Laissez-faire was



felt to admit of no exceptions. Adam Smith used a prevalent feeling, which he shared, as a basis for his objection to mercantilism; he never intended that his theory should be adopted as a rigid and inflexible denial of all government intervention. Generally speaking, eighteenth-century faith in the existence of rational men and of their ability to conduct their own affairs strengthened a growing dislike of the dominance of an often inept and corrupt landed oligarchy. In addition, religious dissenters, growing in number and influence at the end of the century, wished to be left alone to worship as they liked. It is hardly a coincidence that, if a generalization may be permitted, the largest group of men who supported the doctrine of Laissez-faire had in common commercial, religious and political aspirations-- aspirations which they felt would best be realized if rational men were left alone to manage their own affairs. Laissez-faire was, in this sense, not a dogmatic or limited application of theory drawn from the writings of Adam Smith but a flexible means to several ends.

A misunderstanding of the meaning of Laissez-faire and an unsympathetic view of the manufacturing class (with whom the doctrine is most frequently associated) have tended to lead historians astray in appraising the first half of the nineteenth century. The school of the Hammonds, drawing liberally on the cruelties revealed in the Parliamentary

Blue Books, and undoubtedly influenced by the rigidity of the writings of such people as Harriet Martineau, described the period as one in which uncontrolled Mammonism oppressed the poor. The New Poor Law was seen as a harsh measure designed to relieve the pockets of the wealthy, and the Factory Acts were explained away as an aberration from the dominant philosophy of the time achieved by Lord Ashley, who "by sheer persistence...shamed his age out of its principles".<sup>1</sup>

J. Bartlet Brebner, in reaction against this picture of early nineteenth-century life, turns to the complete works of Jeremy Bentham and claims that the prevailing philosophy of the age was collectivism, preached by Bentham and executed by Chadwick, which embraced "a vigorous concept of state economic responsibility".<sup>2</sup> But Brebner sees the age, still, as one of paradox, a paradox which he describes but does not resolve. He sees two opposing tendencies, *laissez-faire* and state intervention, which were the result of the struggle between industry and land. Two other groups, the Philosophical Radicals and the masses, played their part,

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1. J.L. Hammond and B. Hammond, Lord Shaftesbury, Harmondsworth: Penguin Books Ltd., 1939, p.18.
2. J. Bartlet Brebner, "Laissez Faire and State Intervention in Nineteenth-Century Britain", in The Making of English History, ed. R.L. Schuyler and H. Ausubel, New York: The Dryden Press, 1952, p.501.

and the result was, to use Brebner's phrase, the mid-nineteenth-century dance.

The mid-nineteenth century dance, therefore, was like a minuet: Parliamentary reform in 1832, the first effective Factory Act in 1833; Peel's budget in 1841, the Mines Act in 1842; repeal of the Corn Laws in 1846, the Ten Hours Act in 1847. McCulloch praised the Factory Act of 1833; Macaulay and Lord John Russell successfully defended the Ten Hours Bill.<sup>1</sup>

To picture the debates of the 1840's merely as a struggle between land and industry seems to be to oversimplify the period and to falsify it. The debate over the Corn Laws has dominated the study of the period; but this debate, for contemporaries, was over the best way to save the agriculture of the country, not over the survival of the landed gentry. Brebner notes that Macaulay and Lord John Russell defended the Ten Hours Bill; but he does not explain what must surely, according to his theory, be an inconsistency in their behaviour, since both men voted for Repeal. Here again is the acknowledgement of the unsolved paradox.

But no country governs itself by a paradox and, as can be seen by a glance at the voting lists in Parliament, the political allegiances of the first half of the century do not explain the triumph of Laissez-faire in the Repeal of the Corn Laws in 1846 (Ashley supported Repeal) and the victory of state intervention in the Ten Hour Act of 1847. Previous interpretations of the nineteenth century support the contention of the classical economists that the men who voted in the affirmative in 1846 and in 1847 voted in

1. J. Bartlet Brebner, "Laissez Faire and State Intervention in Nineteenth-Century Britain", in The Making of English History, ed. R.L. Schuyler and H. Ausubel, New York: The Dryden Press, 1952, p.505.

accordance with two unalterably opposed doctrines, which could in no way be reconciled so as to justify both a vote for an extension of Laissez-faire and a vote for interference with labour. The opposition of Cobden and Bright to Ten Hours and of Disraeli and Lord John Manners to Repeal would, indeed, lend support to this view. But justice demands some other explanation of the votes of the men who supported both Bills.

Few men devote their lives to government without holding a political philosophy; philosophies may develop, but they rarely admit of contradictory actions within the space of twelve months. In fact, the political theory by which men justified their affirmative votes in both 1846 and 1847 had developed over a period of years. Gradually the needs of life in Britain had forced modifications of the rigid position of the classical economists. The particular achievement of the men of the 1840's was, in fact, the adaptation of the earlier doctrinaire beliefs in Laissez-faire to the demands of the new age. In one sense, therefore, this dissertation is a study of the development of the political philosophy of Laissez-faire. In the years between 1830 and 1853, the controversy over Factory Legislation reveals an evolution of the doctrine of Laissez-faire from an undeviating insistence on Government non-intervention in all fields into a political doctrine which, while continuing to deny interference in the external relations of industry,

came to allow interference in the internal. This doctrine came close, in that it contained qualifications, to that found in The Wealth of Nations, and which was given most lucid expression in 1848 by J.S. Mill in those sections of Principles of Political Economy which discuss the situations in which intervention was permissible.

This changing attitude in nineteenth-century thought does not, of course, show itself only in the controversy over Factory Legislation, although it shows itself most clearly there, as the controversy was almost continuous during a crucial twenty-year period. There were other aspects of the period which showed that reinterpretation of social and political dogmas was taking place. It is impossible completely to isolate one aspect of a century's history, although it is necessary to attempt to do so in order to present a thesis in a limited space. John Stuart Mill's adaptation of Benthamism and classical economy to the new circumstances of nineteenth-century life is perhaps the most striking example of the reappraisal of earlier theories, and he could not but be aware of the various movements and criticisms--evangelicalism, Christian Socialism, co-operative movements, and the social criticism in numerous fictional works--which surrounded him. All these interacted with the Ten Hour Movement and the demand for Factory Legislation to produce the change, noticeable between 1830 and 1853, towards increased Government action. Reformers realized that

individuals could do little to improve conditions; and they communicated their realization to the public. Bentham, after he failed to gain the adoption of his Panopticon, believed that reform of Parliament had to precede reforms by legislation. In 1832 the Government had, men thought, been reformed, and now more and more men were willing to turn to the Government to have their own panopticons introduced. This willingness was increased by the belief that the new blood in Parliament belonged to practical men who were interested in, and capable of administering, practical reforms. The belief in effective government demanded, and at the same time was part of, the reinterpretation of Laissez-faire.

To trace this gradual evolution of Laissez-faire, it is necessary to go beyond the sources which the Hammonds or Brebner consulted and to study the contemporary accounts of the controversy over Factory Legislation which reveal most clearly the influences--social, economic, political and personal--which operated to modify that doctrine. Only a small group read all the volumes of Harriet Martineau or knew the complete works of Jeremy Bentham. In any case, bound volumes on political economy are not issued to the public until the author has carefully thought out his position and (at least temporarily!) reached a final conclusion. Perhaps after several years another work will appear which shows a later development in his thought; but such a work seldom

shows the gradual transition which led from one stage to the next. Similarly, Acts of Parliament represent only the result of political developments, not the developments themselves. But the editorials of daily papers, the myriads of penny pamphlets struck off in a moment of conviction, the Parliamentary speeches, prepared and impromptu, delivered in vital debates, and the daily correspondence and reports of officials concerned with administration of the Legislation itself--these show the evolution of a political doctrine which was the immediate concern of every Briton interested in the future of his country and of himself. The debate was most heated among the men of northern England, for it was there that the conditions existed which both supported and disgraced the old political economy. It was the people of the North who both profited most and suffered most from industrialization, and it was in their newspapers that the controversy raged most strongly. If the historian were permitted only two sources from which to study the controversy, perhaps he could not do better than to read the pages of the Leeds Mercury and the Leeds Intelligencer.

The terminology applied to the thought of the nineteenth century forms a stumbling block in the way of a new interpretation. Men of similar ideas have been forced into one mould, and the diversity of opinion that existed in a society in transition has been ignored. Free Trade, Laissez-faire, Classical Economy, and Political Economy were popularly

considered to have identical implications, and writers used them to avoid repetition when referring to the thought contained in, or derived from, Adam Smith. But the very fact that the ideas were derived from the writings of more than one man--although Adam Smith's authority was most commonly considered to be the ultimate one--showed that differences existed. Free Trade actually referred only to commercial transactions; Laissez-faire included Free Trade but was applied to much wider social relations; both doctrines were usually held by avowed classical economists; and in 1833 most political economists were classical economists, but through choice not through necessity. The close link between the schools of thought led to their being indiscriminately combined. The failure to distinguish among them by contemporaries, as well as by later historians, has led to the confused interpretation of the years from 1830 to 1853,

During the first third of the century, Laissez-faire was considered to be an extension of, and inseparable from, the principles of Free Trade; the adherents of both preached to the Government a hands-off policy. For the adherents of Free Trade, the "natural laws" of economics were held to be inviolable and to apply to all actions of all men. The natural harmony of interests was considered by this school as an axiom of political and social philosophy; the interests of the individual, which he alone was best able to recognize, were selfish but, if left untrammelled, worked towards the



realization of the best of all possible worlds. The lack of Free Trade was considered by its advocates to be the cause of the evils afflicting Britain, and agitation grew for the repeal of all duties. The commercial prosperity which had followed the lowering of duties by Huskisson in the 1820's had, according to the Manchester School, vindicated their tenets. The movement for Repeal of the Corn Laws was gaining strength.

But society was restless. Industrialization had brought about conditions which produced popular agitation among the workers in the North and profoundly shocked public opinion. Whether or not the condition of England was the result of Laissez-faire or of the lack of it, many men felt that the revelation of Sadler's Parliamentary Committee in 1832 and of the Royal Commission of Inquiry in 1833 showed that no more time should pass before some improvement was brought about. Sadler's introduction of a Factory Bill into the House of Commons in 1831 brought the question to a head and made men take a stand. It was no longer a matter of passive disregard, but of affirmation or denial of the Government's right to take action to help the working classes.

The men who felt convinced both by the arguments of the Free Traders and by the facts about labour conditions, published in the Blue Books, faced a serious dilemma. They seemed defenceless against the charge of inconsistency when logic on one hand and humanity on the other dictated different

votes. At first an attempt to compromise led to support for a sliding scale for Corn Duties and an eleven-hour day for factories. But neither aspect of the compromise gained much support, for the basic questions remained unanswered. Did political economy demand that Laissez-faire should be applied in every sphere of life? Must Free Traders fighting for Repeal turn a deaf ear to the pleas of Sadler and Ashley in order to remain consistent? If the principle of Laissez-faire was violated in the Factory Acts, would the laws of Free Trade then be discredited in the commercial world? Were the Utilitarians right that every man was the best judge of his own interests? Could the happiness of the country be increased only through the actions of individuals? Answers to these questions were anxiously sought by the men who felt compelled to support both Free Trade and Factory Legislation.

The reinterpretation of Laissez-faire might be considered a defensive action to save Free Trade. By 1840 it was clear that Factory Acts were a permanent feature of British legislation. No doctrine could survive successful and repeated examples of beneficial exception and still hold sway over men's minds. In order to save Free Trade, the application of Laissez-faire had to be circumscribed; distinctions had to be drawn and qualifications accepted to justify protection of the labourer without admitting protection

of trade. That man knew his own interests best and should advance himself by his own efforts was not generally denied; that there were circumstances which obscured a man's judgment and thwarted his attempts to improve himself was, however, recognized. The fact that in an industrial society all men were not born with equal opportunities came as a revelation to the men of the 1840's. At the same time a new emphasis was given to the theory that society was originally formed for the protection of the weak. A Government was not fulfilling its proper function if it did not play an active role in protecting the welfare of the people, especially of those least able to protect themselves. Once these propositions had been accepted and incorporated into the meaning of Laissez-faire, the way was opened for Government to step in and help men to help themselves.

A speech of Macaulay's in the House of Commons on May 22, 1846 illustrates the change which was taking place in the concept of Laissez-faire:

Trade, considered merely as trade, considered merely with reference to the pecuniary interest of the contracting parties, can hardly be too free. But there is a great deal of trade which cannot be considered merely as trade, and which affects higher than pecuniary interests. And to say that Government never ought to regulate such trade is a monstrous proposition, a proposition at which Adam Smith would have stood aghast....

For the science of political economy teaches us only that we ought not on commercial grounds to interfere with the liberty of commerce; and we, in the cases which I have put, interfere with the liberty of commerce on higher than commercial grounds....

But your doctrine of free trade is an exaggeration, a caricature of the sound doctrine; and by exhibiting such a caricature you bring discredit on the sound doctrine. We should have nothing to do with the contracts between you [both landlords and millowners] and your tenants, if those contracts affected only pecuniary interests. But higher than pecuniary interests are at stake. It concerns the commonwealth that the great body of the people should not live in a way which makes life wretched and short, which enfeebles the body and pollutes the mind....<sup>1</sup>

In this interpretation, Laissez-faire was not rejected but transformed; political economy was distinguished from classical economy. Laissez-faire had been reinterpreted to comprehend the distinction between commercial wealth and human wealth and to allow Government interference to increase the latter while still denying its efficacy to increase the former. Votes for both Repeal and Ten Hours were justified by one consistent doctrine of political economy which, although it supported Free Trade, contained the seeds of the later liberal and socialist belief in "positive freedom".

It was the condition of England question which forced the reinterpretation of Laissez-faire. The prosperity of Britain had been gradually increasing, and some of this prosperity was shared by the masses. Factory labour had not increased the misery of the labourer; domestic industry had meant untold (but not as obvious) misery, and the agricultural labourer, as the defendants of the manufacturing system pointed

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1. Speech by Macaulay, Hansard, LXXXVI, 3rd series, pp.1031-2 (May 22, 1846).

out, existed in general on a lower standard of living than did the industrial worker. The poverty which existed in the towns was more noticeable because it was grouped together in the slums. Charity was not as effective in the industrial areas, and starvation and epidemics could not be ignored when found on the doorsteps of the wealthier classes. The working classes, in addition, were more vocal and organized in their suffering, and their voice could not be ignored in an age which prided itself on, and justified its institutions by, material progress. It was not that the living standards of the workers were becoming lower (on the contrary studies of their real wages have shown that they were rising) but that the standards of the workers were not keeping pace with the increasing prosperity of other classes.

It should always be kept in mind that the opponents of the factory system chose the worst mills from which to draw their examples, whereas the supporters of the system could point with pride to the achievements on behalf of their employees of humane millowners, such as Robert Owen and Henry Ashworth. A few scattered examples, drawn from non-controversial sources, of the standards existing or aimed at in the mills will serve to provide a background to the

controversy over factory labour. Most of the mills were not very large--29 employees was not considered a small establishment.<sup>1</sup> The wages in most mills (undoubtedly there were exceptions in the country factories) seem to have been adequate for a minimum livelihood, if regular employment was available and if the poor living conditions in the towns did not make the temptations of drink and bright entertainment almost irresistible. Children received very low wages, but often the amount they earned made the two ends of the working-class budget meet.<sup>2</sup> The number of children receiving schooling was very small; only a few of the owners took any responsibility for the education of their young employees. The hours of labour were as long as sixteen a day, although rarely so by the 1830's, when the average was twelve, exclusive of mealtimes.

Some masters tried to help the workers by encouraging them to provide their own stores attached to the mill. Although this practice could lead to the abuses of the truck system, the results were not always evil. There is, for example, an indication that a successful co-operative, the Holme Mill Union Company, was begun in 1837, before the time of the Rochdale Pioneers.<sup>3</sup> Benevolent masters also attempted to improve the meals of the workers by providing better

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1. See Commissioners Reports, 1840, Vol.X, No.505, p.528.

2. For tables of wages and cost of food, see appendices.

3. Parliamentary Papers, 1851, Vol.XXIII, No.217, p.234.

facilities for them at the mills. But the description of the food eaten (a bowl of barley broth and a roll for dinner), reported with pride as an indication of the well-being of some employees, leaves an impression that less fortunate employees must indeed have been undernourished. Descriptions of "improved" sanitary arrangements have a similarly depressing effect on the twentieth-century mind. A highly recommended way of ventilating privies was to connect a pipe from them to the chimney so that the draught would draw off the odours. A plan for a model community, described by its proud originator to the Home Secretary, provided a separate toilet for male and female for every fifty families.<sup>1</sup> It is clear from these isolated details, which received praise from men deeply interested in bettering the lives of the labouring classes, that the general standard for physical comfort must still have been deplorably low for the thousands employed in the textile and other trades, although perhaps better than many had experienced before moving into the industrialized areas.

Concern over these conditions was not limited to any one group; it appeared in men of all political affiliations and at all social levels. Especially in the North where large numbers of men were brought into close contact, working men's associations had developed to work for improvement in their lives. After the repeal of the Combination Laws, their

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1. Home Office Papers, H.O.44(39).

position was strengthened.<sup>1</sup> The co-operative movement was spreading, and friendly societies were springing up in many towns. These movements were becoming more articulate, and produced such leaders as Doherty of the Cotton Spinners Union. Only a spark was needed in 1830 to produce the huge ten-hour agitation in the North which lasted for nearly twenty-five years with competent working-class lieutenants organizing very effective support for the upper-class captains.

In the same period, and growing out of the same circumstances, the prominence of the employers increased. The large manufacturers were firmly established and could now turn their attention to broader horizons. No longer were men like Marshall, Ashworth, the Greg brothers, Hindley, Fielden and Brotherton, to mention a few, content to confine themselves to the world of business; they wanted to establish their position in society and to take part in shaping and ordering the life of the country. A new philosophy to justify their way of life had been developed--classical economy--and, with the growth of their position, the influence of classical economy increased. The goal of this group was a rational society in which rational men conducted their own lives according to the laws of economics. The education which the Laissez-faire advocates wished to see the workers

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1. At Glasgow in 1825, for example, the calender men (employed in finishing materials) struck for and obtained a twelve-hour day.



enjoy was directed towards this end. Popular exponents, like Harriet Martineau and Mrs. Marcet, devoted their time to spreading the new gospel; Cobden and Bright led the agitation for Free Trade; Edward Baines, editor of the Leeds Mercury, conducted his paper in the interests of this class; and the philosophical radicals lent their prestige to the economy of the manufacturers. But not all the manufacturers were content to be associated with the "dismal science" or to condone the evils which that science seemed to accept as inevitable. Fielden, Hindley and Brotherton were typical examples of men secure in their wealth whose consciences led them to espouse the cause of their employees.

In its rise, the manufacturing class was displacing another group. The ruling landed aristocracy were not yet fully aware of the back seat which was being prepared for them; but there were men who instinctively fought to retain the old order and who, ironically, provided leadership to the working classes who would challenge both groups in the twentieth century. Men like Cobbett and Richard Oastler, steward of an estate near Leeds, fearing the new order, strove to maintain the old balance, or if that were impossible, to control the new society by enforcing the old paternalistic code which had held sway in the "golden times". Contemporary men, in their eyes, lacked the morality of their forbears. The working class should receive an education which would

inculcate moral principles and thus help to restore the old stable society. These men were strengthened by the evangelical spirit which pervaded much of early nineteenth-century life. Not only was the life of the factory worker contrary to the humanitarian spirit of religion, but also it left the factory hand no time for religion. The Rev. J.R. Stephens and the Rev. G.S. Bull joined Oastler and the Ten-Hour Movement's Parliamentary advocates, Sadler, Ashley, Fielden, Hindley and Brotherton, to lead the struggle for improved conditions.

The Government and Opposition leaders in Parliament--Althorp, Russell and Macaulay, Peel and Graham were the most prominent in this controversy--were forced by the agitation of the Ten-Hour men to take a stand. Their views are in many ways the most interesting to study because in them is seen most clearly the adaptation of old political philosophies to new necessities. It was during their leadership that the public protest at the condition of England, overcoming the opposition to interference with the laws of nature and man's selfish interests, procured the first effective Factory Act in 1833 and the acceptance of the principle underlying that Act in the next twenty years.

The debate which took place over Factory Legislation was not confined within narrow limits. The upholders of classical economics, whether practical men or theorists, felt that the Ten-Hour Movement would destroy the prosperity

of Britain and all they enjoyed and believed in. The Ashleyites, in the fervour of their indignation, tried at times to argue their case as a comprehensive criticism of everything that their opponents stood for. Consequently the men opposing each other on the question of Factory Legislation found themselves debating every aspect of nineteenth-century social and industrial life. At one extreme stood men who argued that any improvement in conditions was impossible because suffering was a part of the natural or the Divine order (or both). At the other extreme were men who demanded the abolition of all machinery and industrialization in order to return to the idyllic life of the past. Between these two extremes were the men who accepted the new industrialization but could not agree as to its consequences. Facts rather than theories were demanded. Did factory labour demand long hours? Were the hours worked injurious to health? Was factory labour carried on under poor conditions? Was the health of the operatives suffering? The Government inquiries convinced the majority of men that the answer to all these questions was affirmative. But the solution to the problem was not clear. Laissez-faire in the commercial field was one answer put forward: repeal all duties, especially those on corn, and all men would be happy, healthy and wealthy. Laissez-faire in the social field was another answer: if every man was educated and left to his own devices, the greatest happiness would ensue. The majority

of men, however, felt that such solutions were too slow and uncertain to remedy the terrible conditions of which they had become aware. A tangible, fast remedy was available in the shape of positive legislation. Government interference was, however, contrary to the prevalent spirit of the age. Self-help, independence, natural levels and laws were the watch-words of the time. The questions posed in the debates show the attempt being made to reconcile the idea of positive legislation with Laissez-faire: Were there not exceptions to any general rule? Was the present society the same as the one Adam Smith had described? Did children come under the iron laws which demanded complete freedom for all men? Once it was admitted, as it was in 1833, that children could legitimately be protected--that the principle of non-interference was not without its limits and exceptions--the basic question became one of defining the limits of Laissez-faire. Consequently the debates centred upon ages and sexes, not hours; the admission to protection, first of children and young persons in 1833, then of women in 1844, and finally (in practice although not in theory) of men in 1847, marks the stages in action which parallel the development in political philosophy.

A realization that the controversy was, for contemporaries, over the question of ages and sexes not hours is important, for an understanding of the evolution of

Laissez-faire. The principles of Laissez-faire were not concerned with the amount of restriction but with the persons restricted. It is true that much time was spent discussing the issue of ten or twelve hours, but contemporaries knew that the discussion over twelve or ten hours was really a discussion over actual interference as opposed to interference in name only. As few mills worked more than twelve hours with any regularity, a limitation to twelve hours would cause little change; a ten-hour limit would be interference in both theory and practice. To consider the controversy as concerned merely with hours leads to a misinterpretation of its meaning and importance. For example, Lloyd R. Sorenson says, in an article<sup>1</sup> pointing out that both Senior and McCulloch came to support interference on behalf of children, "Although neither of these economists was willing to approve legislation that would reduce the working hours of adults, their arguments here contain no element of laissez faire."<sup>2</sup> Their objections to interference with adults were based, he claims, not on principles of Laissez-faire but on "cases of expediency and ethics."<sup>3</sup> This interpretation of the controversy necessarily belittles

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1. Lloyd R. Sorenson, "Some Classical Economists, Laissez Faire, and the Factory Acts", in The Journal of Economic History, Vol. XII (No. 3, Summer 1952), pp. 247-263.
2. Ibid., p. 261.
3. Ibid.

John Stuart Mill's contribution to political economy.

Sorenson concludes that although "it" remained for John Stuart Mill to point out the lack of liberty, the inability to implement one's own judgments individually, that inhered in the very status of a man as worker",<sup>1</sup> Mill's qualifications did not alter the meaning of Laissez-faire:

Except for the matter of adult working hours, Mill left the relationship between classical economists and laissez faire more or less unchanged. He hardly took the question beyond the point where McCulloch left it, and consequently his treatment of laissez faire can hardly be considered as advanced as that of Senior, the bete noire of factory reform, who called laissez faire 'the most fatal of all errors.'<sup>2</sup>

Since it is true that the hours for children were limited to nine a day in 1833 and that the hours for adults were limited only to ten and a half in 1853, a study of the controversy as one over hours (the view which Sorenson seems to hold) would, indeed, lead to the conclusion that the legislation of those twenty years represented no advance in the development of the concept of Laissez-faire. The view held in this thesis, differing from Sorenson's, is that the ethics, considered by Senior and McCulloch, which prevented interference on behalf of adult workers were the ethics of the Laissez-faire beliefs of the early years of the century. Mill's justification of restrictions on adult working hours was the result of a reconsideration of the

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1. Lloyd R. Sorenson, "Some Classical Economists, Laissez Faire, and the Factory Acts", in The Journal of Economic History, Vol. XII (No. 3, Summer 1952), p. 261.

2. Ibid., pp. 261-2.

truth of these ethics during the years from 1830 to 1853. Many men, not including Senior, came to accept the position, which Mill brilliantly justified in Principles of Political Economy,<sup>1</sup> that all men were not free and, therefore, not subject to the principles of Laissez-faire. Consequently Mill in giving form and authority to qualifications on the applicability of Laissez-faire completely altered "the relationship between the classical economists and laissez faire"; the question of restrictions on adult working hours was basic to this relationship.

Many men were willing to grant some protection to children, since it did not seem a dangerous qualification to admit that Laissez-faire applied only to adults; such interference would not repudiate the principles of classical economy. But a ten-hour limit for children raised a mountain of opposition, because this limit, it was feared, would result in a uniform ten-hour day for all mill employees. Arguments emphasizing the difference between adults and children appeared, as the economists strove with all their forces to ensure that legislation would in no way affect the adult workers. The proponents of ten hours recognized this attitude in their opponents and usually insisted, in debate, that no more than protection for children was envisaged. The Bill enacted in 1833 authorizing a nine-hour limit for

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1. J.S. Mill, Principles of Political Economy, London: Longmans, Green, and Co., 1909, pp.950-979.

child labour was a compromise for different reasons by the two sides. The Ashleyites saw that the worst abuses of young limbs being over-taxed and young brains and religious spirits being neglected were ended, and that a precedent had been established. Their opponents felt that, having clearly drawn the distinction between free men and infants, they had prevented the Act becoming a precedent for further interference. The system of eight-hour relays<sup>1</sup> for children would ensure that the principle of adults being left entire masters of their own lives would be kept inviolate.

The scant opposition to the inclusion of young persons up to the age of 18 in the Act is explained by the fact that a twelve-hour restriction was not considered a genuine limitation. In addition, Hobhouse had gained the restriction in 1831 before the agitation in the North had made it clear that a determined attempt to restrict adult labour was going to be made. Public indignation was strong against the mills, and the manufacturers were not anxious to jeopardize their position by fighting against anything but the dangerous threat of a ten-hour limitation. Some voices were raised against this extension of interference, but the question was largely treated as a side issue. The inclusion of women

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1. I do not know, and have never seen an explanation, why it was always assumed that relays would be for only eight hours when the limit was nine hours. Throughout the whole controversy, the working hours for children are always referred to as eight.



in 1844, although it was only a restriction to twelve hours, was a more blatant attempt to extend interference to adults. In this debate, upholders of Laissez-faire were mollified by the distinction drawn between free men and women, held by law to be incapable of managing their own interests. Each step, however, weakened the case for Laissez-faire; it would be only a matter of time until a uniform day was achieved in the mills.

Edwin Chadwick, schooled in theories of efficient government by Benthamism, unwittingly wrote the clauses into the Bill of 1833 which completely upset the balance of the compromise. The establishment of a Factory Inspectorate had results more far-reaching than were foreseen at the time. Not until the manufacturers met Government officials in their mills did they realize that they had not won the battle over the Act of 1833. A nine-hour limit for children with a twelve-hour day for other workers had appeared as a minimum of interference which could almost be ignored; but regular visits to the mills and reports to Parliament were obvious and effective interference. Although, then, the appointment of Inspectors caused little comment in 1833, the millowners used all their influence to have the Act nullified in 1836 and almost succeeded. It was due to the calibre of the men who were appointed Inspectors, and especially to Leonard Horner, that the Factory Inspectorate was not later abolished.

The Inspectors played an important role in the controversy both by putting its results into practice and by influencing the form of the legislation after 1833. The backgrounds of these political appointees illustrate the diversity of the men concerned in Factory Legislation. The four men originally chosen were Musgrave, Rickards, Howell and Saunders. Musgrave, after a one month's consideration of the task that lay ahead of him, resigned on the grounds of ill-health. Because information was entirely lacking, Rickards was given a task which after three years, when he must have been completely overwhelmed by his duties, forced him to resign with his health shattered. To fill these vacancies, Leonard Horner was appointed in November, 1833 and James Stuart in June, 1836.

Apart from their roles as Factory Inspectors, little information is available concerning Howell and Saunders. Thomas Jones Howell is mentioned in the Dictionary of National Biography as having been a barrister and as having completed his father's work as editor of Cobbett's State Trials, but neither his birth nor death is noted. His sympathies were probably whiggish with a "W" of indeterminate size. Robert John Saunders had, previous to his appointment, been a Commissioner to inquire into the state of the police and constabulary forces; he died in 1852 while carrying out his duties as a Factory Inspector.

Leonard Horner, the most influential member of the

Inspectorate, was a well-known educational reformer, and a life-long friend of Brougham's (a rare achievement). In 1821, he founded an Arts school in Edinburgh for mechanics, which was to serve as a model for similar educational ventures, and he was the first warden of London University. Horner was a Fellow of the Royal Society (1813) and a Fellow of the Geological Society (1808),<sup>1</sup> becoming President of the latter in 1846. In 1831 he retired from public life and settled in Bonn for his health, only to be recalled by Melbourne in 1833 to become a District Commissioner in the Royal Commission of Enquiry into child labour. It was after this that he was appointed a Factory Inspector, a post he filled with such energy until he retired in 1856 that it is hard to believe that his health was very weak.

James Stuart had quite a varied career. He began as collector of the widows' fund of the Society of Writers to the Signet. He seems, however, to have spent most of his time in Fifeshire as deputy-lieutenant and Justice of the Peace. As an ardent Whig, he came under a great deal of

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1. Horner managed to combine this interest with his factory labours. He wrote, "In going through the works, I observed in the bleaching department, some mineral incrustations, which throw a good deal of light on the formation of natural productions, and I have collected materials which will be capable of being wrought up into an interesting paper for the Geological Society." L. Horner, Memoirs of Leonard Horner, ed. K.M. Lyell, 2 vols., London: Privately Printed, 1890, Vol.2, p.294.

attack, especially from two Tory Scottish newspapers. One of the articles in the Glasgow Sentinel was so virulent that Stuart challenged the author, Boswell, to a duel in which the latter was killed. Jeffrey, Cockburn and Moncrieff defended him at his trial for manslaughter and secured his acquittal. Because of pecuniary difficulties, Stuart next went to America. On his return, in 1833, he made a name for himself as author of a favourable commentary on American institutions, Three Years in North America. He was editing a London paper, the Courier, when Russell summoned him to join the Factory Inspectorate.

The work of these four men deserves a thesis of its own.<sup>1</sup> No attempt has been made here to do their labours full justice, but only to indicate their place in the controversy. However, the importance of the Inspectorate in the development of government administration deserves a few words although it, too, is largely beyond the scope of this thesis. The Factory Inspectorate stands out as the first attempt of the Government to appoint its own agents to interfere with private enterprise for the good of the country. Earlier Government measures had never envisaged the appointment of experts responsible to the central Government who would enter private premises and report on the conditions they

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1. M.W. Thomas, The Early Factory Legislation, Leigh-On-Sea: The Thames Bank Publishing Co., Ltd., 1948, is an excellent study, but I feel there is room for a more personal study of the men and their problems.

found and who had the power to bring offenders into court. There were no other government employees of these years with whom the Inspectors can be compared. Poor Law Commissioners and Prison and School Inspectors were appointed to watch over public institutions, or at least institutions partly supported by public money. They had every right as Government representatives to investigate and advise, because Government money was being spent. Resentment might be aroused against governmental policies or against interference by the central power with local concerns, but the right of the Government to appoint these agents could hardly be disputed. The resentment against the Factory Inspectors, however, was directed against Government agents appointed to regulate the method of employing private money. The success of the Factory Inspectorate set a precedent for, and justified, government regulation of private concerns for the general good. If the Inspectors through a lack of tact, understanding or principle had failed in their task, perhaps the welfare state as it is today would never have emerged; certainly it would not have emerged as soon as it did.

The agitation for a uniform ten-hour day began in earnest in 1830; it ended with Palmerston's Act of 1853. During its course it illustrated the change in the dogma of *laissez-faire* which affected the whole development of British social and political life. The controversy is discussed in this dissertation in five chapters dealing respectively with

the successive steps taken toward better labour conditions in the mills in 1833, 1839, 1844, 1847 and 1853. In each chapter (except the first one dealing with the period before there was a Factory Inspectorate) a sketch, drawn from contemporary sources, has been presented of the dynamic force emanating from the North which kept the problems of factory life dramatically before the British public, of the progressively effective attempts by administrative officials to apply the solutions dictated by the Factory Acts to the industrial discontent, and of the continued debate in Parliament and in the country occasioned by the unassuaged unrest among the industrial workers.

This thesis attempts to show that the changing ground of the discussion parallels the progress of the reinterpretation of *Laissez-faire*. Each stage in the debate was concerned with the question of the ability of an age group to know and to implement its own best interests. Few men in 1833 asserted that children were free agents, but at that time all Government interference was suspect, and it was argued that the Government had no right to interfere with the parents' protection of the child. Up until 1839, it was not certain that the men who objected that interference was unprincipled and impracticable would not succeed in repealing or rendering nugatory the provisions of the Act of 1833. Throughout the period there were some men who never accepted any interference, but in general it can be said that, after

1839, the principles of Laissez-faire were adapted to embrace the fait accompli. In 1844, a further step was taken, and women (who were included under the designation of young people in the Act of 1844) were declared not to be in a position to protect themselves without the help of the central authority. Although adult men were not specifically included in the Ten Hours Act of 1847, the debate on that Bill was largely concerned with the ability of any and all labourers in the mills to act in their own best interests. The Act of 1847 acknowledged beyond a doubt the weakness in the position of women and young people; but not until the amending Act of 1850, which abolished relays, was it indirectly but practically admitted that the Act of 1847 had also constituted a recognition of the fact that adult males were prevented by outside circumstances from acting independently to advance their own interests. The culmination of this gradual recognition of the limits which social, political and industrial conditions placed on working-class freedom came with the Act of 1853 which, by limiting the hours during which children might work to twelve, established for all practicable purposes a uniform ten-and-a-half-hour day for all workers. The principles of Laissez-faire were not rejected, but were accepted as applying in only two situations: when outside forces did not restrict men's freedom of action; or only after Government legislation had counterbalanced the external

circumstances by giving recognition to the wishes of the majority of the working class, when it was unwise or impossible for them to combine to achieve their demands from a position of strength. Thus it was possible for John Stuart Mill, who perhaps best of all contemporaries understood and adopted the new spirit of Laissez-faire, to introduce his examination of the situations in which he advocated Government interference by the maxim:

[T]he burthen of making out a strong case [should be thrown] not on those who resist, but on those who recommend, government interference. Laissez-faire, in short, should be the general practice: every departure from it, unless required by some great good, is a certain evil.<sup>1</sup>

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1. J.S. Mill, Principles of Political Economy, p.950.



## CHAPTER ONE

### I

On August 29, 1833, the Bill to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom received royal assent.<sup>1</sup> After January 1, 1834, no person under 18 years of age, employed in or about any cotton, woollen, worsted, hemp, flax, tow, linen or silk mill or factory, where steam, water, or other mechanical power was used, was to work during the night, that is between 8:30 p.m. and 5:30 a.m.,<sup>2</sup> nor was any such person to be employed for more than 12 hours in any one day, or for more than 69 hours in any one week;<sup>3</sup> no child under 9 could be employed, except in silk mills.<sup>4</sup> Six months after the passing of the Act, no child under 11 was to work for more than 9 hours in any one day or for more than 48 hours in any one week. Eighteen months after the Act was passed, the age limit was to be raised to 12, and thirty months after to 13, but in silk mills, children under 13

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1. 3&4 Will. IV, c. 103.

2. Sec.1. The Act did not apply to mechanics, artisans or labourers under the prescribed ages working only in repairing the machinery or the premises (Section 46).

3. Sec. 2.

4. Sec. 7.

were to be allowed to work 10 hours in any one day.<sup>1</sup> Persons restricted to 12 hours were to be allowed an hour and half each day for meals.<sup>2</sup> Children and young persons protected by the Act were to be allowed the whole of Christmas Day and Good Fridays, and not fewer than eight additional half-days as holidays in each year.<sup>3</sup> One provision which unscrupulous mill owners used to evade the limitations on hours was that which allowed mills to make up lost time.<sup>4</sup> No child under 13 could be employed without a certificate stating that he was of the ordinary strength and appearance of a child aged 9.<sup>5</sup> To obtain a certificate the child must appear in person before a physician or surgeon of the neighbourhood, and the certificate was to be counter-signed by an Inspector or Magistrate within three months.<sup>6</sup> Young persons over 13 were also to have certificates of age, but no fine was to be levied against an employer for working a young person without a certificate, if the employee in question was proven to be over 13 years of age.<sup>7</sup> Children restricted to 48 hours' labour a week were to attend some school chosen by the

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1. Sec. 8.

2. Sec. 6. The mealtimes were not, of course, included in the twelve hours' labour.

3. Sec. 9.

4. Sec. 3 and 5.

5. Sec. 11.

6. Sec. 12.

7. Sec. 14 and 15.

parents, or appointed by the Inspector, if the parents failed to comply. In the latter case the Inspector could deduct from the child's wages a penny in the shilling to pay for his schooling.<sup>1</sup> If a child failed to produce a chit from the schoolmaster on Monday morning certifying that he had attended school for at least two hours a day on six days of the preceding week (except when prevented by sickness), he was not to be employed.<sup>2</sup>

To ensure that the Provisions of the Act were carried out, Inspectors were appointed with the power to enter any factory or factory school at any time and to summon any person to give evidence on oath.<sup>3</sup> The Inspectors were given the same power and authority over constables and peace officers as magistrates,<sup>4</sup> and the penalty for wilfully obstructing them in their duties was a fine not exceeding £10.<sup>5</sup> They were authorized to administer the oath to witnesses, and to summon witnesses to appear and give evidence. In default they could commit the offender to prison for a term not exceeding two months.<sup>6</sup> The most extensive power granted to the Inspectors was the right to formulate any orders or regulations which, after they had

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1. Sec. 20.

2. Sec. 21.

3. Sec. 17.

4. Sec. 33.

5. Sec. 32.

6. Sec. 38.

been published during two successive weeks in the local newspaper, were to have the force of law.<sup>1</sup> The Inspectors were required to keep full minutes of all visits and proceedings, to report to the Secretary of State at least twice a year, and to meet at least twice a year in conference to secure uniformity in practice and procedure as far as possible.<sup>2</sup> Penalties were prescribed for infringements of the Act.<sup>3</sup>

In one sense the Act was not a great step forward in Factory Legislation; its scope was strictly limited. Only those employed in the textile industry were protected, and lace factories were excluded entirely, and silk factories partially, from the provisions. In another sense, the Act was revolutionary; it was effective. The appointment of Government Inspectors with extensive powers to enforce the provisions laid down altered not only the course of Factory Legislation but the course of administrative development.

There had been previous Acts concerning factory labour but they had been ineffective. By 1833 circumstances had altered. Industrialization had brought with it concentrations of population which focussed on the low standards of life the attention not only of the upper classes but

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1. Sec. 25.

2. Sec. 45.

3. Sec. 29, 30 and 31.

of the working class also. There had been a desultory movement for a ten-hour day on and off in the years before 1830.<sup>1</sup> On September 29, 1830, Richard Oastler published (ironically in Baines' Leeds Mercury) the first of his famed letters on Yorkshire slavery and was immediately pitched into the leadership of the Ten-Hour Movement. The momentum of the agitation gradually built up. Small meetings among the workmen to discuss and formulate their demands became more frequent. By the beginning of 1831, these demands were receiving enough attention to force the millowners to hold meetings to publicize their own position. On March 5, 1831, a meeting chaired by the manufacturer, James Ackroyd, passed the Halifax Resolutions, which covered most of the arguments used at this time to oppose the workers' demands: conditions were not bad; restriction would reduce wages; prices would rise; foreign competition would ruin British manufactures; commercial duties forced the millowners to work long hours; other burdens on the

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1. The following accounts in each chapter of the ten-hour agitation in the North are based upon the works of men who were more or less contemporary with the events they wrote about. The sources are: "Alfred", History of the Factory Movement, London: Simpkin, Marshall, & Co., 1857; W.R. Croft, The History of the Factory Movement, Huddersfield: George Whitehead and Sons, 1888; Philip Grant, The History of Factory Legislation, Manchester: John Heywood, 1866; G.J. Holyoake, The History of Co-operation in England: its literature and its advocates, Vol. I, London: Trübner & Co., 1875; G.J. Holyoake, Life and Last Days of Robert Owen of New Lanark, London: Holyoake and Co., 1859; G.J. Holyoake, Life of Joseph Raynor Stephens, London: Williams and Norgate, 1881; R.B. Seeley, Memoirs of the Life and Writings of M.T. Sadler Esq. M.P. F.R.S. etc., London: R.B. Seeley and W. Burnside, 1842.

working classes should be removed; Government would have to fix minimum wages; restrictions were unfair to those dependent upon water for power; and if Parliament felt it had to pass a Bill, it should provide a 72 hour week as the "most fit, and least injurious term of labour, under present circumstances to those employed".<sup>1</sup>

While Hobhouse's Twelve Hours Bill was before Parliament (February-October 1831), meetings of factory operatives became increasingly frequent, and Short Time Committees were set up in many towns. But Hobhouse's Act, as it was finally approved by the House, turned out to be the same as all previous attempts at legislation -- ineffectual. Its enforcement was impracticable and large loopholes were left by the provisions which allowed for making up lost time. It is easy to see why the millowners were not over-anxious in 1833 at threats to impose restrictions on their factories; the only Factory Acts which the country seemed likely to get promised little effect in practice.

In spite of the defeat inflicted by the emasculating of Hobhouse's Bill, the working men did not capitulate. The Huddersfield Short Time Committee attempted to enlist the aid of other working-class groups, trade unions, sick benefit clubs and friendly societies. Oastler published

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1. "Alfred", History of the Factory Movement, Vol.I, p.109.

a letter advising the workers not to support any Parliamentary candidate who did not favour ten hours and challenged Baines to a public debate which received coverage in many newspapers. On December 15, 1831, Sadler got permission to introduce another Factory Bill into the House, and agitation in the North reached hitherto unknown proportions. On December 26, there was a meeting at Huddersfield attended by over 1000 men; on December 27, a larger crowd gathered at Bradford to hear Oastler and Bull speak from the same platform and begin an alliance which was to inflame the North for many years; on January 10, 1832, the London newspapers mentioned, and the Leeds Mercury took four and a half columns to report, a meeting of 12,000 people at Leeds; on January 30, at Keighley, and on February 7, at Dewsbury, monster rallies were held; on March 6, before a huge crowd, Oastler threatened the property of the millowners if they did not grant the wishes of the workers. On March 16, 1832, Sadler moved the second reading of the Bill, and on April 12, a Select Committee was appointed. The agitators responded with their greatest effort. Three main columns of workers set out from Bradford, Halifax and Huddersfield marching towards Leeds; here they joined forces and on the following day, April 23, marched into York to hold a meeting attended by 24,000.<sup>1</sup>

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1. For three accounts of this meeting from differing points of view, see: Leeds Intelligencer, April 26, 1832; Leeds Mercury, April 28, 1832; and Leeds Patriot, April 28, 1832.

Smaller groups also formed to pour their influence into the movement. The "Society for Improving the Condition of Working Children", under the patronage of William Allen, the Quaker, and the Duke of Sussex, and the Leeds "General Committee for Promoting the Bill now before Parliament" were formed, both having highly respectable membership. The short-time movements in Yorkshire and Lancashire were co-ordinated by meetings of their respective delegates. Thousands of pamphlets and broadsheets were circulated -- an idea borrowed from missionary and Bible societies. Petitions were poured into Parliament.

The election in December, 1832 interrupted the passage of Sadler's Bill through the House. The Ten-Hours men used election meetings to heckle candidates and win support for their movement. After the election, agitation went on unabated. Between January 11 and 29, 1833, fifteen public meetings were held and at least twelve new Short Time Committees were formed. After Ashley, who took over Sadler's Bill when the latter failed to gain re-election, received permission to reintroduce the Bill on March 5, the Duke of Sussex convened a huge meeting in London attended by Ashley, Sadler, Robert Owen, Torrens, O'Connell, Oastler, Bull and the Lord Mayor of London. In the second half of March, Oastler, making a sweeping tour of Lancashire, held five mass meetings.



When it was known that Patten<sup>1</sup> had managed to obtain a Royal Commission to investigate conditions further with the object of delaying and possibly avoiding legislation, plans for more monster rallies were drawn up. Often the meetings had to be held in the fields as there was no building large enough. At Bradford 3,000 turned out, although the announcement of the meeting was not made until 1 o'clock of the same day. The arrival of the Commissioners in the North to conduct hearings was the sign for more protests; violence was threatened and many workers were persuaded to boycott the hearings. On April 22, a meeting of short-time delegates was held to determine policy. It was decided to protest formally to the Commissioners, to hold indignation meetings, to shadow the Commissioners, to find out whom they visited, who pressured them, and how much mills were spruced up before their visits, and to report everything to Oastler. Hundreds of children were led underneath the Commissioners' hotel windows to sing the ten-hours song:

We will have the Ten Hour Bill,  
That we will, that we will;  
Or the land shall ne'er be still,  
We will have the Ten Hour Bill.

A hostile demonstration against the Commissioners was held at Bradford on June 6; accounts vary, but somewhere

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1. Wilson Patten was the patentee of the copper roller and received a good profit from the cotton industry.

between 10,000 and 20,000 people attended. At the end of five weeks of protest in Huddersfield, the Commissioners were burnt in effigy. The effect on the nerves of the Commissioners and of the country must have been considerable.<sup>1</sup>

Meanwhile, Doherty of the Cotton Spinners' Union, sent to London as a lobbyist while the Bill was before the House, interviewed 200 M.P.'s in nine weeks. Staying at the Union Hotel in London were Mr. Baines and thirty manufacturers; they too left no stone unturned. On July 1, 1833, the agitation in the North culminated in a meeting on Wibsey Low Moor outside Bradford supported by all the Short Time Committees. Between 60,000 and 150,000 attended; The Times claimed 100,000. When Oastler once again threatened violence, a huge roar of approval went up from the crowd. Only a country courting revolution could turn a deaf ear to the ten-hour clamour; Lord Althorp was not stone deaf. On July 18, he defeated Ashley in the House; Ashley resigned his Bill; but a Government Bill received royal assent on August 29. The agitation in the North had strengthened the feeling produced by the Reports of Sadler's

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1. See Commissioner Drinkwater's public protest to Sadler for his obstruction of their investigations in J.E. Drinkwater, Letter to Michael Thos. Sadler, Esq., F.R.S., Leeds: Baines and Newsome, 1833.

Committee and the Royal Commission and assured the passage of some restrictions -- those embodied in the Act of 1833 to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom.

## II

Against the background of an aroused working class, the country discussed the solution to the "condition of England" question. The relative novelty of the issue made it natural that some men should enter the controversy with remedies totally unconnected with the question of Factory Acts; Factory Acts were neither good nor bad, but unnecessary. Their views, which do not really concern this thesis, illustrate, nevertheless, a fact which in the twentieth century is frequently overlooked. The ineffectual earlier Factory Acts did not mean that Britain had chosen her route to a better world. There were no authoritative sign posts; only the mire through which they were travelling convinced men that society must keep moving. Many suggestions were put forward, some valid, some not. Why not pass a more drastic Reform Bill?<sup>1</sup> Do away with the Paper Money System?<sup>2</sup>

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1. See a speech of Sadler's quoted in Leeds Intelligencer, December 27, 1832.
  2. See J. Wood, Right of Labour to Legislative Protection demonstrated with remarks on the practicability of taking off ten millions of annual taxation, and the reduction of the public debt, in a letter addressed to the electors and inhabitants of Huddersfield, London: Ridgway & Sons, 1832, p.16.

Eliminate the National Debt?<sup>1</sup> Tax land?<sup>2</sup> Increase the spending power of the agricultural labourer?<sup>3</sup> Encourage emigration?<sup>4</sup> Establish co-operative communities?<sup>5</sup>

For example, Joseph Wood argued that the reduction of taxes was the panacea. With proper economies, Government expenditure could be cut by seven million pounds; another three million could be saved by reducing Government salaries which had gone up when the currency depreciated.

...[A]nd I leave you to judge what effect would be produced by taking off these TEN MILLIONS from articles of necessary consumption, upon the comforts of the working classes, and indeed of every member of the community.<sup>6</sup>

On the other hand, R.M. Bacon informed his public that lower taxes would do no good since they would not increase capital or the productiveness of the country. Ricardo had said that the problem was not one of redundant population but of deficient production by the idle class, the paupers. Thus, Mr. Bacon concluded, the solution for the country's ills was the cultivation of more land by the

1. See Leeds Intelligencer, March 18, 1830.
2. See Trades' Newspaper, January 28, 1837.
3. See J. Wood, Right of Labour to Legislative Protection, p.25.
4. See T.R. Edmonds, An Enquiry into the Principles of Population, London: James Duncan, 1832, p.276.
5. See R. Owen, Mr. Owen's proposed arrangements for the distressed working classes shown to be consistent with sound principles of Political Economy: in three letters addressed to David Ricardo, Esq. M.P., London: Longman, Hurst, Rees, Orme, & Brown, 1819, pp.22ff.
6. J. Wood, Right of Labour to Legislative Protection, p.5.

paupers.<sup>1</sup> Charles Lawrence, in a pamphlet entitled, Practical Directions for the Cultivation and General Management of Cottage Gardens with Plans for Laying them out for five years also Hints on Keeping Pigs;...on Service, etc., supported Bacon's view. Not only paupers, but also labourers should cultivate some ground, not, of course, to the exclusion of labouring for wages. This pamphlet was an insight into class attitudes of the early nineteenth century, and some excerpts from it deserve to be quoted. Mr Lawrence began with general admonitions to the workers:

Neatness carries with it its own rewards; it is always pleasing to behold, and particularly where it is least expected, in the dwellings of the poor.

He then went on to discuss what the workers should cultivate in their gardens. He listed several foods and, to prevent his choice being disregarded, added the words:

Several articles of food, in common use, have been examined by very careful and clever men, who have had great experience in performing nice experiments; and you may, therefore, be sure that their report is nearly correct, however different it may be from the opinions you may happen to have.

If the labourer had read to the end of the pamphlet, he would have received some disquieting news.

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1. R.M. Bacon, A Letter to the Right Hon. Edward, Lord Suffield, upon the Distress of the Labourers and Its Remedy, London: Hatchard and Son, 1831, p.36. Cf., Rt. Hon. Sir R.J.W. Horton, The Causes and Remedies of Pauperism, London: John Murray, 1829, passim.

I shall come amongst you as often as I can find time to go so far. I shall watch your proceedings with great interest, and shall hope to find you have attended to all my directions, or be able to give me a good reason for not having done so.<sup>1</sup>

It was the factories, however, which drew most attention. The early controversy over the method of improving the life of the working class centred on two questions: Were the conditions in the factories injurious to the workers? and, Could the Government interfere to regulate them? The answer to the first question, based on the evidence of Sadler's Committee and the Royal Commission, and on the forceful propaganda coming from the North, was in the affirmative. The second question was answered with a compromise which by no means brought the matter to a close.

The discussion over conditions in the factories ranged far and wide. It must not be forgotten that mechanized industry on a large scale was a new and mixed blessing for the pre-Victorians, and they were men who had been taught to count their blessings. Some thought that they were ending up in the red; some felt that they were making as much profit as machinery could produce; others again believed that the profit to all men could be increased.

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1. Charles Lawrence, Practical Directions for the Cultivation and General Management of Cottage Gardens with Plans for Laying them out for five years also Hints on Keeping Pigs;...on Service, etc., London: Longman, Rees, Orme, Brown, and Green, 1831, pp.25, 11 and 32.

Those who felt that England was being bankrupted by the devastating toll that industrialization was taking on the population doubted the value of scientific industry. The second group were on the whole content to leave matters unaltered and, if called upon to pronounce on the controversial question, believed that the evils attributed to the industrial revolution were exaggerated. The third group of men carried the controversy into its most important phase and charged into the battle of Laissez-faire versus government interference. The lines were not clear cut, and a more detailed consideration of the specific issues debated reveals the various shades of opinion which were maintained by the men involved in the factory controversy.

It is hard to realize today that what are now basic assumptions could then be called into question. The value of machinery itself was debated. Harriet Martineau in writing of the benefits of machinery reached into the realm of poetry, but her reach exceeded her grasp.

...When these inanimate powers are found to be our best servants, the immortal mind of man will be released from the drudgery which may be better performed by them. Then, never more will the previous term of human life be spent in a single manual operation; never more will the elastic limbs of children grow rigid under one uniform and excessive exercise; never more will the spirit sit, self-gnawing, in the fetters to which it has been condemned by the tyranny of ignorance, which must have its gratifications. Then bellows may breathe in the tainted streams of our factories, and

human beings be spared, and men's dwellings be filled with luxuries, and no husbandman be reduced from his sovereignty of reason to a similitude with the cattle of his pastures. But much labour has already been set free by the employment of the agency of nature [waterpower]; and how little has been given to science!<sup>1</sup>

The Edinburgh Review held similar theories;<sup>2</sup> the Quarterly Review could for once agree with Miss Martineau;<sup>3</sup> and even the Leeds Intelligencer, always anxious to oppose views which the Leeds Mercury would support, had to admit that the poor rate was lower where the manufacturing system existed.<sup>4</sup>

But many men were puzzled by the paradox which is evident, although ignored, in Harriet Martineau's description. If machinery was responsible for so many benefits, why must the "limbs of children grow rigid"? Why did men still suffer in England, although she had the most advanced industrial system in the world?

Our power-looms are superior to those of any other country; and it is unhappily true, that the wages of weavers here are sunk below the general level of Europe.<sup>5</sup>

One theory was that since machinery had increased production while consumption had remained at a level, over-production

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1. Harriet Martineau, Briery Creek, p.83 in Illustrations of Political Economy, Vol.VIII, London: Charles Fox, 1834.
2. Edinburgh Review, Vol.56 (January 1833), p.331.
3. Quarterly Review, Vol.49 (April 1833), p.138.
4. Leeds Intelligencer, May 27, 1830.
5. Edinburgh Review, Vol.58 (October 1833), p.49.



caused periodic slumps. If capital were invested in establishing colonies abroad instead of increasing manufactures at home, surplus production would be diminished and labour would receive a higher reward.<sup>1</sup> Josephus Beddome pleaded that mechanical power should be employed only when every man had a well-paid job.<sup>2</sup> Oastler made various comments in his copy of this pamphlet; one of which is especially revealing of his views: "Machinery is a curse if it is not the property of the man who uses it."<sup>3</sup>

One way to make machinery at least partly the property of the working man, it was suggested, was to tax machinery instead of necessary commodities. At a meeting of the "Artisans of Great Britain" at Bolton on January 13, 1824, it was unanimously agreed:

This Meeting, therefore, cannot refrain from further expressing their most unqualified belief, that it would prove alike just and politic to transfer to steampower and machinery a great portion of the taxes now levied on commodities; and that the adoption of such a measure would afford very considerable relief to the British artisan, and all the labouring classes.<sup>4</sup>

Joseph Wood also supported this idea; in fact, he carried

1. R. Owen, Mr. Owen's proposed arrangements, p.101.
2. Joseph Beddome, If You Ask Me, What a Manufacturer by Power is? I Answer a Manufacturer of Poverty, Manchester: Leech and Cheetham, ND [1830], p.4.
3. Ibid., in the copy in the British Museum.
4. Resolutions by the Artisans of Great Britain read at a public meeting held at Bolton on Tuesday, the 13th of January 1824. Unanimously agreed to, NP, ND [1824], p.3.

it a remarkable stage further. The tax on machinery should not only be imposed but it should be gradually increased every year, so that

...the Factory system [would] gradually sink into disuse, and instead of exporting the most hardy and valuable of our population, we should find, that we could employ at home, and keep in comfort, far more than our present numbers; whilst in the prosperity and union of her sons, Britain might indeed hope to be the envy and admiration of the world.<sup>1</sup>

Not all men who disliked the manufacturing system wished to see it dissolve in their lifetime; they wished only to see it controlled. If left unchecked "this boasted system of mechanical improvement...[would be] the nucleus of a nation's degradation and ruin".<sup>2</sup>

But it was an open question at the time as to how much degradation and ruin was actually being caused by factory labour. Sadler, Oastler, Ashley and others had no doubt that the large-scale industrial system was thoroughly inhumane, and after the printing of Sadler's Committee's report they were largely supported by public opinion. Their case was weakened a little after the Royal Commission, but not enough to prevent legislation. The fact that conditions had been improving since public

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1. J. Wood, Right of Labour to Legislative Protection, p.23.

2. Address to the Friends of Justice and Humanity in the West Riding of York from the Meeting of Delegates of the Short Time Committees, Established to Promote the Legislative Adoption of the Ten Hour Factory Bill, assembled at the Yew Tree Inn, Birstall, Oct. 28, 1833, Bradford: Atkinson, ND [1833], p.4.

attention had been attracted to them was largely ignored by the propagandists on both sides; one side felt that such an admission would weaken their case, and the other refused to admit that conditions had ever been particularly bad.<sup>1</sup> However, a John Sunderland told the Royal Commission:

If you had been here three years ago, you would have found things quite different to what they are now. I mean as to the hours of working, and the number of accidents happening from unbowed machinery. At that time, too, there was a great deal more strapping than what there is at present. Ever since Sadler started the agitation of this question, masters have not suffered their foremen to go to such lengths as they used to do. The generality of mills in Leeds at that time were working two or three hours a day longer than they are now.<sup>2</sup>

It became clear from the evidence that usually in the past, and still occasionally, very long hours were worked. One overseer admitted that his mill had been worked for fifteen weeks with the men employed thirty-eight hours consecutively with four hours allowed for meals.<sup>3</sup> Even granting that men earned sufficient wages,<sup>4</sup> under these conditions it was impossible, the reformers claimed, for the labourers to have decent lives.<sup>5</sup> The ten-hour advocates blamed the

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1. See Commissioners Reports, 1833, Vol. XX, No. 452, pp. 780ff., and No. 450, p. 928; Leonard Horner, Memoirs of Leonard Horner, Vol. I, p. 282. For an interesting side-light on the minimizing of the evils see the Morning Chronicle, June 6, 1833, which supported the Corn Laws.

2. Commissioners Reports, 1833, Vol. XX, No. 450, p. 429.

3. Ibid., p. 449.

4. See Manchester Guardian, April 13, 1833 and April 20, 1833; Manchester Courier, April 27, 1833.

5. See T.R. Edmonds, An Enquiry, pp. 10ff.

crippled bodies of many workmen on the long hours<sup>1</sup> and assumed both consciously and unconsciously that no one would dispute the proposition that twelve, fourteen and even sixteen hours were too long for a man to work.<sup>2</sup>

The advocates of restriction for none but children felt that it was completely unnecessary to argue the question of hours of labour.<sup>3</sup> The Times jeered at the Commissioners' report, suggesting that they should have to pay for its publication themselves, and scoffing at the "immense parallelopipedon of a work" which was produced to prove the obvious, that children should not work more than twelve or fourteen hours a day.<sup>4</sup>

Only a few of the more fanatical supporters of the factory system asserted that the hours were not injurious to health. Two men testified before the Commission that children could work twelve hours without injury. John Mayne declared:

They enjoy as good health with twelve hours as children in other occupations. I think that if they had more time for play, it would injure them as much as working twelve hours.<sup>5</sup>

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1. Commissioners Reports, 1833, Vol.XX, No.450, pp.561-2.
  2. Speech by Sadler, Hansard, XI, 3rd series, p.359 (March 16, 1832).
  3. See Leeds Times, April 11, 1833.
  4. The Times, July 2, 1833 and July 3, 1833. Cf., Wakefield and Halifax Journal, April 12, 1833.
  5. Commissioners Reports, 1833, Vol.XX, No.450, p.707. Cf. Harriet Martineau, Brooke and Brooke Farm, p.18 in Illustrations of Political Economy, Vol.I.

A favourite argument used to explain why children in the factories often looked sickly was that the factory environment was so healthy that the more sickly children were sent to work there to improve their health.<sup>1</sup> This attitude changed somewhat after the Commissioners had recommended eight hours, and thus relays, which removed the danger of a ten-hour limit for all ages, became a possibility. Baines received a tongue-lashing for having previously stated that twelve hours' labour produced happy, healthy children, and then declaring that eight hours' labour with relays was as much as was safe.<sup>2</sup>

The discussion of the maximum hours of labour feasible included naturally a discussion of the conditions of work. How much cruelty and oppression was exercised in the factories? Was the atmosphere unhealthy and the sanitation deplorable? Those favouring interference drew a lurid picture of the suffering of the children.<sup>3</sup> Horrific dramatized accounts of life as a factory hand, such as the Memoir of Robert Blincoe,<sup>4</sup> received much publicity. The

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1. Exposition of the Factory Question, Manchester: T. Sowler, 1832, p.4.
  2. Don Quixote and his Esquires, Leeds: Rachel Inchbold, 1833, pp.2ff.
  3. See Herald to the Trades' Advocate, December 18, 1830; Morning Advertiser, January 24, 1833; Halifax Guardian, February 2, 1833; Morning Post, May 21, 1833; The Condition of the West India Slave contrasted with that of the Infant Slave in our English Factories, London: W. Kidd, ND [1833], passim.
  4. J. Brown, Memoir of Robert Blincoe, Manchester: J. Doherty, 1832.

manufacturers roundly denounced tales of hardship as fabrications,<sup>1</sup> and their supporters declared that descriptions of bad conditions were sheer exaggeration. The Halifax and Huddersfield Express cleverly scotched two snakes with one stroke:

OVERWORKING IN COTTON MILLS.--The...paragraph from the Manchester Herald, of Wednesday, is couched in such party language, and mixed up with so much exaggeration, that if we had copied it, and subscribed "Leeds Intelligencer," at the foot, we might have almost defied detection, except on actual search.<sup>2</sup>

During the controversy the state of the operatives' health and morals became a national issue, and surgeons found their opinions in great demand and widely publicized.<sup>3</sup> Statistics were gathered and, as always, proved many things. McCulloch was quoted as showing that the occurrence of death and of licentiousness was almost the same in manufacturing towns as in the country areas, but his statement was not left unchallenged. His opponents claimed that those who remained alive in the country were healthy while all those in the cities were sickly. Moreover, there were more abortions in the cities, and therefore the incidence of illegitimate children was no guide to the amount of immorality. Edmonds concluded his refutation with the words:

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1. See A Manufacturer, A Letter to Sir John Cam Hobhouse Bart. M.P. on "The Factories Bill", London: Longman, Rees, Orme, Brown and Green, 1832, *passim*.
  2. Halifax and Huddersfield Express, March 24, 1832.
  3. For example, Wakefield and Halifax Journal, May 4, 1832.

Both instances [the conclusions about death and immorality] furnish an illustration of what appears to be a common source of error with them [the political economists], viz. a disposition to draw inferences from isolated facts, instead of resting their doctrines upon the basis of extensive and accurate observation.<sup>1</sup>

Sadler's statistics<sup>2</sup> showing factories to be unhealthy fared little better.<sup>3</sup> If the death rate were higher in the towns, his deprecators argued, it could not be imputed to factory work since there were many other conditions found in towns which were more injurious to health.<sup>4</sup> But even if statistics were open to question, they were a potent weapon and irresistibly attractive. Drinkwater, one of the Commissioners, after spending pages in his report proving that present statistics were unreliable, filled several pages with conclusions favourable to factory labour drawn from statistics he had collected.<sup>5</sup>

In order to justify their position the defenders of the manufacturers argued that conditions were equally bad in other trades not coming under the proposed Act.<sup>6</sup>

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1. T.R. Edmonds, An Enquiry, pp.24-5.

2. See, for example, M.T. Sadler, Factory Statistics, London: J. Hatchard and Son, 1836, passim; speech by Sadler, Hansard, XI, 3rd series, pp.368-9 (March 16, 1832).

3. See Leeds Mercury, June 15, 1833.

4. See J.P. Kay (later Kay-Shuttleworth), The Moral and Physical Condition of the Working Classes, London: James Ridgway, 1832, p.104; speech by Hyett, Hansard, XIX, 3rd series, pp.240-1 (July 5, 1833).

5. Commissioners Reports, 1833, Vol.XX, No.450, pp.494ff.

6. See speech by J.T. Hope, Hansard, XI, 3rd series, pp.387ff. (March 16, 1832); Leeds Mercury, April 21, 1832.

The woollen manufacturers, hoping to escape restrictions, retorted that conditions were bad only in cotton manufactories.<sup>1</sup> The Leeds Mercury published a letter to the editor which carried the attack right into the enemy's camp.

We are not accustomed to controversy, nor fond of it, or else we might perhaps with equal justice, and with equal effect, go as far into Mr. Bull's province as he has come into ours; and it might not, perhaps, prove a work of serious difficulty to shew that there are ecclesiastical, as well as commercial abuses, and clerical, as well as manufacturing delinquencies.<sup>2</sup>

But there was little hope that such arguments by the opponents to the Act would allay the attack of the reformers, since it was easy for the latter to draw the conclusion that restrictions should be far more widespread.<sup>3</sup> A similar reply came to the argument that it was unjust to single out the cotton manufactures for restrictions.<sup>4</sup> But a demand for even more widespread interference was not likely to meet with great popular support in a period which still felt that any interference at all was a dubious

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1. See speech by H. Ross, Hansard, IV, 3rd series, p.502 (July 30, 1831); speech by Halliley reported in Leeds Intelligencer, February 9, 1832.
  2. Leeds Mercury, February 4, 1832.
  3. See Remarks on the Propriety and Necessity of Making the Factory Bill of more General Application, London: Longman, Rees, Orme, Brown, Green, and Longman, 1833, p.8.
  4. See Holland Hoole, A Letter to the Right Honourable Lord Viscount Althorp, MP, Chancellor of the Exchequer; in defence of the Cotton Factories of Lancashire, Manchester: T. Sowler, 1832, p.16.



experiment. Proponents of the Factory Act were, therefore, usually content to claim that a "manifest case of oppression" should not go unpunished because there existed other abuses which could not be remedied.<sup>1</sup>

The battle over the truth about conditions was decided by the appointment in 1833 of a Royal Commission of Inquiry. The Ashleyites declared this move was merely a delaying tactic on the part of the Government;<sup>2</sup> their opponents declared it was an attempt to dissipate the dangerous errors that had been propagated.<sup>3</sup> Neither side was pleased when the Commission presented its report, for while the recommendations were not as strong as the supporters of legislation wished, they upheld the view that factory operatives suffered abuses which could be removed by legislation.

It was on the whole agreed, therefore, that factory conditions were injurious to the workers, especially if they began working long hours at an early age. But although such agreement was the first step towards achieving an Act in 1833, it proved to be by far the easiest step. For in the 1830's this step only led to a choice of two

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1. Wakefield and Halifax Journal, May 4, 1832.

2. See Leeds Intelligencer, March 9, 1833.

3. See Manchester Guardian, April 6, 1833 and April 27, 1833; Globe, May 18, 1833.

doors. One door had a sign saying government interference, and this door the Laissez-faire exponents were busy trying to board up with principles of classical economy; the other door was labelled non-interference and this one was being bricked up by the humanitarians. Actually neither door was used in 1833: a smaller one was knocked out between them through which only young people could enter. The arguments that made the middle door started with the basic question, could conditions be improved? If they could be improved, was the improvement to be brought about through voluntary agreements, more commercial freedom, or legislation? What were the laws of nature? Did interference on behalf of children break these unbreakable laws? And (a hint of future trends) was the adult labourer really free? Would it break the laws to intercede on his behalf? Finally, what was the role of Government in an industrial society? It was the answers to these questions, none of them definitive, which resulted in the compromise of 1833.

The first question -- could oppressive conditions be mitigated -- could be answered only by a consideration of the nature of existence on earth. Today the answer seems obvious and by 1853 was really no longer disputed, but in the 1830's the question was still an open one.

Here it is that the arguments based on humanity are so openly placed against those grounded on the popularized

version of classical economy. The classical economists had to some extent earned their title of "the dismal scientists"; it was quite commonly stated that suffering and poverty were inevitably the lot of the many, a conclusion supported by some passages in the Bible. Harriet Martineau, looking at the world as she knew it, asserted that some men must always be poor;<sup>1</sup> Finlay declared that the condition of factory children "is wholly different, and ever must be different" from that of other children;<sup>2</sup> the Edinburgh Review felt that: "No possible reconstruction of our institutions, and no imaginable quantity of thought on the part of the great, can prevent their being hungry persons 'to lean on frosty area-rails.'"<sup>3</sup> For those holding such pessimistic philosophies, there was justification in the thought that suffering and hunger "are among the dispensations of that POWER which has decreed, that pain and suffering shall be the lot of man in this his period of probation".<sup>4</sup> This knowledge salved the consciences of many men and was carried to the lengths

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1. Harriet Martineau, The Moral of Many Fables, p.68 in Illustrations of Political Economy, Vol.IX.
  2. K. Finlay, Letter to the Right Hon. Lord Ashley, on the Cotton Factory System and the Ten Hours' Factory Bill, Glasgow: John Smith and Son, 1833, p.9.
  3. Edinburgh Review, Vol.57 (April 1833), p.18; see also ibid., p.15 and p.32.
  4. Halifax Guardian, March 30, 1833.

where charity was denied because it upset the laws of Nature and of God.<sup>1</sup> The supporters of these extreme views came under bitter attack;<sup>2</sup> the Quarterly Review fulminated against Harriet Martineau;<sup>3</sup> and Cobbett exploded against

...Miss, Mrs., or what the devil she is, MARTINEAU, who inculcates the "useful knowledge" about breeding upon a moderate scale, and about the proper age for beginning to breed, and all about the breeding which mother MARTINEAU is said to receive great plaudits from the venerable father of society [Brougham].<sup>4</sup>

Sadler argued that Nature did not show starvation and misery among the animals and, therefore, that man should not be allowed to suffer what Nature lets no other species suffer.<sup>5</sup> The House of Commons was told "that even putting humanity out of the question, it would be expedient, if only in a financial point of view, to prevent avarice from making a sacrifice of human life."<sup>6</sup>

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1. James Stevens, The Poor Laws an Interference with the Divine Laws by which the Interests and Welfare of Society are maintained with a plan for their gradual abolition, as an essential measure for improving the condition of the Poor, London: J. Hatchard & Son, 1831, p.6 and pp.64-5; also Harriet Martineau, Cousin Marshall, pp.128ff., in Illustrations of Political Economy, Vol.III.
  2. J. Wood, Right of Labour to Legislative Protection, p.19.
  3. Quarterly Review, Vol.49 (April 1833), pp.141, 144 and 151.
  4. Cobbett's Register, September 14, 1833.
  5. M.T. Sadler, A Dissertation upon the Balance of Food and Numbers of Animated Nature; being the substance of two lectures delivered before the philosophical and literary society of Leeds, London: John Murray, 1830, passim.
  6. Speech by Sir Samuel Whalley, Hansard, Vol.XIX, 3rd series, p.227 (July 5, 1833).

There was little chance that humanity would be relegated to second place. After all, it was humanity, stirred by the reports of Sadler's Committee and the Royal Commission, which roused the British public to demand improved conditions, and it was humanity which motivated the great leaders of the movement for ten hours, such as Oastler, Sadler, Fielden and Ashley. It was "upon principles of humanity and policy"<sup>1</sup> that Sadler based his Bill, and "policy" meant granting what feelings of humanity demanded. The Times, insisting that the matter was solely the humanitarian question whether ten hours' work was enough for children, argued that the question should not be complicated by other issues;<sup>2</sup> it continued to thunder this theme all the time the Royal Commission was investigating and reporting.<sup>3</sup> One of the twelve misfortunes of Mr. Sadler satirically recounted by the Leeds Intelligencer, which based its support of legislation on humanity, mercy, justice, policy and reason,<sup>4</sup> was typical of the attack levelled at the "Bainsites":

Mr. Sadler has the misfortune to think that it is not right, nor proper, nor religious, nor Englishman-like to allow little English children to be kept at work till their limbs are distorted, their health

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1. Speech by Sadler, Hansard, Vol.IX, 3rd series, p.255, December 15, 1831.
  2. The Times, June 3, 1833.
  3. Ibid., April 2, 19, 24, 1833 and May 18, 28, 30, 1833.
  4. Leeds Intelligencer, February 2, 1832 and May 3, 1832.

destroyed, their morals corrupted, their minds misinformed, while their able-bodied parents are allowed to witness the unhappy lot of their offspring unemployed and in distress.<sup>1</sup>

Oastler, speaking before a meeting at Keighley, gave the impression that he was deputizing for Christ who could not be present at that time:

I come here to assert those rights which, if Christ were in your midst, would be granted to the poor children without asking.... What! shall that being which nature in its infancy has made perfectly helpless, with all its sinews and fibres as weak as possible, shall that being be compelled by the hand of avarice, and the hand of tyranny, to be worked to death before it arrives at maturity, although we farmers, for our own sakes, take care of our horses when young in order that we may work them to our profit when they are old? (Hear Hear) What! shall those individuals who entertain the horrid Malthusian doctrine, and suppose that the Creator sends beings into the world without being able to provide food for them, shall they lay their savage paws upon them and work them to death, calling them redundant and superfluous? (Hear Hear) In the name of Christianity, in the name of Britain, I say "No," and I hope very shortly we shall hear the same negative responded from St. Stephen's. (Applause)<sup>2</sup>

The meeting ended with the singing of "Praise God", led by the Rev. Mr. Bull, who called it a meeting of Christians for Christians in a Christian manner. Other men might not react quite as vehemently, but their humanity was as genuinely shocked by the facts brought before the public.<sup>3</sup>

Even if the premise that suffering was avoidable

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1. Leeds Intelligencer, December 13, 1832.
  2. Quoted in Leeds Intelligencer, February 2, 1832.
  3. See the Globe and Traveller, January 4, 1833; and Wakefield and Halifax Journal, May 31, 1833.

was accepted, the question of how to avoid it remained a vital one. One solution, although past experience seemed to deny its practicability,<sup>1</sup> was, nevertheless, much in the spirit of the age. Stevens expressed it without qualification:

It may, I apprehend, be laid down as an undoubted truth, gathered from observation on the state and order of the world, that God has ordained, for the general good of the whole political body, and especially from the maintenance of the connexion inviolate between the two grand divisions of society, that the compact between the labourer and his employer should be entirely voluntary--that on neither side should there be, in any respect, a compulsory claim. While, on the one hand, every servant is free to choose his own master; so, on the other, it is left solely to the will of the employer to use, or not to use, the services of the labourer. Hence the means of support derived to the latter from employment are rendered precarious--that is, dependent on his honesty, good conduct, industry, &c. By this single principle, the lower orders are maintained in subordination--are kept in the station it is necessary they should hold in the scale of society. By this single principle are the sentiments of respect and deference produced and preserved in the breasts of the poor. The appointment is divine, and any infringement of it by a human enactment, must disturb the relations of society, if not lead to its total dissolution.<sup>2</sup>

Kay felt that some qualification was necessary; contracts should be voluntary but the employers should treat the labourers as human beings, not as parts of the machinery, if a happier society was to be produced.<sup>3</sup> There should be

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1. S.T. Coleridge, Remarks on the Objections which have been Urged Against the Principle of Sir Robert Peel's Bill, London: W. Clowes, 1818, p.3.
  2. James Stevens, The Poor Laws an Interference, pp.23-4.
  3. J.P. Kay, The Moral and Physical Condition of the Working Classes, p.111. Cf., Herald to the Trades' Advocate and Co-operative Journal, December 18, 1830.

no Government interference but the labourers should be helped by the upper classes to help themselves.<sup>1</sup> Most men considered that education was of prime necessity for improvement of the working classes. The believers in Laissez-faire wanted the inclusion of a course in political economy.<sup>2</sup> From this study, it was hoped, the labourers would learn the one fact essential to their improvement-- "the same habit of restraint in marriage as is practised in the middle classes of society."<sup>3</sup> If only the workers would learn voluntarily to limit their numbers, most of their troubles would disappear.<sup>4</sup> Then it would be possible

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1. See the Rev. J.T. Law, The Poor Man's Garden or, A Few Brief Rules for regulating Allotments of Land to the Poor for Potatoe Gardens, With Remarks Addressed to Mr. Malthus, Mr. Sadler, and the Political Economists: and a reference to the opinions of Dr. Adam Smith in his "Wealth of Nations", London: C.J.Q & F. Rivington, 1830, p.4; Manchester Guardian, June 1, 1833.
2. Even the opponents of Free Trade felt that a course in political economy might be useful to the workers if it taught them to be content with their lot in life. See T.R. Edmonds, An Enquiry, p.144.
3. Ibid., p.50. Cf., P. Gaskell, The Manufacturing Population of England, London: Baldwin and Cradock, 1833, p.361; Harriet Martineau, The Moral of Many Fables, p.36 in Illustrations of Political Economy, Vol.IX; Marcus, Child Murder!!! a reprint...on the Possibility of Limiting Populousness; An Essay on Populousness; The Theory of Painless Extinction, London: Thomas White, ND, passim.
4. T.R. Edmonds, An Enquiry, pp.44-5.



to put into practice with immediate results the other precepts of the Martineau school -- thrift, honesty, diligence and temperance.<sup>1</sup> Legislation could not compel these attitudes in the people. Much less could it force the rebirth of the natural affections between employer and employee, parent and child, as the Sadlerites were attempting to do.<sup>2</sup> Unfortunately the past had produced only the unsatisfactory and dangerous present. The men who supported legislation were convinced that there was not time to wait for the voluntary achievement of the millenium, even if it were a possibility.<sup>3</sup>

The believers in Laissez-faire had still another string to their bow. There was an alternative to government interference by which the voluntary actions of men would unconsciously result in improved conditions. Free Trade and increasing manufactures would, in the eyes of Harriet Martineau, eventually do much to improve the lives of the lower classes.<sup>4</sup> Suffering could not be ended in a day, but with "judicious management" it could be mitigated,

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1. Harriet Martineau, Principle and Practice, Wellington: Houlston and Son, 1827, passim.; Harriet Martineau, Moral of Many Fables, pp.54-5 in Illustrations of Political Economy, Vol.IX.

2. See speech by J.T. Hope, Hansard, Vol.XI, 3rd series, pp.386-7 (March 16, 1832).

3. J. Wood, Right of Labour to Legislative Protection, p.16.

4. Harriet Martineau, The Moral of Many Fables, pp.19-20 in Illustrations of Political Economy, Vol.IX.

for it was not a necessary concomitant of an industrialized society.<sup>1</sup> Comfort and happiness had increased since 1760 even among the lower classes because of freer trade, according to the Edinburgh Review,<sup>2</sup> and nothing more could be done for them until the Corn Laws had been repealed.<sup>3</sup> Hume claimed that Free Trade, especially in corn, was all that was necessary to improve the conditions of the workers; at least Factory Legislation should not be passed until Free Trade had made the manufactories able to withstand the effects of restrictions. And probably Free Trade would then have increased prosperity and made restrictions unnecessary.<sup>4</sup> It was pointed out that the Corn Laws and other duties and restrictions curtailing foreign trade limited the markets necessary to increase Britain's wealth.<sup>5</sup>

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1. J.P. Kay, The Moral and Physical Condition of the Working Classes, p.15.
  2. Edinburgh Review, Vol.56 (October 1832), p.62.
  3. Harriet Martineau, The Moral of Many Fables, p.118 in Illustrations of Political Economy, Vol.IX.
  4. See speech by Hume, Hansard, Vol.XV, 3rd series, pp.1161-2 (February 26, 1833).
  5. See R. Owen, Observations on the Effect of the Manufacturing System, London: Richard and Arthur Taylor, 1815, pp.4-5; Weekly Free Press, February 13, 1830; J.S. Buckingham, Mr. Buckingham's Reply to Mr. Sadler's Speech at Whitby, London: Hurst, Chance and Co., 1830, passim.; Halifax and Huddersfield Express, March 24, 1832; Harriet Martineau, For Each and For All, passim., and Sowers not Reapers, passim., in Illustrations of Political Economy, Vols.IV and VII.

There will be no peace till the just plea is admitted, that the interest of those who consume is the paramount interest; and that the rule of commerce at home and abroad, therefore, is that all shall be left free to buy where they can buy cheapest.<sup>1</sup>

The Westminster Review, agreeing with Miss Martineau, laid the blame for suffering squarely on the opponents of Free Trade.<sup>2</sup> Nothing could be done to alleviate distress until Free Trade had been established.<sup>3</sup> Great quantities of ink and paper were consumed in pointing out that it was a misunderstanding of, or an as yet partial application of, the principles of classical economy which was responsible for hardship. Even the compromise view of J.P. Kay -- "Were an unlimited exchange permitted to commerce, the hours of labour might be reduced, and time afforded for the education and religious and moral instruction of the people"<sup>4</sup> -- was not acceptable to the old Laissez-faire school.

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1. Harriet Martineau, The Loom and the Lugger, Pt.II, p.81 in Illustrations of Political Economy, Vol.VI; Cf., ibid., p.88 and pp.90-1.
  2. Westminster Review, Vol.18 (April 1833), p.390. Cf., Wakefield and Halifax Journal, January 27, 1832; Edinburgh Review, Vo..57 (April 1833), p.7 and Vol.58 (October 1833), p.51; Halifax Guardian, November 30, 1833.
  3. See speech by James, Hansard, Vol.XI, 3rd series, p.393 (March 16, 1832); Morning Advertiser, February 16, 1833.
  4. J.P.Kay, The Moral and Physical Condition of the Working Classes, p.88. Cf. R.M. Bacon, A Letter to the Right Hon. Edward, Lord Suffield, p.60; Leeds Mercury, April 28, 1832; Manchester Times, March 23, 1833.

The upholders of the Corn Laws retorted that Repeal would do nothing but increase the misery of England. The view of R.A. Riddell represented the extreme of the anti-Repeal outlook:

Let me now put the question fairly as the result of Mr. Huskisson's measures. Our machinery has been exported, and the art of manufacturing, as well as the means, communicated to our enemies, as the result of his plans: and as labour, food, and taxes, are lower in these countries, it must be expected that their manufactures will turn out articles equally as good and as cheap as our's: and if so, they will be able to compete with us in foreign markets, and probably to undersell us. The agriculturists and traders of this country may at length find it their interest to prefer foreign manufactures, as our home-made goods are preferable only for their cheapness; and as that cheapness is only accomplished by the great demand, it becomes necessary to keep fast hold of the British markets, and to keep up the prices, or else the foreign competition may press too heavily upon them. Should the demand for manufactured goods become equal to what it ought to be, by prohibiting foreign corn, except under duties which will enable the growers to raise wages, then the home trade will demand manufactured goods in addition to what they now have, to the amount of £182,000,000, which will enable the manufactures to undersell all the productions of foreign machinery, and, in fact, take the trade fairly out of the hands of foreigners.<sup>1</sup>

Such a view was losing favour in the 1830's, but it undoubtedly still found sympathy in many minds. Men claimed that Free Trade had been, and always would be, a myth; commerce had prospered in the past without Free Trade,<sup>2</sup> and where there had been an attempt to apply these theories,

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1. R.A. Riddell, The Causes of the Distress on the Agricultural and Manufacturing Population, Barnstaple: North Devon Journal Office, 1831, pp.12-3.

2. See S.T. Coleridge, Remarks on the Objections...Against ...Peel's Bill, p.1.

ruin had followed.<sup>1</sup> The Leeds Patriot printed a dialogue to clarify the principles of Free Trade for its readers:

DIALOGUE ON FREE TRADE

- A.--What is free trade?  
 B.--Being "Free" to import any manufactured goods to the ruin of the British operatives.  
 A.--Cannot we export also?  
 B.--Oh Dear no! the French, Russians, Germans, and Americans, know better, and will not permit us, without paying heavy duties.  
 A.--Then why is this state of things called "FREE" trade?  
 B.--Because, as few people think for themselves, the word "FREE" is intended to delude them, and has accordingly deluded thousands.  
 A.--But Mr. Baines says it is a good thing.  
 B.--Well, but what man of sense attends to Mr. Baines?<sup>2</sup>

Free Trade might appear all right on paper, but in practice, its opponents claimed, it produced nothing but disharmony and distress.<sup>3</sup> Sadler denied that the manufacturers would pass on any of the benefits of Repeal to the workers;<sup>4</sup> indeed, he was not really willing to admit that any benefits would result from allowing European workers to compete more freely with British workers.<sup>5</sup> The Leeds Intelligencer argued that Repeal would harm the workers since everyone

1. See Leeds Intelligencer, September 27, 1830; Leeds Patriot, February 4, 1832; Morning Post, April 27, 1833.
2. Leeds Patriot, January 5, 1833.
3. See Leeds Intelligencer, January 7, 1830, February 11, 1830 and May 13, 1830; speech by Brotherton, Hansard, Vol.XVI, 3rd series, p.642 (March 14, 1833).
4. Speech by Sadler, Hansard, Vol.XI, 3rd series, p.382 (March 16, 1832).
5. M.T. Sadler, Speech of M.T. Sadler at the Public Dinner given to him by the Merchants and Shipowners of Whitby Sept., 15, 1829, Hull: I. Wilson, 1829, passim.

knew that wages followed the price of provisions.<sup>1</sup> According to political economists, manufactories should have brought plenty to the land, but instead, the protectionists pointed out, there were only more emigration committees.<sup>2</sup> Apply the theories of classical economy to any set of facts, and, the Quarterly Review claimed, they would not fit more than once in a hundred.<sup>3</sup> It summed up its review of Harriet Martineau's Tales, which attempt to illustrate principle in practice, with the words:

Each tale has attached to it the "principle" it is intended to illustrate; and the readers of each little volume are expected, we suppose, by the time they arrive at the end, to have duly imbibed and digested and the substance of these "principles." We can only say, if any individual has accomplished this feat, his powers of deglutition and digestion are such as an ostrich might envy.<sup>4</sup>

The discussion of Free Trade led naturally to the broader question of Laissez-faire. In 1833 the changing attitude towards Laissez-faire, which developed in the next twenty years, was already visible. In the 1830's, however, the conclusion most commonly felt to be dictated by political economy denied any interference with labour, especially adult labour. The men who supported Repeal were

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1. Leeds Intelligencer, March 2, 1833.

2. See J. Wood, Right of Labour to Legislative Protection, p.9.

3. Quarterly Review, Vol.49 (April 1833), p.136.

not passive towards the question of Factory Legislation as were to a large extent those who rode other hobby horses. Doctrinaire Free Traders considered the manufacturing system to be an integral part of the commercial system and any interference pernicious. Mrs. Marcet, Holland Hoole and many others were firmly convinced, and fully occupied in convincing the public, that only Laissez-faire would bring ultimate prosperity.<sup>1</sup> As typical of this point of view, one long excerpt from a Letter to the Right Hon. Lord Ashley...by a Lancashire Cotton Spinner<sup>2</sup> will serve:

Whatever you may think, my Lord, this Bill of yours is a very serious affair:--it may not be within your Lordship's intention or expectation; but should it ever come into complete operation, this country will become a wreck of ruined manufactures. Where are your Lordship's feelings of humanity and justice, when you empower a Magistrate and an Informer, to punish and degrade an honest manufacturer; to take an industrious and enterprising British tradesman from his family, his friends, and his lawful occupation, and to imprison him in the Common Gaol, amongst thieves and felons?--....Does your Lordship really think you can mend the condition of the workman by ruining the employer? Pause my Lord:--have you forgot the Fable of killing the goose which laid the golden eggs?--Did it ever occur to your Lordship, that this Bill of yours may, by possibility, be made to imprison the Key of the Mill, as well as the Master?--and

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1. See J. Marcet, John Hopkin's Notions on Political Economy, London: Longman, Rees, Orme, Brown, Green, and Longman, 1833, pp.148ff.; Holland Hoole, A Letter to the Right Honourable Lord Viscount Althorp, title page; Rt. Hon. Sir R.J.W. Horton, The Causes and Remedies of Pauperism, pp.iii-iv.
  2. Identified in the British Museum Catalogue as Henry Ashworth.

did you never think of the probable starvation, that you might bring upon the thousands and possibly millions of industrious unoffending work people, in case the masters, consulting not less their honor than their safety, refuse to work their Mills under such ruinous and ignominious restrictions.--My Lord, do not think that this is either an idle threat, or an improbable event.--It was the impression of many of the largest and most respectable masters on the first promulgation of your Bill; and the policy of necessity of such a measure acquires more weight, the farther it is considered.--But, supposing that all the manufactures of the kingdom, included in your Lordship's Bill, continue in activity, but strictly observing its provisions for only ten hours per day, is your Lordship aware of the necessary consequences, which such a limitation of productive industry entails?--Is it a trifling end that twenty-four millions of people in other countries, shall be compelled to pay ten per cent more for their clothing? or if they cannot afford the advance, to be deprived of a portion of it?--Is it a trifling evil, that one tenth of the shipping now employed in importing raw materials, and exporting the manufactured articles, shall be thrown idle; and that a diminution of one tenth be caused in the consumption of Coal, Iron, Wood, and the thousand articles in use in the manufactories?--Is it a light evil that one tenth of the artisans and labourers in all the collateral branches of employment, be thrown out of work altogether, and left to starve, or to seek relief from the parish, or a support in foreign countries, which a mistaken and sickly legislation, denies them in their own? <sup>1</sup>

Profits, wages, prices and production were ruled by iron economic laws and attempts to interfere with these laws would bring unlimited disaster on the country.<sup>2</sup> Cobbett,

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1. Henry Ashworth, Letter to the Right Hon. Lord Ashley, on the Cotton Factory Question, and the Ten Hours' Factory Bill by a Lancashire Cotton Spinner, Manchester: Henry Smith, 1833, pp.7-9.
  2. See A Few Observations on some Topics in Political Economy, London: Nornaville and Fell, 1825, passim.



much as he hated the changing Britain, felt that direct legislation could do nothing to alleviate factory conditions.<sup>1</sup> Whether conditions were good or bad, whether or not they could be improved, many men felt that political economy, the true science, forbade any legislative interference.<sup>2</sup> Uncompromising men opposed interference even on behalf of children; it was not just one or two hours of child labour that was at stake, but a whole philosophy of life.

A small minority, in complete opposition to these views, claimed that the premises of classical economy actually supported the idea of Factory Legislation but were misinterpreted by most economists. Thomas Attwood stated in the House (without elaborating his point) that "...he was friendly to a Bill limiting the hours of labour,

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1. Speech by Cobbett, Hansard, Vol.XV, 3rd series, p.1294 (February 28, 1833).
  2. See E. Baines Jr. An Address to the Unemployed Workmen of Yorkshire and Lancashire, London: James Ridgway, 1826, passim.; A Letter on Restrictions and Fetters in Trade, London: C&J Rivington, 1828, passim.; Leeds Mercury, February 11, 1832; J.P. Kay, The Moral and Physical Condition of the Working Classes, pp.86ff.; speeches by Philips and Potter, Hansard, Vol.XVI, 3rd series, p.1001 (March 25, 1833); Halifax and Huddersfield Express, April 13, 1833 and August 15, 1833; Manchester Courier, June 22, 1833; Vernon Royle, The Factory System Defended in Reply to some parts of the Speech of G. Condy Esq., Barrister-at-law, at a public meeting held in Manchester on the 14th of February 1833, Manchester: T. Sowler, 1833, passim.; P. Gaskell, The Manufacturing Population of England, p.13; Harriet Martineau, Life in the Wilds, pp.92-3 and 116-9, and The Loom and the Luggar, Pt.I, pp.110-1 in Illustrations of Political Economy, Vols.I and VI.

for he considered such a Bill was founded on principles of real political economy."<sup>1</sup> Sadler used Adam Smith in support of his position, although he was roundly condemned for falsification by Buckingham.<sup>2</sup> The Leeds Intelligencer, borrowing the classical economists' contention that the country was suffering from over-production, concluded that restricted hours would remedy the evil.<sup>3</sup> To some men it seemed as logical to conclude that restrictions would bring increased prosperity to those engaged in manufacturing, as to adopt the opinion of the classical economists.<sup>4</sup>

A third group -- large enough in Parliament to tip the scales in favour of the Act of 1833 -- maintained that although legislation was on the whole an evil, nevertheless, there were times, like the present, when exceptions had to be made. The consciences of men like Althorpe, Morpeth, O'Connell and Hume were so shocked by the revelations of the Ashleyites that they were willing to compromise their economic principles rather than their humanity. In order to win this group to the support of an Act in 1833, it was necessary to draw a clear distinction

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1. Speech by Thomas Attwood, Hansard, Vol.XV, 3rd series, p.1163 (February 26, 1833). Cf., Wakefield and Halifax Journal, February 17, 1832.
  2. J.S. Buckingham, Mr. Buckingham's Reply to Mr. Sadler's Speech, pp.54-5.
  3. Leeds Intelligencer, May 3, 1832.
  4. See R. Owen, To British Master Manufacturers, Lanark: W.M. Borthwick & Co., 1818, passim.

between the nature of child labour and that of adult labour. Only by removing children from the category of free agents could interference be justified in the eyes of men who maintained that Laissez-faire was the true principle of Government. Even Hume, who realized full well that "It was not simply the case of young and helpless children, but it was bound up with the interests of the manufacturers",<sup>1</sup> had to admit "that though it was an established principle or rule, that any restriction or regulation of labour or wages was mischievous, yet he thought the case of children was an exception to that rule."<sup>2</sup> Wilson Patten, supporting his own motion for a Royal Commission, did not feel that there was any question of preventing legislation<sup>3</sup> because children were not of the same ilk as adults:

...at the age when children suffer these injuries from the labour they undergo, they are not free agents, but are let out to hire, the wages they earn being received and appropriated by their parents and guardians.<sup>4</sup>

The fact that children were not free agents proved a

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1. Speech by Hume, Hansard, Vol.X, 3rd series, p.105 (February 9, 1832).
2. Speech by Hume, Hansard, Vol.XIX, 3rd series, p.246 (July 5, 1833).
3. Speech by Wilson Patten, Hansard, Vol.XVII, 3rd series, p.84 (April 3, 1833).
4. Commissioners Reports, 1833, Vol.XX, No.450, p.36.  
Cf., ibid., p.1095; Cobbett's Register, April 6, 1833.

crucial point in the arguments. If men could accept this premise, then it was obviously not a violation of the freedom of the individual to regulate for the child.

It was natural that Althorp should maintain in his Bill protection for young persons up to eighteen years of age. In order to allow time for education and yet not stop the mills at the end of ten hours, the Royal Commission suggested that children be employed for only eight hours a day, but in relays. This suggestion was heralded with delight by opponents of Lord Ashley, since it effectively thwarted the attempt to get a uniform day for all workers.<sup>1</sup> But there had been too much agitation in the country for the Government to end protection at the age of thirteen;<sup>2</sup> therefore, the restriction to twelve hours (which for most mills was not a restriction in practice) with no night work (which had received a great deal of bad publicity for its immoral effects, especially on young girls) was maintained for those up to eighteen despite some protest.<sup>3</sup>

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1. See Leeds Mercury, July 6, 1833; Manchester Guardian, July 13, 1833; Halifax and Huddersfield Express, July 27, 1833; the opinion of the manufacturers quoted in Address to the Friends of Justice and Humanity, p.9. The attitude of the Leeds Mercury is interesting since it preferred a straight eleven-hour day but did not wish to minimize Ashley's defeat; see especially the issues of February 9, 1833, May 18, 1833, August 3, 1833 and August 17, 1833.
  2. See Globe, July 19, 1833.
  3. See speech by Hunt, Hansard, Vol.X, 3rd series, p.195 (February 10, 1832); speech by Briscoe, ibid., p.1222 (March 7, 1832); speech by Philip Howard, ibid., Vol.XI, 3rd series, p.205 (March 14, 1832); Commissioners Reports, 1833, Vol.XX, No.450, p.55.

Mr. Power, a Commissioner, considered it preposterous to consider limiting the hours of those between thirteen and eighteen,<sup>1</sup> but on the whole a limitation to twelve hours did not appear dangerous.<sup>2</sup> A petition signed by master cotton spinners, including Holland Hoole and Robert Hyde Greg, asked for twelve hours for all under twenty-one.<sup>3</sup> If the age limit could be set at twenty-one, there was less likelihood of adults being included at a future date.

It was generally accepted that under no conditions was the protection of children to interfere with the labour of adults.<sup>4</sup> There was a suspicion that agitators for a Ten Hour Bill were really aiming at a ten-hour day for everyone; any Act of Parliament, regardless of its wording, would in practice apply to all employees,<sup>5</sup> because "there is a complete identification between infant and adult labour".<sup>6</sup> The Leeds Intelligencer denounced such

1. Commissioners Reports, 1833, Vol. XXI, No. 519, p. 28; ibid., Vol. XX, No. 450, p. 605. Cf., Globe, July 6, 1833.
2. See Leeds Times, June 20, 1833; Halifax Guardian, June 22, 1833; Morning Post, July 1, 1833; The Times, July 19, 1833; Leeds Intelligencer, August 31, 1833.
3. Commissioners Reports, 1833, Vol. XX, No. 450, p. 1125.
4. See ibid., p. 503; Wakefield and Halifax Journal, January 18, 1833; Halifax and Huddersfield Express, February 16, 1833; Globe, April 8, 1833; speech by Lord Althorp, Hansard, Vol. XIX, 3rd series, pp. 221-2 (July 5, 1833) and p. 913 (July 18, 1833); letter from one of the Commissioners (probably John Cowell) to Edwin Chadwick dated July 23, 1833, in the Chadwick Papers, University College, London.
5. See Commissioners Reports, 1833, Vol. XX, No. 450, pp. 37, 48 and 54, and Vol. XXI, No. 519, p. 168; Morning Chronicle, July 6, 1833.
6. Manchester Courier, June 22, 1833.

insinuations as "gross libel",<sup>1</sup> but Ashley gave a different answer: "He would not say, that it was directly his object to do so [limit adult labour]; but he would heartily rejoice if his present Bill indirectly produced that result...."<sup>2</sup> The same hope was obviously in Sadler's mind.<sup>3</sup> Indeed, the idea was supported by others on the grounds that it was inefficient to work anyone more than twelve hours;<sup>4</sup> that the health of the population could only be adequately protected by closing the factories at a certain hour;<sup>5</sup> or simply that an eleven-hour day,<sup>6</sup> or even a straight ten-hour day,<sup>7</sup> was worth granting in order to bring the unrest in the North to an end.

But for the majority, adult labour was sacrosanct. An analogy was drawn between non-interference with the landlord's property, land, and the equal necessity for non-interference with the labourer's property, labour.

1. Leeds Intelligencer, July 6, 1833.
2. Speech by Lord Ashley, Hansard, Vol.XIX, 3rd series, p.889 (July 18, 1833).
3. Speech by Sadler, Hansard, Vol.XI, 3rd series, pp.379-80 (March 16, 1832).
4. Commissioners Reports, 1833, Vol.XX, No.450, p.608.
5. See The Rights of The Poor and the Poor Laws, Leeds: Antony Pickard, 1833, p.40.
6. See speech by Philip Howard, Hansard, Vol.XVIII, 3rd series, p.447 (June 7, 1833); speech by Lord Morpeth, ibid., Vol.XIX, 3rd series, p.231 (July 5, 1833).
7. Leeds Times, March 14, 1833.

The duty of government being to secure the property of its subjects, and their industry being their most undeniable property, all interference of government with the direction and rewards of industry is a violation of its duty towards its subjects.<sup>1</sup>

The realization of the flaw in this analogy came slowly as the proponents of legislation began to question the truth of the concept, independent labourer. Once the opposition had been forced to consider the meaning of the word freedom and to admit that all persons, even if children were as yet the only exception, were not masters of their own destiny, the way was open for a further investigation of the basic principle of Laissez-faire.

The exceptions to the doctrinaire interpretation of Laissez-faire and the arguments they occasioned led to a new attitude towards Laissez-faire on the part of men who tried to avoid inconsistency. By 1833 a new Laissez-faire was developing -- the new rule which the exceptions proved. For the new political economists, Adam Smith was a great thinker but his theories, correct when applied to the cases where he meant them to be applied, should not be applied indiscriminately. Certain

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1. Harriet Martineau, Moral of Many Fables, p.122 in Illustrations of Political Economy, Vol.IX. Cf., Harriet Martineau, The Hill and the Valley, pp.41-42 in Illustrations of Political Economy, Vol.I. Richard Oastler, A Letter to Mr. Holland Hoole, In Reply to his Letter to the Right Hon. Lord Viscount Althorp, M.P. Chancellor of the Exchequer, in defence of the Cotton Factories of Lancashire, Manchester: Alexander Wilkinson, ND [1832], p.5; Leeds Mercury, October 5, 1833.

fields being beyond Adam Smith's domain, all attempts to over-extend Smith's theories caused trouble and confusion.

But in applying his enlightened principles to practice, we should carefully examine whether our situation corresponds with the period at which he wrote (or indeed with any former period); since, from inattention to this circumstance, we may be instrumental in inflicting the greatest evils on society, while our intention had been most beneficent.<sup>1</sup>

A few voices were raised in the wilderness to point out the anachronisms in the old political economy.

Those who argue the question upon mere abstract principles seem...too much to forget the condition of society, the unequal division of property, or rather its total monopoly by the few, leaving the many nothing whatever but what they can obtain from their daily labour; which very labour cannot become available for the purpose of daily subsistence, without the consent of those who own the property of the community, all the materials, elements, call them what you please, on which labour is to be bestowed, being in their possession.<sup>2</sup>

It had been agreed that children were not free agents, and there were also hints that perhaps the adult labourer was not entirely independent and master of his own destiny,<sup>3</sup> but society was not yet ready to adopt the new

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1. R. Owen, Mr. Owen's proposed arrangements, p.14.
  2. Speech by Sadler, Hansard, Vol.XI, 3rd series, p.343 (March 16, 1832). Cf., J. Wood, Right of Labour to Legislative Protection, pp.12 and 18; Leeds Patriot, March 10, 1832; speech by Sadler, Hansard, Vol.XI, 3rd series, p.347 (March 16, 1832); The Times, April 8, 1833; and even Harriet Martineau, For Each and For all, pp.77-8 in Illustrations of Political Economy, Vol.IV.
  3. Sadler made the point specifically in a speech in Hansard, Vol.XI, 3rd series, p.360 (March 16, 1832).



philosophy. A draft report in the Chadwick papers summed up the principle acceptable in 1833 upon which the Bill should have been based:

namely that the legislature was justified in interfering for the protection of those who could not protect themselves, of those who had not arrived at the age of discretion to make their own bargains.... But the education clauses which might have been passed were given up to an obscure opposition and the pernicious practice of legislating for the protection of adults was in fact retained by extending the limitations of the hours of labour up to 18 years of age.<sup>1</sup>

The author of this report saw the future more clearly than many of the more vociferous opponents of the Bill.

The fight between interference and non-interference had begun, and the first round ended with the passing of the compromise Act of 1833. The specific clauses of the Bill did not cause much debate unless they directly affected the meaning of the measure. Although the creation of an Inspectorate under the central government was one of the most far-reaching innovations of the Bill, it received surprisingly little attention. Because earlier Bills had been ineffective, and because Parliament was now anxious, driven by the dangerous agitation in the North, to prevent the continuance of abuses, Inspectors were accepted without much opposition. Indeed, it was Althorp's Bill and not

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1. From a draft report, undated, in the Chadwick Papers, University College, London.

Ashley's which provided for Inspectors.<sup>1</sup> An Inspectorate was such a novelty that opinion was divided and confused, or more often, silent. The Leeds Mercury was, as might be expected, opposed to the "strict surveillance and minute interference" which the Inspectorate established.<sup>2</sup> The workers' meeting at Birstall was annoyed for a different reason: "...[a] briefless Lawyer--a broken-down Merchant--a poor Aristocrat--and 'an intimate friend of Lieut. Drummond'..."<sup>3</sup> were ill-qualified for Inspectors' duties. Their powers were far too arbitrary; the old Visitors, who had the confidence of the poor and the respect of the rich, were much better.<sup>4</sup> The present "busybody Act"<sup>5</sup> would turn out to be a nullity and good only for the patronage it would provide.<sup>6</sup> The Edinburgh Review was not as harsh towards the Inspectors as one might have expected. But the value it attributed to them was their ability to investigate conditions and report to the Government, without prejudice, the measures which were needed and which would be most beneficial.<sup>7</sup> It was suggested that

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1. See Lord Althorp's motion, Hansard, Vol. XIX, 3rd series, p.223 (July 5, 1833).
  2. Leeds Mercury, August 10, 1833.
  3. Address to the Friends of Justice and Humanity, p.19.
  4. Ibid., p.20.
  5. Remarks on the Propriety and Necessity of Making the Factory Bill of more General Application, passim.
  6. Leeds Intelligencer, August 10, 1833.
  7. Edinburgh Review, Vol. 58 (October 1833), p.50.

the Inspectors should have been given additional power to ensure that dangerous machinery was fenced off,<sup>1</sup> but not until a later Act was that authority granted. On the whole, the establishment of an Inspectorate did not meet with the violent opposition which might have been expected towards such a flagrant violation of the sanctity of an Englishman's manufactory. The Leeds Intelligencer summed up the general acceptance of this novelty:

In giving an outline of the measure, a week or two ago, we stated that one part of the scheme was the appointment of Inspectors, who are to be invested with extensive powers, and whose chief duty it will be (if the Bill pass,) to do justice to all parties concerned--to take care that there be no evasions, no neglects, no cruelties, no irregular practices. In truth, the working of the Bill in a great degree depends upon the vigilance and talent and honesty of the Inspectors; they are the pivots on which the machinery of the thing almost wholly turns. The office will be no sinecure, though, perhaps, a well-paid one.....<sup>2</sup>

It was neither.

Two other issues -- compulsory education and the system of relays -- did not receive nearly the amount of attention which would be turned upon them in later years. The question of education was not prominent in the controversy over the Act of 1833. Everybody agreed that education was a good and necessary thing, but there was such obvious opposition on religious grounds to a Government

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1. Commissioners Reports, 1833, Vol. XX, No. 450, p. 76;  
Halifax and Huddersfield Express, August 22, 1833.

2. Leeds Intelligencer, August 24, 1833.

scheme that there was no prolonged attempt to include in the Act provisions for an effective, comprehensive system. Except for those who were opposed to all interference, even for children, there was general agreement that shorter hours were essential if the labouring population was not to grow up in complete ignorance.<sup>1</sup> All were not equally agreed as to the purpose or end of education. The radical Wakefield and Halifax Journal felt it was necessary to educate the industrial population because inevitably they would take more part in the political life of the country;<sup>2</sup> in contrast, the more conservative minds thought the character and conduct of the people must be moulded<sup>3</sup> through an education which would make the labourer more "docile"<sup>4</sup> and more "co-operative",<sup>5</sup> and less likely to engage in strikes against the laws of nature.<sup>6</sup> In an article supporting education as a means to self-improvement, the

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1. See the Rev. G.S. Bull, The Evils of the Factory System, Illustrated in a Respectful and Faithful Appeal to the Inhabitants of the Parish of Bradford on the Behalf of the Factory Children, Bradford: T. Inkersley and Co., 1832, passim.; Wakefield and Halifax Journal, January 20, 1832; speech by Sadler, Hansard, Vol.XI, 3rd series, p.368 (March 16, 1832); Commissioners Reports, 1833, Vol.XX, No.450, p.33; Leeds Intelligencer, August 17, 1833.
  2. Wakefield and Halifax Journal, June 1, 1832.
  3. T.R. Edmonds, An Enquiry, p.37.
  4. Commissioners Reports, 1833, Vol.XX, No.450, p.1100.
  5. Ibid., p.75.
  6. J.P. Kay, The Moral and Physical Condition of the Working Classes, p.111.

Edinburgh Review presaged the controversy which was to break out later over denominational and secular control of education, but as yet that controversy was not to the fore.<sup>1</sup>

The debate on the question of relays was desultory for much the same reason that little passion was aroused over Inspectors. Relays were quite a novel idea and therefore opinion was undecided about them. The humanitarians could say little because the children were being limited to eight hours' labour instead of the ten asked for; the manufacturers said little because relays meant that the threat of an overall ten-hour day was temporarily averted. There were few dissenting voices to the proposition that young children should be allowed to work short hours.<sup>2</sup> The objections that different restrictions for different ages would lead to evasion of the Act,<sup>3</sup> and that the children would flood the adult market as they passed the age of thirteen<sup>4</sup> were overruled. It was a more serious objection that there were not enough children to furnish relays,<sup>5</sup> but since no one really knew how many

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1. Edinburgh Review, Vol.58 (October 1833), p.219.

2. See Commissioners Reports, 1833, Vol.XX, No.450, pp.505ff.

3. See ibid., p.606.

4. See ibid., p.68.

5. See Wakefield and Halifax Journal, July 26, 1833 and August 16, 1833; Factory Commission. Correspondence between Mr. Wilson, Secretary to the Central Board of Factory Commissioners, and Mr. Stuart, One of the Commissioners, London: Mills, Jowett, and Mills, ND, passim.

children there were, statistics being rare and unreliable, the objection fell by the wayside. The argument that relays would mean adults working sixteen hours<sup>1</sup> did not seem valid to most men and was simply denied.<sup>2</sup> The Leeds Intelligencer denied the denial, however, because it felt that relays were a trick on the part of the mill-owners.

One of our contemporary's schemes is, we observe, eight hours a day for children and two sets of hands. Operatives of England, consent to this, and ye rivet your own chains. [Oastler's style was gaining imitators!] Sixteen hours will then be pronounced an indispensable day's work for an adult. To object to labour thus long would be to raise the indignant remonstrances of the Leeds Mercury and its abettors-- "Would you be so unreasonable as to stop the mill? Would you throw your own children out of employment? Would you prevent us from entering into competition with the foreigner?" These and many other similar questions would be asked, and with justice, were you ever to consent to eight hours a day and two sets of children. Depend upon it that the Mercury, in proposing it, does not seek to serve you, but those who are determined that their interests and yours shall not be one and the same if they can help it.<sup>3</sup>

The Leeds Intelligencer was quite right; questions were asked whenever it was suggested that over-all mill hours should be shortened. Some of the questions, especially those concerning foreign competition, were asked in angry and desperate tones as later Factory Bills were introduced. Foreign Competition, although not yet the

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1. See Commissioners Reports, 1833, Vol. XX, No. 450, p. 63. Cf., Address to the Friends of Justice and Humanity, pp. 6-10.

2. See The Times, June 28, 1833.

3. Leeds Intelligencer, May 3, 1832. Cf., Morning Post, June 19, 1833.

powerful bogey it became in later years, was used before 1833 in an attempt to dim the prospect of children's hours being shortened. There were few facts and figures at this period which could be brought forward; men had not yet marshalled their forces to argue the issue. The majority of statements asserted simply that fears of foreign competition were either justified or not justified. Those who oppose the Bill argue as a self-evident fact that any restriction on manufactures would annihilate the chances of competing with foreign trade.<sup>1</sup> K. Finlay claimed that Sadler's Bill "should be entitled, 'A Bill to Transfer the Cotton Manufacture of Great Britain and Ireland to Foreign Countries.'"<sup>2</sup> Edward Baines Jr. took great pains to write a long Address to the Unemployed Workmen of Yorkshire and Lancashire explaining that the French were standing poised to rob England of her manufacturing industry at the first sign of weakness.<sup>3</sup> The answer to these claims was a straight denial of their validity. Earlier legislation had imposed restrictions

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1. See R. Owen, Mr. Owen's proposed arrangements, p.10; Commissioners Reports, 1833, Vol. XX, No. 450, p.44; K. Finlay, Letter to the Right Hon. Lord Ashley frontpiece; Remarks on the Propriety and Necessity of Making the Factory Bill of more General Application, pp.4ff.
  2. K. Finlay, Letter to the Right Hon. Lord Ashley, p.9n.
  3. E. Baines Jr., An Address to the Unemployed Workmen of Yorkshire and Lancashire, passim., but especially p.5.

but industry had expanded;<sup>1</sup> England's supremacy depended upon superior quality in manufactures and a greater sufficiency of natural resources, not upon longer hours.<sup>2</sup> No competition need be feared from America as wages were higher there.<sup>3</sup> The timorous suggestion by the Birstall workers that ten hours was all that the mills worked on an average over the year and that therefore an Act of Parliament would only equalize employment throughout the months without lessening it<sup>4</sup> did not gain vogue until the 1840's. A few voices were raised for the claim that the question of foreign competition was not germane to the debate. It was competition on the home market that mattered, ran the argument, and if all were restricted to ten hours, then no one would have an advantage and no one would suffer.<sup>5</sup> But once Ashley's threat of a ten-hour day had been averted, the arguments about foreign competition were laid aside to await a renewal of the threat.

Closely related to the question of foreign trade

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1. See speech by Brotherton, Hansard, Vol.XVI, 3rd series, p.1002 (March 25, 1833).
2. See J.Wood, Right of Labour to Legislative Protection, p.22.
3. See Edinburgh Review, Vol.58 (October 1833), p.47.
4. See Address to the Friends of Justice and Humanity, p.3.
5. See J. Wood, Right of Labour to Legislative Protection, p.19; Leeds Patriot, March 10, 1832; Morning Chronicle, March 1, 1833.



was the question of wages. The owners claimed that the only way, with restricted hours, that they could continue to compete in foreign markets was by reducing wages. If the wages were not reduced, other countries would be able to undersell Britain.<sup>1</sup> It was also claimed, because of confusion over the laws governing wages and prices,<sup>2</sup> that not only would wages be reduced but prices would have to be raised at the same time.<sup>3</sup> A common argument -- the one behind most of the numerous statements which claimed flatly with no elaboration that shorter hours would reduce wages --<sup>4</sup> was that as capital, wear and tear, etc., were fixed expenses, there would be less money for wages when production was lowered through shorter hours.<sup>5</sup>

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1. See speech by J.T. Hope, Hansard, Vol.XI, 3rd series, pp.388ff. (March 16, 1832); Commissioners Reports, 1833, Vol.XX, No.450, p.45; K. Finlay, Letter to the Right Hon. Lord Ashley, p.7; Henry Ashworth, Letter to the Right Hon. Lord Ashley, pp.33-4.
  2. See Harriet Martineau, The Turn-Out, p.135; Edinburgh Review, Vol.58 (October 1833), p.47.
  3. See Joseph Birley, Sadler's Bill, Manchester: T. Sowler, 1832, pp.7-8.
  4. See ibid., p.7; Holland Hoole, A Letter to the Right Honourable Lord Viscount Althorp, passim.; Leeds Mercury, February 18, 1832; speech by Lord Althorp, Hansard, Vol.XI, 3rd series, pp.385-6 (March 16, 1832); Commissioners Reports, 1833, Vol.XX, No.450, p.505; Henry Ashworth, Letter to the Right Hon. Lord Ashley, p.28; speech by George Wood, Hansard, Vol.XIX, 3rd series, p.896 (July 18, 1833); Leeds Mercury, July 27, 1833 and September 7, 1833.
  5. See Exposition of the Factory Question, passim.; Commissioners Reports, 1833, Vol.XX, No.450, p.834; Halifax Guardian, March 30, 1833.

If profits were reduced instead of wages, men would withdraw their money from England and invest it where there were no restrictions.<sup>1</sup> The opposition to these views was not silent. It was argued that the increasing Free Trade which the country was enjoying would ensure the retention of foreign markets;<sup>2</sup> that the manufacturers were making fortunes and could easily withstand some reduction in their profits, and therefore, withdrawal of capital was only an idle threat.<sup>3</sup> The Rev. G.S. Bull pointed out in indignation that the manufacturers had offered to compromise for eleven hours and no reduction in wages. They had, therefore, been robbing the workers of an hour's wages throughout the years when twelve hours were worked and would now pay them back by paying the same wages for ten hours.<sup>4</sup> Experience had shown that the

1. See Leeds Mercury, May 11, 1833; Halifax Guardian, August 10, 1833.
2. See J.P. Kay, The Moral and Physical Condition of the Working Classes, pp.90-1.
3. See An Address to the Working Classes of Leeds & the West Riding of Yorkshire by a Sincere Friend to Them, Leeds: G. Crawshaw, ND [1831], p.8.
4. The Rev. G.S. Bull, On Tuesday Evening, June 11th 1833, in Consequence of Many Misrepresentations which had been industriously circulated Respecting the Advice given to the Factory Children, about the Ten Hour Bill, by the Rev. G.S. Bull, a large meeting of the children took place in the Primitive Methodist Chapel, after a few hours' notice. The Evening was very wet, but notwithstanding upwards of One Thousand Children were present. Bradford: H. Wardman, ND [1833], pp.2ff.

wages fund was not fixed since it was obvious that the manufacturers manipulated it in good and bad times.<sup>1</sup> Anyhow, from the financial point of view, long hours did not pay because they resulted in poor workmanship.<sup>2</sup>

These subsidiary arguments in the period up to 1833 were not well thought out. There was not even much attention paid to the broad question which arose out of the debates: What was the role of Government? It is obvious that this question had not been seriously considered by the majority of men who entered into the controversy over the condition of England. The general consensus of opinion appeared to be that the role of the Government should be as small as possible except where interference was needed to further an author's pet project. Thomas Tooke, for example, opposed legislation and favoured emigration:

Nobody that I have ever met with carried further than myself the doctrine in favour of the [sic] laissez nous faire, the non-interference of government, in short, the doctrine of allowing capital and industry to flow in the channels which they would naturally seek out and form for themselves. But I have never for a moment doubted, much less denied, that there are occasions in which advances from the national funds may be legitimately applied

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1. See T.R. Edmonds, An Enquiry, p.47.

2. See speech by Sadler, Hansard, Vol.XI, 3rd series, p.381 (March 16, 1832).

to objects beyond the mere maintenance of the civil and military and naval establishments of the country.<sup>1</sup>

Emigration, a scheme favoured by many political economists, obviously needed Government support and guidance to be effective, and consequently Tooke was not the only man who favoured this loosening of principle.<sup>2</sup> Joseph Wood picked up the Benthamite slogan, 'the greatest possible happiness of the greatest possible number', and insisted that this legitimate end of Government could only be achieved by active not negative<sup>3</sup> or apathetic Government:<sup>4</sup>

Shall we then make laws to imprison, transport, or condemn to death, those who purloin a few shillings of our property, injure any of our domestic animals, or even a growing twig; and shall we not make laws to restrain those, who otherwise will not be retrained, in their desire for gain, from robbing, in the pursuit of it, millions of our fellow-creatures of their health, their time for acquiring knowledge and future improvement,--of their social comfort,--and of every rational enjoyment?<sup>5</sup>

Government should prevent private rights from producing

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1. Quoted in Rt. Hon. R.J.W. Horton, The Causes and Remedies of Pauperism, p.14.
  2. See R.M. Bacon, A Letter to the Right Hon. Edward, Lord Suffield, p.54.
  3. J. Wood, Right of Labour to Legislative Protection, pp.10 and 17.
  4. See George Condy, An Argument for Placing Factory Children within the Pale of the Law, London: Longman, Rees, Orme, Brown, Green and Longman, 1833, p.60.
  5. R. Owen, Observations on the Effect of the Manufacturing System, p.14.

public injury,<sup>1</sup> and, much the same thing in most cases, should protect the weak and helpless from oppression.<sup>2</sup> But the Government in the eyes of the moderates had no right to do more. A Factory Act based on the simple principle of protecting the weak would have met with approval, according to the Leeds Times, but the Bill went further than it should.

Most strangely in the course of time, and amidst the agitation of party conflict, have the principles upon which alone the interference of the government upon this subject can be justified, fallen into oblivion. Governments have no right to interfere between parents and children--but when parents demand from the government, protection for their children from crying and dominant evils which are injurious to health, and to morals, and to happiness, then government is bound to render an effectual interposition. The parents of the children employed in factories did demand this protection for their children--and what ought government to have done? Government ought to have passed a law, rendering it penal to inflict the slightest possible injury upon any child whatever, working in mills--government ought to have passed a law prohibiting upon the severest penalties the employment of any person under a certain age more than ten hours a day. Government should have done this, and NOTHING MORE--this would have been amply sufficient--this would have been perfectly intelligible and easily applicable --this would have combined the triumph of humanity with the claims of justice and the dictates of prudence--this would have been straight forward, equitable, and definite legislation. Here would have been no system of inspection, irksome alike both to masters and their workpeople--here would

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1. See J.P. Kay, The Moral and Physical Condition of the Working Classes, p.105.
  2. See James Stevens, The Poor Laws an Interference, p.91; Wakefield and Halifax Journal, February 24, 1832.

have been no monstrous distinction of ages--here would have been no cumbersome enactments for compulsory education--here would have been no avenues left open, not only for the continuance, but for the aggravation of some of the worst evils which belong to the manufacturing system. We repeat it--government should have prevented the existence of the evils of cruelty and overworking, by the simple provisions to which we have alluded--and there it should have stopped. As it is, this bill, this silly, this complicated, this contradictory bill, will have the effect of at once destroying the freedom of the master, and of reducing the operative to the condition of a slave--and by both it will soon be spurned with the aversion it deserves.<sup>1</sup>

Perhaps it was because the basic question of interference versus complete freedom was so dominant and the secondary questions which arose were so novel that the Bill appeared cumbersome and complicated. The manufacturers were not well enough versed, nor did they feel they needed to be, to outmanoeuvre the forces of interference on every issue. They held their lines against the ten-hours men and the concessions that they made did not seem at the time to be serious. After 1833, when the manufacturers had had time to reconsider their new position, there was an attempt to undo the Act of 1833, but it is much harder to remove legislation from the statute books than to prevent its being placed there in the first place. In the 1840's, the battle was renewed in earnest, but by

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1. Leeds Times, August 24, 1833. Cf., Harriet Martineau, For Each and For All, pp.103-4 in Illustrations of Political Economy, Vol.IV.

this time the terrain was more familiar for both sides and the arguments were more organized and based on innumerable statistics.

The question of interference was not settled by the passing of the Act of 1833; the demands of the men in the North were not met. But the reinterpretation of Laissez-faire had begun. As positions were clarified through debate, gradually it became clear that the aims of all groups of men could be achieved, and that Britain could provide for the physical and spiritual well-being of her factory hands and still leave the men of business free to handle the purely commercial side of their industries in the way they thought best.

## CHAPTER TWO

### I

The period from 1833 to 1839, though confused, was decisive in the history of Factory Legislation. Frequent attempts were made to discredit the Act of 1833, especially in the first two and a half years, as the provisions limiting the labour of those under 13 to 9 hours were not to be fully enforced until thirty months after the Act was passed. As early as July 30, 1834, the Home Secretary was requesting the opinion of the Inspectors as to the practicability of the provisions of the Act and asking for suggestions as to possible amendments.<sup>1</sup> In the spring of 1836, Poulett Thomson brought in a Bill to lower the maximum age limit for the 9-hour restriction to 11 years.<sup>2</sup> The Bill was eventually withdrawn, but Hindley's attempt to introduce a Ten Hour Bill in June of the same year was met so coldly that his Bill too was withdrawn. In 1837 the Inspectors were again consulted about a Bill, and one to amend the weak

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1. Home Office Papers, H.O.43(45).

2. Parliamentary Papers, (1836) IV, p.1.



provisions of the Act of 1833 was introduced in 1839.<sup>1</sup> The Government did not press their measure, however, and allowed it to be postponed until the following year; when Ashley carried an amendment to include silk and lace mills, the Bill was withdrawn on July 27, 1839. After six years of struggle, the conditions established in 1833 remained unaltered.

The uncertainty in Parliament was a reflection of the confusion in the country and in the Factory Inspectorate. The Ten Hour Movement in the North was temporarily disrupted immediately after the passing of the Act of 1833, and throughout the following years its strength was drained by the agitations over the Poor Law and the Charter. Some of the workers supported an agitation for an eight-hour day, encouraged no doubt by the established eight-hour limit for children; others vented their disappointment at the failure to achieve ten hours by decrying the Act and the Inspectors. Doherty and the Cotton Spinners, encouraged by John Fielden, started an

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1. Ibid., (1839) III, p.467. The Bill proposed to rescind the judicial powers of the Inspectors; to increase the rights of the superintendents, especially in regard to their right to enter all parts of the factories at any time; to augment the salaries of the superintendents; to tighten control over the making up of lost time; to standardize the meal-times of all young people in a factory; and to ensure that only recognized and qualified surgeons issued certificates.

agitation for an eight-hour day; Ashley was denounced for betraying the cause and abandoning his Ten Hour Bill to the Government; Oastler was waiting for the Act to fail to justify further agitation for a uniform ten-hour day. Many of the Short Time Committees suffered divisions in their ranks caused by the bitter reaction after the compromise Act was accepted. The attempt and failure to build up the Grand National Consolidated Trades Union contributed to the disorganization of the lower classes. The Free Trade movement had begun to gain converts among the workers<sup>1</sup> and diverted some of their energy from Oastler's movement. Sadler's death in July of 1835 removed another unifying force from the agitation. By the autumn of that year it was felt by many that the relay system was a failure and the age restriction and education provisions, therefore, dead letters. The spirit of the factory workers was at its nadir and support for a uniform twelve-hour day was appearing.

It was Lancashire that saw the rejuvenation of the operatives' spirits. Doherty and the Cotton Spinners took for their slogan, "restriction of the moving

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1. For example, a Sheffield Trade Union, the Sheffield Regeneration Society, took the motto, "Free trade with Free Labour".

power".<sup>1</sup> Oastler joined them. A new Parliamentary leader, Hindley, was chosen, and a few small meetings were held. The movement was given a strong fillip when Hindley made known his intention of introducing a new Ten Hours Bill. On December 5, 1835, a meeting of delegates from Lancashire was called in Manchester. The Manchester Short Time Committee had, by this time, been re-formed and a new Lancashire Central Committee established, with many of the old names on it. On January 2, 1836, a combined meeting of the Lancashire and Yorkshire delegates was held in Manchester, and plans were made for a big agitation in the middle of January, two weeks before Parliament was to assemble. A big meeting at Ashton on January 19 opened the rally and introduced to the Movement Joseph Raynor Stephens, who was to become one of the most virulent of its leaders. Rumours circulated that the Government was going to repeal Althorp's Act and that the workers would then accept a twelve- or eleven-hour compromise. Many meetings were rapidly organized, and delegates were sent to London to canvass the homes of all M.P.'s. Stephens attempted to connect the Factory Question with the Poor Law controversy in order to unite the workers' opposition.

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1. The movement in favour of restriction of the moving power was an attempt to prevent evasion of restrictions by limiting the hours the machinery could be run. It would, thus, be easy to detect any violations of the restrictions.

On March 16, 1836, the North was horrified to learn that Poulett Thomson had introduced a Bill to limit the eight-hour protection to those under eleven years of age. Mass meetings were held and petitions sent to London. When the Government received a majority of only two in the crucial debate on May 9,<sup>1</sup> Oastler, in the House of Commons gallery, lifted up his hands crying, "Oh God, they are conquered!"

The feelings which had been once more aroused in the North did not evaporate when the Bill was withdrawn. The old leaders were again before huge crowds demanding a Ten Hours Bill in tones more and more violent as the months slipped by. On June 16, 1836, a conference of delegates at Manchester resolved to demand a ten-hour day right away and, if it were refused, to take the law into its own hands. The working class was not assuaged by the cold reception in the House of Hindley's attempt to introduce a Ten Hours Bill nor by the promise that the present Act would be enforced. But for a time, the Short Time Committees concentrated their energies on exposing offences against the law.

By the end of August, the agitation was taking on a new colouring. The Ashton Short Time Committee staged a huge pageant at which Oastler and Stephens

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1. The Government dropped the Bill after receiving this small majority on its second reading.

appeared together for the first time. Stephens, a belligerent speaker, encouraged a tendency which had already appeared in Oastler. At a meeting at Blackburn on September 15, Oastler made his notorious "knitting-needle speech" in which he told the children how to wreck the mill machinery if the ten-hour demand was not met. Ashley and Bull felt compelled to dissociate themselves from the speech, and John Wood broke with Oastler altogether. On November 11, a last big meeting was held at Oldham with Fielden, Oastler and Stephens on the platform. The strain was too much for Oastler, who suffered a nervous breakdown. For a year the movement lost its momentum, and its energies were diverted to the Chartist and Poor Law agitations. Large meetings continued to be held in the North, but they were not centered on the ten-hour demand.

Paradoxically, it appears to have been the mill-owners who revived the movement. A public meeting, chaired by Edward Baines Sr., was called in the Court House, Leeds, for November 9, 1837, to propose an eleven-hour compromise. The meeting was not well advertised and was held at 2.00 p.m. to make it difficult for workers to attend. Unfortunately for Baines, the workers turned out in great numbers; Stephens appeared to lead them; and a ten-hour amendment was carried, which Baines, as

chairman, had to endorse. By December Oastler was back and, as proclaimed King of the Ten Hours Movement, unfurled its standard of innocence at Manchester. Huge meetings continued into January at Ashton-under-Lyne, Hunslet Moor and Leeds, where A.H. Beaumont, editor of the London Dispatch and the Northern Liberator, declared, "justice will not be done...unless Russell, Melbourne and Peel are hanged..." for treason, robbery, arson and murder. The crowd roared its agreement. In the spring of 1838, Oastler was at the height of his popularity, but once again the strain proved too much for him.

In June and July, Ashley brought the question of factories before the House and was beaten by only small numbers. At the end of July, Oastler had recovered and with O'Connor advised the men at Halifax and Dewsbury to get pistols. Although Oastler declared that the pistols were not to be used--the threat would be enough--an ugly riot broke out. On August 25, King Richard left Fixby Hall, where he had been dismissed from his stewardship, at the head of a procession of 15,000, to be met at Huddersfield by children singing the ten-hours song leading a crowd of between 50,000 and 100,000. From this time forward, Oastler always advocated the possession of arms. The Chartist movement was growing during this period, and anti-Poor Law feeling was strong.

On Christmas Eve, 1838, troops of the 7th Hussars and the 1st and 3rd Dragoon guards moved into Huddersfield to keep the peace. On December 27, Stephens was arrested for leading an unlawful meeting by torch and candle light at Hyde attended by 5,000 people carrying banners reading, "For children and wife, we will war to the knife", and "Ashton demands universal suffrage or universal vengeance". He was escorted to Manchester by two troops of dragoons.

With Stephens in prison and Oastler involved in personal financial difficulties, the movement receded from the point of frenzy it had reached. Even the introduction of the Government Factory Act Amendment Bill roused little attention. When Ashley won an amendment to include silk and lace mills and the Bill was withdrawn, he found little interest in the North. There were no petitions or delegations of protest, and Ashley realized with great disappointment that as the workers were now turning all their attention to the Charter, he was once more standing nearly alone.

## II

Ashley's efforts, however, found support from another quarter after 1833, a source which was to have perhaps an even greater influence upon the House than

the great Northern agitations. During these years, the Factory Inspectors were developing both the position and the ideas which were eventually to aid Ashley's cause. Their position was not an easy one at first. The majority of the mill owners and their managers found visiting Inspectors distasteful and troublesome. Even among the workers, the Inspectors did not find the support they might have expected. The principle of a government inspectorate was not popular in the country; it had never been part of the ten-hour demand. The Act of 1833 did not bring the benefits the workers had been led to expect; also there was a suspicion of central administration which was heightened by Oastler's vicious campaign against the Factory Commissioners in 1833 and the Poor Law Commissioners in 1834. The Inspectors were considered to be on the side of the mill owners because they belonged, in the eyes of the workers, to the same class. Thus the Inspectors had little support to draw on and had to rely on those who sympathized with the end if not the means, on the words of the Act of Parliament, and on their own force and perseverance.

Their position was further complicated by its nebulous character. Not only was the job novel to the men employed but it was unique in British Government.



The Inspectors had no previous institution by which they could guide their steps, and the country had no standard by which to evaluate their work. Nowhere were the limits of their task clearly defined. There was lacking any definite idea, except perhaps in Chadwick's mind, of the role the Inspectors were to play and how they were to play it. It is almost impossible today to comprehend the complete novelty of a Factory Inspectorate or the immensity of the ill-defined task which four men had been called upon to accomplish.

Although the appointments of Horner, Saunders, Howell and Stuart appear to have been largely political, they turned out to be very successful. There are signs in the later correspondence that the Home Office got more than it bargained for; with the possible exception of Stuart, the Inspectors were conscientious, strong-minded men. Horner, Saunders and Howell had very similar and pronounced views on their duty, as Factory Inspectors, to provide protection for the mill hands.

Each Inspector was assigned a district for inspection:<sup>1</sup> Horner had Lancashire, Westmoreland, Cumberland,

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1. For the sake of convenience the districts described here are the ones assigned after the final revision of the allotment of districts in 1837. For the earlier distribution of districts see, M.W. Thomas, The Early Factory Legislation, pp.98-9.

Northumberland, Durham and Yorkshire minus the West Riding; Saunders inspected the West Riding and all counties south of Yorkshire and east of Wiltshire; Howell covered the mills in the rest of England and Wales; Stuart travelled through Ireland and Scotland. Leonard Horner started his duties in high spirits; he recorded:

I have broke ground in my new vocation very auspiciously, as far as a good reception from the mill owners goes. They naturally dislike the Act, like any other interference, but they say that as they were to have one, that which has been passed is very little open to objection, and they see no difficulty in carrying it into effect. They have all said that they will cordially co-operate in all the provisions which concern the education of the children, and indeed in any other. Nothing could be kinder than the way they have received me, and one of them, Mr. Lepper, has placed his little carriage at my disposal, and I am to dine with him to-day. I have seen a good deal of my excellent and benevolent friend, Mr. Joseph Stevenson, whose cotton mills, about a mile from Belfast, are a model for everything that concerns the well-being of the work-people, bodily and mentally. He is Secretary of the Belfast Academy, and a great ally of Spring Rice. I see the means of doing much good to the children, especially as regards their education.... But for the first five or six months, I shall have to turn my mind almost exclusively to my business, and I see such a means of usefulness in it that I like the prospect very much. The absence of all control, except that of the Secretary of State, and the independence in action which I feel, is a prodigious advantage.<sup>1</sup>

Perhaps Horner's spirits would not have been quite so high had he been involved in the preliminary arrangements for the Inspectors. They were summoned to London to consult together, and after a short correspondence

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1. L. Horner, Memoirs of Leonard Horner, pp.237-8.

with the Home Secretary, it was agreed that a clerk be appointed and provided with a room while the Inspectors were in London.<sup>1</sup> But these meagre arrangements were to be the extent of the conveniences allowed. Soon Melbourne was urging the Inspectors to go into their districts and close down the London office.<sup>2</sup> The Inspectors were very loath to lose their clerk and office and succeeded in retaining the clerk although they held their statutory half-yearly meetings in the waiting room of either the Home Office or the Council Office.<sup>3</sup>

The lack of an official office caused many minor irritations, especially financial ones. Without an office the Inspectors could not submit regular statements to the Treasury, and the Treasury did not designate any part of its budget for the Inspectorate.<sup>4</sup> Every bill, therefore, had to be sent to the Home Office for payment. Saunders found, under this system, he was denied reimbursement for copy paper,<sup>5</sup> and the Inspectors were not allowed expenses for paper which they bought while on tours of inspection.<sup>6</sup> Saunders was informed that "...the charges for such articles of Stationary are to be defrayed by

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1. Home Office Papers, H.O.43(44).

2. Ibid.

3. Ibid.

4. Ibid.

5. Ibid., H.O.87(1).

6. Ibid., H.O.43(44).

each gentleman.... These charges to be reimbursed out of the issues of money hereafter made by the Board of Treasury for the service upon which you are employed."<sup>1</sup> Horner was refused permission to have forms printed in order to facilitate the laying of informations; Russell said it was the duty of the magistrates' clerks to take down the informations by hand.<sup>2</sup> While Horner was in the North, he asked the Home Office for some franks in order to send instructions to the mill owners.<sup>3</sup> The Home Secretary forwarded a few with a note implying that the franks were to be used on official business only.<sup>4</sup> When Horner complained that the number sent was insufficient, he was grudgingly sent five hundred more. The Home Office thereupon decided that this franking privilege was open to abuse and declared that in future all letters should be mailed to the Home Office and redirected from there.<sup>5</sup> The climax to the financial haggling came when the Home Secretary sent a letter to all the Inspectors not to incur any expenses without first getting permission from the Home Office.<sup>6</sup>

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1. Home Office Papers, H.O.43(44).

2. Ibid., H.O.43(47).

3. Ibid., H.O.43(45).

4. Ibid., H.O.43(46).

5. Ibid., H.O.43(48).

6. Ibid., H.O.43(46).

The salaries for the Inspectors and the Superintendents assisting them presented a new problem for the Government. The regular salaries paid to members of Government departments were not a sufficient guide to the salaries for men whose job necessitated continual travel. The Inspectors were appointed at £1000 a year--that sum to cover all expenses. (Significantly, Howell was appointed at £500 a year because he had a pension of £500 from the revenues of Gibraltar.)<sup>1</sup> The salaries were not paid automatically but had to be applied for each time and the application recommended to the Treasury by the Home Office.<sup>2</sup> The travelling and lodging expenses of the Inspectors reduced their salary to a bare minimum.

The pay of the Superintendents was not even a bare minimum. Four Superintendents were appointed in three of the districts and three in the fourth, at varying intervals, as the volume of work to be done became clear,<sup>3</sup> with a salary of £250 per annum. The concise letters of appointment stated emphatically that this sum was to cover all expenses of any kind, was subject to reduction if circumstances warranted, and was to give the recipient no claim to a pension at the end of his work.<sup>4</sup> It was soon evident that such an appointment was not attractive

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1. Home Office Papers, H.O.43(44).

2. Ibid., H.O.43(44) and (45).

3. Ibid., H.O.43(45) and (50).

4. Ibid.

enough to draw suitable men into the service, and complaints were not long in coming. The Inspectors pleaded for higher remuneration for their Superintendents throughout 1835 and 1836.<sup>1</sup> At first Russell replied only that letters asking for higher salaries were "improper letters" and the Superintendents could resign if they wished.<sup>2</sup> At last, after a long letter had been sent by the joint meeting of the Inspectors explaining that inspecting could be a dangerous as well as an expensive job--Mr. Bates having fallen off his horse and broken his leg in the Government service and Mr. Trimmer having been mobbed by the workpeople of a factory near Oldham<sup>3</sup>--Russell agreed to raise the salary of two Superintendents in each district to £350. For the time being, the matter rested.

The Inspectors' reports, which were to figure prominently as sources in future Parliamentary discussions, were also important in the behind-the-scenes controversy. While the Act stated briefly that the Inspectors should write reports, it did not define their scope. At first the Inspectors seem to have regarded the sending of reports

1. Home Office Papers, H.O.43(46).

2. Ibid., H.O.43(50).

3. Minutes of the statutory and special Meetings of the Inspectors, Vol.I (September 8, 1836-January 17, 1844) and Vol.II (July 16, 1844-February 5, 1849), September 15, 1836.

as merely a technical and unimportant duty.<sup>1</sup> But gradually the reports assumed greater value; as the Home Office fought to establish its control over the Inspectors, the Inspectors realized that through their reports they could appeal over the head of the Home Secretary to Parliament. The Home Secretary was anxious to keep the upper hand and at the same time not to commit himself publicly to any policy which might prove unpopular. A letter to Saunders was explicit:

....I cannot take upon myself to remember or repeat even the substance of any opinion which I may have expressed, on the occasion alluded to, relative to the construction of the Factory Act--And I must therefore request you and the other Inspectors to exercise your own discretion and judgment upon the points which you mention.<sup>2</sup>

In private, the Home Office did voice its opinion to the Inspectors. Consequently, the reports became a battleground. In February 1836, Rickards' report was returned to him with a note that the last four and a half pages seemed to be "a disquisition on the subject of political economy" for the benefit of the Home Secretary and requesting Rickards to omit all but his signature.<sup>3</sup> In the opinion of the Home Secretary, the reports were to contain neither reference to correspondence between himself and the

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1. Home Office Papers, H.O.43(45).

2. Ibid.

3. Ibid., H.O.43(48).

Inspectors nor any suggestions as to amendments to the Act.<sup>1</sup> In October 1836, Saunders' report was criticized for containing remarks about the new Bill before Parliament and not restricting itself "to the occurrences in your district so far as the present Act is concerned."<sup>2</sup> It was a one-sided battle, however, because the Inspectors, who were daily increasing their knowledge of conditions, could always express their views by implication.

These difficulties were only the background to the immense problem of instituting the provision of the Act. The previous Acts which had been passed to regulate factories had been dead letters, but public opinion had been too aroused, especially in the North,<sup>3</sup> to permit the same fate to befall the present Act; moreover, Edwin Chadwick was too much of an administrator to draft a Bill containing provisions which were impotent. In addition, at least three of the Inspectors were men determined not to be ineffectual. Nevertheless the path towards the establishment of an efficient Factory Inspectorate was not an easy one. Chadwick, for all his ability, had had no previous experience in this particular field, and it would be impossible for any man to have foreseen the loopholes and pitfalls which developed in the Act when an

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1. Home Office Papers, H.O.43(46).

2. Ibid., H.O.87(1).

3. Indications of the extent of this unrest are found in ibid., 44(31).



attempt was made to implement it. The Inspectors frequently sent letters to the Home Secretary asking for an interpretation of the Act;<sup>1</sup> the letters were usually passed on to the Law Officers of the Crown. The Inspectors were consulted in turn about improvements which should be enacted.<sup>2</sup> The Inspectors had been granted the power--astonishing for that period--of issuing instructions which, after they had been published for two weeks in the local paper, had the force of law. This power, in addition to their unique place in Government, gave them an immense influence on the development of the Inspectorate and also on future Bills and Acts;<sup>3</sup> but their influence is hard to assess because their correspondence with the Home Secretary is incompletely preserved and the entries in the Minute Books of their meetings are very brief. Nevertheless the information therein coupled with the accounts in the reports issued twice a year and the information asked for by the House provides a comprehensive picture of the difficulties encountered and the solutions proposed.

From the Inspectors' comments it is possible to gain a fairly balanced picture of the conditions in the

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1. Home Office Papers, H.O.43(44), (45) and (50).
  2. Ibid., H.O.43(45), (48) and H.O.87(1). Also Minutes, January 21, 1837 and January 27, 1837.
  3. For example, see L. Horner, Memoirs of Leonard Horner, Vol.II, p.368.

factories. Many of the mills, especially the larger ones, impressed the Inspectors favourably; Saunders reported:

With some few exceptions, I have much satisfaction in stating that I found the mills and factories remarkably clean and apparently well regulated; and nothing came under my notice that could lead me to suppose that the operatives, whether adults, young persons or children, were unhealthy, or so severely oppressed by labour as has been strongly represented. Excessive heat in some branches of the cotton trade, and a careless disregard of proper ventilation (for which, in most cases, the operative himself is alone to blame), are evils which I should consider the most general.<sup>1</sup>

Horner was pleased with the mills which he visited,<sup>2</sup> but he makes a revealing qualification in a letter printed in his Memoir. When he was inspecting near the Lake District, he wrote that he could not resist going to Windermere Lake for a day and a half in "some compensation for the many hours I have lately passed in the hot, close factories."<sup>3</sup> There is no doubt that many of the mill owners did not deserve their share of the obloquy heaped on the factory system. A lengthy account of the Deanston Cotton Works in Perth owned by James Finlay & Co., was given in one of the reports for 1839. A new seven-storey building had been erected with windows opening at top and bottom with vents for windy days; a

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1. Parliamentary Papers, 1834, Vol. XLIII, No. 423, p. 484.

2. See L. Horner, Memoirs of Leonard Horner, Vol. II, pp. 3, 330-1 and 367.

3. Ibid., p. 335.

fire-proof staircase ran up to each floor which contained a fire-proof "suite of water-closets, washing-rooms and apartments for the overlookers." The ceilings were high and the rooms airy.

Three tunnels of about 2 feet wide and 3 feet deep, pass along under the floor...through which shafts are carried, to give motion to the machines, and by these tunnels terminating in the open air at each end and a constant supply of fresh air is admitted to the apartment, and equally distributed to the region of each worker by small openings through which the driving shafts communicate with the shafting in the tunnels. The air is warmed during the cold season by steam-pipes, placed in the tunnels. The floor is of wood, so that the people have a comfortable surface to rest their feet upon....

The throstles employed here are upon the American or Danforth principle, which affords easy employment for the very youngest description of hands. They require pretty close attention, but there is no hard labour, and the necessity of steady cleanliness and general order, makes it a capital school for training the younger children to habits which are useful to them in after life, in whatever employment they may be engaged. Over this department there is a male superintendent; but the immediate treatment of the children is committed to discreet and active young women, who treat the children at once with kindness and strict regard to their duty. The children are, in general, very cheerful, have leisure for a little conversation occasionally with their immediate neighbours, and take a pride in emulating with each other in the cleanliness and order of their machines.<sup>1</sup>

The owner provided neat houses for the employees in a well kept village from which the sewage was drained and the garbage collected regularly. A morality officer was appointed, and no drunkenness was permitted on pain of

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1. Parliamentary Papers, 1839, Vol.XIX, No.433, pp.531-2.

dismissal. A good school had been operating for thirty years, providing three to four hours instruction during the day to all under thirteen, and one and a half hours, five nights a week to those between thirteen and sixteen. There was a library of 600 books available at a fee of sixpence a quarter. Many of the workpeople went to the sea-side for a week each year.<sup>1</sup>

The Deanston Cotton Works were the exception rather than the rule. Saunders found frequently that employers were indifferent to cleanliness in their mills. "I have several times had to rebuke and admonish occupiers and parents for practices prejudicial to health, and tending to destroy all proper feelings of decency or delicacy."<sup>2</sup> The bad atmosphere often caused by over-heating or the fluke from the cotton,<sup>3</sup> and the danger from unfenced machinery<sup>4</sup> were other evils in mill work. Life for the children could not have contained much pleasure, even if they could occasionally talk to their neighbours. In the lace mills, at any rate, which were not yet restricted, Saunders reported that the hours were generally fifteen or sixteen.<sup>5</sup> In all types of mills, many began

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1. Parliamentary Papers, 1839, Vol.XIX, No.433, pp.533ff.
  2. Ibid., 1838, Vol.XXVIII, No.81, p.124.
  3. Ibid., 1834, Vol.XLIII, No.423, p.477.
  4. Ibid., 1835, Vol.XL, No.689, p.691.
  5. Ibid., 1839, Vol.XIX, No.539, p.544.

employment, or had before the Act was passed, at the age of eight, and some even at seven and earlier.<sup>1</sup> As a rule, only an hour and a half was allowed for all meals, days were long,<sup>2</sup> and holidays were few.<sup>3</sup> There was one compensation; the wages, on an average, seem to have been quite good compared to those in other trades and especially to those of the agricultural worker. The male spinners were in the best situation.

The average net weekly earnings of all the adult male-spinners, in the coarse and fine mills of Manchester, is 325.64 pence, or fully 27s. That of the men spinners alone in the fine mills varies from 30s. to 40s., which, with the wages of two children as assistants, at an average of 5s. each, will make up an excellent income for a working man's family, one very different indeed from the 12s. or 14s. earned by a like family in the agricultural districts of England.<sup>4</sup>

Ure was painting an over-rosy picture in this account, and, indeed, his other accounts do not corroborate this story. He drew up a table of wages for the men employed in the cotton factories of Lancashire:<sup>5</sup>

<u>Age</u>	<u>Wage</u>
11-16	4s. 10 3/4d.
16-21	10s. 2 1/2d.
21-26	17s. 2 1/2d.
26-31	20s. 4 1/2d.
31-	22s. 8 1/2d.

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1. Parliamentary Papers, 1834, Vol.XLIII, No.423, p.476.

2. Ibid., 1835, Vol.XL, No.689, p.693.

3. Ibid., 1834, Vol.XLIII, No.423, p.431.

4. Andrew Ure, The Cotton Manufacture of Great Britain, 2 Vols., London: Charles Knight, 1836, Vol.II, p.444.

5. Ibid., p.472.

It was not high compensation for devoting one's life to unrewarding tedious labour, but it was more than many working men in the nineteenth century received.

Although the Inspectors were on the whole relieved by the conditions which they found in the mills, they still found much they wished to see improved. It was necessary to step carefully at first. A good relationship with the masters was essential to the working of the Act, since the mill owners must be reconciled to the Act if there was to be any hope of successful implementation. Horner reported that much support for the Act came from the more humane millowners, who realized that a restriction of hours was necessary to satisfy the country, that the provisions were not too difficult to obey, and that adult labour was not restricted; and yet these mill owners had been included in the wholesale condemnation of the factory system.<sup>1</sup> He was pleased to find that the masters were not as hostile as they had appeared at first and added:

I have no fear but that in a short time the greater proportion of the mill-owners in my district, will view the Act, not only without dislike, but will even admit it to be in many respects highly beneficial.<sup>2</sup>

The Inspectors felt in the early years that if the spirit

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1. Parliamentary Papers, 1837, Vol.XXXI, No.53, p.92.

2. L. Horner, Memoirs of Leonard Horner, Vol.II, p.290.

of the Act were obeyed, it was wiser not to prosecute for technical faults in carrying out the provisions of the Act.<sup>1</sup> Frequently abuses called forth no more than recommendations and admonitions from the Inspectors on the first visits; if the abuses continued they only reluctantly instituted prosecutions.<sup>2</sup> But if the Inspectors were not anxious to prosecute, the magistrates were even less willing to pass sentence. The problem was more exasperating than acute in the 1830's, but nevertheless the magistrates often managed to thwart the intentions of the Act either by dismissing the information against the owner on some technicality<sup>3</sup> or by inflicting so small a penalty that it paid the avaricious mill owner to break the law and pay the fine.<sup>4</sup> The task of the inspectors was also made difficult by the provision of the Act that the information must be laid fourteen days after the offence had been committed. Saunders asked to have this period extended because often the Inspector was absent from the district for longer than fourteen days.<sup>5</sup>

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1. Parliamentary Papers, 1839, Vol.XIX, No.433, p.435.

2. The number of convictions obtained up to the end of 1835 is given in Parliamentary Papers, 1836, Vol.XLV, No.193.

3. See Home Office Papers, H.O.43(50).

4. See Parliamentary Papers, 1837, Vol.XXXI, No.53, p.55.

5. Ibid., 1836, Vol.XLV, No.155, p.166.

The most difficult problems for the Inspectors came over the interpretation of the clauses relating to age certificates and schooling and the allied problem of relays. The Act of 1833 required that no child should be employed unless it was "of the ordinary Strength and Appearance...of a Child of at least Nine Years of Age".<sup>1</sup> A certificate to this effect was to be granted to the child by a surgeon before the child could begin to work. But this arrangement was not easy for Inspectors or surgeons. Howell complained that he could not reconcile the clause of the Act which stated that all between 13 and 18 must have a certificate, with the clause which stated that if the child turned out to be actually over 13, no fine was to be levied whether or not there was a certificate.<sup>2</sup> The Inspectors had no way of invalidating an incorrect certificate. If a certificate was signed by an unscrupulous surgeon and by a magistrate it could not be revoked; all the Inspector could do was try for a conviction on the grounds of fraudulently issuing and accepting a certificate, the punishment for which was prison.<sup>3</sup> Such a conviction was almost impossible to obtain. Horner in an attempt to circumvent this problem

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1. M.W. Thomas, The Early Factory Legislation, p.123, n.27.

2. Parliamentary Papers, 1838, Vol.XLV, No.55, p.61.

3. Ibid., 1839, Vol.XIX, No.433, pp.443-4.



disallowed some certificates because they had been countersigned by a magistrate who had never seen the children. The mill owners in his district complained that his action was illegal and retaliated by refusing to permit his Superintendents to enter their mills.<sup>1</sup>

Even a conscientious surgeon could not be sure he was giving a true certificate because he had no way of telling with certainty how old a child was. (It was not yet legally required to register a child at birth.) Parents living below the poverty line, being anxious to get their children into the factory, would lie about the child's birth, or send an older child to obtain a certificate in the name of the younger one.<sup>2</sup> The Inspectors realized that there was even less they could do about the parents' fraud than about the surgeons' fraud, so they concentrated on easing the task of the conscientious surgeon and preventing unscrupulous surgeons from issuing certificates.

A circular letter of Horner's, which caused an outcry of protest,<sup>3</sup> laid down certain guiding principles for the granting of certificates. He argued that the test should be the physical appearance of the child, implying that as the actual age was impossible to ascertain,

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1. Parliamentary Papers, 1837-8, Vol. XXVIII, No. 81, pp. 136ff.

2. Ibid., 1839, Vol. XIX, No. 433, p. 451.

3. See Home Office Papers, H.O. 44(30).

it should not be considered. The Short Time Committee of Manchester accused him of trying to lower the age at which children could enter the factory, and the mill owners claimed that he was doing the opposite. After the case had been submitted to the Law Officers of the Crown, Russell informed Horner that he was within the law.<sup>1</sup> Horner, thereupon, continued his battle with the problem:

I go on very comfortably here with my factory people. I meet with the greatest civility everywhere, and they are becoming more and more reconciled to the Act, and therefore I shall be able to do more and more good to the poor children. I am striving with the difficulty of ascertaining the real ages of the children from physical characters, and have had consultations with many doctors upon the value of the teeth as a test, I mean the growth of the second teeth, and I believe from all they say, that it is the most unerring we can use. I am becoming rather knowing in that way for I have looked into 500 little mouths lately.<sup>2</sup>

In addition to finding a way to determine the age of the children, the Inspectors wanted to exercise control over the granting of certificates. As early as February 17, 1834, Rickards asked Melbourne whether the Act permitted him to appoint the surgeons who could grant certificates.<sup>3</sup> Melbourne would not commit himself at first, telling Rickards to use his own discretion. It

1. See Home Office Papers, H.O.87(1).

2. L. Horner, Memoirs of Leonard Horner, Vol.II, p.352.

3. Home Office Papers, H.O.43(44).

was eventually decided by the Law Officers that the Inspectors could not legally insist on only one surgeon's issuing certificates in a district, although it was agreed that if the manufacturers would co-operate such a plan would be the best.<sup>1</sup> Before the Inspectors realized that their powers with regard to the appointment of surgeons were restricted, they had envisaged a very effective system of inspection based on the co-operation of the medical profession. Rickards wanted the appointment of surgeons with the power to enter the mills.

Their frequent visits to the mills will always be useful, in ascertaining the health of the working hands generally, attending to the cleanliness and ventilation of mills; and seeing that the machinery is properly boxed up or secured. These are points that can only be attended to by a constant visitation of the mills, and by none so well, or so consistently, as by medical men, to whom such inquiries are, as it were, professionally familiar. I have myself seen many mills in a very filthy state. I have known several instances of children or young persons being retained by their parents in mills when sickness rendered them unfit for the occupation; and on the surgeon remonstrating with the mother, and saying that death would probably ensue, receiving for answer that it signified not, for if the children could not work, they must die of starvation. And I have heard of several dreadful accidents from machinery being insufficiently guarded, or so crowded into rooms as to leave none but narrow and dangerous passages for the working-hands. In all these cases the eye of a fixed medical practitioner would be of infinite use, many lives might thus be saved; the most dreadful lacerations prevented; and the comforts, if not the health, of the working-hands greatly improved.<sup>2</sup>

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1. Home Office Papers, H.O.43(44). Cf., Parliamentary Papers, 1837, Vol. XXXI, No. 53, p. 79.

2. Parliamentary Papers, 1834, Vol. XLIII, No. 423, p. 465.

A few mill owners co-operated with the Inspectors to bring about such a satisfactory situation,<sup>1</sup> but only a few, and until the Inspectors were granted the requisite powers in 1844, they had to make shift as best they could.

The problems of organizing children into relays and of enforcing a minimum of education were interrelated. The Inspectors were at first dubious about the practicality of relays and were opposed to extending the limitation of eight hours to twelve-year olds. Rickards reported that only three owners<sup>2</sup> in his district had agreed to try relays, and he felt that it would be ruinous to restrict hours to forty-eight a week. Children of eleven, he continued, were perfectly capable of working twelve hours a day, and therefore it would be much simpler to establish a uniform twelve-hour day in all mills and ignore the education provisions which were defeating the effectiveness of the Act.<sup>3</sup> Saunders agreed, declaring that the evil effects of mill work had been greatly exaggerated, and the limitation of all under thirteen to forty-eight hours a week would materially injure worker and owner.<sup>4</sup> But the attitudes of the Inspectors showed

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1. See for example, Home Office Papers, H.O.43(44).

2. Parliamentary Papers, 1834, Vol.XLIII, No.423, p.460.

3. Ibid., p.461.

4. Ibid., p.486.

some change in the reports written at the beginning of 1835. Howell and Saunders still felt that relays were unsuccessful;<sup>1</sup> the latter advocated a sixty-nine-hour week for all of eleven years and over, or even the exclusion from the mill of children under ten and a uniform twenty-hour day, because he felt that if the Act came into full force the unemployment of all under thirteen would be the result.<sup>2</sup> Howell, however, admitted that relays were running successfully at Marshall's of Leeds.<sup>3</sup> Rickards believed that in his district the Act was becoming appreciated and accepted,<sup>4</sup> and Horner declared that relays worked where they were honestly tried.<sup>5</sup>

This gradual change in attitude was effected by Horner's and Saunders' early development of a great interest in the need for education. This interest modified their views, and gradually the views of all the Inspectors, concerning the advisability of applying the Act in full. The Home Office did not encourage this interest at first. A letter of October 9, 1833, from the Home Secretary advised the Inspectors that on their first circuit they should only consult with the manufacturers about their plans for education rather than attempting

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1. Parliamentary Papers, 1835, Vol. XL, No. 689, pp. 691 and 693.

2. Ibid., p. 692.

3. Ibid., p. 693.

4. Ibid., p. 698.

5. Ibid., p. 690.

to enforce the Act immediately, because he wanted the owners to provide their own schools and not to expect the Treasury to pay for them.<sup>1</sup> In 1834, Horner was worried by the lack of schools, but he was more worried about children having to leave the mill after nine hours when often they had only empty homes to go to. He also thought that it was impracticable to enforce an eight-hour restriction on twelve-year olds, and felt that one hour's schooling at night for those between twelve and fourteen would be sufficient if none were employed between twelve and sixteen without a certificate stating that he could read and write.<sup>2</sup> Howell also felt that the education clauses were impossible, because if the child, having played truant from school, could not produce a school-attendance chit on Monday morning, the owner had to dismiss him at great inconvenience.<sup>3</sup>

The early months of 1836 saw a greater change in opinion. Saunders was becoming more convinced that education was a basic necessity if he was to witness any improvement in the lives of the operatives;<sup>4</sup> Howell pointed out the incongruity of owners dismissing all the children, because relays and schooling were impossible

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1. Home Office Papers, H.O.43(44).

2. Parliamentary Papers, 1834, Vol.XLIII, No.423, p.434.

3. Ibid., p.458.

4. Ibid., 1836, Vol.XLV, No.155, p.166.

conditions, and then complaining about the shortage of hands.<sup>1</sup> Horner was encouraged because sixty-five mills in his district had adopted relays; he wrote in his report:

If a better system of granting certificates of age were adopted, and if the difficulties [i.e., lack of] schools were removed, I feel confident that, in my district at least, children between 9 and 12 years of age would be generally employed, and that the relay system would be acted upon in all places where a sufficient supply of children could be had.<sup>2</sup>

In the joint report, although there were signs of a change of heart when all the Inspectors agreed that the cessation of night work had been a great boon, they still, nevertheless, all agreed that it would not be possible, much less wise, to enforce the restriction on twelve-year olds beginning March 1, 1836.<sup>3</sup>

An underlying cause of the Inspectors' problems up to this time had been the hope in many minds that the Act would never be fully enforced and that, therefore, it was not necessary to make the effort to organize relays. In an attempt to fulfill this hope, Poulett Thomson introduced a Bill on March 15, 1836, to limit the restrictions to eleven-year olds. In spite of the opinions expressed by the Inspectors and the pressure of the mill owners, Ashley's forces won the day. In June the promise

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1. Parliamentary Papers, 1836, Vol.XLV, No.155, p.168.

2. Ibid., p.167.

3. Ibid., p.158.

was extracted from Lord John Russell that the Act of 1833 would be enforced in all its provisions. There could no longer be any hedging about the restrictions, and the Inspectors with the full backing of the Home Office set about enforcing all the clauses of the Act. The attitude of the manufacturers changed also as they buckled down to make the best of defeat.

The Inspectors experienced a moderate success. Leonard Horner recorded his achievements cheerfully in a letter written on August 7, 1836:

I had a meeting of mill-owners at Stockport on Friday, and dined that day in Manchester with Mr. Henry McConnell. He is the largest cotton spinner in Manchester, employing from fifteen to sixteen hundred people, paying not less than £1,500 every week for wages alone. He is a most excellent man, and I am glad to say he is going to adopt that which I am urging so strongly upon the mill-owners, the employment of the young children united with attendance at school. He is going to employ from two to three hundred, and is to have a school upon his premises; he has advertised for a schoolmaster, and schoolmistress, and says in his advertisement, that he wishes to adopt the system of the Edinburgh Sessional School. I had a talk with him, and his people, on Friday before dinner, and I have written to Mr. Wood [of the Edinburgh Sessional School], asking him to select a master. His example will I have no doubt be followed.<sup>1</sup>

Howell's experience convinced him also that relays, once the owners had taken pains to establish the system, ran very smoothly.<sup>2</sup> Saunders came out in favour of relays

1. L. Horner, Memoirs of Leonard Horner, Vol.II, p.329.

2. Parliamentary Papers, 1837, Vol.XXXI, No.53, p.79.



but with the qualification that children under nine should be allowed to benefit themselves and the owners by working in the mills for eight hours a day.<sup>1</sup> By 1838, the pendulum had come full swing; the Inspectors no longer felt that the limitation on twelve-year olds was harmful to industry;<sup>2</sup> Horner had over one-third of the mills in his area working by relays.<sup>3</sup> It had also become quite clear by this time to Saunders, Howell and Horner that education was of the utmost importance and could be provided only if the children up to thirteen were given ample time from work in order to have a little energy left to apply to schooling.<sup>4</sup> There was also a growing awareness of the fact that machines were making it possible to replace adult labour by that of children and, therefore, that children needed protection more than ever.<sup>5</sup> Horner's recantation is illuminating:

There is an increase in the number of mills where children are employed for short time by relays; and in my late visit to the neighbourhood of Leeds, I obtained additional proof how necessary it is to listen with caution to the assertions so often and so confidently made, that the difficulties and trouble attending all plans of relays are so great as to present an insuperable obstacle to their adoption.<sup>6</sup>

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1. Parliamentary Papers, 1837, Vol.XXXI, No.53, pp.83ff.

2. Ibid., pp.60ff.

3. Ibid., 1837-8, Vol.XXVIII, No.81, p.83.

4. See, for example, ibid., 1837, Vol.XXXI, no.53, p.62.

5. Ibid.

6. Ibid., 1837-8, Vol.XXVIII, No.81, p.85.

The first stage of the Inspectorate was drawing to a close. Although Saunders still favoured allowing younger children into the mills for short hours, he, Horner and Howell were in substantial agreement as to the practicability, method and aim of interference. Stuart, who had been appointed in the place of Rickards, always disagreed more or less with the opinions of the others, but his views did not prevail. The mill owners were gradually falling in with the wishes of the Inspectors: sometimes friendly persuasion succeeded;<sup>1</sup> sometimes threats were needed.<sup>2</sup> But whatever method was used, there was no doubt that the efforts of the Inspectors had improved the conditions of the mills in the six years of the Inspectorate. Horner in his report in 1839 described his pleasure at the changes he had witnessed. More and more relays were being introduced, and the masters were expressing satisfaction at the working of the Act. The Act, for Horner, was providing effective protection for children; he felt now that there was no better occupation for them than working in a warm well-ventilated factory and receiving at the same time a modicum of schooling. Once he had seen children schooled in the coal-hole of an engine furnace by the fireman and taught from fragments of books as black as

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1. See, for example, L. Horner, Memoirs of Leonard Horner, Vol. II, p.6.

2. See, for example, Parliamentary Papers, 1839, Vol. XIX, No. 539, p. 544.

the fuel; but after he had remonstrated with the owner, a good school and a qualified master had been provided.

Although much remains to be done, no one who inquires properly into the subject can doubt that the clauses of the Act which make attendance in school imperative, have procured some education at least to several thousand children, who, in all probability, would otherwise have got none at all, and in several instances an education far superior to that in the ordinary description of schools for the working classes in this country.<sup>1</sup>

The millenium had not yet arrived, however, and the Inspectors were very anxious that the improvements in administration proposed in the Bill of 1839 should be enacted. The defeat of the Bill meant to the Inspectors an annoying delay in removing the anomalies of their position. But by 1839, there was no question of their being unseated; the first modern Government bureau for social welfare was established.

### III

While the Inspectors were carrying out their duties and developing their opinions, the country was continuing its search for the solution to the Factory Controversy. The roles of the protagonists in the debate were reversed after 1833; it was now the opponents of legislation who were trying to alter the status quo. The controversy

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1. See, for example, Parliamentary Papers, 1839, Vol.XIX, No.539, p.551.

between 1833 and 1839 differed also from the previous controversy in its emphasis. The debates were not now about new principles but about the validity of the ones accepted in 1833; it was mainly a question not of theory but of practicability. If the opponents of legislation could convince others that the Act could not be rigidly and consistently applied, or that it did the harm which they had prophesied, their battle was won. The supporters of Factory Legislation claimed that the provisions of the Act could be instituted, perhaps with minor amendments, and that the benefits would outweigh any disadvantages. Consequently, although there was still considerable debate over basic questions of principle, far more emphasis was placed on specific effects of the Act. The pragmatic aspect of the debate was encouraged as a greater amount of factual information about factories became available.<sup>1</sup> It was also true that the basic issue of principle was more clearly understood. The most important question was seen to be that of interference with adult labour; the very fact that the controversy continued after the defeat of Thomson's attempt to reduce the age of protected

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1. Three contemporary books which provided much information about the factory system were: E. Baines Jr., History of the Cotton Manufacture in Great Britain, London: H. Fisher, R. Fisher and P. Jackson, 1835; P. Gaskell, Artisans and Machinery, London: John W. Parker, 1836; and Andrew Ure, The Philosophy of Manufactures, [3rd edition] London: H.G. Bohn, 1861.

children showed that the argument was not concerned only with children.

The discussion over the merits of machinery was more closely tied to the vital issue of restriction on adult workers than in the earlier debate. The debaters realized that the real question was man's relation to machinery not the machines themselves. For since the problem had now become whether restriction on machinery was in principle or in reality a restriction on human labour, it was no longer meaningful to discuss machinery divorced from the men who ran it. Three influential books dealing with this problem came out at this time: Edward Baines Jr.'s History of the Cotton Manufacture, Andrew Ure's The Philosophy of Manufactures, and Philip Gaskell's Artisans and Machinery. These three books by their size, thoroughness and popularity indicate the importance of the issue to contemporaries. They also illustrate the three prevalent points of view regarding manufactures: Baines could see no evil; Ure could see both evil and good; and Gaskell saw the evil more clearly than the good.

Baines inserted in his book many passages descriptive of the glories of industry.

...[I]n the year 1834, several thousand spindles may be seen in a single room, revolving with inconceivable rapidity, with no hand to urge their progress or to guide their operations--drawing out, twisting, and winding up as many thousand threads, with un-failing precision, indefatigable patience and strength; --a scene as magical to the eye which is not familiarized with it, as the effects have been marvellous in augmenting the wealth and population of the country.

The order and cleanliness of the works, and the remarkable beauty of most of the operations, impress the visitor with admiration and surprise. A printing establishment, like a cotton mill, is a wonderful triumph of modern science; and when the mechanical and chemical improvements of both are viewed together, they form a splendid and matchless exhibition of science applied to the arts, and easily account for a rapidity of growth and a vastness of extension in the manufacture, which had no parallel in the records of industry.<sup>1</sup>

In Baines' eyes the workers had nothing to lose and everything to gain from the introduction of more machinery.

Only by an extension of industry through the use of new and more machinery could the problem of, for example, the hand-loom weavers be solved.<sup>2</sup> At the end of the tale about the breaking of Hargreave's spinning jenny,

Baines drew the moral proper to his philosophy:

Thus the neighbourhood where the machine was invented, lost the benefit of it, yet without preventing its general adoption;--the common and appropriate punishment of the ignorance and selfishness which oppose mechanical improvements.<sup>3</sup>

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1. Baines, History of the Cotton Manufacture, pp.212-3 and 285.

2. Ibid., p.501.

3. Ibid., p.158.

As Ure had a more comprehensive view of the effects of the introduction of machinery, he could not be quite so wholehearted in his commendation of it. It was obvious to Ure that machinery was essential because only in the mechanized trades did Britain dominate over other countries.<sup>1</sup> But the more machinery was used, the less man was needed; the "philosophy of manufactures is therefore an exposition of the general principles on which productive industry should be conducted by self-acting machines."<sup>2</sup> Progress in machinery was beneficial, he asserted, because in aim and result it relieved man of labour;<sup>3</sup> Sadler's Report, claiming that men laboured more in the 1830's than they had in earlier times, only illustrated "the power of prejudice to pervert the judgment, and to lead it to a conclusion the reverse of the truth".<sup>4</sup>

The advantage of machinery to the labourer was as nothing compared to the advantage reaped by the owner.

By the infirmity of human nature it happens, that the more skilful the workman, the more self-willed and intractable he is apt to become, and, of course, the less fit a component of a mechanical system, in which, by occasional irregularities, he may do great damage to the whole. The grand object

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1. Ure, Philosophy of Manufactures, p.332.

2. Ibid., p.1.

3. Ibid., p.8.

4. Ibid., p.340.

therefore of the modern manufacturer is, through the union of capital and science, to reduce the task of his work-people to the exercise of vigilance and dexterity,--faculties, when concentrated to one process, speedily brought to perfection in the young.<sup>1</sup>

By employing machinery, the owner would thus not only rid himself of any unmanageable workmen but also ensure a large number of unemployed from whom he could choose obedient hands.<sup>2</sup>

This invention [the self-acting mule] confirms the great doctrine already propounded, that when capital enlists science in her service, the refractory hand of labour will always be taught docility.<sup>3</sup>

Ure could not turn a completely blind eye to the resulting position of the working man. He attempted to ease his conscience by explaining that "the improved machine enables the operative to earn more money in a given time than the imperfect machine."<sup>4</sup> He also pointed out that even if machinery meant that juvenile labourers replaced adult workers, the former would receive higher wages than they had before.<sup>5</sup> But he does not give the impression that he was altogether convinced by his own arguments. Although machinery may have improved the over-

1. Ure, Philosophy of Manufactures, pp.20-1.

2. Ibid., pp.365-6.

3. Ibid., p.368.

4. Ibid., p.319.

5. Ibid., p.320.



all condition of the spinners, the individual spinner had not been appreciably benefitted. As long as industry continued to expand and absorb the men who were thrown out of work by the introduction of new machinery, Ure could praise mechanization; but he was uncertain about the future when the manufactures might cease to expand.<sup>1</sup>

Gaskell criticized the works of both Baines and Ure; their, to him, blind admiration of machinery aroused his anger.<sup>2</sup>

The advantages [of the introduction of machinery] to the poor man, according to Mr. Baines, is, that his wife can purchase a printed calico gown for 2s. 6d. This is a fact he repeatedly insists upon. It seems to us a very poor compensation for poverty, expatriation, or the workhouse.<sup>3</sup>

Furthermore, not all the wives of men who had work had 2s. 6d. to buy the calico gown. Machinery, although it might produce cheap clothes, also provided low wages.

The effects of mechanical production, as far as we have traced them, are, in the first place, to lower the value of human labour, and, in the next, to destroy it altogether, except in so far as the hands engaged in machine making are concerned: and even these are being encroached upon--machines making machines. The intermediate step between the two just mentioned, is its effects upon the higher qualities of the operative, namely, his skill, emulative pride, and respect for his own position.<sup>4</sup>

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1. Ure, Philosophy of Manufactures, p.322.

2. Gaskell, Artisans and Machinery, p.328.

3. Ibid., p.325n.

4. Ibid., p.355.

The dominance of machinery was as obvious to Gaskell as it was to Ure, but the conclusions drawn by the two men were different. Gaskell (and he was supported by many working men)<sup>1</sup> felt that man and the machine had become inseparable. It is interesting that he thought the child was to some extent free from the discipline of machinery, and it is even more interesting that, in spite of this difference which he saw between the child and the man, he still advocated a restriction on the moving power.

At this age [12, which Gaskell felt should be the minimum for 12 hours' labour] the labour imposed upon it [the child] in a modern and well-regulated factory will be innocuous, although not favourable to a full development of its physical powers, nor to a condition of high and robust health. After this period, if it is to work in the mill at all, it must become an integral part of the machinery of that mill, and as such must be subjected to the general economy regulating the whole. No interference can avail it, and should never be attempted. It is the steam engine that should be legislated for, and not the child who is its passive minister.<sup>2</sup>

Inspector Rickards supported the idea of controlling the moving power of a factory, but he saw more clearly than did Gaskell the current of opinion which such a restriction would offend. His defence in 1834 appears jesuitical, but it was the argument of a man who knew that there was a flaw in his opponent's position although

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1. Gaskell, Artisans and Machinery, (appendix,) p.391.

2. Ibid., p.173.

he could not put his finger on it.

Objections have been started to the proposed rule for restraining the working of mills within certain hours, as being an undue interference with the natural freedom of industry. But the objection is, I think, in this instance, unfounded. It is not proposed, for example, to restrain the freedom of adult labour. A man, who has the entire mastery of his own limbs and person, may work himself to death if he pleases, under the proposed law; but not so with children.... 1

By 1836, when the arguments on both sides were becoming clearer, Rickards grasped the idea which was slowly to undermine the position of the opponents of interference.

It is my conviction that by no other means [than restricting the moving power] can effectual protection be extended to children; and in this point of view it may be questioned whether it is not too hasty a decision to pronounce it, without investigation, to be an infringement of the principle of natural freedom; for human labour, in union with the machinery of a cotton-mill, is not free, and therefore to restrain the moving power, so far from fettering labour is to rescue it from a state of absolute bondage, to which, if free, it would not voluntarily submit.<sup>2</sup>

Rickards was ahead of his time; in fact the country never accepted such a blatant negation of the principles of freedom as restriction on the moving power. In the 1830's the question was still being asked whether any restriction of any kind was called for.

Since, during the period from 1833 to 1839 the Factory Act was a test case of the principle of

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1. Parliamentary Papers, 1834, Vol.XLIII, No.423, p.467.

2. Ibid., 1836, Vol.XLV, No.155, p.163.

interference, the argument over the need for the Act raged as strongly as ever. The men who claimed that conditions in the factories did not call for regulation were determined to prove their point in order to prevent further agitation from extending the restrictions to other age groups. Baines and Ure stated adamantly that far from ill-health being caused by factory labour, mills provided a salutary atmosphere for the workers.<sup>1</sup>

So much nonsense has been uttered about the deformities and diseases of factory children, that I may hardly be accredited by some of my readers, when I assert that I have never seen, among a like number of young women of the lower ranks in any country, so many pleasing countenances and handsome figures, as I saw in Mr. Ashton's nine power-weaving galleries. Their light labour and erect posture in tending the looms, and the habit which many of them have in exercising their arms and shoulders, as if dumb-bells, by resting their hands on the lay or shuttle-bearer, as it oscillates alternately backwards and forwards with the machinery, opens their chest, and gives them generally a graceful carriage. Many of them have adopted tasteful modes of wearing neat handkerchiefs on their heads, and have altogether not a little of the Grecian style of beauty. One of them, whose cheeks had a fine rosy hue, being asked how long she had been at factory work, said nine years, and blushed from bashfulness at being so slightly spoken to.<sup>2</sup>

The factory workers received high wages, Ure claimed,<sup>3</sup> and, provided that a healthy site was chosen for the mill,<sup>4</sup> no better place of employment could be found.<sup>5</sup> He even

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1. Ure, Cotton Manufacture, Vol.I, pp.310-1.

2. Ure, Philosophy of Manufactures, pp.350-1.

3. Ure, Cotton Manufacture, Vol.II, p.448.

4. Ibid., Vol.I, pp.295ff.

5. Ure, Philosophy of Manufactures, p.384.

took advantage of the statistics showing that a much higher proportion of women to men worked in the Scottish mills than in the English ones:

It deserves to be considered how different the proportion of Scotland is from that of England; and how well that difference confirms Sir David Barry's report on the superior physical condition, hardihood, and strength of the Scottish women over the English.<sup>1</sup>

R.G. Greg, citing his own factory as an example, demonstrated that the labour was no longer oppressive,<sup>2</sup> and even the Leeds Intelligencer found itself constrained to praise the pleasant conditions of John Wood Jr.'s factory in Bradford.<sup>3</sup> A paper read before the Statistical Society of Manchester, which claimed that the operatives were as healthy and well-treated as any other class of workers, concluded:

The inapplicability of the factory bill to such a state of things must be evident...and can only be accounted for by the fact, that the Central Committee in London drew up their first report and framed the present bill...when only a small portion of the evidence had become known to them--that the second volume of evidence appeared several weeks subsequent to this period--and the third supplementary volume which contains much important information, materially affecting the merits of the whole question, made its appearance at the end of March, 1834, seven months after the Bill had passed into a law.<sup>4</sup>

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1. Ure, Philosophy of Manufactures, p.471.
  2. R.H. Greg, The Factory Question and the Ten Hours Bill, London: James Ridgway and Sons, 1837, p.73.
  3. Leeds Intelligencer, April 26, 1834.
  4. Analysis of the Evidence Taken Before the Factory Commissioners as far as it relates to the Population of Manchester, and the Vicinity Engaged in the Cotton Trade. Read Before the Statistical Society of Manchester, March 1834, Manchester: Bancks and Co., 1834, p.32.

There was indeed no dearth of men ready to leap to the defence of the factory system.<sup>1</sup> Another means of defence was to shift the blame for poor health from the mills to the cities; Fox Maule supported in Parliament the view that it was not the factories themselves but the external conditions surrounding the factory workers which caused their depressed way of life.<sup>2</sup> Even Gaskell, who was generally against the factories, appeared to feel at times that the pendulum was swinging too far in opposition.

If any regulations tending to do away with some of the evils attendant upon child labour were introduced, and generally acted upon, it may safely be asserted, that the man who would abolish it in large towns does not understand the position in which children are there placed: or, if he does, he suffers himself to be led away by false notions of philanthropy, and is no friend to the best interests of his species. The interior economy of mills has been so improved as to remove most of the obnoxious agents, which fell with such dreadful severity upon the parish apprentices, who first became their victims; and there is nothing whatsoever in a well-regulated mill directly injurious to life, save only the length of time spent there, and its consequences. The real evil lies in the habits of the people themselves; habits, it is very true, generated by the system of factory labour: and one half the mischiefs suffered by the children are inflicted upon them prior to their commencing work.<sup>3</sup>

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1. Commissioners Reports, 1833, Vol.XIX, No.167, pp.318-9 and 508ff.
  2. Speech by Fox Maule, Hansard, XVIV, 3rd series, p.399 (July 20, 1838).
  3. P. Gaskell, Artisans and Machinery, p.166.

Many statements in his work showed Gaskell feeling that the mode of industrial life as a whole was more to blame for the condition of the people than the actual hours spent in the factory.<sup>1</sup> This opinion was strengthened by his belief that children really suffered little mentally or physically by being employed.<sup>2</sup>

But neither accounts of large, and frequently well-run, factories, nor exposés of urban living conditions could lessen the vehemence of the reformers' condemnations. Gaskell, not willing to acquit the factories of all responsibility, attacked the statistics advanced by McCulloch to show that life expectancy was as long for factory workers as other workers.<sup>3</sup> Sadler, who, as might be expected, would have nothing to do with theories exonerating the factories, attacked J.P. Kay for putting the blame on attendant circumstances.<sup>4</sup> Even Ure had to admit, "there were unquestionably many instances of harsh usage of children";<sup>5</sup> an anonymous pamphlet, The Factory Lad: or the Life of Simon Smike; exemplifying The Horrors of White Slavery, gave pages describing the brutalities

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1. P. Gaskell, Artisans and Machinery, pp.156-7, 162-165 and 230-1.
  2. Ibid., p.166.
  3. Ibid., pp.197ff.
  4. M.T. Sadler, Factory Statistics, p.69.
  5. Ure, Philosophy of Manufactures, p.358.

and rapes inflicted upon young employees;<sup>1</sup> and the Leeds Times regularly reported instance of mistreatment.<sup>2</sup> Andrew Combe wrote a lengthy work proving from the principles of physiology that the hours of labour in factories were detrimental to the health, both physical and mental, of children and of adults.<sup>3</sup> Ill-health was a slow process of undermining not an obvious and sudden collapse.<sup>4</sup> Combe considered the Act of 1833 only the first step of many necessary to prevent the complete deterioration of the working classes.<sup>5</sup> So much publicity had been given to factory conditions that the reformers could not lose the argument.

Ashley's opponents persisted in basing one of their arguments on a comparison with other trades. Edward Baines Jr. felt that such a comparison showed:

It is the destiny of man to earn his bread by the sweat of his brow; idleness, intemperance, and dissoluteness, are found in every community, and are invariably the parents of wretchedness; every where, people of all ages and conditions are liable to disease and death.<sup>6</sup>

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1. The Factory Lad: or the Life of Simon Smike; exemplifying The Horrors of White Slavery, London: Thomas White, ND [1839].
  2. See, for example, Leeds Times, June 29, 1839.
  3. Andrew Combe, The Principles of Physiology, Edinburgh: Adam & Charles Black, 1834, passim, but especially, pp.349-50.
  4. Ibid., p.348.
  5. Ibid., pp.20-2.
  6. Baines, History of the Cotton Manufacture, p.434.



Edward Baines Sr. expressed a similar conclusion,<sup>1</sup> and Ure in his attempt to exonerate the cotton factories revealed shocking conditions elsewhere. He denounced the operatives who, in asking for ten hours, compared their conditions to those of skilled artisans, instead of to stocking-knitters, hand-loom weavers, wool-combers, lace-manufacturers,

who work, and very hardly too, from twelve to sixteen hours a-day, to earn a bare subsistence; and this frequently from a very early age, and in a state of confinement irksome to the mind and injurious to the body.<sup>2</sup>

These comparisons failed completely in their purpose and urged the reformers on to greater efforts. In fact it was support for Ashley's attempt to have the lace and silk mills included under the provisions of Russell's Bill which caused the withdrawal of the Bill in 1839<sup>3</sup> and ended the opponents' chance of rejecting the principle established in 1833.

If the supporters of factories were unable to convince the public that factories did not need regulation, they were determined to show that government interference only increased the evils of the factory system. Constructive pleas for voluntary restrictions to replace

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1. Speech by Edward Baines Sr., in Hansard, XLV, 3rd series, pp.890ff. (February 25, 1839).

2. Ure, Philosophy of Manufactures, p.328.

3. Hansard, XLVIII, 3rd series, p.914 (July 26, 1839).

legal ones were still heard,<sup>1</sup> but most men were entirely occupied with proving from experience that restrictions had only unfortunate results. The attempt of Baines Sr. to reopen in Parliament the question of the principles involved in protecting children<sup>2</sup> received little support; men were too busy enumerating specific instances which proved the impossibility in practice of what Baines wanted to disprove in theory. Although his conclusion differed, Gaskell was a more typical spokesman for the opposition to the Act at this time:

Of this Bill [1833] it may be truly said that it is an absurdity, being founded upon the most singular ignorance of the interior economy of mills. This economy consists of a series of operations in which the child performs an essential part. There is a mutual dependence of the entire labourers one upon the other; and if the children who are employed principally by the spinner are dismissed, his work ceases, and the mill is at a standstill. The absurdity of the measure lies in the gradation, if we may so term it, which it appoints. Supposing that perjury and evasion fail in rendering the act nugatory, in what position do the masters stand? That they must reduce their working hours to the lowest limit, eight hours per day, for the whole of their establishment; or that they must have relays of young hands to enable them to work full time; or that they must dismiss all young persons under thirteen years of age. Every one of these alternatives would be attended with considerable loss and annoyance to the master, but would press far more heavily upon the labourers.<sup>3</sup>

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1. See, for example, Baines, History of the Cotton Manufacture, p.483.
  2. See speech by Edward Baines Sr., in Hansard, XXVI, 3rd series, p.528 (March 4, 1835).
  3. Gaskell, Artisans and Machinery, p.168.

The effect of compulsory reforms was to aggravate the position of children. If they were not dismissed, according to one manufacturer, the children would be "over-worked and over-driven"<sup>1</sup> to produce the same amount as during longer hours. A frequent argument was that the inevitable dismissal of all under thirteen would result in great hardship.<sup>2</sup> To avoid this contingency, the children would perjure themselves to obtain certificates and thereby become hardened in immoral practices.<sup>3</sup>

Many men agreed that the restrictions would drive capital out of the country and that prolonged debates, by leaving the manufacturers in a state of uncertainty, would hasten the departure of their capital.<sup>4</sup> A hasty decision should be made only in favour of no more legislation; if there were to be further enactments, careful consideration must be given to every aspect of the case.<sup>5</sup> Poulett Thomson failed to get a hasty decision in 1836 and the delay defeated the opponents of legislation.

1. Speech by Pease in Hansard, XLVIII, 3rd series, p.1084 (July 1, 1839).
2. Speech by Poulett Thomson in Hansard, XXXIII, 3rd series, p.787 (May 9, 1836).
3. Ure, Philosophy of Manufactures, p.406.
4. Speeches by Poulett Thomson and Peel in Hansard, XLIII, 3rd series, p.974 (June 22, 1838).
5. Halifax Express, July 6, 1839 and August 3, 1839.

Time was on the side of the reformers because it showed that the millowners who adjusted to the new regulations were not forced into ruin and bankruptcy;<sup>1</sup> in actual fact, it appeared that very few children were dismissed and certainly even they were not unemployed for any length of time.<sup>2</sup> The years after 1833 were ones of increasing prosperity. Ure himself was forced to admit in 1834:

The beneficial influence of the philanthropic acts of the British Parliament in 1833 upon the prosperity of the country were very conspicuous in 1834, especially in reference to the textile manufactures. The fabrication of cotton goods became not only more extensive, but assumed a more substantial and healthful character.<sup>3</sup>

Because both factories and trade were flourishing in this period, the arguments that the Corn Laws should be repealed instead of the factories reformed lost much of its weight. Nevertheless the younger Baines was voicing the sentiments of many middle-class Free Traders when he wrote:

the author [Baines himself] may be permitted to express a sentiment he has often felt during... [his book's] composition, namely, that his subject

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1. John Fielden, The Curse of the Factory System, London: A. Cobbett, ND [1836], pp.25ff.
  2. See Parliamentary Papers, 1836, Vol.XLV, No.203, pp.203-14 for estimate of number of children who would be dismissed when the age restrictions were fully enforced, and see Report of Select Committee, Parliamentary Papers, 1840, Vol.X, for numbers still employed in 1839.
  3. Ure, Cotton Manufacture, Vol.I, p.434.

derives interest not merely from the magnitude of the branch of industry which he has attempted to describe, but from the wonderful extent of intercourse which it has established between this country and every part of the globe;...nor even merely from the contemplation of the rich and mutually advantageous commerce which this manufacture has enabled Englishmen to maintain with all the nations of the world, but from the moral benefits which such a commerce, centering in and radiating from a country at the head of civilization, may be the means of spreading to the less enlightened parts of the earth....From so extended an intercourse, it may reasonably be anticipated that the minds of our population, as well as their outward circumstances, will be enriched and improved; seeing that it is the natural effect of such intercourse to impart knowledge and to remove prejudice. But it is also their privilege to be enabled to communicate to other nations a share of their own advantages. The civilization of England flies abroad on the wings of its commerce. Philanthropy could not desire a more powerful agent for diffusing light and liberty through the world. It will be a proud distinction for the manufacturers of England, if their trade should minister to the moral improvement of the species. To produce such an effect is worthy of their ambition; and if accomplished, it will be a more honourable achievement than all their triumphs in science and the arts.<sup>1</sup>

Put in these terms Free Trade became a glorious road to world prosperity and peace<sup>2</sup> as well as a stimulant to wealth at home. These dreams gripped the minds of many men for whom Free Trade was progression and the Factory Acts retrogression. Free Trade would stimulate commerce in agricultural products,<sup>3</sup> increase wages,<sup>4</sup>

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1. Baines, History of the Cotton Manufacture, p.531.

2. Ure, Cotton Manufacture, Vol.I, p.169.

3. Ure, Philosophy of Manufactures, p.430ff.

4. Halifax Express, November 16, 1839.

improve the moral condition of the people,<sup>1</sup> increase profits,<sup>2</sup> make a reduction of hours possible,<sup>3</sup> and allow the worker to reap the fruits of his own labour.<sup>4</sup>

Samuel Greg testified that an increase in the price of flour of only 10s. per load, due to the Corn Laws, would cost the power-loom weavers £22,286 per annum, because a loom consumed three pounds of finest flour weekly in dressing the warp.<sup>5</sup> Henry Ashworth wrote to Edwin Chadwick that the restrictions imposed by the Act of 1833 would give added stimulus to the Anti-Corn Law movement, and continued:

should this feeling extend, I will,--unless advised to the contrary, do all that lies in my power to illustrate that subject--and I am preparing to show that the two hours of labour per day from which the working classes in mills are seeking to be relieved, are not extorted from them to enrich the Master the "Cotton Lord", but the "Corn Lord"--if they enjoyed their food at Continental prices, and we had the advantages arising from its cheapness, we should make greater profits by their ten hours labour than we now gain by working them twelve hours....<sup>6</sup>

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1. Bradford Observer, July 4, 1839.
  2. Morning Advertiser, March 14, 1839, and Bradford Observer, August 8, 1839.
  3. Leeds Times, December 16, 1837.
  4. H.B.T., Letters on the Corn Laws and on the Rights of the Working Classes. Originally inserted in the Morning Chronicle, London: Henry Hooper, 1835, passim.
  5. Commissioners Reports, 1834, Vol.XIX, No.167, p.496.
  6. Letter from Henry Ashworth to Edwin Chadwick, May 17, 1836, in the Chadwick Papers, University College, London. An interesting point of view appears in an article in the Manchester Courier, July 6, 1839, which opposed both Repeal and Factory Legislation.

Ashley pointed out in reply that such a theory was not supported by experience since other countries without Corn Laws worked very long hours for very small wages.<sup>1</sup> The Northern Star, accusing the manufacturers of dishonesty, claimed that they wanted cheap bread only to reduce wages and the standard of living of the workers;<sup>2</sup> G.P. Scrope said that Free Trade (which he seemed to assume already existed in England) was reducing the English operatives to the level of those in Europe.<sup>3</sup> This argument between the Anti-Corn Law League and the Ten Hours' men was in one sense not important for the latter because England eventually decided that both were right.

In another sense that debate was vital because in its broadest aspect--whether or not Factory Legislation was a pernicious interference with the "laws of nature"--it was basic to the whole controversy. The issue was confused by the fact that "laws of nature" were used to refer to iron economic laws, to human instincts and to

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1. Speech by Lord Ashley in Hansard, XLVIII, 3rd series, p.1079 (July 1, 1839).
  2. Northern Star, January 26, 1839.
  3. George Poulett Scrope, Political Economy, versus, the Hand-Loom Weavers. Two Letters of George Poulett Scrope Esq., M.P., to the Chairman of the Central Committee of the Hand-Loom Worsted Weavers, of the West-Riding of York: With Their Answers to the Same /written in Committee and corrected by G.S. Bull. Second reply written by Oastler/, Bradford: T. Inkersley, 1835, pp.1ff.

morality.<sup>1</sup> The first meaning underlay the thesis that suffering was necessary to keep the population at the numerical level which could be supported by Britain;<sup>2</sup> Government interference with these laws was not only useless but also harmful. But individual charity was permitted by the "laws of nature", meaning morality.<sup>3</sup> According to Ure, working men's co-operatives, which he disliked, failed because they were opposed to the natural laws which supported free competition;<sup>4</sup> the same attitude appeared in Gaskell.<sup>5</sup> There was confusion even in this purely economic use of the term--a confusion reflected in the classical economists' arguments about the effect of interference on wages. Baines Jr.'s use of the term permitted him to exculpate the manufacturers of all guilt when he claimed, "It is the nature of the employment [hand-loom weaving] which is the cause [of low wages]; the power of the masters to reduce wages is only an effect."<sup>6</sup> Spring Rice, Chancellor of the

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1. Baines, History of the Cotton Manufacture, pp.321-2.
  2. The Rev. W.F. Lloyd, Four Lectures on Poor-Laws, Delivered before the University of Oxford 1834, London: Roake and Varty, 1835, passim.
  3. Montifort Longfield, Four Lectures on Poor Laws delivered in Trinity Term 1834, Dublin: Richard Milliken and Son, 1834, passim.
  4. Ure, Philosophy of Manufactures, pp.345-6.
  5. Gaskell, Artisans and Machinery, pp.263-4.
  6. Baines, History of the Cotton Manufacture, p.500; see also, ibid., p.354.



Exchequer, announced in the House that he could not assent to any Bill which "would go to interfere with the ordinary [natural?] wages of labour",<sup>1</sup> and Bowring put forward two propositions: wages depend on the laws of supply and demand, and wages will be reduced with shorter hours.<sup>2</sup> In spite of the different theories about wages, there was only one conclusion:

...laws to regulate wages, and hours, and conditions of contract for work, were merely cobwebs broken through at will; because it was the interest of master and servant that they should be broken.<sup>3</sup>

Here it would appear that nature meant both economic laws and human instinct.

It was in the latter sense that Joseph Hume used nature in his argument that the Factory Act was

opposed to the laws of nature....It was a serious thing to interfere with the tender offspring of men or brutes. It was a delicate matter to interfere between children and their mothers.<sup>4</sup>

This argument was common among opponents of legislation because it contained an attack on two Ashleyite transgressions of Laissez-faire principles: interference with the laws of nature and interference with adults. The point was frequently made that human nature could

1. Speech by Spring Rice in Hansard, XXX, 3rd series, p.396 (August 12, 1835).

2. Speech by Bowring in Hansard, XXXIII, 3rd series, p.753 (May 9, 1836).

3. Ibid.

4. Speech by Hume in Hansard, XLIV, 3rd series, p.439 (July 20, 1838).

not be changed through legislation and that, therefore, a parent's employment of his child was beyond the arm of Government.<sup>1</sup> Gaskell unconsciously expressed the confusion in the uses of the term "nature" when he doubted that any legislation opposed to natural laws could be effective:

There can be no question but that very considerable practical difficulties lie in the way of any extensive change as to the hours of labour, --difficulties on the part of the masters and the men equally. It is doubtful if any legislative interference can be effective; on the other hand, it is a question whether it may not materially injure the future prospects of the labourers, and accelerate a fate already too rapidly approaching them: still some modification might be made to satisfy the claims of nature and humanity, contra-distinguishing these from fanaticism and bigoted ignorance.<sup>2</sup>

It was gradually to become clear to more and more men that there were different "natures", not all of which had the same laws.

"Nature" was given its third meaning when the protection of children was reconciled to the laws of nature. Fairly general agreement was reached after 1833 that the "claims of nature and humanity" required the protection of children. The time had passed when protection for children could be done away with

1. Speech by M. Philips in Hansard, XLIV, 3rd series, p.441 (July 20, 1838); also Commissioners Reports, 1834, Vol.XIX, No.167, pp.274 and 524; and Edinburgh Review, Vol.59 (April 1834), p.241.
2. Gaskell, Artisans and Machinery, p.165.

entirely,<sup>1</sup> and all attempts to repeal or alter the Act failed<sup>2</sup> despite the criticism levelled at its operation. Peel, criticizing the Act, argued that the "existing law was not consistent with humanity"<sup>3</sup> because, and in this many agreed with him, poor people needed the earnings of their children<sup>4</sup> and the children themselves were thrown idle upon the streets and deprived of any chance of education through the factory schools.<sup>5</sup> The House of Commons was informed that that the prosperity of the commercial world was endangered,<sup>6</sup> as there were not enough children available to establish relays and the mills would thus be forced to close after only eight hours' work.<sup>7</sup> In addition, it was prophesied that the necessary movement of labour would be halted because pauper families would not so willingly move if they had many children under working age.<sup>8</sup> Poulett Thomson

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1. See Leeds Intelligencer, July 6, 1839.
  2. See, for example, the attitude expressed by John Fielden, The Curse of the Factory System, p.2.
  3. Speech by Sir Robert Peel in Hansard, XXXIII, 3rd series, p.786 (May 9, 1836).
  4. See, for example, Commissioners Reports, 1834, Vol.XIX, No.167, p.266.
  5. Baines, History of the Cotton Manufacture, p.480.
  6. Speech by Sir Robert Peel in Hansard, XXXIII, 3rd series, p.786 (May 9, 1836).
  7. Speech by Poulett Thomson in ibid., p.738 (May 9, 1836).
  8. See a letter dated April 25, 1836, from Rob Baker to Edwin Chadwick in the Chadwick Papers, University College, London. See also a letter dated February 17, 1836 from Rich. Muggeridge to Edwin Chadwick in the Chadwick Papers, University College, London.

objected on principle to restricting youths over the age of twelve, because they were as capable as their seniors of judging for themselves;<sup>1</sup> to include in any Act young persons up to eighteen was, he asserted, ridiculous.<sup>2</sup>

Fielden countered by declaring "that we have no right to trench on 'vital economy' [children's strength] to support 'political economy'."<sup>3</sup> Brotherton argued that although figures had been quoted for the number of children under thirteen thrown out of work, he believed such figures indicated only that children were lying about their ages in order to continue working.<sup>4</sup> He seemed to feel that this explanation exculpated the Act from the charge of inhumanity, without realizing that it also nullified it.<sup>5</sup> Public opinion decided the issue, influenced, probably, by the vehemence of some of Ashley's supporters who railed against "the worshippers of

1. Speech by Poulett Thomson in Hansard, XXXIII, 3rd series, p.738 (May 9, 1836).
2. Speech by Poulett Thomson in Hansard, XLVIII, 3rd series, p.1071 (July 1, 1839).
3. Speech by Fielden in Hansard, XXXIII, 3rd series, p.781 (May 9, 1836).
4. Speech by Brotherton in Hansard, XLVIII, 3rd series, p.1070 (July 1, 1839).
5. Brotherton felt that the charge of sixpence for a certificate was a hardship on the workers which should be abolished (speech by Brotherton in Hansard, XXVIII, 3rd series, p.894 (June 19, 1835)).

mammon"<sup>1</sup> who "appeared to regard the children merely as machines for the production of cotton",<sup>2</sup> and talked of the "sham-economists"<sup>3</sup> who, "while they would make England the 'workshop of the world', ...would not scrupule[sic] to make her also the slaughter-house of Mammon."<sup>4</sup> The Northern Star, when publishing Oastler's letter claiming that the only charge against Stephens was that he believed the Bible to be true,<sup>5</sup> described Oastler's opponents as monsters:

The law [of 1833] was passed for the avowed purpose of protecting "the interests" of "the employed" against the rapacity of the "employer". Those [i.e., Baines Jr. and Sr.] therefore who desire to obtain the anomalies by which its purpose is defeated, furnish the best possible evidence that instead of "representing fairly the interests of the employed", they represent nothing but that principle of villainous cupidity which would gladly escape from the trammels of all law, and which would not only remorselessly but exultingly, coin into gold for its coffers the blood, sinews, and eternal happiness of all the children of poverty whom their accursed system, having made poor, can centralize and draw together.<sup>6</sup>

Even Baines Jr. was cowed by this storm of Northern abuse and admitted that although "interference would

1. Speech by Brotherton in Hansard, XXXIII, 3rd series, p.759 (May 9, 1836).
2. Speech by Robert Inglis in ibid., p.761 (May 9, 1836).
3. Leeds Intelligencer, July 20, 1834.
4. John Fielden, The Curse of the Factory System, p.74; see also the dedication of C. Wing, Evils of the Factory System demonstrated by Parliamentary Evidence, London: Saunders and Otley, 1837.
5. Northern Star, January 26, 1839.
6. Ibid., April 20, 1839.

be about as wise as it would be to prop and train every tree of the forest",<sup>1</sup> nevertheless "the legislature has properly interfered" to end the abuse of child labour.<sup>2</sup>

Interference with adults was still considered most improper interference with the laws of nature. O'Connell, for example, claimed that the Act of 1833 was causing hardship. "Why was it so? Because they had legislated against the nature of things, and against the rights of free industry." It was true, he admitted, that children needed protection, but the Act had gone further and placed incidentally restrictions on the parents.<sup>3</sup> Fox Maule agreed with O'Connell and reminded the House of "the two great principles of age and time" which must be kept inviolate.<sup>4</sup> The evidence had proved that children were often abused by "greedy operatives and needy parents",<sup>5</sup> but it was equally sure that both interference between parent and child and interference between employer and employed were sins against the laws of nature.<sup>6</sup> Leonard Horner, in 1837, was convinced

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1. Baines, History of the Cotton Manufacture, p.529.

2. Ibid., p.477.

3. Speech by O'Connell in Hansard, XLIV, 3rd series, p.423 (July 20, 1838).

4. Speech by Fox Maule in ibid., p.406 (July 20, 1838); see also, Ure, Philosophy of Manufactures, p.297.

5. Ure, Philosophy of Manufactures, p.289.

6. See speeches by O'Connell in Hansard, XLIII, 3rd series, p.978 (June 22, 1838), and XLVIII, 3rd series, pp.1071-2 (July 1, 1839).

that any limitation on adults, who were free agents, was unthinkable;<sup>1</sup> and Russell, in 1839, talked scornfully of having to extend the principle of interference and fix wages by law.<sup>2</sup> It could be argued, of course, by looking only at the wording of the Act and not at its effect, that adult labour was not touched. Aglionby, who had formerly opposed legislation, declared his support for Ashley on the grounds that he was voting for an Act which mentioned only children.<sup>3</sup> Edmund Ashworth proposed to change the wording of the Act to prohibit the employment of an illiterate child

except within its own parent's house, under his own roof. I suggest this limitation, on the ground that it would be too much an infringement upon domestic society, to interfere with the parent's arrangement in his own house.<sup>4</sup>

Public opinion was still in sympathy, however, with the Gloucestershire manufacturers who

justly characterized the proposal [interference with adult labour] as 'worthy of the darkest ages, when governments took on themselves to control,

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1. N.W. Senior, Letters on the Factory Act as it affects the Cotton Manufacture addressed in the spring of 1837 to the Right Honourable the President of the Board of Trade. Minutes of a Conversation on Friday, the 22th /sic/ of May, 1837, between Mr. Thompson, Mr. Edmund Ashworth and Mr. Senior. Letter from Mr. Horner to Mr. Senior, London: B. Fellowes, 1844, p.31.
  2. Speech by John John Russell in Hansard, XLVIII, 3rd series, pp.1083-4 (July 1, 1839).
  3. Speech by Aglionby in Hansard, XLIV, 3rd series, pp.439-40 (July 20, 1839).
  4. N.W. Senior, Letters on the Factory Act, p.44.

direct, and punish all handicrafts, trades, and callings for any diversity in their operations.<sup>1</sup>

The opposition to this point of view was becoming more coherent. As there was no doubt that there was an easily distinguishable difference between helpless children and grown men;<sup>2</sup> so it was becoming clear that there was a difference between free parents and poverty-stricken ones.<sup>3</sup> A few bold spirits openly supported direct limitation of adult labour.<sup>4</sup> Even men, such as the younger Baines, who were still vehemently opposed, were beginning to see the grey shades between the black and white:

The weavers themselves generally ascribe their low wages to the power and disposition of the masters to reduce them, whilst the men, scattered in their distant habitations, are not able to make the same resistance by combinations as the factory operatives. Probably there is some truth in this opinion.<sup>5</sup>

Such a distinction while small was not unimportant. It was the beginning of a realization that all men were not equal in society; thus a very thin wedge had been inserted, even by a vehement Laissez-faire advocate,

1. Ure, Philosophy of Manufactures, pp.297-8.
2. See, for example, speech by Goulburn in Hansard, XLIV, 3rd series, p.435 (July 20, 1838).
3. See, for example, speech by Bennett in ibid., p.426 (July 20, 1838).
4. For example, Leeds Times, February 25, 1837.
5. Baines, History of the Cotton Manufacture, p.499.



under the wall of total non-interference. Gaskell, who felt that it was essential to the smooth working of the industrial world that men should be completely under the authority of the master,<sup>1</sup> could yet dislike men being little better than slaves.<sup>2</sup> As machinery replaced human hands, it became obvious that the master was gaining greater control over the operative.<sup>3</sup> Equally obvious to some men was the danger to the kingdom of forcing a large portion of the population to become degraded handmaidens to machinery deprived of spiritual and mental development.<sup>4</sup> A movement began among some manufacturers and operatives to control the moving power of factories;<sup>5</sup> such a proposal seemed to many to avoid objections to interference with adult labour since no human labour would be mentioned. The idea seems now to have been casuistic, but it seemed then to provide a practical answer to an unpleasant and dangerous situation without directly confuting the guiding economic principles of the age. Such a solution appeared more desirable because the separation of adult and child labour became

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1. Gaskell, Artisans and Machinery, p.282.

2. Ibid., pp.300ff.

3. Baines, History of the Cotton Manufacture, p.207.

4. Morning Advertiser, January 1, 1839.

5. See Commissioners Reports, 1834, Vol.XIX, No.167, p.272.

increasingly difficult, since both types were needed to tend the machines. A step ahead of many of his contemporaries in his appreciation of the complications involved in factory regulation was John Fielden, who stated:

[The Commissioners of 1833] were in this dilemma: the Committees had always discovered the same cruelties in practice; the same over-working, and the same horrifying results; the medical men who were examined always, and all of them, gave the same testimony, differing only in a slight degree in the terms expressive of their disgust at what was proved. They could not refuse to protect the children. But they are "political economists;" and though, as men, they could no longer screw up their minds and hearts so far as to sacrifice any more limbs and lives of infants, the science would not suffer them to invade the "freedom of industry," by involving the adult in that protection which they were obliged to give to the child. It is this absurd attempt to separate the adult from the child in its labour, that has rendered every Act that has ever been passed to give protection to children, almost void; and it is only by forcing the masters to obey this Act now in existence, that will bring them, and after them the Government, to yield to the really practicable and salutary measure that the whole of the factory labourers require at their hands.<sup>1</sup>

At the same time the theory that since a man's labour was his capital, the government had no right to restrict the use of it,<sup>2</sup> was being attacked by analogy and by economic theories. If the law protected the property of minors in the case of the rich, then it

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1. John Fielden, The Curse of the Factory System, pp.17-8.

2. Ure, Cotton Manufacture, Vol.I, p.284.

should also protect the labour of poor children; one law should govern rich and poor.<sup>1</sup> Gaskell put forward a detailed defence, based on economic principles, of the protection of both juvenile and adult labour:

Viewed abstractedly, this is true--a man's labour is his capital.../But l/labour, or the physical strength necessary for labour, to be converted into capital, must have a rateable value put upon it. It is the unrefined ore or cotton rag, the respective values of which are entirely conventional. And it is so with labour. Of itself it is nothing, by itself it is nothing--it must be stamped or moulded to bring it into a state fit for useful exchange.

Such is the mere physical capability of the working man. It would not prevent him dying of inanition. Its value is given to it by the demand, and the person or community so calling it into demand, has, in the first instance, an obvious right to rate it as may seem at the particular juncture its fair equivalent.

So far, then, the labour of the artisan is not, per se, of value, but its value is given to it by certain causes independent of any voluntary act of his own. The value once given, it becomes his fixed capital, and it here the comparison commences.<sup>2</sup>

This statement illustrated the crux of the whole struggle from 1830 to 1853; for twenty years the nation was slowly realizing that a man with only labour for capital was not free and independent in the same way as a man with money.

Even before 1839, there was a growing feeling that if all men were not free, then perhaps complete

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1. Speech by W. James in Hansard, XLIV, 3rd series, p.407 (July 20, 1839).

2. Gaskell, Artisans and Machinery, p.262.

Laissez-faire was not in the best interests of humanity. The Leeds Mercury made an interesting slip in an editorial, in August 1839, which showed that Baines Sr. was unconsciously aware that the interests of all classes were not identical. The editorial expressed pleasure that a Factory Bill had been withdrawn; it was right that lengthy consideration should be given to the matter by Members of Parliament to "enable them to legislate with wisdom both for the manufacturing interests and for the interests of humanity."<sup>1</sup> The two interests were theoretically not separate in the eyes of economists; but in practice a difference was being recognized. The time had not yet come when the distinction was widely acknowledged. Most people<sup>2</sup> still concurred with Ure's view:

In reviewing the golden dawn of modern civilization, we must not however fail to mention with due reverence the name of Adam Smith, that master-spirit who first expounded with systematic perspicuity the science of social comfort,--the art of turning the industry of nations to the best account, or, in other words, the principles of the production, the distribution, and the consumption of wealth.<sup>3</sup>

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1. Leeds Mercury, August 3, 1839.
  2. For example, Edinburgh Review, Vol.59 (April 1834), p.259; Baines, History of the Cotton Manufacture, pp.500-1; "Petition of the Manchester Chamber of Commerce to the House of Commons, 1838" quoted in A. Bullock and M. Shock, The Liberal Tradition from Fox to Keynes, London: Adam and Charles Black, 1956, p.48; Leeds Times, July 6, 1839; and Morning Chronicle, July 13, 1839.
  3. Ure, Cotton Manufacture, Vol.I, p.176.

But other men, who did not see the 1830's as the "golden dawn of modern civilization" but more as a dismal sunset, questioned the indiscriminate applicability of Laissez-faire. Perhaps freedom which had not existed in commerce should be tried, and restriction which had not existed in social relations should be introduced.

It may indeed be doubted how far the interference of Government in questions of this nature [commerce] is likely to prove beneficial, and whether the parties, the masters on the one hand, and the workmen on the other, would not act more wisely by saying as the merchants of France said to Colbert, when it was proposed to take measures to protect their interests,--"laissez nous faire,"--let us alone, we shall take care of ourselves. There are many contingencies, and many interests, which must be always overlooked; and in the endeavour to remedy one evil a path is often opened for the approach of others. The best preserving power is to be found in the balance of interests between the commercial economy of manufactures, and the social well-being of the employers and the employed.<sup>1</sup>

Gaskell recognized that "the commercial economy of manufactures" and "social well-being" were not inseparable, and he<sup>2</sup> and others felt that history had shown that, human nature being what it is, "oppression of the helpless ever did, and ever will, exist, without the strong arm of the law interposed, to shield the weak and the defenceless, from the domination of power, and the merciless cupidity of selfish oppressors!"<sup>3</sup>

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1. Gaskell, Artisans and Machinery, pp.8-9.

2. Ibid., pp.264-5.

3. M.T. Sadler, Factory Statistics, pp.70-1.

Hindley pointed out, with exaggeration, in the debate of 1836, that the cry of *Laissez-faire* was no longer heard because men realized the 'benefits which had resulted from the Act of 1833.<sup>1</sup> The continued prosperity of trade had convinced some former opponents that restrictions on hours and restrictions on commerce were not identical. This partial recognition of two separate spheres was the first step in the reconciliation of support for Factory Legislation with a demand for Repeal of the Corn Laws.<sup>2</sup> Dr. Lushington explained the grounds for this attitude, which would have seemed completely paradoxical in earlier debates:

where all parties were capable of judging for themselves, and of protecting their own interests...the Legislature should not interfere with their own discretion and judgment, as the interest of each individual would induce him to adopt that course which, in the end, must promote the general prosperity....  
 But the rules of political economy were totally inapplicable to the present case. They might be true as a general principle; but this was a case of exception, and did not admit of their application.<sup>3</sup>

Not many men understood as yet why political economy was inapplicable in this case; it took time before the public became convinced that the protection of human labour was the exception which proved the rule of

1. Speech by Hindley in Hansard, XXXIII, 3rd series, pp.767-8 (May 9, 1836).
2. See, for example, speech by Colonel Thompson in Hansard, XXXIII, 3rd series, pp.766-7 (May 9, 1836).
3. Speech by Dr. Lushington in ibid., p.763 (May 9, 1836).

Laissez-faire.

While the public mind was becoming accustomed to Government interference, a growing amount of attention was focussed on the practical problems of enforcement and method posed by the new departure. The most startling innovation in the Act of 1833 did not bring down the calumny that might have been expected. Probably the fact that the Inspectors were conscientious and capable men was responsible for the lack of opposition they aroused. Also it was not clear at the beginning which side of the controversy they would support; indeed, they were never more than a little in advance of the opinions of most mill owners. Although their duties led to a development of their opinions (and consequently to a development in the purpose and method of Factory Legislation), they never lost sympathy with the industrial society and always worked for the best practicable solution to the problems which arose. A proof of the high regard in which the Inspectors were held was the Bill brought in by Fox Maule which contained clauses to strengthen their powers.<sup>1</sup> Not even the Leeds Mercury could find derogatory sentiments to condemn that portion of the Bill.<sup>2</sup> Although Horner aroused criticism by his attempt to

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1. Hansard, XLV, 3rd series, p.434 (February 14, 1839).

2. Leeds Mercury, July 13, 1839.

determine the age of children by physical appearance rather than actual age, he was charged with poor judgment rather than with prejudice or malice:

On all hands Mr. Horner is spoken of as a functionary who means well; but he belongs to a school wherein mental blindness, on certain points, is esteemed a high recommendation.<sup>1</sup>

There were complaints about the unsuitability of the men appointed as sub-inspectors. The salary offered, it was pointed out, was not high enough to attract good men,<sup>2</sup> but with these sentiments the Inspectors themselves were in complete accord. Stuart was the only one of the Inspectors who came in for harsh criticism,<sup>3</sup> and from all accounts it would appear not only that he deserved it but also that the other Inspectors would have concurred in these criticisms. It was fortunate for the future growth of bureaucratic welfare programmes that such competent men were chosen to operate the first government office set up to protect the interests of the population.

Education was perhaps the greatest justification for restricting the hours of children. Statistics, though not very reliable, were often used as a basis for attacking industrial conditions.<sup>4</sup> In his report to the

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1. Leeds Intelligencer, March 25, 1837.

2. Speech by Fox Maule in Hansard, XLVIII, 3rd series, p.1422 (July 6, 1839).

3. See debates in Hansard, XLV, 3rd series, pp.1164ff. (March 4, 1839), and XLVIII, 3rd series, pp.148ff. (June 11, 1839).

4. For example, Gaskell both criticizes and uses Ure's statistics (Gaskell, Artisans and Machinery, p.245ff.).



Royal Commission, Dr. Mitchell claimed that, according to his calculations based on returns from factories in England, 86% of the manufacturing population could read and 43% could write.<sup>1</sup> Horner's statistics were perhaps more reliable since he was being convinced almost against his will of the needs of the children. He examined 2000 factory children in his district and found that 46.66% could read and 22% could write; the figures were further broken down: 186 did not know the alphabet, 372 knew the alphabet only, 509 knew words of one syllable only, 1067 could not read, 322 read the Testament with difficulty, 611 read it with ease, and 1559 could not write.<sup>2</sup> A nation dotted with fervent religious groups could not allow such ignorance, extending even to Christianity, to continue.

The difficulties which the Inspectors faced in enforcing the education provisions aroused sympathy and constructive criticism;<sup>3</sup> it was often Ashley who brought the problems<sup>4</sup> and their sometimes dubious solutions<sup>5</sup>

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1. Commissioners Reports, 1834, Vol.XIX, No.167, p.300.

2. Parliamentary Papers, 1837, Vol.XXXI, No.53, p.105.

3. For example, Leeds Intelligencer, November 15, 1834.

4. Speech by Lord Ashley in Hansard, XLIV, 3rd series, pp.387-8 (July 20, 1838).

5. See speeches by Lord Ashley in Hansard, XXXV, 3rd series, p.268 (July 18, 1836) criticizing Horner for allowing secular education on Sundays and in Hansard, XLIV, 3rd series, pp.395-6 (July 20, 1838) criticizing Horner for his handling of a case of a child without a certificate.

before the House. The public was almost unanimous<sup>1</sup> in demanding that the opportunities for education be extended. Every child must be imbued with a sense of Christian morality, for without such a sense, the political economists warned, the clearest demonstrations of profit and loss could not "stem the torrents of passion and appetite which roll over the nations."<sup>2</sup> It was education which would break the working classes of their evil habits of drinking, gambling and licentiousness.<sup>3</sup> When the worker had been instructed as to why morality brings happiness, then will he be willing to guide his life by it.<sup>4</sup> A lower class left in ignorance would endanger society by its irresponsible worship of demagogues. The Morning Advertiser urged its readers to realize the pressing need for education by "reflecting upon the fearful results of ignorance on a people excited by misery, or by the treacherous declamations of the Tories, in the persons of their agents--Oastler, Stephens, and others...."<sup>5</sup> Most

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1. See, for example, Gaskell, Artisans and Machinery, pp.243ff., and N.W. Senior, Letters on the Factory Act, pp.48ff.
  2. Ure, Philosophy of Manufactures, p.424.
  3. Francis Place Sr., Improvement of the Working People, London: Charles Fox, 1834, passim.
  4. Observations on the Morals of the Poor, by a Friend of Human Nature, London: Effingham Wilson, 1834, p.10.
  5. Morning Advertiser, May 24, 1839.

men agreed that the Factory Act should include some provisions for education,<sup>1</sup> but they could not agree as to the content of the education and whether or not it should be voluntary.<sup>2</sup> Fox Maule's Bill was opposed on the grounds that it would give the Inspectors too much control over the education of the children--a control the opponents were afraid would be used to further sectarian ends.<sup>3</sup> General principles were accepted, but the specific details immediately awakened the religious controversies which retarded the progress of British education throughout the century.

Education was probably the decisive factor in convincing men that the practice of using relays should be adopted. At first, opinion was divided over the practicability of a system of relays. In 1834, opinion on one side favoured relays because it was a method of keeping the mills open and thereby avoiding the dangers from foreign competition;<sup>4</sup> on the other hand it was felt that relays were impracticable and that the age restriction should be lowered to eleven in order to

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1. For example, Parliamentary Papers, 1837, Vol. XXXI, No. 53, p. 113.
  2. For a typical attitude, see Ure, Philosophy of Manufactures, p. 428.
  3. See speech by Sir James Graham in Hansard, XLVIII, 3rd series, p. 1416 (July 6, 1839).
  4. See Commissioners Reports, 1834, Vol. XIX, No. 167, p. 525.

prevent the limitation of hours being perforce extended to adults.<sup>1</sup> Henry Ashworth wrote to Chadwick to gain his support for a deputation to London headed by R.H. Greg to try to lower the age restriction. These men supported, however, the use of relays for children under eleven.<sup>2</sup> The Inspectors were the first to alter their views; the change appeared earliest in Rickard's report:

It is quite true that, in well regulated mills working 12 hours, the steam-engine, and the machinery which it drives, perform all the hard work, leaving to the hands, both adult and young, easy tasks. But a steam-engine in the hands of an interested or avaricious master is a relentless power, to which old and young alike are equally bound to submit. Their position in these mills is, as I have formerly explained, that of thralldom; 14, 15 or 16 hours per day, is exhausting to the strength of all, yet none dare quit the occupation, from the dread of losing work altogether. Industry is thus in bonds; unprotected children are equally bound to the same drudgery, and hence the universal cry for restriction of the moving power.<sup>3</sup>

Horner did not join in the cry for restriction of the moving power; he strove to find some way of separating adult from child labour. His growing anxiety over the need for educating the children strengthened this desire, and his observation of a small number of mills which introduced relays convinced him that they were the only solution.<sup>4</sup> After Poulett Thomson's failure to pass a

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1. See Parliamentary Papers, 1834, Vol.XLIII, No.423, p.492.
  2. Letter dated February 2, 1836 from Henry Ashworth to Edwin Chadwick in the Chadwick Papers, University College, London.
  3. Parliamentary Papers, 1836, Vol.XLV, No.155, p.163.
  4. Ibid., p.158.

Bill reducing the age limit, the masters, the Inspectors and the Government settled down to make the best of the situation. R.H. Greg extended his support of relays to children of thirteen because "[t]he principal defect of the 'Factory System', and the only one of importance, is the necessary union of the labour of adults and children ...."<sup>1</sup> Gradually relays became an accepted practice since there seemed to be no alternative. But the difficulties and problems inherent in the use of relays were only beginning<sup>2</sup> and were to loom up in major proportions in the 1840's.

The arguments put forward before 1833 to prove the dire consequences of any restrictive Act lost much of their potency in the following years as trade continued prosperous. Ashworth and the younger Baines both still warned against any measure which might impair Britain's supremacy in the commercial world,<sup>3</sup> but both qualified their warnings when their gloomy forebodings proved false. Ashworth explained that it was the opening up of trade with the East which had mitigated the results of the

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1. R.H. Greg, The Factory Question and the Ten Hours Bill, p.125.
  2. See Parliamentary Papers, 1838, Vol.XLV, No.55, pp.60-1.
  3. Baines, History of the Cotton Manufacture, p.505, and letter dated May 17, 1836 from Henry Ashworth to Edwin Chadwick in the Chadwick Papers, University College, London.

Act of 1833;<sup>1</sup> Baines, taking a more optimistic view, gave the credit for Britain's continuing supremacy to the superior quality of the British workman over the foreign operative:

The wages given to the French workmen, though considerably lower per day or per week than those of the English workmen, are really higher in proportion to the quantity of labour done.<sup>2</sup>

The paradox was easily explained:

It will always be found that the energetic labours of free, intelligent, well-paid, and well-fed workmen will be cheaper to the employer than the nerveless toil of half-hearted slaves and barbarians.<sup>3</sup>

Mr Cowell, on the other hand, attributed commercial leadership to the ingenuity of British machinery, which allowed one man, for example a spinner, to produce far more than his European counterpart.<sup>4</sup> Ure concurred in both these views but added that the supremacy could only continue provided the manufacturers "were not again invaded by an inquisitorial crusade".<sup>5</sup> Mark Philips was also pessimistic about the results of interference:

He did not mean to discuss the question as one of feeling or humanity, but as a question of existence: He did not speak thus from any want of feeling for those employed in factory labour, but, as a practical

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1. Letter dated May 17, 1836 from Henry Ashworth to Edwin Chadwick in the Chadwick Papers, University College, London.
  2. Baines, History of the Cotton Manufacture, p.523.
  3. Ibid., p.527.
  4. Commissioners Reports, 1834, Vol. XIX, No.167, p.395ff.
  5. Ure, Philosophy of Manufactures, p.429.

man, he must bow to circumstances over which he had no control.<sup>1</sup>

Fielden thought he had found a method of controlling circumstances. England should charge the same in the foreign markets for her goods as did France; but the consumer at home should pay more to enable manufacture to continue. For example, if England and France both sell the same amount of cotton goods to Switzerland and receive in return the same number of watches, then the consumer in England has to pay more for his watch to compensate for the more expensive manufacture of the cotton goods.<sup>2</sup> However England solved her problems of international trade and finance, the fact remained that throughout most of the 1830's she prospered; and so theoretical warnings and explanations went unheeded.

The corollary to the argument over loss of foreign markets was the discussion over the reduction of the operatives' wages. Ure pointed out that a great deal more work was now produced by fewer hands for the same wages,<sup>3</sup> and that the "less proportion wages bear to the value of goods, the higher, generally speaking, is the recompense of labour."<sup>4</sup> Higher wages resulted from

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1. Speech by Mark Philips in Hansard, XLVIII, 3rd series, p.1082 (July 1, 1839).
  2. John Fielden, The Curse of the Factory System, p.55.
  3. Ure, Cotton Manufacture, Vol.II, p.448.
  4. Ure, Philosophy of Manufactures, p.329.

"the extensive employment of machinery, which causes the price of the goods to be regulated more according to the profits of capital, than according to the wages of labour."<sup>1</sup> (This argument was at variance with the iron law that wages were determined by supply and demand.) The supporters of ten hours argued that shorter hours would limit the number of goods, thereby increasing prices and ultimately wages. Both these explanations could not be true, and Ure explained why the latter one was wrong:

Here their political economy was grievously at fault. They committed the egregious blunder of confounding a rise resulting from increased demand or competition of purchasers, with a rise resulting from increased difficulty or cost of production. Whereas the two cases are totally dissimilar: increased consumption would accompany the former condition, and diminished consumption the latter. It would be foolish to devote more time to the refutation of so glaring an absurdity, as that ten hours' work can, in the present state of the world, earn the same wages as twelve hours', the profit on the produce being necessarily reduced in a still greater ratio than that of twelve to ten, on account of the sunk capital being the same as before.<sup>2</sup>

One theory which was gaining credence maintained that as all profit came from the last hour of labour, the shortening of hours would necessitate a radical reduction of wages far out of proportion to the reduction of

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1. Baines, History of the Cotton Manufacture, p.507.

2. Ure, Philosophy of Manufactures, pp.304-5.



labour.<sup>1</sup> This argument did not gain prominence as long as theoretically, and also to a large extent in practice, legislation had not reduced the normal length of a factory day. Only when the agitation for restriction of machinery or a uniform ten-hour day for everyone became strong did the argument have much influence.

For various reasons, the manufacturers and many others seem to have been convinced that if the restriction on children forced generally shorter hours, there would be a grave reduction in wages.<sup>2</sup> This conviction was not unopposed; O'Connor wrote exultingly to O'Connell, who had voted with Poulett Thomson:

Now were you such a novice as to suppose, the manufacturers would stop their mills to starve the children? and, did you not know that the work of a child for eight hours, was more than sufficient to procure a livelihood? and did you not know that the manufacturers would shortly and justly be obliged to give the same wages for the eight as they had formerly for ten hours' work?<sup>3</sup>

It was argued that relays, by increasing the demand for child labour, would increase its wages; adult workers would also command more wages as they would be in demand to replace children.<sup>4</sup>

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1. Parliamentary Papers, 1839, Vol.XIX, No.539, p.543.  
Cf., Ure, Cotton Manufacture, Vol.II, p.448.

2. L. Horner, Memoirs of Leonard Horner, Vol.II, p.9.

3. Northern Star, February 2, 1838.

4. Commissioners Reports, 1834, Vol.XIX, No.167, p.271.

It is indeed the apprehension of increased wages that is, as might naturally be supposed, at the bottom of a great deal of the opposition to the restriction of the labour of children on the part of the masters, as also of the operative spinners.<sup>1</sup>

The theories concerning wages drew much attention and were used freely in the controversy over restriction. They seem to have figured so prominently because they could be used with equal dogmatism to support both sides of the argument.

By 1839 there was no doubt that the Government had a duty to provide some form of protection for labour in the factories. The six years following the passage of the first effective Factory Act were largely a period of readjustment both physical and mental. A modus vivendi was slowly being established; Horner summed up the development in his report:

There is a growing increase in the employment of children for eight hours a day; several causes have been hitherto operating against it, which are gradually disappearing. There was for a long time a strong feeling of irritation among the mill-occupiers against the Act, not so much on account of the interference itself, as on account of the manner it was brought about, and of the calumnious representations that were circulated against them as a body, because of the delinquencies of some individuals among them: that feeling has greatly subsided; they find that the law is not so great a hindrance, nor so difficult of observance, as they at one time believed it would be, and they begin to see that unless they make some exertion to rear up a supply of young hands, they will ere

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1. Commissioners Reports, 1834, Vol. XIX, No. 167, p. 270.

long find great difficulty to carry on their works. Many of the operatives had a strong expectation of a law being passed which they believed would have the effect of obtaining for them the wages of 12 hours without having to work more than 10; a most desirable object certainly if it were attainable; and as they looked upon the present Act as an obstacle to the accomplishment of their object, they were disposed to impede rather than to promote its operation; more of them now see that if the hours of labour were reduced, wages must necessarily fall; and even in a greater ratio than the reduction of the hours, from the increased cost of production which would be occasioned by the lengthened inactivity of the fixed capital, and therefore the wish for a legislative restriction upon adult labour is evidently less prevalent than it was. There is also a growing feeling among the factory operatives who are bringing up their families to their own trade, that the restriction of the hours of work and the opportunity for education are great benefits to their children; and many with whom I have conversed have observed, with evident feelings of satisfaction, how very different factory labour is now to what it was when they were children, when it was not an uncommon thing for them to work 14 and 15 hours a day.<sup>1</sup>

One instance of Government interference was a proven success.

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1. Parliamentary Papers, 1838, Vol. XLV, No. 55, pp. 58-9.

## CHAPTER THREE

### I

1839 saw the final defeat of the fanatical opponents of interference; in the 1840's there was no longer a question of undoing the work of 1833, but of extending it. The Act which became law on June 6, 1844<sup>1</sup> admitted children into the mills at the age of eight,<sup>2</sup> but between eight and thirteen they were to work only six-and-a-half hours; a child who had been employed in a factory before noon was not allowed to work after 1 p.m. of the same day unless the system of alternate days had been introduced.<sup>3</sup> This system permitted the employment of children for ten hours on three alternate days of the week.<sup>4</sup> Women were restricted with young persons to twelve hours a day between 5:30 a.m. and 8:30 p.m.,<sup>5</sup> the day for children and young persons was to be reckoned from the time when the first member of each group entered

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1. 7 & 8 Vict., c.15.

2. Sec. 29.

3. Sec. 30.

4. Sec. 31.

5. Sec. 32.

the factory.<sup>1</sup> Mills, except those using water power, could no longer work extra hours to make up lost time caused by a breakdown in the machinery.<sup>2</sup> The Inspectors were given the power to order the fencing off of dangerous machinery.<sup>3</sup> There were other provisions which produced more intangible benefits for the workers. The administration of the Act was made more efficient: the Inspectors were given a central office with paid clerks;<sup>4</sup> and the superintendents were given the right to enter all parts of a mill at any time.<sup>5</sup> The Factory Inspectors were no longer allowed to levy fines themselves or to make rules and regulations,<sup>6</sup> although both they and the superintendents could summon witnesses and offenders who obstructed them in their duties to appear in court.<sup>7</sup> The Inspectors were granted the power, for which they had long asked, of appointing certifying surgeons, of issuing regulations for their guidance and of specifying the factories or districts in which they were to act.<sup>8</sup>

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1. Sec. 26. The interpretation of this clause was to become the centre of heated controversy.

2. Sec. 35.

3. Sec. 21.

4. Sec. 5.

5. Sec. 3.

6. Sec. 2.

7. Sec. 50.

8. Sec. 8. It was not long after the passing of the Act of 1844 that the problem of determining the age of a child was eased because more and more of the children applying for work were born after the Registration of Births Act had come into operation on June 30, 1837.

The Act helped the Inspectors in their work by clarifying their position and the provisions of the earlier Legislation. It inaugurated the half-time system for children whereby they were employed during one half of the day and educated during the other. Most of the provisions pleased the Inspectors immensely and improved the conditions for the workers, but they did not give the one boon demanded by the operatives of the North. Ten hours had not been conceded and the operatives were neither satisfied nor quiet.

The operatives' attention, which had been diverted to Chartism at the end of 1839,<sup>1</sup> was brought back to the ten-hour question by two incidents. Ashley moved on March 3, 1840, for a select committee to inquire into the working of the Factory Acts,<sup>2</sup> and on August 4 he obtained a committee to inquire into conditions in the mines and collieries.<sup>3</sup> On December 9 of the same year, Richard

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1. See Cyrus Redding, An Illustrated Itinerary of the County of Lancaster, London: How and Parsons, 1842: "...the factory system is in greater or less degree intertwined with every political question which engages public attention in the present day...." p.1.
  2. The Leeds Mercury, May 23, 1840, discussing the Select Committee, claimed, "All excitation upon this once inflammable subject, both in and out of Parliament, has subsided. The Ten Hours Bill is never mentioned."
  3. Ashley was disheartened by the lack of support he received especially from the clergy (Edwin Hodder, The Life and Work of the seventh Earl of Shaftesbury, K.G., London: Cassell & Co., Ltd., 1892, p.175).

Oastler entered Fleet Prison as a debtor. The operatives were immediately aroused because it was generally believed that his leadership of the ten-hour movement had led to his dismissal from his stewardship and his financial difficulties. Short Time Committees formed Oastler Committees, and within a month of his entering prison the Huddersfield Boys held an 'Oastler Festival' with a tea, concert and dance attended by 600 people who contributed £23. Bradford gave a similar entertainment, and Manchester, Chorley and Keighley were all busy raising money in their own ways.

In 1841, the revival of the Ten Hour Movement was in full swing. Mark Crabtree, who had been active in the Chartist Convention, was hired as the organizing secretary of the West Riding Central Ten Hours Committee. At the end of July, Ashley went on a tour of the North to rally the support of masters and workers. The Manchester masters retaliated by holding a meeting in which they expressed their determined opposition to any new measure. But the tide was against them, and at a meeting of M.P.'s for Yorkshire, Lancashire and Cheshire, backed by the leading constituents, the majority voted for an eleven-hour compromise in spite of the vehement opposition of Bright. The operatives, not contented by a compromise, held a special meeting at Bradford to

commend Walker and Rand, mill owners, for their stand in favour of ten hours. The movement was given psychological encouragement by Ashley's refusal to join the Peel ministry because it might hamper his freedom in pressing for ten hours.<sup>1</sup> The concurrence of William Busfield Ferrand and John Walter of The Times in the demands of the operatives was a great boon to the movement. At the end of October, five members of the Yorkshire Central Committee went to London to interview members of the Government, and Oastler, who had once more become active although still in prison, publicized the activities of the Ten-Hour men in the Fleet Papers.

Commercial panic and depression engulfed the country in the year 1842. Although the laying off of many men meant that the masters were not at the mercy of the workers for a supply of labour, nevertheless depression meant an increase of bitter agitation and unrest in the North. In addition, the workers' demands for ten hours seemed more reasonable at a time when most mills were working eight hours or less. Another deputation was sent to London to wait upon Peel and to have interviews with Gladstone, Graham, Lord Wharncliffe and the Duke of Buckingham. Chadwick's sanitary report of

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1. See Edwin Hodder, The Life and Work of the seventh Earl of Shaftesbury, K.G., London: Cassell & Co., 1892, p.188.



1842 gave added emphasis to the agitation for better conditions. Throughout 1843, however, the public's attention was concentrated on the education clauses while the Short Time Committees spent most of their energy in collecting money for the Oastler liberation fund. There was a short lull in the movement's activities.

The introduction of Graham's new Bill and Ashley's promise to attempt once again to win a ten-hour amendment stimulated agitation at the beginning of 1844. Twelve delegates were immediately dispatched by the Short Time Committees to exert pressure in London. The greatest stimulus to the agitation was the release of Oastler from prison on February 12. His triumphant entry into Huddersfield on the 20th drew a crowd of over 10,000. He immediately began his fiery addresses and, at a meeting at Leeds on February 26, advocated the stoppage of machinery after ten hours. There was no longer any pretence in the North that the demands were solely on behalf of children.

The renewed agitation convinced many men that the unrest which had been continuing for nearly fifteen years was not to be ended by compromise. Persuaded by a desire for settled conditions, by the new look which

political economy was gradually assuming, and by force of circumstances, more mill owners joined the ranks of the ten-hour men. On March 5, a meeting of masters and overlookers at Bradford passed resolutions in favour of the movement. The operatives, pressing their advantage, held mass meetings at Leeds on March 9, at Huddersfield on the same day, and at Manchester on the 15th. On the latter date, when the discussion began again in the House, Milner Gibson stated that the operatives he knew were not in favour of ten hours; an instant rejoinder drawn up at a meeting of spinners was published in the Manchester paper. On March 22, the House voted against both twelve hours and ten hours, and the debate was adjourned for a week.<sup>1</sup> Tempers in the North mounted as the Central Committee consulted with Oastler to plan on a last big push.

Graham introduced his Bill, still with twelve hours, on March 29, and Ashley declared he would move for ten hours on the third reading. In reply to a second assertion, by an M.P., Charles Wood, that the operatives did not really want a ten-hour day, three huge meetings were held in Leeds, Bradford and Huddersfield

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1. For the confused voting on the question of ten hours, see, Hansard, LXXIII, 3rd series, p.1460 (March 22, 1844).

on April, 8, 9 and 10 respectively. The North was in an uproar; Castler spoke at twenty-two assemblies in April; The Times thundered its support; Walter, Ferrand, Fielden and Bull were all touring the North speaking at every stop. The Short-time delegates who were active in London tried to approach the Deputation of Master Manufacturers who were also canvassing M.P.'s, but the attempt was rebuffed. Still, the operatives seemed to have success in their grasp; Ashley's fourteen years in the desert seemed about to end;<sup>1</sup> and then Graham threatened the Government's resignation if the ten-hour clause was accepted. It was defeated by 138 votes.

The ten-hour forces had gained by their agitation. Ashley had powerful support in the House, and it was becoming evident to all men that the ten-hour day in the factories would become the law of the land before long. Such men as Bright and Brougham were as adamant in opposition as they ever had been, but their's were now becoming the lone voices. Macaulay and Russell joined the Ten Hour movement, and Viscount Howick and Lord Palmerston gave it their support. When and if a Whig government returned to power, Ashley's efforts could no longer be thwarted.<sup>2</sup>

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1. See, Hodder, Life of Shaftesbury, pp.176-7, for Ashley's own appraisal of his position in the desert and how to find his way out.
  2. Ashley believed in 1841 that he would get more from the Whigs than from his "own friends" (ibid., p.177).

## II

The struggle between the years 1833 and 1839 had affected the Inspectors adversely. It was true their labours received a good deal of publicity, but the stalemate of 1839 meant that the administrative reforms which they had pleaded for were not granted. They struggled on until 1844, when Graham's Act remedied many of their grievances, although it created a new problem which was to bring the Inspectors nearly to blows after 1847 and for a time disrupt the administration of the Acts and bring it virtually to a standstill. The problem of reckoning the hours of labour was still in the future; for the present the Inspectors believed that the clause commencing the legal working day at the time when the first child entered the mill would remove one of the loopholes in the Act with which they struggled until 1844.

There was not much change in the Factory Inspectorate until after 1844. The five years after 1839 only underlined the difficulties which the Inspectors had faced before that date and made it more imperative that improvements be introduced in the next Act. The number of factories under their jurisdiction had increased: by

1844, Horner had 1,650 factories; Howell, 921; Saunders, 1,467; and Stuart, 622.<sup>1</sup> Their financial difficulties continued and neither they nor the Home Office were in a position to alleviate them until Parliament had provided the means. A crisis occurred in the internal workings of the Inspectorate, but as far as can now be determined the external repercussions were slight. The details of the incident are vague, and the report issued by the Select Committee (consisting of Ashley, Baines Sr., Brocklehurst, Brotherton, Fielden, Grey, Hindley, Fox Maule, Sir George Strickland and Sir Edward Sugden) which conducted an enquiry presented a confused picture.<sup>2</sup> A letter from Stuart to the Committee elicited the reply from Fox Maule that when he had shown the letter to Lord Normanby, the Home Secretary had said that he hoped nothing so indecorous and disrespectful would again emanate from Stuart while he was employed as a Factory Inspector.<sup>3</sup> The substance of Stuart's complaints is not known, but that he was an exceedingly unreliable and irascible man to work under is evident. That the other Inspectors did not concur with the work that Stuart was doing in Scotland

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1. Parliamentary Papers, 1844, Vol. XXXIX, No. 267, pp. 267-72.

2. Commissioners Reports, 1840, Vol. X, No. 363, pp. 498ff., and ibid., No. 505, pp. 514-16.

3. Home Office Papers, H.O. 87(1).

was obvious in their reports. One indication of their differences was that while Horner, Saunders and Howell were laying many informations, some successful, others not, against the mill owners in their districts, Stuart was laying none and insisting that the Act was never violated in his district.

Beal, a superintendent for Stuart, brought matters to a head by revealing a confidential letter from Stuart to himself instructing him never to submit an unfavourable report on the mills he inspected. At first the fire was directed against Beal for a breach of professional etiquette, and he was threatened with dismissal. When the blame for the revelation was finally laid on Crabtree, Beal was exonerated and, in fact, received an increase to £350 per annum and a transfer, with Horner's approval, to the latter's district.<sup>1</sup> It was revealed in the investigation that Stuart was changing Beal's reports in order to make his district appear irreproachable. One letter from Stuart to Beal declared:

You are aware that my object is to show the benefit of the factory system to a great mass of the working classes, in giving them food and clothing, protected from the weather, and inducing industrious habits, without injury to their health and morals.<sup>2</sup>

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1. Home Office Papers, H.O.87(1).

2. Commissioners Reports, 1840, Vol.X, No.505, p.541.

Another letter said: "I particularly told you to state that there are no young persons in their works under the certified ages."<sup>1</sup> The climax came over the mill of Messrs. Baxter Bros. & Co., of Dundee, which Stuart wished to use in an appendix to his report as an example of a model mill in his district. Beal, who was having trouble with the certifying surgeon's granting certificates for twelve hours' labour to children under thirteen, refused to send in favourable reports. Stuart was very annoyed and resorted to altering Beal's reports in order to show "that the people employed in the factories have more comforts and are really better off than any other of the working classes."<sup>2</sup> It was eventually decided that the trouble lay in that Stuart reported the condition of the mills at the end of an Inspector's visit, presuming that all the recommendations would be attended to, while his Superintendents and the other Inspectors were reporting conditions as they found them.<sup>3</sup> Such a situation was not likely to lead to amicable relations within the Inspectorate, especially since Stuart did not change his ways, continuing to lay very few informations and to send in much more glowing

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1. Commissioners Reports, 1840, Vol.X, No.505, p.541.

2. Ibid., p.547.

3. Ibid.

reports of his district than the other Inspectors felt they possibly could. To rub salt into the wound, Stuart claimed that the small number of informations indicated his superiority over his fellow Inspectors:

There have been in my district, in all, 16 prosecutions, of which three were dismissed, in the course of above seven years; while in the Rochdale division of Lancashire under Horner's jurisdiction nearly 500 prosecutions were instituted in the last nine months of the year 1838, five years after the Act was in force. This contrast goes far to establish, that it is neither by frequent suits for penalties, nor by inquisitorial visits often repeated, that the Act is to be bonâ fide carried into substantial execution.<sup>1</sup>

This contrast also went far to establish enmity between Horner and Stuart.

The situation was aggravated by the fact that Horner, Howell and Saunders were not having much success in their suits against refractory mill owners, largely because the magistrates frequently dismissed the cases on technicalities. The Home Secretary only replied to Saunders' complaint: "the Secretary of State can give no general opinion, the responsibility of duly administering the Law resting in the Magistrates."<sup>2</sup> Even when the case was not dismissed the fines were so small that the law became a mockery; a mill owner could profit by working long hours and paying small fines. Messrs.

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1. Parliamentary Papers, 1841, Vol.X, No.161, p.194.

2. Home Office Papers, H.O.87(1).



Townsend & Co., of Cullingworth were convicted of working two females under eighteen for forty hours with only five hours rest; their fine was £20.<sup>1</sup>

The inspectors were further exasperated by their helplessness in forcing the mill owners to protect the workpeople from dangerous machinery and their inability to penalize masters for injuries inflicted by machinery. Horner reported the case of a girl who had both thighs, one leg and one arm broken and suffered severe bruises to her head and body by being caught in an upright shaft. The machinery was boxed off the next day for 5s. The owner refused to offer any compensation, or even to continue paying her wages or the surgeon's bill, Horner could do nothing; he could not even have enforced the boxing off of the shaft if the master had not voluntarily done so.<sup>2</sup> Saunders, Howell and Horner were all anxious that some means agreeable to the masters should be found to ensure the shielding of all machinery,<sup>3</sup> and the Select Committee in 1841 supported their demands.<sup>4</sup> Future improvement was hoped for from the selling of guards with the machinery, although this practice was not universal.<sup>5</sup> It was probably Lord Ashley, in co-operation

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1. Parliamentary Papers, 1842, Vol.XXII, No.337, p.432.

2. Ibid., 1840, Vol.XXIII, No.27, p.39. See also, ibid., 1841, Vol.X, No.161, p.167.

3. Ibid., 1841, Vol.X, No.199, pp.208, 227-8, and 229ff.

4. Ibid., p.205.

5. Ibid., p.213.

with the Inspectors, who did most at this time to increase the masters' regard for safety. There existed legal processes allowing the workman to sue the owner of the mill for damages. In most cases the workman was, however, too poor to pay the costs if he should lose his suit, and consequently such cases were frequently dismissed by the magistrates. Lord Ashley overcame this difficulty by allowing his name to stand with that of the workman in any such case, and nearly always a decision favourable to the employee was handed down.<sup>1</sup> This method though effective was clumsy, and the problem of unguarded machinery remained an awkward one until the Act of 1844.

The problem of age certificates for all employees under eighteen was becoming more confused. A decision of the Crown Lawyers in 1840 ran:

The Crown Lawyers have further declared, that the wilful employment of children under the statutable ages subjects the employers to the penalties of the Act, whether the children were or were not provided with certificates.<sup>2</sup>

Horner won a case against Messrs. R&J Cowen of Dalston, near Carlisle, who employed three children more than eight hours a day. The children had certificates stating

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1. Parliamentary Papers, 1841, Vol. X, No.199, p.168, and L. Horner, Memoirs of Leonard Horner, Vol. II, p.16.
  2. Parliamentary Papers, 1841, Vol.X, No.161, p.166.

that they were over thirteen but it was proven that they were actually under that age. Horner was very annoyed that the owners were only fined five shillings; the owners were undoubtedly annoyed that they were fined at all.<sup>1</sup> Howell felt after a similar experience that it would be much better to do away with the certificate altogether; in any case the surgeons were basing their judgment only on appearance. He pointed out that for those over eighteen, for whom no certificate was demanded, it was always possible to find proof of actual age.<sup>2</sup> Stuart wanted permission to appoint the certifying surgeons; until that was granted he preferred not to prosecute at all.<sup>3</sup>

Until some more satisfactory system of determining the ages of the children was found, the Inspectors found it very difficult to enforce the provisions for education. There were also other difficulties to be overcome before satisfactory schooling could become general. Howell was still concerned over the lack of funds for the schools which the Inspectors were theoretically empowered

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1. Parliamentary Papers, 1842, Vol.XXII, No.441, p.466.
  2. Home Office Papers, H.O.45(61).
  3. Parliamentary Papers, 1842, Vol.XXII, No.441, p.447.

to establish.<sup>1</sup> Horner was also disturbed by the problem of financing education. He wanted the Government to guarantee the salaries of masters and mistresses and suggested that, once the teachers had been appointed under such a plan, they could use during the week the rooms in which Sunday school was taught.<sup>2</sup> Saunders was concerned over the religious aspect of schooling,<sup>3</sup> but this problem, which split the country, did not seem on the whole to trouble the Inspectorate. The inspectors had too much trouble arranging for any schooling without worrying whether it was given on Anglican or Dissenting principles. The mill owners, of course, saw the problem differently. They felt that the responsibility for the education of the child should lie with the parent. This proposition was not based on any theory of non-interference between parent and child. The masters thought it unfair that they should be the ones penalized instead of the parents; the dismissal of a child who had played truant seriously upset the running of the mill.<sup>4</sup> Howell felt in 1842 that the problem was becoming so difficult that it would be better to exclude all children from the mills and allow them to gain their education up to the age of

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1. Home Office Papers, H.O.45(61).

2. Parliamentary Papers, 1843, Vol.XXVII, No.289, p.310.

3. Ibid., pp.320ff.

4. Home Office Papers, H.O.44(35).

thirteen with other poor children rather than to try to combine education with employment.<sup>1</sup>

Howell's sentiments were undoubtedly strengthened by the difficulties which the Inspectors were experiencing in their attempts to supervise relays. One mill in Manchester ran the engines continuously from 6 a.m. to 9 p.m.; Horner said he could not determine how the employees' time was divided for breaks and meals, but he knew they never left the building.<sup>2</sup> He quoted figures in 1840 to show that in three years the employment of children under thirteen had increased 40% and that the use of relays was also increasing;<sup>3</sup> but by 1844 all the Inspectors were becoming disillusioned about the value of relays.<sup>4</sup> Stuart reported that fewer

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1. Parliamentary Papers, 1842, Vol.XXII, No.441, p.469.

2. Ibid., 1844, Vol.XXVIII, No.533, p.545.

3. Ibid., 1841, Vol.X, No.161, p.175.

4. The use of the terms relays and shifts is sometimes confusing. The distinction, not always made, was that under a system of relays the worker would do his work during consecutive hours, but under a system of shifts the hours of labour were staggered throughout the day. Consequently, a child working in a relay would need to be in the mill for only six-and-a-half hours; a child working shifts might be required to be around the mill for twelve hours. The clause in the Act of 1844 which prohibited the employment of a child in the morning and afternoon of the same day was an attempt to prevent children being employed in shifts.

and fewer children were being employed;<sup>1</sup> Howell agreed with him and attributed the decrease originally to the depression although the return of prosperity was not increasing the number of children.<sup>2</sup> Saunders reported an astonishing increase in the number of power looms in operation--from 35 firms employing them in 1836 to 205 in 1843--and mechanization may have affected the number of young persons labouring.<sup>3</sup> The decreasing use of relays was attributed by Horner simply to the difficulties attendant on their introduction:

I have 60 mills, employing 925 children, where they are worked eight hours a day by different modifications of relays; but the inconveniences attending this system...are so great, that it has been gradually discontinuing. In two-thirds of the mills where children are employed (522, with 4113 children), they work them eight hours, and do without them the other four hours. In a great many cases, this I am confident amounts to no more than they say they do without the children....<sup>4</sup>

There is a note of discouragement in the reports of the Inspectors throughout much of the period from 1839 to 1844. They had seen the industrial districts in the throes of a wicked depression and had been unable materially to help the unemployed. In addition, as they had not been granted the reforms which they had

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1. Parliamentary Papers, 1844, Vol. XXVIII, No. 533, p. 561.

2. Ibid., p. 550.

3. Ibid., p. 559.

4. Ibid., p. 547.

expected to ease their burden after 1839, they had been compelled to continue their exertions under unsatisfactory and anomalous conditions. Parliament and the country were being kept aware of these problems through the Inspectors' own reports, Ashley's exertions, and the agitation in the North. The intellect of Britain was gradually harmonizing with its conscience; the result was to be better conditions for the workers and more satisfaction for the Inspectors.

### III

The years from 1839 to 1844 saw the first conscious steps towards the reinterpretation of Laissez-faire which allowed the development in the nineteenth century traced by so many historians. An investigation of the meaning of Laissez-faire was needed for two reasons. In order to maintain a position of authority, the political economists had to justify within their system that protection of children which had now become a permanent aspect of British life without causing economic harm. If the economists were unable to work out a justification, then their whole system was jeopardized, because it would have proved itself inapplicable to the facts. But one step was not enough. After the report

of the Commissioners who investigated conditions in the mines, it was obvious that legislation would be passed to extend Government protection not only to more children but also to women. If women could be prevented from going down into the mines, then there could be no objection to regulating the conditions of their labour in the factories. Consequently the economists had also to find justification for what before 1833 would have been considered an unthinkable violation of principle.

The argument between the Dissenters and the Anglicans over the education clauses of Graham's Bill of 1843 diverted much attention from this fundamental aspect of the Bill. The Dissenters, who formed a large proportion of the Free Trade group, were so elated by the victory of their religious principles in the withdrawal of the Bill of 1843, that they did not fully realize the defeat of their economic principles inflicted by the Act of 1844.

The progression of the argument up to 1844 was similar in form to that of the earlier periods, but the emphasis was changing. More men were finding reasons for supporting measures which were obviously demanded by the condition of England. A letter to Chadwick presented an explanation for the increased numbers of manufacturers who were lending their support to



Ashley's cause:<sup>1</sup>

To answer your question quite accurately, why so many manufacturers vote for the 10 hours Bill, I must have conversed more than I have with a greater number of individuals holding those opinions. However, I do not think that I shall be far wrong, if I divide them into the following Classes.

1st Those who really think that the toil or confinement is too severe; and that unless something is done to shorten the hours of labour, it will be quite useless to attempt, or rather to hope, to educate and civilize the industrial classes-- These men would I think in general be unwilling to pass at once from 12 to 10 hours, and if they talk in favour of 10 do so in the belief that it will bring about a compromise, and end in 11--

2nd There are those who have really no fear, some of them from thorough ignorance, of foreign competition; and who think that there are resources in the improvement of machinery, and in the skill and energy of our manufacturers and operatives to meet any such competition should it arise.

Thirdly--There are those who think that the reduction of the wages of the workman, would bring over the working Classes to espouse the question of Free Trade, and materially force on that question --That this would be the result I have no doubt--

Fourthly there are those who are favourable to 10 hours for the very reason which seems to excite your wonder, namely the badness of Trade. They think too much is produced, and that a forced curtailment of production, would increase its value, and that of their  Mills and Machinery for the next four or five years; and they are too unreflecting or too selfish to look beyond.

Fifthly--there are the representatives of popular constituencies who find the question popular with a portion of the workpeople, but especially with the mob-orators and agitators, who have considerable power with the small shopkeepers, publicans &c

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1. Ashley felt that he could rely more on the "men of the world" than on the "men who say they will have nothing to do with it", that is, the "Evangelical religionists" (Hodder, Life of Shaftesbury, p.161.).

My own opinion is that we shall come eventually to shorter hours, but it is a startling sign of the times to see with what recklessness of consequences and with what utter ignorance of the whole subject the legislature is prepared to deal with a subject involving such important results.<sup>1</sup>

All these reasons no doubt led men to espouse the ten-hours cause, but it was equally a sign of the times that so many manufacturers could rally behind Ashley without now feeling that they were pronouncing the doom to their way of life--either by denying the philosophy by which it was justified or by breaking the economic laws upon which it was founded.

Although for historians the issues of social legislation raised by the Factory Controversy seem to have been decided by 1833, for contemporaries such was by no means the case. The discussion about the value of machinery was still playing a role in the debate after 1839, although it was a minor role because machinery was accepted by nearly all men as a permanent part of British manufacturing. The depression evoked harsher judgments against mechanization than would probably have appeared in prosperous times. William Dodd felt that he had

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1. Letter dated April 1, 1844 from Toby and s h [?] to Edwin Chadwick in the Chadwick Papers, University College, London.

proved that "to the unlimited introduction of machinery, therefore, may be attributed most, if not all, the distress which at present prevails in the manufacturing districts."<sup>1</sup> He drew a gloomy picture of the misfortunes of all those who had been robbed of their livelihood by the soulless machine.<sup>2</sup> Extreme as these views were, neither Howell nor Horner would dismiss them out of hand. The villain was the self-acting mule which was rapidly being introduced into factories all over the country.

The extended introduction of self-acting mules, and where these are not introduced the practice of coupling mules, whereby one spinner does the work of three or four, had tended much to supersede adult labour; and the augmentation of mechanical power for the purpose of increasing the speed of the machinery, has caused the quantity of work turned off by the same machinery to be greatly increased, without any increase in the number of hands employed.<sup>3</sup>

Horner noted the increase of double-decked mules in his area and reported that many mill owners concurred in his belief that it was the overproduction caused by this method of manufacturing which was responsible for the slump. In addition to depriving men of work, the machinery increased the exertions of those remaining in

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1. W. Dodd, The Factory System Illustrated; in a series of Letters to the Right Hon. Lord Ashley M.P. etc.etc., London: John Murray, 1842, p.222.

2. Ibid., pp.16-7.

3. Parliamentary Papers, 1842, Vol.XXII, No.337, p.429.

the mills. When Horner questioned some of the operatives they admitted that although at first they had found the larger mules more fatiguing, they soon got used to them. Nevertheless he concluded:

The improved machinery thus appears to take upon itself the whole of the additional labour; but it is hardly conceivable that the mere circumstance of having to attend to, and to be a certain extent responsible for the quality of the yarn spun upon 2688 spindles, instead of 672, should not wear out a man faster.<sup>1</sup>

The benefits of the increase in production did not go to the operative spinner who, according to Horner's calculations, received only 7s. net wages per week more for producing twice as much yarn.<sup>2</sup> In the same report he included a letter which he had received, defending mechanization:

At the two periods alluded to [In Horner's calculations] the price of raw cotton was nearly the same, from which it will be seen that great as has been the reduction in wages, the price of yarn has fallen in still greater proportion, and that the mill-owner, with all his exertions is in a worse state than before.

As regards the state of the workpeople, their number...is not reduced by the improvements, but the highest paid class is diminished in number 40 per cent. Their individual net earnings, however, are rather increased by the change that has lessened their number. The total wages paid to the other classes appear to have undergone a reduction in the 12 years of about 13 per cent. Although the evil

1. Parliamentary Papers, 1842, Vol.XXII, No.337, p.362.

2. Ibid.

to the spinners who have been dispensed with in consequence of the improvements is extreme, yet, when we consider that they only constituted one-twentieth of the people employed, and that the capital expended in effecting the alterations has given a great increase of employment to mechanics of all classes, while it is certain that if the cost of production of 1828 had remained, the trade must have been still more diminished than it is, the conclusion must be, that, independent of the gain to the consumers of muslins and lace throughout the world, the working classes, as a whole, have not been even temporarily injured by the improvement. That they ever can be permanently injured by any invention for increasing production or lessening labour, is so manifestly absurd, that but for the frequency with which the fallacy is urged, and the influential names by which it is sometimes, if not upheld, at least seemingly acquiesced in, it would not be necessary to allude to it.<sup>1</sup>

The conclusion appeared to be a little stronger than the facts would warrant. It was hard to see during the depression, which coincided with the great increase in machinery, who actually was benefitting. McCulloch ventured to suggest that possibly so much manufacturing was not good for the country. The Westminster Review retorted: "With these men politics is not a science but a taste."<sup>2</sup>

The history of an industrious, thriving, and contented people is proverbially dull. Yet, to an imagination which is fed and deepened, while it is sobered and regulated by the stares of philosophical reflection--which can look through the

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1. Parliamentary Papers, 1842, Vol.XXII, No.337, pp.419-20.
  2. Westminster Review, Vol.40 (August 1843), p.101.

trivial, prosaic, and often unlovely operations of the vast machine of modern social life, to those varied and mighty consequences of which no eye can grasp the magnitude, and no foresight can prophecy the limit--which can discern the oak in the acorn, and the navy in the oak,--to such a mind there is that in the aspect of this busy, toiling, struggling, fabricating country, which awakens thoughts deeper and sublimer than the *Éclogue* or the *Georgic* ever furnished--instinct with diviner life--rich in more kindling conceptions--rife with the materials of a nobler poetry.<sup>1</sup>

In the abstract it might be true that the manufacturing system represented a glorious road to prosperity and happiness, but in the towns which housed the mills, the truth was not so evident. The Westminster felt that the social condition of the poor and their physical sufferings and moral deficiencies were the most important matters for the nation to discuss.<sup>2</sup> Every moment that conditions were left unimproved brought social revolution a minute nearer.<sup>3</sup> There were few attempts to deny the existence of shocking conditions<sup>4</sup>--Ashley's by now numerous committees had reported too often in the same vein. There were still frequent attempts to denounce his methods for improvement. Factory Legislation was

1. Westminster Review, Vol.40 (August 1843), p.106.
2. Ibid., Vol.38 (October 1842), p.395.
3. See a letter by John Sterling quoted in T. Carlyle, The Life of John Sterling, London: Oxford University Press, ND, p.240.
4. See, for example, speech by Ward in Hansard, LXXIV, p.665 (May 3, 1844).

not the cure,<sup>1</sup> and consequently, "these perpetual jeremiades on every minute circumstance of their [the workers'] condition, and how very wretched they must feel it--are certain, at least of...[producing] malcontents, unless panaceas are announced for the catalogues of ills."<sup>2</sup> W. Cooke Taylor accused the Inspectors of attempting to perpetuate their own jobs by procuring continuous evidence of evils in the factories, at the same time as he maintained that the reports showed only "that the moral condition of the factory operatives is more sound than that of any other portion of the working population of England."<sup>3</sup> In his own book, Taylor spent fifty pages proving that conditions in the factories were conducive to good health and happiness.<sup>4</sup> Indeed, by the 1840's it was undeniably possible, by restricting examples to a few of the big mills, to support such arguments.<sup>5</sup> The large establishments, such as those of the Ashworths, Messrs. Wood and Walker, Hirst, Bramley & Co., and New

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1. See speech by Roebuck in Hansard, pp.614ff (May 3, 1844), and also the Globe, March 6, 1843.
  2. The Globe, March 6, 1843.
  3. W. Cooke Taylor, Factories and the Factory System, London: Jeremiah How, 1844, p.78.
  4. Ibid., pp.20ff. See also Westminster Review, Vol.40 (August 1843), pp.111-2.
  5. See, for example, Cyrus Redding, An Itinerary of Lancaster, p.31, and Westminster Review, Vol.40 (August 1843), p.107.

Lanark, were providing good conditions for their employees,<sup>1</sup> and around Huddersfield, for example, the long hours of the 1820's were almost a thing of the past.<sup>2</sup> There were still many small mills, however, in which standards were exceedingly low,<sup>3</sup> and even in the larger ones the speed of the machinery<sup>4</sup> and the distance which the operatives had to cover while attending the machines<sup>5</sup> provided grounds for criticizing the amount of labour demanded from the operative. And in spite of all his labour, Dodd claimed that it was impossible for the factory hand to provide security for himself and his family.

It has long been my opinion, my Lord, that every workingman ought to have it in his power, by means of rightly-constituted Benefit Societies, to make himself independent, during sickness and old age, and insure something for his wife and children to look to, in the event of his death. But, how is this to be done by people working in the factories? No scale of rates ever yet calculated would ensure the above benefits to them; and the rates which would be sufficient, it is entirely out of their power to pay. Some of the very best-regulated societies have found that, between twenty and thirty

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1. Home Office Papers, H.O.45(1120); Parliamentary Papers, 1842, Vol.XXII, No.441, p.464; and even Dodd, The Factory System Illustrated, pp.41ff.
  2. Dodd, The Factory System Illustrated, p.155.
  3. Commissioners Reports, 1843, Vol.XIII, No.307, passim., but especially p.520.
  4. Dodd, The Factory System Illustrated, p.174.
  5. Hodder, Life of Shaftesbury, p.299.



years of age, a man in other occupations has a chance of being but little more than half a week per annum indisposed. Between thirty and forty, the annual duration of sickness is found to be about two-thirds of a week each. But, on referring to the Stockport tables, we find, that in the case of the 823 persons there-in [sic] mentioned, although 790 were under twenty years of age, the sickness was very nearly two weeks each. Again, the ordinary Benefit Societies calculate upon their members becoming superannuated at about sixty years of age; whereas the factory people, speaking generally, are superannuated before they are forty, and immense numbers never reach twenty. I am confident, that no system of insurance ever yet devised would, while the present long hours of labour are exacted, secure the people working in factories from becoming, at some part of their lives, troublesome to their friends or the public.<sup>1</sup>

A different school of opinion denied that a shortened life was a necessary corollary to the existence of factories. Experiments by owners to improve working conditions and still show a profit were becoming more frequent.<sup>2</sup> Certainly the publication of Chadwick's sanitary report in 1842 supported the theory that it was the external conditions surrounding the operative, not the internal arrangement of the factories, which produced sickness and immorality. The Morning Post felt that the first essential step was not shorter hours or more education but the abolition of, or at least the strict

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1. Dodd, The Factory System Illustrated, pp.173-4.

2. See Westminster Review, Vol.34 (September 1840), p.194.

regulation of, the manufacturing town.<sup>1</sup> The Statistical Society of Leeds took a survey which showed that in Leeds alone there existed 216 inns, 235 beer houses, 51 public brothels, 47 private brothels and 2 public gambling houses as against 154 general schools with 6,339 scholars, 20 factory schools with 360 scholars, 48 Sunday schools with 11,429 scholars and 40 churches and chapels with a seating capacity of 41,451. The population of the area was 82,120.<sup>2</sup> Such statistics could not but appall the middle-class Victorian. Superimpose on Leeds a disastrous depression, and distress accompanied by immorality was certain,<sup>3</sup> and violence a strong possibility. The Quarterly Review spoke for England's awakened conscience:

Each and every profession and calling has its dangers, which are peculiar to it, and to a certain degree inseparable from it; and hence the comparison must not be made between one class and another, so much as between what each class is, and what it ought to be.<sup>4</sup>

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1. Morning Post, March 3, 1843. It was argued that shorter hours would reduce the crowding in the towns because the workpeople, being able to afford more time for travelling, would live further away from the mill (W. Walker and W. Rand, A Letter Addressed to the Right Honourable Sir James Graham, Bart. M.P. on the Ten Hours Factory Question, Bradford: W. Wardman, 1841, p.10).
  2. Abstract of the Report of the Statistical Committee (for 1838, 1839, 1840) of the Town Council of the Borough of Leeds, Leeds: A. Pickard, 1841, pp.31ff.
  3. See the opinion expressed in L. Horner, Memoirs of Leonard Horner, Vol.II, pp.34-5.
  4. Quarterly Review, Vol.70 (June 1842), p.122.

It was no longer possible to convince oneself, much less others, that life, such as that in Leeds, was the best which could be offered.

There was still fairly strong feeling that improvements should come through voluntary action, and the entry of religion into the controversy rallied many Dissenters to this view. Since education was becoming inseparable from religion, the Dissenters naturally tended to advocate voluntary action rather than action by the Government. The Dissenting voice was strong among the masters and the threat to their commercial freedom, made them redouble their efforts to prove that, left to their own devices, they could provide the necessary conditions for a contented and prosperous working class.

Few men would have gone as far as the Reverend Mr. Scoresby in his passive acceptance of existing evils because God had decreed distress to punish a wicked world;<sup>1</sup> fewer men would have felt there was any chance of the operatives' acquiescence even if they themselves had agreed. More people believed that the Government's role should be a passive one. Bright argued on the practical basis that, as it had been impossible to enforce the Act of 1833, it

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1. The Rev. William Scoresby, "What Shall We Do?" A Sermon, London: James Nisbet & Co., 1840, passim.

was folly to pass a more stringent measure<sup>1</sup> to thwart that "general improvement which is observable throughout all classes of the community."<sup>2</sup> The Morning Post did not rule out the possibility of Government action, but felt that it alone was insufficient; a moral obligation rested on the master to use his powerful position to effect good.<sup>3</sup> The Westminster Review and the author of the Claims of Labour shared this view,<sup>4</sup> although the former was not quite as sanguine about the results:

The best security for the interests of the working classes is certainly not the benevolence of employers--but after all is done that can be effected by the best laws and the wisest administration, there will still be much left that can only be accomplished through the disposition of employers to exercise their power and influence beneficially for the employed; and we hold that there are no persons deserving of more honourable mention than the few who pause in the pursuit of wealth to lend a helping hand to those upon whose industry the fabric of their fortune is raised.<sup>5</sup>

The periodical's sympathies were still with the motto, "Aide-toi, le ciel t'aidera." And both the Quarterly and the Edinburgh Reviews expressed the belief that, without individual benevolence, Government action would be unsatisfactory.<sup>6</sup>

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1. Speech by Bright in Hansard, LXXIII, 3rd series, pp.1132ff. (March 15, 1844).
  2. Ibid., p.1149. See also W. Cooke Taylor, Factories and the Factory System, pp.117-8.
  3. Morning Post, March 2, 1843.
  4. The Claims of Labour, London: William Pickering, 1844, passim.
  5. Westminster Review, Vol.34 (September 1840), p.194.
  6. Quarterly Review, Vol.70 (September 1842), p.33, and Edinburgh Review, Vol.77 (February 1843), p.225.

The opponents of laissez-faire countered the arguments of the voluntarists by carrying them to their illogical conclusion. The Spectator suggested: if it was against the rules of political economy for the workers to demand a ten hours' Bill, would it not be also against the rules for the masters voluntarily to curtail the hours?<sup>1</sup> Would it not be even more unprincipled for the masters to petition Parliament? And yet 293 mill owners in the West Riding had petitioned Parliament in favour of ten hours.<sup>2</sup> In a later edition the Spectator put forward a justification of the operatives' attitude and consequently of the masters'; they were only asking the Government to step in where voluntary action was shown by the laws of political economy to be unavailing:

[The failure of the operatives to achieve ten hours without Government intervention] is a case of excessive competition. A very slight examination of the political-economy law of competition shows, that in no few matters of bargain the majority is apt to be subject to the minority. Let us suppose that three-fourths of the factory-labourers had made up their own judgment and inclination in favour of working not more than ten hours a day: still they must work twelve hours if the others did.... Supposing it good that the factory-labourers should work for only ten hours, but that all must work twelve hours if any can, then surely the Legislature might properly interfere in order to give effect to the judgment and inclination of the majority.<sup>3</sup>

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1. Spectator, October 22, 1842.
  2. Dodd, The Factory System Illustrated, p.236.
  3. Spectator, April 20, 1844.

If most men were by 1844 willing to concede that some Government interference was acceptable, it was inevitable that the attitude towards the existing Factory Act would undergo some change. Those still opposed to interference considered the Act the root of all present ills; those who felt that the Government had intervened enough, put forward a balanced list of pros and cons; while supporters of interference sang a loud chorus of praise. The Edinburgh Review acknowledged the distress among the operatives, but it could not lend its support to interference:

If we were blind enough to overlook these melancholy facts, or uncandid enough to deny their existence, the calamitous events of the last six months would present themselves to the minds of our readers, and would confute our disingenuous sophistry. But these evils are aggravated by our restrictive laws. No human means can altogether avert such trials: though the commercial system can be made a useful instrument, we do not claim on its behalf any miraculous agency.... That for which we contend, is not trade, subject to the shackles of unjust and impolitic laws; but trade, free and left to its own natural and vigorous resources. Even if trade were free, and if the legislature had done its duty to the utmost, much of evil must continue, and dangers will still exist.<sup>1</sup>

In adding his approval, Hume declared that the Government should not attempt to narrow the field of labour further, when the country was suffering from unemployment.<sup>2</sup> The exclusion of women and children from the coal mines was desirable considered in isolation, but it

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1. Edinburgh Review, Vol.77 (February 1843), pp.204-5.

2. Speech by Hume in Hansard, LXXIII, 3rd series, p.1511 (March 25, 1844).

could only end in subjecting them to more severe misery and privation.<sup>1</sup> The Act was blamed for the decreasing number of children employed who were, thus, brought up to habits of idleness and vice.<sup>2</sup> Inspector Stuart expressed concern on this point:

I have at all times, since my appointment, entertained great doubt whether the provision of the statute, which has...excluded from employment almost all the children under 13 years old, instead of being attended with the beneficial consequences expected by the legislature, has not been productive ...of effects greatly to be regretted.<sup>3</sup>

Nassau Senior described how all men were injured by the restriction of children to eight hours: the parents received no income from children under nine and a reduced income from those between nine and thirteen; the operatives had to pay more for assistants over thirteen, or hire more assistants under thirteen, and produced less work after the assistants had left (it is difficult to see how both these consequences could befall a single operative); and the mill owner received fewer and poorer goods from the last four hours and sometimes repaid the operatives part of their loss.<sup>4</sup>

The cumulative effect of further restrictions would be disaster.

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1. See the Edinburgh Review, Vol.79 (January 1844), p.151.

2. See, for example, Leeds Mercury, September 9, 1943.

3. Parliamentary Papers, 1841, Vol.VI, No.213, p.220.

4. N.W. Senior, Letters on the Factory Act, pp.11ff.

If the dense and ignorant population of the manufacturing districts, trained in combinations, and accustomed to high wages, is partly thrown out of work, and the remainder reduced in income, scenes of violence may follow, which may frighten away capital, already having a tendency to emigrate.<sup>1</sup>

All the manufacturers wanted was to be left in peace and saved the expense of going to London every year to expostulate against a threatened ten hours' bill, "or some other equally wild proposal."<sup>2</sup> Government interference in this or any other country meant the end of prosperity.<sup>3</sup>

Most of these denunciations were not aimed at repealing the Act of 1833 but at thwarting any further attempts to enact restrictions. Graham felt that although the first Act had produced some benefits, it was dangerous to contemplate any further "step that may be fatal to commerce and manufactures."<sup>4</sup> It was also argued that the introduction of a ten-hour limit would result in a monopoly of trade by the large establishments, because the small business had not enough capital to change over to the more efficient machinery which shorter hours would make essential.<sup>5</sup>

Saunders reported that a further restriction would

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1. N.W. Senior, Letters on the Factory Act, p.24.

2. Ibid. p.16.

3. See, for example, speech by Captain Rous in Hansard, LXXIII, 3rd series, p.1499 (March 25, 1844).

4. Speech by Sir James Graham in Hansard, LXXIII, 3rd series, p.1107 (March 15, 1844).

5. See speech by Captain Rous in Hansard, LXXIV, 3rd series, p.635 (May 3, 1844).



have the opposite effect. The commercial depression was causing distress, but not as much as in former times when some large occupiers, speculating on future markets, had worked longer hours to take advantage of the low wages. This practice frequently worsened conditions and ruined the small manufacturer, whereas a ten-hour limit would prevent it and by distributing the work over the year would even out the slumps. Saunders admitted that he did not fully understand the principle behind this theory and could not see where the shortening of hours ceased to be beneficial.<sup>1</sup> Horner in 1841 disputed the contention that children were being dismissed,<sup>2</sup> but, as has been stated earlier, by 1844 he was not so convinced of his ground.<sup>3</sup> On the whole the Inspectors, with the exception of Stuart, were happy with the results of the Factory Act and had high hopes for the future.<sup>4</sup> Such optimism was not restricted to the Inspectorate.<sup>5</sup> Hindley used the success of the measure to argue in favour of the Bill in 1844; he admitted that the law was sometimes evaded but argued that the escape of some murderers did not mean that there should be no law against

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1. Parliamentary Papers, 1841, Vol.VI, No.213, p.227.

2. Ibid., 1841, Vol.X, No.161, p.175.

3. Ibid., 1844, Vol.XXVIII, No.533, p.547.

4. Ibid., 1840, Vol.XXIII, No.1, pp.11, 18 and 20-1.

5. Ibid., p.21.

homicide.<sup>1</sup> The Select Committee set up to investigate the working of the Act pronounced favourably, and its pronouncement could not fail to carry weight:

Although the experience of seven years has developed various defects in the operation of the Act, Your Committee must congratulate The [sic] House and the Country on the partial success of their efforts for the removal of many evils, which, down to the year 1833, had accompanied the employment of children and young persons in factories; much, unquestionably, yet remains to be done; the actual condition, nevertheless, of these young workers, contrasted with the state in which the first inquiry found them, is such as to give Your Committee considerable satisfaction for the past, and good hope for the future.<sup>2</sup>

A growing number of men believed that the repeal of the Corn Laws would render unnecessary protection of labour;<sup>3</sup> Factory Legislation was only a blind put up by the Tories to obscure the Corn Law issue.<sup>4</sup> The Edinburgh Review declared that children would be forced to labour as long as the Corn Laws were enforced and, with a glance at Ashley, added, "Our legislators cannot unite the pleasures of benevolence with the profits of oppression."<sup>5</sup> Dodd retorted that the manufacturers wanted the Corn Laws repealed for their own benefit;

1. Speech by Hindley in Hansard, LXXII, 3rd series, p.284 (February 6, 1844).
2. Commissioners Reports, 1841, Vol.IX, No.557, p.563.
3. See, for example, the Leeds Mercury, May 4, 1844, quoting Cobden.
4. See, for example, Leeds Mercury, January 22, 1842.
5. Edinburgh Review, Vol.79 (January 1844), p.153.

they were interested in reducing the price of flour which dressed the yarn and were not concerned with the price of flour which made loaves.<sup>1</sup> But the desire for Repeal was not limited to the manufacturers, claimed the Spectator, but was supported by "the immense majority of the middle-classes throughout the manufacturing-districts, and of a considerable number of the working classes."<sup>2</sup> To its advocates, Repeal would remove the necessity of interference "between capital, machinery, and labour",<sup>3</sup> and remedy the evils suffered by the workers.<sup>4</sup> This belief was not weakened by Viscount Sandon's argument that Prussia and the United States had no Corn Laws but had legislation for their workers.<sup>5</sup> Facts and figures were produced to show that the Corn Laws raised the price of bread 20%, and therefore, "they operate as an income tax on the poorest families of ten per cent."<sup>6</sup> Plenty could never exist in England until free corn was allowed into the country.<sup>7</sup> Hume went so far as to support a motion of Ashley's in the hope that the situation created

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1. Dodd, The Factory System Illustrated, p.147.

2. Spectator, December 5, 1840.

3. See, for example, Morning Advertiser, January 2, 1843.

4. See, for example, ibid., March 9, 1843, and Edinburgh Review, Vol.79 (January 1844), p.152.

5. Speech by Viscount Sandon in Hansard, LXXIII, 3rd series, pp.1130ff. (March 15, 1844).

6. Westminster Review, Vol.36 (July 1841) p.117.

7. See, for example, Spectator, November 13, 1841.

would lead the Government to bring forward "a bill for the repeal of those starvation laws."<sup>1</sup> The proponents of protective tariffs<sup>2</sup> can be seen with historical hindsight to have been out of step as more men demanded that Britain's commercial policy be based on Free Trade.<sup>3</sup> Some men supported the Factory Acts only as a temporary expedient until all restrictions had been removed from trade.<sup>4</sup> Then prosperity would come to all, and any necessity for Government protection would vanish. During the years of the Anti-Corn Law agitation, the Repealers committee themselves deeply to the benefits that Repeal would bestow on the country. When conditions after Repeal did not accord with the predictions, many Anti-Corn Law men found themselves in an embarrassing position.

At the same time that the application of the natural laws to trade was gaining adherents, men were realizing that the application of natural laws to society was not as simple as had first appeared.

'Pas trop gouverner'--'laissez faire'--have become the fashionable maxims of certain economists. The expressions originated in misconception, and are used to perpetuate error. What the person who first

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1. Speech by Hume in Hansard, LV, 3rd series, p.1278 (August 4, 1840).
  2. See, for example, Morning Post, March 13, 1843, and Halifax Guardian, October 7, 1843.
  3. See, for example, The Times, February 18, 1843; see also, Quarterly Review, Vol.68 (June 1841), p.248.
  4. See speech by B. Hawes in Hansard, LXXIII, 3rd series, p.1670 (March 29, 1844).

used these phrases wished to deprecate...was, not legislative regulation, but regulation that disregarded or sought to control, and thwart the laws of nature.<sup>1</sup>

Men were not as confident as they had once been that they were able to discern, and govern by, immutable laws applying indiscriminately to all aspects of life; consequently appeals to laws of nature were becoming fewer in the Factory controversy. It is true that the Edinburgh Review used the appeal in declaring that strikes and outbreaks were futile because "commonly directed against the inevitable operation of natural laws."<sup>2</sup> But few of its readers would be prepared to support strikes and were, therefore, unlikely to question the validity of the statement. Men were beginning to talk of the "artificial" state of society no longer blessed by a natural harmony of interests<sup>3</sup> and attacked principles which were originally considered to be derived from natural law. The belief that man's selfish interests would work for the good of himself and the community no longer appeared the unquestionable principle it had formerly.<sup>4</sup> The idea still had adherents<sup>5</sup> but, as Brotherton pointed out, when self-interest operated for

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1. Spectator, August 5, 1843.

2. Edinburgh Review, Vol.79 (January 1844), p.156.

3. Speech by Viscount Howick in Hansard, LXXIII, 3rd series, p.1497 (March 25, 1844).

4. Ibid.

5. See, for example, speech by H.G. Ward in Hansard, LXXIII, p.1119 (March 15, 1844).

the continuation of an abuse, it must be regulated.<sup>1</sup>

The Spectator attributed the support Ashley received in 1844 to

a rebellion, of sentiment if you please, against the that part of the doctrine of the Economists and Free-traders which says that every man is the best judge and guardian of his own interests.<sup>2</sup>

The second principle derived from the assumption of natural laws, which was gradually being rejected, was that of necessary poverty. This doctrine was an anachronism in a century that believed in an unlimited advance to wealth and prosperity, although it had served a useful purpose during the birth pains of industry.

The Westminster Review attempted to distinguish poverty and destitution in order to explain the necessity of a low standard of life for many people and yet reject the unpalatable facts of actual starvation.

We must carefully distinguish between poverty and destitution: ...poverty is the condition of those whose daily labour supplies them with daily bread; destitution is the condition of those whose daily labour does not supply them with daily bread. Poverty we do not consider an evil: destitution is one of the greatest of evils. The former, it is probable, must always be the lot of the chief body of the people in all populous countries: the latter need be the lot of few; it arises from accidental causes, and should never be more than partial in its pressure, and temporary in its duration.... Poverty, then is a law of nature and of social life:

1. Speech by Brotherton in Hansard, LXIV, 3rd series, p.1008 (July 5, 1842).

2. Spectator, April 13, 1844.

destitution is neither the one nor the other, but an exception to all laws, and a contravention of the kind designs of Providence.<sup>1</sup>

Wortley stressed the inevitability of poverty and claimed that the continuing debate in the country was causing discontent with conditions which were "the destinies of mankind" and as such could not be changed by Parliament.<sup>2</sup> Brougham and Rous supported this argument;<sup>3</sup> Brougham reminded the House of the divine ordinance that man was "to eat bread by the sweat of his brow."<sup>4</sup>

The Westminster Review also turned to the Bible but found that "man shall not live by bread alone"<sup>5</sup> and pointed out that there were moral as well as physical laws to be obeyed.<sup>6</sup> The thunderous prose of Carlyle warned England against the sins of the economists who have departed

far from the inner eternal Laws and.../~~taken~~ up with the temporary outer semblance of Laws. He /~~Carlyle~~ thinks that 'enlightened Egoism,' never so luminous, is not the rule by which man's life can be led. That 'Laissez-faire,' 'Supply-and-demand,' 'Cash-payment for the sole nexus,' and so forth, were not, are not and never will be, a practicable Law of Union for a Society of Men.<sup>7</sup>

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1. Westminster Review, Vol.38 (October 1842), p.397.
  2. Speech by Wortley in Hansard, LXIII, 3rd series, pp.1360-1 (June 7, 1842).
  3. Speech by Brougham in Hansard, LXXIII, 3rd series, p.1465 and by Captain Rous in ibid., p.1500 (March 25, 1844).
  4. Speech by Brougham in ibid., p.1467 (March 25, 1844).
  5. Westminster Review, Vol.34 (September 1840), p.192.
  6. Westminster Review, Vol.36 (July 1841) p.88.
  7. T. Carlyle, Past and Present, New York: A.L. Burt, ND, p.39.

The one law, the supreme law, which must never be sacrificed was "the Welfare of the People and the Safety of the State."<sup>1</sup> Every child had a moral right to maintenance and education; any encroachment on this right "is 'undue', as is legally asserted by the existing Factories Regulation Act."<sup>2</sup>

It was the Spectator which expressed the basic disillusionment with the natural laws when it asked, "Are we even really on the road to positively free competition?" and went on to point out that if all restrictions enacted by the government were immediately abolished, men would not be free to compete on equal terms with each other--in particular workers could not compete with masters. The conclusion arrived at by the Spectator after an enumeration of several common methods of avoiding competition was not one which would lead it to oppose other, if more recent, attempts to mitigate the consequences of what society was wont to consider "free" competition:

All these [joint stock companies, monopolies, etc.], though so different in kind and merit, are such material derogations from a simple and absolute free competition, that they attest the universal doubt of its expediency, as the paramount cardinal principle of dealings in society. There are other

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1. Quarterly Review, Vol.68 (June 1841), p.249.
  2. Westminster Review, Vol.38 (July 1842), p.87.



less justifiable modifications....Labourers must not 'conspire' against the capitalist to raise wages; though liberty of agreement between man and man and any number of men is a necessary part of absolute freedom. And lastly, for we will not multiply instances where almost every act of social life is in derogation of the great principle, we condemn labourers to the free competition which cheapens wages, but are constrained in common humanity to put a practical minimum to wages, in the shape of poor-relief for the destitute....<sup>[Y]</sup>et we say that we do not give competition fair<sub>1</sub> play; and it is doubtful whether we can do so.<sup>1</sup>

If free competition was an impossible goal in industrial society, was interference on behalf of the adult operative justifiable? A stern "Yea" was Carlyle's reply:

Of Time-Bill, Factory-Bill and other such Bills the present Editor has no authority to speak. He knows not, it is for others than he to know, in what specific ways it may be feasible to interfere, with Legislation, between the Workers and the Master-Workers;--knows only and sees, what all men are beginning to see, that Legislative interference, and interferences not a few are indispensable; that as a lawless anarchy of supply-and-demand, on market-wages alone, this province of things cannot longer be left. Nay interference has begun: there are already Factory Inspectors,--who seem to have no lack of work. Perhaps there might be Mine-Inspectors too;--might there not be Furrowfield Inspectors withal, and ascertain for us how on seven and six-pence a week a human family does live! Interference has begun; it must continue, must extensively enlarge itself, deepen and sharpen itself. Such things cannot longer be idly lapped in darkness, and suffered to go on unseen: the Heavens do see them; the curse, not the blessing of the Heavens is on an earth that refuses to see them.

Again, are not Sanitary Regulations possible for a Legislature?<sup>2</sup>

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1. Spectator, November 23, 1844.
  2. T. Carlyle, Past and Present, p.309.

The 1840's were not yet ready to accept such a conclusion complacently. Indeed, the Leeds Mercury was not altogether willing to accept protection for children as a valid action on the part of the Government.<sup>1</sup> Although Horner was convinced that to be absorbed in work or travel for fourteen hours a day was too much for children even after the age of thirteen, he felt some hesitation over the justice of restricting only a segment of the trades.<sup>2</sup> Brougham, who was one of Ashley's most vehement opponents, took his stand on two grounds: "the injustice of interfering between the labourer and the manner in which he might choose to employ himself, and of interfering with the control exercised by the parent over the child."<sup>3</sup> The appeal against interfering in family life was a strong one to the Englishman. It was frequently pointed out that the tie between parent and child was one of the strongest natural feelings, and that interference implied that English parents were not fulfilling their duties towards their offspring.<sup>4</sup> Graham although expressing reluctance saw that circumstances had revealed that interference was necessary in

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1. Leeds Mercury, March 2, 1844.
  2. Parliamentary Papers, 1842, Vol. XXII, No. 337, pp. 566-7.
  3. Speech by Brougham in Hansard, LXV, 3rd series, p. 584 (July 25, 1842).
  4. See, for example, speech by Brougham in Hansard, LXV, 3rd series, p. 578 (July 25, 1842), and Westminster Review, Vol. 38 (July 1842), p. 87.

some cases.<sup>1</sup> Fox Maule also expressed regret at the necessity;<sup>2</sup> Horner did not, because if the father was treating his child properly, he would not be affected.<sup>3</sup> By 1844, however, opponents of interference felt, by and large, that a distinction between child and adult labour had been made clear,<sup>4</sup> and opinion in general admitted the propriety of limiting child labour. Indeed, the Manchester Guardian no longer considered child labour a branch of the factory question.<sup>5</sup>

The question of interference with adult labour came to the fore with the Bill of 1843. As Labouchere said, it was admitted that interference with the adult population was very dangerous and yet the House was willing to consider an Act which would "wipe off one half of that population".<sup>6</sup> Many men whose sentiments led them to support Ashley were not rationally prepared to face such wholesale interference with adult labour,

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1. Speech by Sir James Graham in Hansard, LXIII, 3rd series, p.1358 (June 7, 1842).
  2. Speech by Fox Maule in Hansard, LV, 3rd series, p.1276 (August 4, 1840).
  3. L. Horner, On the Employment of Children in Factories and Other Works, London: Longman, Orme, Brown, Green, and Longman, 1840, p.18.
  4. See, for example, the Spectator, September 30, 1843, and speech by Roebuck in Hansard, LXXIV, 3rd series, p.625 (May 3, 1844).
  5. Manchester Guardian, March 4, 1843.
  6. Speech by Labouchere in Hansard, LXXIV, 3rd series, p.631 (May 3, 1844).

and consequently found themselves in a similar position to Palmer who "felt that twelve hours' work for young persons and females was too much, although he was unwilling to interfere with the market of labour."<sup>1</sup>

Peel attempted to justify his position by arguing:

It is not, in one sense, a question of principle. We are imposing no maximum or minimum of labour; we impose a maximum, but we leave it open to the parties concerned, by agreement among themselves, to work for a period as much less as they may think proper.<sup>2</sup>

But he appealed directly to the principles of political economy in his opposition to legislation--the ten-hour amendment--more extreme than he was prepared to support.<sup>3</sup>

Wortley also tried to talk his way out of the dilemma:

The real aim and object of his noble Friend [Ashley] was not to interfere with the disposal of labour in factories, but to bring the duration of that labour to such a point as might be considered fair and reasonable.<sup>4</sup>

Graham begged the issue by agreeing in principle that the less interference the better, but maintaining that the only matter he was called upon to decide on May 3, 1844, was whether the clause should read ten or twelve

1. Speech by G. Palmer in Hansard, LXXIV, 3rd series, p.324 (April 26, 1844).
2. Speech by Sir Robert Peel in Hansard, LXXVIII, 3rd series, p.1643 (March 29, 1844).
3. Speech by Sir Robert Peel in Hansard, LXXVIII, 3rd series, pp.1247ff. (March 18, 1844).
4. Speech by John S. Wortley in Hansard, LXXVIII, 3rd series, pp.1117-8 (March 15, 1844).

hours. (Like Peel he found that the laws of political economy ruled out the possibility of a ten-hour restriction.) He continued to side-step the problem by using the term "young person" to include women without actually naming them.<sup>1</sup> Monckton Milnes pursued the same line of evasion in insisting that according to the wording of the Bill, all Ashley was attempting to do was lessen the change for children from an eight- to a twelve-hour day by introducing a period of ten hours' labour for young persons over thirteen; adults--he felt constrained to add the word "male"--were not included.<sup>2</sup> The House approved this device. When the crucial issue of extending protection to adults was decided on May 6, it was done by agreeing to include women under the designation "young persons".<sup>3</sup>

The issue was, in spite of all circumlocutions, fundamentally that of interference with adult labour. Those who supported the claims of women did so on the grounds that before the law, and in fact, the female was the weaker sex. Ashley claimed that "every principle

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1. Speech by Sir James Graham in Hansard, LXXIV, 3rd series, p.626 (May 3, 1844).
  2. Speech by Monckton Milnes in Hansard, LXXIII, 3rd series, p.1399 (March 22, 1844).
  3. Hansard, LXXIV, 3rd series, p.760 (May 6, 1844).

of religion", "every law of nature", demanded that women be granted protection,<sup>1</sup> and he had many followers.<sup>2</sup> Russell admitted that he would not himself have introduced such a Bill but he would give his support because it was no longer a matter of principle--that had been decided in 1802.<sup>3</sup> The Inspectors also proffered their their recommendations, Saunders a little reluctantly because of the novelty of the principle<sup>4</sup> and Horner with his usual lengthy justification:

Twelve hours' daily work is more than enough for anyone; but however desirable it might be that excessive working should be prevented, there are great difficulties in the way of legislative interference with the labour of adult men. The case, however, is very different as respects women; for not only are they much less free agents, but they are physically incapable of bearing a continuance of work for the same length of time as men, and a deterioration of their health is attended with far more injurious consequences to society. The substitution of female for male labour, which has increased to so great an extent of late years, is attended with the worst consequences to the social condition of the working classes, by the women being withdrawn from domestic duties; and diminished comforts at home have the most corrupting influence upon the men. All these evils are much aggravated, when the women are worked so excessively that their

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1. Speech by Lord Ashley in Hansard, LXIII, 3rd series, p.1337 (June 7, 1842).
  2. See, for example, Sir Charles Shaw, Replies of Sir Charles Shaw to Lord Ashley, M.P. regarding the Education, and Moral and Physical Condition of the Labouring Classes, London: John Ollivier, 1843, pp.35ff.; and even speech by Sir Robert Peel in Hansard, LXXIV, 3rd series, p.657 (May 3, 1844).
  3. Speech by Lord John Russell in Hansard, LXXIII, 3rd series, p.1510 (March 25, 1844).
  4. Parliamentary Papers, 1844, Vol. XXVIII, No.533, p.540.

life must be passed between the workshop and bed. The subject has been repeatedly mentioned to me by some considerate and humane millowners, who know the evils of such a system, and wish to see it put down; and they have urged me to represent to the government the propriety and necessity of preventing, by law, that women of any age should work more than twelve hours a day. It would render illegal overworking far more difficult; and, in those mills where the occupier desired to work more than twelve hours, adult men would be employed, who are now either idle or doing the work of full-grown children. There is at present a very anomalous state of things in regard to wages in some departments of cotton mills in Lancashire; for there are hundreds of young men, between 20 and 30 years of age, in the full vigour of life, employed as piecers and otherwise, who are receiving not more than eight or nine shillings a week; while under the same roof, children of 13 years of age are getting five shillings, and young women between 16 and 20 are getting from ten to twelve shillings a week.<sup>1</sup>

Graham saw the danger in the precedent which he was introducing and attempted to limit his responsibility by arguing that there was "something peculiar in the situation of female adults"<sup>2</sup> which prevented their deciding and judging for themselves, at least in the eyes of the law. He claimed that an unwritten law had already been established in the factories limiting the work of women to twelve hours.<sup>3</sup>

But the distinction between the employment of

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1. Parliamentary Papers, 1844, Vol. XXVIII, No. 533, p. 536.

2. Speech by Sir James Graham in Hansard, LXXIV, 3rd series, p. 630 (May 3, 1844).

3. Speech by Sir James Graham in Hansard, LXXIII, 3rd series, p. 1378 (March 22, 1844).

adult males and unmarried females was difficult to maintain.<sup>1</sup> This distinction--the barrier to over-all control of working hours--became more ill-defined when Graham admitted that in limiting female adult labour to twelve hours, he hoped indirectly to limit machinery to that time.<sup>2</sup> Previous legislation, he continued, had attempted the same thing (without mentioning adult labour), but some manufacturers had managed to keep working longer and had brought obloquy on the whole industry.<sup>3</sup> Peel also implied that the restriction if passed for women would affect the entire mill, but added that a twelve-hour restriction was not really a restriction at all: the Bill, he argued

also arrests the evil, where we find it, of the employment of female labour, prohibiting their employment in factories for more than twelve hours a day, but which imposes no restriction whatever upon that which is the practical rule as to the employment of adults--granting twelve hours a day to be the rule as regards adults--that is in no respect interfered with by our proposition for preventing the extension of the evil, by preventing women being employed more than twelve hours a day.<sup>4</sup>

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1. See speech by V. Smith in Hansard, LXXIII, 3rd series, p.1377 (March 22, 1844) in which he claims that there is a particular case for married females but denies that there is a distinction between unmarried females and adult males.
  2. Speech by Sir James Graham in Hansard, LXXIV, 3rd series, p.631 (May 3, 1844).
  3. Speech by Sir James Graham in ibid., p.627 (May 3, 1844).
  4. Speech by Sir Robert Peel in Hansard, LXXIII, 3rd series, pp.1241-2 (March 18, 1844).



Peel's reasoning found support from both Horner and Saunders: Horner reported that many mill owners who refused to work their employees more than twelve hours would like to see the practice made universal;<sup>1</sup> Saunders told of many mill owners who wanted eleven hours, which, he felt himself, was the average number of hours a day that the mills in his district worked during the year.<sup>2</sup>

There was one group which was not bothered by the distinction between male and female labour, because it could see no excuse for interfering with either sex. Neither the need for education nor for protection of children could justify the limitation of all up to twenty-one years of age, wrote the Leeds Mercury.<sup>3</sup> Brougham argued that abolition of slavery was legitimate since the labour was not voluntary, but interference on behalf of free adults was an outrage.<sup>4</sup> The liberty of the subject was in jeopardy.<sup>5</sup> Ward had voted for the

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1. Parliamentary Papers, 1844, Vol. XXVIII, No. 565, p. 567.
  2. Ibid., 1841, Vol. VI, No. 213, p. 228.
  3. Leeds Mercury, January 29, 1842.
  4. Speech by Lord Brougham in Hansard, LXXIII, 3rd series, p. 1597 (March 28, 1844).
  5. See speech by Collett in Hansard, LXXIII, 3rd series, p. 1262 (March 18, 1844); see also speech by Earl Fitzwilliam in Hansard, LXIII, 3rd series, p. 196 (May 6, 1842); and speech by C. Wood in Hansard, LXXIV, 3rd series, p. 681 (May 3, 1844).

exclusion of women from the mines, he explained, because that was not an interference with adult labour but with indecency and immorality; he would not restrict the labour of females in the factories because that was unwarranted interference.<sup>1</sup> A man had the right to dispose of his own industry, it was argued,<sup>2</sup> and must be left free to make his own contracts.<sup>3</sup> This position was strengthened by the use, noted in the previous chapter, of the analogy between an adult's labour and private property.<sup>4</sup> Milner Gibson claimed that the workers resented the Government's attempt to legislate against their only property--their labour.<sup>5</sup> If left unfettered, "labour-property" was not at a disadvantage, as some had claimed:

To the operative without capital, employment is life itself....He is bound to sell under the penalty of starvation. This would be a very unequal condition of things if the capitalist were not driven by a necessity scarcely less stringent to put the article which is sold under such apparent disadvantages, for the destruction of unworked capital is not less certain than that of the unworking operative.<sup>6</sup>

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1. Speech by Ward in Hansard, LXXIV, 3rd series, p.668 (May 3, 1844).
  2. See speech by Earl Fitzwilliam in Hansard, LXXV, 3rd series, p.82 (May 31, 1844).
  3. See speech by Roebuck in Hansard, LXXIV, 3rd series, p.611 (May 3, 1844), and by Lord Brougham in ibid., p.1311 (May 20, 1844) and ibid., LXXV, 3rd series, p.137 (June 3, 1844).
  4. See, for example, speech by Lord Brougham in Hansard, LXXVIII, 3rd series, p.1489 (March 25, 1844).
  5. Speech by Milner Gibson in ibid., p.1111 (March 15, 1844).
  6. W. Cooke Taylor, Factories and the Factory System, p.7.

It was a definite disadvantage to labour, looked at in this light, to limit its use. "Labour is the most perishable of articles: it is measured by time, and every hour it remains unemployed is so much of its stock absolutely destroyed."<sup>1</sup>

The position of those "labour-property" men opposed to legislation was challenged on their own terms by Chadwick. He pointed out that any circumstance which tended to shorten the duration of a man's working life, for example, unhealthy conditions of labour, reduced in the same proportion the national wealth and therefore should be controlled.<sup>2</sup> The contention that man must be left free to make his own contracts was countered in several ways. Fielden warned that the turnouts in Lancashire and Yorkshire were the workers' answer to Brougham, and not one to be encouraged.<sup>3</sup>

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1. Quotation from W. Cooke Taylor in Westminster Review, Vol.38 (October 1842), p.411. If labour was considered as wealth, it could also be given a value, and its value was the wages received for it. Therefore, it could be argued (The Employer and the Employed, Chambers' Tracts, Vol.1, No.4. Edinburgh: William and Robert Chambers, 1844, pp.1ff.) that the worker received his just remuneration because as he only contributed 20s. a week to the capital of the owner, he deserved to receive only 20s. a week in return. Fortunately for the science of political economy not many men justified their position by such a circular argument.
  2. Chadwick is quoted in Quarterly Review, Vol.71 (March 1843), p.49.
  3. Speech by John Fielden in Hansard, LXXIV, 3rd series, p.685 (May 3, 1844).

The advocates of free contracts were accused of inconsistency; freedom of contract implied that a man recognized his own best interests, a principle which they were not always willing to accept. The Westminster Review declared that the people were too ignorant to realize that what they needed was Free Trade.<sup>1</sup> A Member of Parliament argued that if man was the best judge of his own interests, then the workers' petitions for ten hours should be granted.<sup>2</sup> Viscount Howick maintained that since it had been shown that men did not always act in their own interests, interference was justifiable.<sup>3</sup> These debates sowed a seed of doubt in many minds about man's best interests and the freedom of the worker. There was a growing realization that as long as there was competition in the labour market, no individual was at liberty to make his own contract with the master.<sup>4</sup> With increasing frequency the statement that the individual worker was not a free man appeared in the debates. Horner summed up this feeling in his report: "As to

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1. Westminster Review, Vol.38 (October 1842), p.408.

2. Speech by Bernal in Hansard, LXXIV, 3rd series, p.949 (May 10, 1844).

3. Speech by Viscount Howick in Hansard, LXXIII, 3rd series, p.1128 (March 15, 1844).

4. See, for example, Leeds Intelligencer, April 15, 1843 and May 20, 1843; speech by Lord Ashley, quoting Horner, in Hansard, LXXIII, 3rd series, p.1379 (March 22, 1844) and by S. Crawford in Hansard, LXXIV, 3rd series, pp.635-6 (May 3, 1844).

freedom of labour, no such thing exists at present; it is employment on almost any terms or starvation."<sup>1</sup>

The fact that there was argument over these tenets of the economists contributed to the increasing questioning of the infallibility of their system. The examples of a direct attack on the classical economists on rational grounds were becoming more numerous, and they frequently came from influential sources. Their importance lay in the fact that they marked the turning point in the political philosophy of the century; the reinterpretation of Laissez-faire had clearly begun by 1844.

The laws of the classical economists were under attack:

The world, with its Wealth of Nations, Supply-and-demand and such like, has of late days been terribly inattentive to that question of work and wages [a fair day's wages for a fair day's work]. We will not say, the poor world has retrograded even here: we will say rather, the world has been rushing on with such fiery animation to get work and ever more work done, it has had no time to think of dividing the wages; and has merely left them to be scrambled for by the Law of the Stronger, law of Supply-and-demand, law of Laissez-faire, and other idle laws and Un-laws--saying, in its dire haste to get the work done, That is well enough!<sup>2</sup>

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1. Parliamentary Papers, 1842, Vol. XXII, No. 441, p. 443.  
Cf., speech by Milner Gibson in Hansard, LXXIII,  
3rd series, p. 1114 (March 15, 1844) in which he says  
that the way to make the labourer free is to repeal  
the Corn Laws.
  2. T. Carlyle, Past and Present, p. 24.

The school of humanitarians continued to rail against the dismal science.<sup>1</sup> Bright was the object of much vituperation;<sup>2</sup> the Leeds Intelligencer lambasted the whole House of Commons for its deference to political economy, that "bat-eyed, cross-grained, pig-headed old beldame."<sup>3</sup>

But some shrewd Ashleyites took advantage of the reappraisal of laissez-faire to turn the tables on the economists. Fielden accused the opposition of being dictated to "more by love of mammon than of mercy or sound policy".<sup>4</sup> The workers themselves "would be happy and proud to hear the arguments of the free traders before a Committee, for they believed they could refute those arguments."<sup>5</sup> Horner asserted that interference to conserve the human wealth of the nation was "justified by the most cold and severe principles of political economy;"<sup>6</sup> and W. Cooke Taylor claimed that in his justification of the Mines Act:

It may possibly be objected that I have used weights derived from Political Economy; but in all experiments it is necessary to have our

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1. See, for example, Quarterly Review, Vol.68 (December 1840), p.180.
  2. See, for example, Halifax Guardian, May 20, 1843.
  3. Leeds Intelligencer, March 5, 1842.
  4. Speech by John Fielden in Hansard, LXXIII, 3rd series, p.1232 (March 18, 1844).
  5. Speech by T.S. Duncombe in Hansard, LXXIV, 3rd series, p.316 (April 26, 1844).
  6. L. Horner, On the Employment of Children, p.15.

standards determined by the accuracy of science, and Economics bear the same relation to social questions that Mathematics do to Astronomical phenomena. In all ages there have been controversialists who dislike this reference to the rigid standards of science, but "men never set themselves against reason until they find that reason is set against them".<sup>1</sup>

The Globe accused Graham of defaming Laissez-faire and the whole commercial system by his appeal to political economy against the demands of the workers; "[he] who pleads political economy as an excuse for leaving existing evils unredressed may have knowledge; but he is more odious, and more to be despised, than if he were ignorant".<sup>2</sup> This interpretation was a far cry from the stand taken in 1833 by most political economists. The Globe made a further enlightening observation: it accused the "rent-party" of artfully blackening political economy in the eyes of the workers by using it as the grounds upon which to oppose reform, in order to turn the operatives against the demands of Laissez-faire for repeal of the Corn Laws.<sup>3</sup> Undoubtedly the desire of the Leaguers for working-class support had some effect on their change of attitude, but the full explanation lay deeper.

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1. W. Cooke Taylor, Factories and the Factory System, p.iii.
  2. Globe, March 14, 1843.
  3. Ibid.

Many classical economists were finding it necessary to reappraise their position. Experience was helping to diminish the sway of the old philosophy. Interference had produced beneficial results in the past, and it was becoming increasingly difficult to "refuse to consent to the general principle of interference".<sup>1</sup> It was essential for the survival of their theories that they admit qualifications which would allow for the new conditions arising in England. The reappraisal came about rapidly; the arguments of the early 1840's were noticeably at variance with those which went before. The men were not blatantly inconsistent, but their views developed in conformity with the changing scene. It is startling to note that frequently it was the political conservatives such as Peel and Graham, desirous of maintaining the status quo, who turned to the earlier pronouncements of the classical economists to prevent the Government being forced into more drastic interference in the social life of the country. It is an indication of the advancement which the reinterpretation of Laissez-faire had made that it was only by threatening resignation that the Government prevented the passage of Ashley's ten-hour amendment in

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1. Speech by Lord John Russell in Hansard, LXXIV, 3rd series, p.662 (May 3, 1844).



1844. Political economy, except in the mouths of a few rigid exponents, such as Bright, was overcoming its reputation as the dismal science.

The limits of the doctrines of Adam Smith were being worked out as a permanent contribution to the political thinking of the country. The Westminster Review pointed out in 1840 that the "ablest thinkers" in the country had devoted all their time to exposing the errors in the commercial policy of Britain, but the time must come when their attention would be focussed on the means of improving the moral and physical condition of the people.<sup>1</sup> In fact, the time had already come.<sup>2</sup> Monckton Milnes declared in Parliament:

If he [Monckton Milnes] had studied political economy at all, he knew of how much importance it was to ascertain the limits of the subject, and that there were some questions to which its doctrines were inapplicable.<sup>3</sup>

The radical Buller added his voice to the demand for a reappraisal of the old theories:

1. Westminster Review, Vol.34 (September 1840), p.191.
2. See, for example, speech by Hawes in Hansard, LXXIV, 3rd series, p.1050 (May 13, 1844): "Political economy could have nothing to do with the improvement of the condition of the people; it related to the increase of the wealth of the nation: but legislation had."
3. Speech by Monckton Milnes in Hansard, LXXIV, 3rd series, p.1025 (May 13, 1844).

He said that a new state of society had arisen, owing to the congregation of large masses of unskilled labour in densely populated towns--that that was a state of things new in England--that to legislate now upon the principles you had before recognized as applicable to a former and a different order of things, under the ideas that they would be equally applicable to the new state, would be wrong and inconsistent--that he supported this Bill on behalf of the labourer, and that he would apply the principles it contained as far as they could conveniently be carried.<sup>1</sup>

Another Member recognized that "the organization of labour is the grand political problem of the day", and added that to allow the continuation of starvation amidst plenty produced by the free play of supply and demand was no longer desirable or safe.<sup>2</sup> The Claims of Labour contained a typical example of the new attitude:

...the let-alone principle proceeds upon the supposition, not only that every body knows his own interest best, or if not, that his freedom of action is of more importance than his acting wisely, which is often true; but it also goes on to assume that everybody knows and will take care of the welfare of others. Push either principle to any great length; and you will find yourself in the land of confusion and absurdity. In truth, I should seldom like to say anything about the wisdom, or the folly, of interference, until I knew exactly what it was about, and how far you intended to interfere.<sup>3</sup>

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1. Speech by Charles Buller in Hansard, LXXIII, 3rd series, p.1514 (March 25, 1844); see also ibid., p.1434 (March 22, 1844). Cf., speech by T.S. Duncombe in ibid., p.1623 (March 29, 1844) supporting Buller: "Why, can any one doubt that we have arrived at a new social state, particularly in the manufacturing districts?"
  2. Speech by McGeachy in ibid., p.1213 (March 18, 1844).
  3. The Claims of Labour, p.76.

Bernal, an M.P., put his finger on the aspect of classical economy which probably did most to blacken it in the eyes of the public.

This [restriction], of course, is not according to the doctrine and dogma of political economy. But whatever of sagacity there may be in the philosophy of Adam Smith, of Ricardo, or of Senior, this I cannot help feeling, that you cannot deal with human beings as with chessmen....You cannot sit down at a table and square down human nature to the rigid regularity of your abstract theories. It is impossible! And this--forgive me--this is the error that pervades all the ideas of those bigotted professors of political economy.<sup>1</sup>

It was Viscount Howick who stood out in Parliament at this time as the voice of the new school of political economists. In the future many were to adopt his attitude to the theories which governed their thinking. He asserted that if the measure of 1833 had been proved right, "it at once puts an end to your argument, that there is any sound principle of legislation resting upon experience, which you violate by imposing restrictions of this sort upon industry."<sup>2</sup> And in taking issue with Graham's stand that Free Trade principles were right in the abstract but not to be applied to this question, he declared that if he found that a principle which he accepted did not fit a particular case, he assumed the

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1. Speech by Bernal in Hansard, LXXIV, 3rd series, p.948 (May 10, 1844).

2. Speech by Viscount Howick in ibid., p.644 (May 3, 1844).

principle must have modifications or limitations attached to it.<sup>1</sup> Indeed men were trying to discover just what "modifications and limitations" were necessary.

The Westminster Review revealed its awareness of of the change which was taking place in its attempt to differentiate between "legislation to control industry, for the supposed advantage of the public, in the quality or price of the article produced, or in the employment afforded to a number of citizens engaged in its production" and "legislation to control industry expressly on behalf of humanity and public morals".<sup>2</sup> Viscount Howick expressed this qualification of the application of Adam Smith succinctly:

I agree, therefore, with Adam Smith, (and I believe this is all that he meant to assert) that restrictions upon the freedom of industry, if intended to increase the wealth of a particular class, are unjust--if that of the whole community, are impolitic and defeat their own aim; but I contend that you altogether misapply the maxim of leaving industry to itself when you use it as an argument against regulation of which the object is, not to increase the productive power of the country, or to take the fruits of a man's labour from himself and give it to another, but, on the contrary, to guard the labourer himself and the community from evils against which the mere pursuit of wealth affords us no security. The mere increase of a nation's wealth is not the only--it ought not even to be the first and highest object of

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1. Speech by Viscount Howick in Hansard, LXXIV, 3rd series, p.640 (May 3, 1844).
  2. Westminster Review, Vol.38 (July 1842), p.86.

a Government.... But if this be true, it follows, that there is an important distinction, which has not been sufficiently adverted to in these debates, between restrictions imposed upon industry, with the visionary hope of increasing a nation's wealth, or with the unjust design of taxing one class for the benefit of another, and those of which the aim is to guard against evils, moral or physical, which it is apprehended that the absence of such precautions might entail upon the people.<sup>1</sup>

Consequently, to base opposition to Ashley's proposals on the precepts of The Wealth of Nations was "to twist the words of Adam Smith into a meaning which...he never contemplated".<sup>2</sup> Russell justified his support of ten hours on the grounds that he could not see that Smith "had pointed out a distinction between twelve hours' work and ten."<sup>3</sup> Hindley also considered his support of Ashley consistent with principles of political economy;<sup>4</sup> the Globe had shifted to a similar position;<sup>5</sup> and the Spectator showed an interesting progression from its Free-Trade views in 1841 to a new Laissez-faire position in 1844.

Absolute Free Trade...is necessary to insure industry free play and full reward, and to guard all monetary and commercial systems from constant derangements. (August, 1841)

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1. Speech by Viscount Howick in Hansard, LXXIV, 3rd series, pp.641-3 (May 3, 1844).
  2. Ibid., p.646 (May 3, 1844).
  3. Speech by Lord John Russell in ibid., p.1097 (May 13, 1844).
  4. Speech by Hindley in Hansard, LXXII, 3rd series, p.283ff. (February 6, 1844).
  5. Globe, March 14, 1843.

The lessons of political economy regarding the interference of government in economical questions seem to have been misapprehended by many economists. The action of government is the action of the whole community. Some things there are which are better done when each individual is left to rely upon his own judgment and activity; others are best accomplished by the combined exertion of the whole community. The function of political economy is to discover what are the occasions on which the concentrated action of the whole community is most advisable--not to neutralize the government in everything. Inquiry has shown pretty conclusively, that the production and distribution of national wealth are best promoted by leaving individual enterprise perfectly free. But it does not follow because government ought to retrace its steps here and remove all the restrictions it has imposed upon commerce, that it ought to sit still with folded arms and make no effort to promote the economical well-being of society. (December, 1841)

We advocate free trade as the obvious means of promoting the greatest amount of production with the least trouble, and promoting the completest distribution of the greatest plenty throughout the globe; but we have not attributed more to the science; we never assumed it to teach the whole duty of man or the art of life. If political economists have an overweening estimate of the power of their own systems, they are not more to be reproached than other teachers in special branches of knowledge, who almost all overrate the thing they teach. (October, 1842)

These were the nets set to catch the Free-traders, "If"--it was plausibly put--"if the restrictions on trade now existing are condemnable, do not add another to their number."...

But the Ten-hour Bill is "an interference with labour." So far as labour is rendered an injury to the labourer and through him to society, labour must become a wrong, with which interference is a duty; just as much as interference with such a use of a man's natural rights or powers as incommodes his neighbours, or affects interests even purely individual and nowise essential to the community....

The logic to catch the Free-traders is this-- "You say Corn-laws are wrong because they interfere with and restrict industry; but so does a short-labour bill; ergo it is wrong." It is kept out of sight that the one restriction restricts what is right and fruitful, the other what is wrong and hurtful. (June, 1844)<sup>1</sup>

It was little wonder that in the flux and change of ideas many men felt the ground shifting under their feet and were confused as to where they or anyone else stood. Peel objected to interference with the individual freedom of the workers;<sup>2</sup> at the same time he denied that the operative was capable of knowing his own best interest when that interest led him to petition for a ten-hour restriction.<sup>3</sup> He also denied that he could interfere by legislation to correct that which was morally wrong,<sup>4</sup> and, consequently, left the cloak of morality to be shared by the humanitarians and the political economists. The Quarterly Review followed Peel but at first refused to acknowledge that it was adopting the principles of Laissez-faire and objected to surrendering the good of the people "to the experimental philosophy of infidels and democrats".<sup>5</sup> But in 1844, the periodical made an admission:

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1. Spectator, August 7, 1841, December 4, 1841, October 29, 1842, June 1, 1844.
  2. Speech by Sir Robert Peel in Hansard, LXXIV, 3rd series, p.652 (May 3, 1844).
  3. Ibid., p.1093 (May 13, 1844).
  4. Ibid., pp.1085-6 (May 13, 1844).
  5. Quarterly Review, Vol.68 (December 1840), p.181.

In the first place, we confess that we feel a strong disinclination, in this party-governed country, to mix up, wherever it can be avoided, the general Government in the details of life.... We see in the evidence produced before the committees of the House of Commons what captious and frivolous complaints are made and how trifles are swollen into grievances which the supreme power of Parliament is invoked to redress--the House of Commons being now a kind of national proboscis, as ready to pick up a pin as to root out an oak.<sup>1</sup>

Labouchere's declaration that he was not prepared to throw over Adam Smith for Oastler and Sadler, because society was now too "artificial" to make it safe to forgo one's principles,<sup>2</sup> did not make the ground any firmer.

The most popular argument of the time was a compromise one, which unfortunately for the clarity of the debate could be used to justify both ten and twelve hours. Uncertainty about principles was avoided by declaring that the Factory Acts were expedients and justifiable exceptions to the general rule of non-interference.<sup>3</sup> Peel, in a rejoinder to Howick, said that he had expected the latter to say that he believed in the principles of political economy and that ten hours

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1. Quarterly Review, Vol.74 (June 1844), p.

2. Speech by Labouchere in Hansard, LXXIV, 3rd series, p.1059 (May 13, 1844).

3. See, for example, speech by Wortley in Hansard, LXXIII, 3rd series, pp.1117-8 (March 15, 1844), and by Sir James Graham in ibid., p.1378 (March 22, 1844), and in ibid., LXXIV, 3rd series, p.628 (May 3, 1844).



was an exception, rather than to put forward "novel views" of political economy.<sup>1</sup> For the majority of men non-interference was still the guiding principle and interference the exception to be admitted only in proved cases of necessity.<sup>2</sup> But the Act of 1833 had proved that factories were a legitimate exception, and so Factory Legislation should no longer be argued as a matter of principle but as one of degree.<sup>3</sup> Men were criticized for ignoring the fact that the principle of interference in factories had been established,<sup>4</sup> and continuing to base their opposition on the opposite

1. Speech by Sir Robert Peel in Hansard, LXXIV, 3rd series, p.1087 (May 13, 1844).
2. See, for example, Leeds Mercury, June 11, 1842; speech by Lord Brougham in Hansard, LXV, 3rd series, pp.572-3 (July 25, 1842); speech by Labouchere in Hansard, LXXIII, 3rd series, p.1228 (March 18, 1844); speech by William Clay in Hansard, LXXIII, 3rd series, p.1388 (March 22, 1844); and speech by Charles Buller in Hansard, LXXIV, 3rd series, p.957 (May 10, 1844).
3. See, for example, speech by Lord Ashley in Hansard, LV, 3rd series, p.1270 (August 4, 1840); speech by Sir James Graham in Hansard, LXXIII, 3rd series, pp.1104-5 (March 15, 1844); speech by Lord Ashley in ibid., pp.1075-6 (March 15, 1844); speech by Beckett in ibid., p.1192 (March 18, 1844); speech by William Clay in ibid., p.1389 (March 22, 1844); speech by Sir James Graham in ibid., p.1372 (March 22, 1844); speech by Lord Stanley in ibid., p.1520 (March 25, 1844); and speech by Sir James Graham in Hansard, LXXIV, 3rd series, pp.629-30 (May 3, 1844).
4. See speech by Brotherton in Hansard, LXXIII, 3rd series, p.1414 (March 22, 1844).

principle.<sup>1</sup> The question before the House was no longer the decision whether to pass or withdraw the Bill, but whether ten or twelve hours should be the maximum of labour.<sup>2</sup> Over this decision the debate raged for weeks. Was Ashley (whose support was growing) finally to achieve his goal?<sup>3</sup> Or would the Government succeed in maintaining a twelve-hour day, which many argued was as far as restriction dare go.<sup>4</sup> The debate was confused, as was pointed out by many members of the House, because the arguments which the Government supporters used to oppose Ashley's amendment, if carried to their logical conclusion, frequently proved that any limit, including twelve hours, was fatal

1. See speech by Sir James Graham in Hansard, LXXIII, 3rd series, p.1202 (March 18, 1844), and by William Clay in ibid., pp.1387-8 (March 22, 1844).
2. See, for example, speech by V. Smith in ibid., p.1404 (March 22, 1844).
3. See speech by Lord Ashley in Hansard, LXXIII, 3rd series, p.1098 (March 15, 1844). See also speech by Muntz in ibid., pp.1262-3 (March 18, 1844); speech by V. Smith in ibid., p.1404 (March 22, 1844); speech by Collett in Hansard, LXXIV, 3rd series, pp.1103-4 (May 13, 1844); and speech by Shaw in ibid., p.1072 (May 13, 1844).
4. See speeches by Sir James Graham in Hansard, LXXIII, 3rd series, p.1102 (March 15, 1844) and p.1213 (March 18, 1844); speech by Labouchere in ibid., p.1224 (March 18, 1844); speech by Cardwell in ibid., p.1408 (March 22, 1844); and speech by Roebuck in Hansard, LXXIV, 3rd series, p.963 (May 10, 1844).

to commerce.<sup>1</sup> This situation gave some strength to the position of those who still doggedly opposed any restrictions.<sup>2</sup> The latter group pointed out that if men who believed in the principles of economics could yet justify a restriction to twelve hours, there was in reality no limitation of hours which could not be defended.<sup>3</sup> Equally it would be impossible to oppose the extension of interference to every industry in the country.<sup>4</sup> Indeed such an extension on the grounds of consistency and humanity, particularly in the case of children in other industries, was, in fact, gaining increasing approval.<sup>5</sup>

For the simpler minds in Parliament, the fine

1. See speeches by Sir George Grey in Hansard, LXXIII, 3rd series, p.1194 and p.1198 (March 18, 1844); speech by Lord John Russell in ibid., p.1257 (March 18, 1844); speech by Charles Buller in ibid., p.1439 (March 22, 1844); speech by Acland in ibid., p.1632 (March 29, 1844); and speech by Sir Robert Peel in Hansard, LXXIV, 3rd series, p.1079 (May 13, 1844) where he admits that both sides are violating principle.
2. See, for example, speech by Brocklehurst in Hansard, LXXIII, 3rd series, p.1525 (March 25, 1844).
3. See speeches by Egerton in ibid., p.1123 (March 15, 1844) and speech by Labouchere in Hansard, LXXIV, 3rd series, p.634 (May 3, 1844).
4. See, for example, speech by M. Philips in Hansard, LXXIV, 3rd series, p.136 (April 22n, 1844).
5. For example, Westminster Review, Vol.38 (July 1842), p.138. Saunders quotes an argument claiming it would be inconsistent to include trades in 1844 which had been excluded in 1833 (Parliamentary Papers, 1843, Vol.XXVII, No.335, p.377).

distinctions which justified twelve hours rather than ten or vice versa were too confusing. Mr. Liddell, who was trying to do no more than his duty of supporting the Government, was an extreme but indicative case. He felt called upon to explain the switch of his vote in 1844 from Ashley's amendment to the Government proposal; he confessed his error in these words:

He did not hesitate from his own knowledge to say, that...had the wishes of the Government been known, many Members who under the influence of those vague feelings which he confessed led him towards the noble Lord's [Ashley's] proposition, had voted for that proposition, would, after examining more closely all the arguments, have come to the conclusion he had himself come to.<sup>1</sup>

Mr. Ward, who based his vote for twelve hours on principles of political economy, also found the arguments in the House perplexing:

It had been said that political economy was a very ill-used science--no one seemed to know its proper limits. That was an assertion, in which he agreed, for he could hardly conceive greater outrages upon that unfortunate science, than had been perpetrated in that House, in the course of the present discussion.<sup>2</sup>

Some of the "outrages" perpetrated were the salvation of the Laissez-faire theory. It was the search for the "proper limits" which changed "that unfortunate science" so that it was able to continue, with modifications,

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1. Speech by Liddell in Hansard, LXXIV, 3rd series, p.944 (May 10, 1844).

2. Speech by Ward in ibid., p.1029 (May 13, 1844).

as the dominant theory of Free Trading nineteenth-century Britain.

The change which was taking place in the basic issue of the factory controversy affected the more specific points of argument. The existence of the Inspectorate, of such important consequence in the eyes of historians, never impressed contemporaries as a very startling innovation. In spite of the fact that there had been Acts previous to 1833 which had not envisaged government Inspectors, men seemed to assume that once the principle of the Act of 1833 had been accepted, then the institution of Inspectors was also accepted.<sup>1</sup> The few attacks which were directed at the Inspectors were rarely directed at their proper functions. There was a diatribe against the suitability of Horner and Saunders to investigate the mines,<sup>2</sup> and disapproval was expressed in the House over the employment of the Inspectors as "government spies".<sup>3</sup> (They had been asked to inform the Home Office about Chartist activities in their districts.) There was some opposition to allowing the Superintendents to enter all parts of the mill at any

1. For example, T. Carlyle, Past and Present, p.309.

2. See C.W. Vane [Marquess of Londonderry], A Letter to Lord Ashley, M.P. on the Mines and Collieries' Bill, London: Henry Colburn, 1842, pp.37ff.

3. See speech of John Fielden in Hansard, LV, 3rd series, pp.785ff. and by Hindley in ibid., p.797 (July 17, 1840).

time, since the number of "inquisitors" would thereby be increased.<sup>1</sup> Hume objected to the creation of a central office for the inspectors, ostensibly on the grounds that it would provide excuses for the Inspectors to leave their districts, and would encourage the appointment of an Inspector General.<sup>2</sup> Hume was fighting against the precedent of the development of a centralized, government bureaucracy.

The strength of the Inspectors' position lay in the indisputable value of the work they were doing. Inspectors were clearly necessary to lessen the number of accidents in mills, the horrible nature of which was being brought to public attention.<sup>3</sup> Saunders included in his report for July, 1843 a detailed account of the number and seriousness of the injuries, caused by machinery, admitted into the various city infirmaries in his district.<sup>4</sup> All the Inspectors continually mentioned accidents. Many mills were voluntarily boxing the more dangerous machinery,<sup>5</sup> and there was an increasing body of opinion to prohibit the cleaning of machinery while

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1. See speeches of M. Philips, Bright and Hume in Hansard, LXXIV, 3rd series, pp.335-7 (April 26, 1844).

2. Speech by Hume in ibid., p.337 (April 26, 1844).

3. L. Horner, Memoirs of Leonard Horner, Vol.II, pp.12-3.

4. Parliamentary Papers, 1843, Vol.XXVII, No.335, p.375.

5. See Dodd, The Factory System Illustrated, p.16.

in motion.<sup>1</sup> W. Taylor Cooke attempted to defend the mill owners from the charge of indifference to accidents and so to deny the necessity of government interference:

Anyone who reflected for a moment could not fail to discover that an accident which destroyed life or limb must also derange the machinery, and, however careless he might suppose master manufacturers to be of their workmen, he cannot imagine them to be equally regardless of their own property.<sup>2</sup>

Experience denied the validity of this argument as the rate of accidents continued to be high. Howell reported one accident which could have been prevented by an expenditure of 3s. for fencing, and concluded:

This accident, I think, affords another strong proof of the necessity for legislative interference, since it is obvious that some millowners will not take the precautions of fencing off dangerous machinery until compelled to do so by a stringent enactment. It is now little more than 15 months since the liability of the mill-owners to make compensation to their work-people for injuries sustained through unguarded machinery was fully established, in an action brought by Lord Ashley, on behalf of a girl who was crippled for life by a similar unprotected shaft. That accident occurred in the immediate neighbourhood of Stockport, and...the damages and costs paid by the mill-owner amounted to £600, and yet, in the short space of a few months, another accident of the same kind occurs in Stockport, through the culpable negligence of the mill-owner in allowing a shaft to remain in a dangerous state.<sup>3</sup>

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1. See, for example, *ibid.*, pp.16ff.

2. W. Cooke Taylor, Factories and the Factory System, p.17.

3. Parliamentary Papers, 1842, Vol.XXII, No.337, p.430.

The House agreed with Howell, and by the Act of 1844, the Inspectors were empowered to request the boxing off of machinery they considered dangerous. If their request was not complied with and an accident occurred, a penalty of £100 could be imposed by the courts.

The question of education became increasingly prominent throughout these years and led to a further strengthening of the acceptance of government action and the Inspectorate. Whether a man favoured Free Trade or Protection, in almost every case he supported the principle of education. Senior, McCulloch, Martineau, the influential periodicals, large and small newspapers, Factory Inspectors, Members of Parliament were all agreed about the need for education.<sup>1</sup> The number of good schools in the manufacturing areas seemed to be very small; only the well-run establishments like that of

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1. See, for example, Leeds Mercury, January 4, 1840; Spectator, December 12, 1840; Westminster Review, Vol.36 (July 1841), pp.109 and 128, Vol.38 (October 1842), p.407, Vol.40 (August 1843) p.120; Parliamentary Papers, 1842, Vol.XXII, No.337, pp.346 and 366-7 and 1843, Vol.XXVII, No.289, p.294; Morning Chronicle, March 1, 1843; Halifax Guardian, March 4, 1843; Illustrated London News, March 4, 1843; Bradford Observer, March 9, 1843; Manchester Courier, March 18, 1843 and April 8, 1843; Edinburgh Review, Vol.79 (January 1844), pp.151 and 156; N.W. Senior, Letters on the Factory Act, p.17; L. Horner, Memoirs of Leonard Horner, Vol.II, pp.79-80; and Hodder, Life of Shaftesbury, pp.85-6.



Messrs. Wood and Walker, or Ashton, or the Greg's, or the Ashworth's provided decent schooling for their young employees.<sup>1</sup> Education and the ten-hour day were inseparable for the supporters of the latter; it was not possible to have time for education unless the hours were limited to ten a day,<sup>2</sup> but, on the other hand, it was not safe to institute the ten-hour day until education had prepared the workpeople to make good use of their spare time.<sup>3</sup> There was little disagreement that the purpose of education was to instil in the pupils an awareness of social duties and a deep religious sense.<sup>4</sup> There was not complete unanimity as to the specific contents of the courses to be taught in order to attain the two goals. The former purpose would best be served, according to the Edinburgh Review, by teaching to the women the "science and practice of household management" and to the men "principles of social economy ...a knowledge of the laws which regulate wages---the relation of population to subsistence--and the state and

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1. See, N.W. Senior, Letters on the Factory Act, p.17; Dodd, The Factory System Illustrated, pp.205-6; and Parliamentary Papers, 1844, Vol.XXVIII, No.565, p.578.
  2. See, W. Walker and W. Rand, A Letter addressed to the Right Honourable Sir James Graham, p.13; Spectator, April 13, 1844.
  3. See, Dodd, The Factory System Illustrated, pp.155-6.
  4. See, for example, London Illustrated News, March 4, 1843; and Edinburgh Review, Vol.79 (January 1844), pp.155-6.

prospects of our different colonies".<sup>1</sup> It was the religious courses which evoked a bitter controversy and almost removed any hopes of educating England on a national scale.<sup>2</sup> For most men a little extension of government interference in the abstract was a small price to pay for an educated working class; but, when government interference was described in actual clauses, it was discovered to be impossible to reconcile the religious denominations of the 1840's to any national plan.

The problem of the introduction of relays, which the Inspectors felt were necessary if the children were to receive any education, was not of great concern outside the Inspectorate. Horner, because of his overwhelming interest in educating the youngsters, favoured relays (except in moments of depression) from the beginning, as the only possible way of providing the children with

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1. Edinburgh Review, Vol.79 (January 1844), p.155.
  2. See, for example, An Analytical Digest of the Education Clauses of the Factories Bill, London: James Dinnis, passim.; E. Baines Jr., The Labour Clauses of Sir James Graham's Factory Bill, London: T. Ward & Co., 1843, passim.; Spencer Murch, Ten Objections against the Factories' Education Bill, in rhyme, London: T. Ward & Co., 1843, passim.; Morning Chronicle, March 16, 1843, March 27, 1843, March 28, 1843; Hansard, LXVII, 3rd series, pp.1082ff. (March 17, 1843), pp.1418ff. (March 24, 1843); Leeds Times, March 25, 1843; Manchester Times, March 25, 1843; Morning Post, March 29, 1843; Manchester Courier, April 8, 1843; Morning Advertiser, April 17, 1843, April 18, 1843; Bradford Observer, May 4, 1843; Globe, April 26, 1843; and Leeds Mercury, July 22, 1843.

enough time to attend school.<sup>1</sup> Howell, on the other hand, thought that as a system of relays demanded many complicated regulations for the masters, all children under thirteen would be dismissed.<sup>2</sup> The proposal was made that children work either in the morning or in the afternoon but not both, in an attempt to simplify relays.<sup>3</sup> Such a plan, according to its opponents, might be workable when the mills were running full time, but would be impracticable during short time. When the mill was working only six or eight hours a day, the wages would be too small to make a child's employment worthwhile. The more adamant opponents argued that any system of relays would bring up more children to the trade than could be employed as adults.<sup>4</sup> A few mill owners, especially in the remoter districts, were accused of using relays in order to provide themselves with a redundancy of labour which would mean low wages and no strikes.<sup>5</sup> The argument used by the silk mills to defend their

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1. L. Horner, Memoirs of Leonard Horner, Vol.II, p.14.

2. Parliamentary Papers, 1843, Vol.XXVII, No.335, p.339.

3. Ibid., p.347.

4. See, for example, ibid., 1842, Vol.XXII, No.441, pp.452ff.; E. Baines Jr., The Labour Clauses of Sir James Graham's Factory Bill, passim.; Leeds Mercury, March 18, 1843; and Parliamentary Papers, 1843, Vol.XXVII, No.289, pp.340-1.

5. See Parliamentary Papers, 1844, Vol.XXVIII, No.533, p.550.

exclusion from some provisions of the Bill was based on the supposed shortage of children available for relays.<sup>1</sup> Saunders denied the validity of the point by describing the situation in Derby where, although the masters had declared they could not find enough children to work relays, four more mills employing an extra 366 children were opened.<sup>2</sup> The employment of fewer children in 1839 than in 1836 was said to indicate that restrictions were causing hardship; it was felt in the Inspectorate that the simpler half-day employment would increase the number engaged.<sup>3</sup> In addition, Saunders quoted figures from his district to show that more children were being employed.<sup>4</sup> The Leeds Times, spurred on by its religious fear of state education, concluded:

The only remedy [to the problem created by relays] (that is, if the legislature must interfere in such matters), would be, to prevent children labouring until they were permitted to work full time, like their seniors. But all such interferences of Governments in matters of labour, trade, and commerce, are generally blunders. If the people were "let alone", and left to govern and take care of themselves, there would be no need for Sir James Graham to concoct bungling and despotic Factory Education Bills.<sup>5</sup>

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1. See Parliamentary Papers, 1844, Vol. XXVIII, No. 565, pp. 569ff.
  2. Ibid., pp. 571ff.
  3. Ibid., 1843, Vol. XXVII, No. 289, p. 329.
  4. Ibid., 1844, Vol. XXVIII, No. 533, p. 554.
  5. Leeds Times, April 8, 1843.

It was the desire to provide education which ensured that small children should be worked in relays or not at all.

A far more explosive situation was brewing as a result of the actions of as yet relatively few mill owners who were working a scattered twelve-hour day with shifts of young people.<sup>1</sup> Horner disapproved; with his usual candour he explained why shifts should be prevented, although they were not against the letter of the law:

It is the first instance of the kind [a mill working thirteen hours with shifts] that has come to my knowledge...but the possibility of its being practised ought to be provided against in an amending Act, for it would be productive of evil consequences. The limitation of all under 18 years of age to twelve hours of work daily had practically limited, in like manner, the work of all above that age in a great majority of cases; and this is held to have been a great improvement of the former practice of mills by the adult operatives generally. It might be prevented without any direct interference with adult labour, a principle which Parliament has hitherto acted upon in this Act, by prohibiting any young person between 13 and 18 years of age from being employed in any description of labour in or about the factory (except in making up lost time specially provided for), after the expiration of thirteen hours and a half, reckoned from the time of any young person first commencing work in the morning of the same day, of which thirteen hours and a half, one hour and a half shall be given for meals.<sup>2</sup>

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1. See Parliamentary Papers, 1842, Vol.XXII, No.337, p.429.

2. Ibid., 1841, Vol.X, No.161, p.177.

The Act of 1844 followed Horner's suggestion, but a legal loophole was unwittingly left, and after 1847 the use of shifts became the central point in the controversy.

Relays or shifts were only a device to keep the mills open; foreign competition was the most frequent justification of the need for long hours. It was claimed by those who opposed any restriction, or a restriction to fewer than twelve hours, that any such limitation would mean the ruin of Britain's ability to compete with other nations.<sup>1</sup> But, as Saunders pointed out, experience had shown that restrictions had not prevented Britain from competing and, in fact, retaining her dominant position.<sup>2</sup> The past showed that there was a flaw in the arguments of Ashley's opponents, and his supporters were not backward in finding explanations of the error. In a pamphlet, Walker and Rand stated that Britain was the nation which regulated European prices, and that in spite of continental tariffs to keep prices up, British products continually forced them down. Consequently manufacturers need not fear a slight rise in the cost of their exports.<sup>3</sup> The advocates of ten hours

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1. See, for example, speeches by Sir James Graham in Hansard, LXXIII, 3rd series, pp.1109-10 (March 15, 1844) and p.1490 (March 25, 1844); and speech by Milner Gibson in ibid., pp.1116-7 (March 15, 1844).

2. Home Office Papers, H.O.45(658).

3. W. Walker and W. Rand, A Letter Addressed to the Right Honourable Sir James Graham, p.7.

argued that Britain should not accept the same moral standards as other countries for the sake of commercial supremacy;<sup>1</sup> it would be as logical to claim that England should use slave labour because the United States did.<sup>2</sup> In any case, Prussia had passed protection for all under sixteen, and it appeared that France was also going to pass legislation.<sup>3</sup> Horner hoped that these examples might help to reconcile the manufacturers at home.<sup>4</sup>

The argument citing foreign competition was being attacked from a relatively new aspect:

But if (passing over the question of right and justice, which ought to be paramount) we must argue this subject on the ground of Political Economy, and we are able to shew that the limitation of labour in Factories to Ten Hours a day would make no material difference the cost of production, the argument about Foreign competition must fall to the ground.<sup>5</sup>

Nassau Senior had applied the spark to the controversy over the cost of production with the reissue of a work in which he calculated in great detail that all the profit from the manufactures came in the last hour of

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1. See, for example, T. Carlyle, Past and Present, pp.310-1.
  2. See speech by S. Crawford in Hansard, LXXIV, 3rd series, p.636 (May 3, 1844).
  3. W. Walker and W. Rand, A Letter Addressed to the Right Honourable Sir James Graham, pp.11-2.
  4. L. Horner, On the Employment of Children, preface.
  5. W. Walker and W. Rand, A Letter Addressed to the Right Honourable Sir James Graham, p.7.

the twelve-hour day. Consequently, if the Government prevented two hours labour, it would destroy all the profits acquired by current prices and wages. To compensate for shorter hours, the masters would have to increase prices and reduce wages out of all proportion to the extra leisure procured for the operative. The argument was based on the amount of capital which was sunk into the machinery of a mill.

'When a labourer,' said Mr Ashworth to me [Senior], 'lays down his spade, he renders useless, for that period, a capital worth eighteen pence. When one of our people leaves the mill, he renders useless a capital that has cost £100.'<sup>1</sup>

Having worked out his theory, Senior foresaw total destruction of commerce in Britain if hours were restricted to ten.<sup>2</sup> The book caused a bitter controversy which raged especially in the Spectator, the Morning Chronicle and The Times,<sup>3</sup> and was carried into the House where Milner Gibson became the most voluble exponent of Senior's theories.<sup>4</sup> They did not go unchallenged.

1. N.W. Senior, Letters on the Factory Act, p.7.

2. Ibid., p.25.

3. See Spectator, March 23, 1844; Morning Chronicle, March 25, 1844; and The Times, March 26, 1844. It is interesting that although the first edition was published in 1837, the controversy did not rage until the publication of the second edition in 1844.

4. See, for example, speech by Milner Gibson in Hansard, LXXIII, 3rd series, p.1112 (March 15, 1844).



The same argument had been used, it was claimed, to protest against the reduction of hours from sixteen to fourteen, and no one in the 1840's could believe it had been valid.<sup>1</sup> The Leeds Intelligencer used the fact that many mill owners kept going for short hours during the depression to disprove the proposition that it was impossible to make a profit in less than twelve hours.<sup>2</sup> Lord John Manners appealed to the pride and principles of the British manufacturer to reject Senior's theory:

It was saying to this country--it was affirming in the face of all Europe--that the whole secret of our vast manufacturing power lay in the one hour before sunrise, and in the one hour after sunset, which we snatched from the poor people of England. And this too, after all they had heard of the iniquity of protection! This, then, was the protection they would declare to be necessary for their manufacturing interests?<sup>3</sup>

Another defender of ten hours produced his own calculations to show that at the height of good times, 18% of the power and 15% of the hands were not being used, and therefore, with ten hours, all resources would be used and the same amount produced.<sup>4</sup> A similar argument was used by other proponents of Ashley's amendment: mills worked only ten hours a day on an average, so a Government

1. Speech by Marquess of Normanby in Hansard, LXXV, 3rd series, p.84 (May 31, 1844).
2. See Leeds Intelligencer, March 23, 1844.
3. Speech by Lord John Manners in Hansard, LXXVIII, 3rd series, p.1419 (March 22, 1844).
4. Letter to the Editor by J.C. Symons in Spectator, May 18, 1844.

regulation to limit the hours per day would only spread the work over the year and minimize the threat of slumps from overproduction.<sup>1</sup>

The Ashleyites had to defend themselves against the repeated charges of the opposition that they were legislating against the welfare of the operatives.

If justice compels us to admit that the Noble proposer [Ashley] and honourable supporters of the ten hours' amendment are prompted by feelings of humanity, truth equally compels us to say, that never was humanity associated with more utter deplorable ignorance of the subject on which they are seeking to legislate with such reckless haste.... Lord Ashley, and those who have acted with him... have succeeded in deluding--unintentionally we admit, but still not one whit less disastrously--the poor creatures whose hard destiny it is to labour in our many factories. They are giving way to the boundless joy at the prospect of having two hours struck off from the toils of the day, without one farthing being struck off the wages for the week. Where is the humanity of this? Could anything be more cruel?...The humanity of the Legislature, by lessening their hours of labour, has cut off their means of living. Lord Ashley's amendment, if embodied in a Bill, might with great propriety be entitled, "A Bill for aggravating the evils of the corn monopoly, by withholding from the already half-famished women and young persons in the factories, a sixth part of their present supply of bread."<sup>2</sup>

The opponents of the amendment had no doubt that wages would be reduced,<sup>3</sup> but they used different arguments

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1. See, for example, Leeds Intelligencer, February 17, 1844.
  2. Morning Advertiser, March 27, 1844.
  3. See, for example, speech by Sir James Graham in Hansard, LXXIII, 3rd series, p.1211 (March 18, 1844); Home Office Papers, H.O.45(657); speech by Lord Brougham in Hansard, LXXIV, 3rd series, p.201 (April 23, 1844); and speech by Ward in ibid., p.1035 (May 13, 1844).

to reach this conclusion and therefore differed as to the amount of the reduction. The Westminster Review quoted both price of the article sold and competition among the workers as two iron economic laws determining that wages would be reduced.<sup>1</sup> Graham argued that shorter hours would increase competition among the manufacturers by bringing more factories into operation, and the worker would be squeezed down.<sup>2</sup> He was skating on very thin economic ice, however, and it was more usual to argue on the grounds of foreign competition reducing wages,<sup>3</sup> or the interest demanded by capital forcing wages down.<sup>4</sup> Horner argued on the latter ground that, as a limit of eleven hours would mean a loss of £850 per annum in a mill of 520 hands, and of ten hours a loss of £1530, wages would have to drop 13% in the first instance and 25% in the second.<sup>5</sup> Cardwell explained to the House that any enactment would upset the balance of Britain's commercial greatness which depended on the fact that the "master-manufacturer paid the lowest wages, while the operative received the highest wages of

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1. Westminster Review, Vol.38 (October 1842), p.410.
2. Speech by Sir James Graham in Hansard, LXXIII, 3rd series, p.1490 (March 25, 1844).
3. See, for example, speech by Warburton in Hansard, LXXIII, 3rd series, p.1185 (March 18, 1844).
4. See, for example, Parliamentary Papers, 1842, Vol.XXII, No.337, p.415.
5. Ibid., pp.366-7.

any country in the world."<sup>1</sup> This paradox was explained by the British workman's being the best in the world and giving the master more for his money. Peel explained the views of the twelve-hour men in a letter to the Queen justifying the Government's stand:

[The] additional restriction of labour was opposed by your Majesty's servants on the ground that it exposed the manufacturers of this country to a very formidable competition with those of other countries, in which labour is not restricted; [and] that it must lead at a very early period to a great reduction in the wages of the workmen, as it is vain to suppose that their masters will give the same wages for ten hours' labour as they give for twelve....<sup>2</sup>

Ashley did not feel that it was vain because, as he pointed out, all the consequences foretold by the Government could not come true; profits could not fall, and wages be reduced, and prices go up, and foreign competition destroy Britain, although one or the other might happen.<sup>3</sup> Monckton Milnes explained that in political economy there were four influences on wages--population, capital, standard of living, and fluctuation of the price of necessities, and he did not feel that an alteration in one of them would produce disastrous results.<sup>4</sup> The Leeds Intelligencer attacked the Mercury

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1. Speech by Cardwell in Hansard, LXXIII, 3rd series, p.1413 (March 22, 1844).
  2. C.S. Parker, Sir Robert Peel, 3 vols., London: John Murray, 1899, Vol.III, pp.147-8.
  3. Speech by Lord Ashley in Hansard, LXXIV, 3rd series, p.901 (May 10, 1844). See also speech by Lord John Manners in Hansard, LXXIII, 3rd series, pp.1419-20 (March 22, 1844).
  4. Speech by Monckton Milnes in Hansard, LXXIII, 3rd series, pp.1400-1 (March 22, 1844).

by reducing the latter's argument based on Senior's theory ad absurdum to arrive at the conclusion that if a mill were reduced to running quarter time the operatives should pay for the privilege of working there.<sup>1</sup> The accusation was levelled at the manufacturers of preferring twelve hours to ten because they used the periods of glut to lower wages.<sup>2</sup> The ten-hour day would end this abuse, and although weekly wages might drop, the yearly ones would be the same.<sup>3</sup> Saunders reasoned that although individual wages might drop slightly, the over-all wages paid to the workers would not change and the working class as a whole would be as well off as formerly.<sup>4</sup> Even Horner, in spite of his gloomy predictions, had to admit that with the increasing introduction of machinery, wages became of less importance in reckoning the cost of production.<sup>5</sup> It was admitted by a considerable number that wages might be reduced a little; Buller calculated 21% for individuals and 9% for the whole class.<sup>6</sup> Every speaker who took this view

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1. Leeds Intelligencer, April 27, 1844.

2. See W. Walker and W. Rand, A Letter Addressed to the Right Honourable Sir James Graham, p.8.

3. See ibid., p.9, and speech by Sir Robert Inglis in Hansard, LXXIII, 3rd series, p.1431 (March 22, 1844).

4. Parliamentary Papers, 1843, Vol.XXVII, No.335, p.360.

5. Ibid., 1842, Vol.XXII, No.337, p.415.

6. Speech by Charles Buller in Hansard, LXXIII, 3rd series, pp.1444-5 (March 22, 1844).

assured his opposition that the workers realized there would be a reduction and were willing to accept one.<sup>1</sup> It would seem doubtful from the speeches of Oastler and Stephens whether such was really the case. Political economy had not provided a simple law governing wages, and perhaps more confusion was exhibited upon this one question than upon any other; all men argued according to "the rule of political economy" and all men proved their own predilections to their own satisfaction.

If Factory Legislation was justified, adult women protected, private mills regularly inspected, and a ten-hour day for all men nearly won, the role of the Government must be taking on new dimensions in the eyes of the thinkers and legislators. Although it was true, according to the Westminster, that the Government had lost the confidence of many people by interfering unwisely, the periodical felt that such an attitude was unhealthy:

Long after a government has ceased to do evil it is left powerless for good by the universal distrust with which it is regarded. The people have yet to learn to place confidence in their own

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1. See, for example, speeches by Sir George Grey in Hansard, LXXIII, 3rd series, p.1199 (March 18, 1844); by Lord Feversham in Hansard, LXXIV, 3rd series, p.202 (April 23, 1844); by Muntz in ibid., p.975 (May 10, 1844); by McGeachy in ibid., p.1039 (May 13, 1844).

servants, and to support, when needed, in their persons their own authority, instead of seeking to overturn it as that of tyrants or masters.<sup>1</sup>

By 1842, the Review felt that "all consideration of humanity aside, it is the duty of society to protect itself from being defrauded out of the health and moral energies that may thus be destroyed" by overworking the children.<sup>2</sup> It was but a short step to the conclusion that laws could justifiably rest "on the sound principle that it is the duty of a Government to protect the weaker part of its subjects against the possible abuse of power by the strong."<sup>3</sup> Gradually the sphere of Government activities was widened. It is ironical that the group of men who were opposed to Government interference in any aspect of commerce and industry on logical theoretical grounds were most often supporters of non-sectarian education for the nation provided by the Government.<sup>4</sup> The Westminster Review assigned the Government three spheres: education, sanitation and police.<sup>5</sup> Those who were strong advocates of emigration added that

1. Westminster Review, Vol.34 (September 1840), p.191.

2. Ibid., Vol.38 (July 1842), p.87.

3. W. Cooke Taylor, Factories and the Factory System, p.102.

4. See, for example, N.W. Senior, Letters on the Factory Act, p.18.

5. Westminster Review, Vol.40 (August 1843), p.115.

to the Government's responsibilities.<sup>1</sup> The Morning Advertiser feared this trend towards increased Government activity; in a strong editorial, the paper pointed out that underlying the recent legislation was the question:

what is to be the extent of the power of Government in this country; that is, whether a Cabinet of Crown Counsellors is so to modify or constitute the national sense, that the national sense will have no other existence than what her Majesty's Counsellors shall decree it may have?

We say, this is the question at the bottom of the several propositions at present current. It is apparent and certain, that the great liberal party--from whom, as a matter of course, we exclude the Whigs--do not object to the education of the people, or to colonization, as principles at one with their recognized doctrines; but the sense in which they oppose these measures is the extent of governmental interference.<sup>2</sup>

But fear arising from the demoralized condition of the larger proportion of the population was overcoming fear arising from the increased activity of the Government. Saunders stated in his report that the necessity of interference was no longer doubted;<sup>3</sup> the Spectator summed up the trend of the last decade in an editorial on April 13, 1844:

[The spectacle of England's condition] has become revolting to humanity; and hence the new faith--which is, that it is the proper business of the ruling order to take some care of those who

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1. See, for example, The Employer and the Employed, p.29.

2. Morning Advertiser, April 19, 1843.

3. Parliamentary Papers, 1843, Vol.XXVII, No.289, p.321.



can take little or none of themselves... [T]he proposed interference by law bears no resemblance to monopolies, or bounties, or "commercial policy" duties, but is like the protection which the law affords to minors against their own improvidence, and to all the industrious classes by the political institution of Sunday.<sup>1</sup>

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1. Spectator, April 13, 1844.

## CHAPTER FOUR

### I

The moral victory in 1844 had been Ashley's; Graham's threat of resignation had won him a respite, but it was obvious that ten hours for women and children could be granted in the near future. This common expectancy set the tenor of the debates in the following three years. The opponents of interference, or at least of further interference, bringing forth all the tired arguments of commercial ruin, made a desperate, last attempt to draw a clear line between free male adult labour and all other labour. Some proponents of the Ten Hours Bill either accepted this distinction theoretically or ignored it, since in practice convenience was tending to produce a uniform day for all operatives over the age of thirteen. But others felt the need to reconcile interference, direct or indirect, with their political beliefs. The achievement of Repeal in 1846 accelerated the reinterpretation of Laissez-faire which had been taking place. To those who had accepted the necessity of Factory Legislation it made more obvious the limitations

to the doctrine of the classical economists, and more urgent the need to justify those limitations; only thus could be guaranteed the continued movement towards Free Trade, which, so many believed, was essential to ensure the increasing prosperity of industrial Britain. The Act passed on June 8, 1847<sup>1</sup> did not introduce any new provisions for regulating the mills; it substituted in the clauses of the Act of 1844 the word ten for the word twelve.<sup>2</sup> Thus, the prosperity of Britain and the happiness of the operatives were, for the men of 1847, dependent upon one word.

The agitation in the North continued along the lines which experience had shown to be most effective. A lull after the passage of the Act in 1844 was prolonged by Oastler's temporary retirement from active participation in the Ten Hour Movement on the death of his wife in 1845. The movement was stimulated by the publicity given to the successful experiment of a ten-hour day in Mr. Robert Gardiner's mill at Manchester. Ashley took advantage of the renewed interest to introduce a Bill for ten hours on January 29, 1846. Events moved rapidly in the House. Ashley resigned after his conversion to

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1. 10 & 11 Vict., c.29.

2. Sec. 2.

Free Trade; Fielden took over the management of the Bill; on April 29, the Bill was postponed for six months by a majority of ten votes; during that time Peel resigned, and Lord John Russell became Prime Minister. The ascension of a confessed ten-hour man to the head of the Government was the final encouragement needed by the Short Time Committees.

The Lancashire Central Committee, strongly supported by Philip Grant's newspaper, The Ten Hours Advocate which first came out on September 26, 1846, prepared for a final all-out drive. Returning to the fray, Oastler immediately began organizing weekly town meetings, larger monthly meetings and monster demonstrations. At the same time, Ashley began yet another tour of Lancashire to solicit support for Fielden. In retaliation the Halifax employers under the leadership of the Ackroyd family asked all workers to sign a document stating their preference for twelve hours over eleven hours and less wages. But the movement could not be damped so easily after sixteen years' experience. By mid-August, Lancashire and Cheshire were in full cry; in late October all the West Riding Committee delegates met at Brighouse to determine on their campaign and to ask Oastler to lead them. Oastler was not the man to refuse or to do a half-hearted job. The mass meetings

started at Huddersfield in the first week in November, and nine more followed in the North Riding in the next three weeks. Here was conclusive proof that the Northern operatives had lost none of their determination to achieve a ten-hour day.

Fielden then requested Oastler to go to Scotland to sound opinion there, because the Scottish Members were providing opposition in the House. Oastler arrived on December 10 and rapidly organized meetings in Glasgow, Paisley, Dundee and Edinburgh. He won many supporters, including his most important convert, the popular divine, Dr. T. Chalmers, and set up the first Edinburgh Ten Hours' Committee.

Back in England, the Committees realizing that the vote in the House was going to be close, sought to mobilize public opinion so that the greatest pressure would be exerted upon the largest possible number of members. Supporters were urged to obtain petitions from every workshop and factory in the North and as much support as possible from the trades. Local committees were instructed to set up funds for delegates to help Fielden by lobbying in London. "An Appeal to the Nobility and Gentry of England" was launched. The workers spared no effort to denounce publicly all opposition, particularly Hindley's move for an eleven hours' compromise.

Ashley was still touring the North; scores of meetings were held; hundreds of petitions collected and sent; and Oastler was writing open letters from London where he was lending his personal support to Fielden. Bright attacked Oastler who then challenged the former to a debate in the Free Trade Hall at Manchester. When Bright declined, Oastler roared against those Repealers who had argued that the Corn Laws added two hours to every working day, but who, after Repeal, refused to help the workers.

In January 1847, the Rev. C.D. Wray, Senior Canon of Manchester, presided over a huge meeting at which Ashley was the guest speaker. The ten-hour men set up an office off the Strand to organize delegations to visit M.P.'s. Every Member received a personal letter; before each division, a whip went around asking every supporter to be in his seat; and summaries of arguments which might be used were circulated. The second reading passed the House on February 10, by 112 votes. The Chancellor of the Exchequer, Charles Wood, voted in opposition to Russell; Graham gave his vote with the qualification that he would later move an eleven-hour amendment. Every Short-Time Committee sent Lord John a letter of thanks including a request to prevent future mutilation of the Bill. Extra delegates went to see him, and additional petitions were gathered from the

clergy. The motion to go into Committee of the House was carried by only 19 votes but the eleven-hour amendment was defeated, 146 to 68, because Peel and his followers abstained. The Bill was now safe; backed by Russell and Grey it passed the third reading on May 3, by 63 votes. The next day Fielden, Disraeli, Lord John Manners, Ferrand and seventeen other M.P.'s carried it to the House of Lords where with the support of the Bishops it passed through the final stages.

A meeting of thanks with Ashley in the chair was attended by the parliamentary supporters and factory delegates at the King's Arms Hotel, New Palace-Yard, London; the Manchester delegates held a festival on June 7, in the Free Trade Hall. When the two central Short Time Committees of the North heard that the Bill had received royal assent, they knelt in prayer. The 3,000 employees of Mr. William Walker attended a banquet given by him to mark the occasion. The struggle seemed to be over. To show their appreciation, the workers sent four influential members to Bath to help Ashley defeat Roebuck in the Autumn election there. But the curtain was to rise again on this drama; the next few years were to see a renewal of the bitter struggle which Britain had thought ended in 1847.

## II

While in the North the agitation was following a well-worn path, the Inspectors were still clearing the ground on which they carried on their work. The Act of 1844 was a landmark in the development of the Inspectorate. It had made provision for a permanent office ultimately under the authority of the Home Office but directly under the control of the Inspectors.<sup>1</sup> A clerk and a messenger had been appointed at £150 per annum and one guinea a week respectively. Unfortunately for the first five months nobody in the office received any salary. A letter was dispatched to Manners Sutton in April 1845 explaining the penniless state. The Home Office replied that accounts were to be rendered up quarterly "in order that direction may be given by the Lords of the Treasury for the payment thereof."<sup>2</sup> This procedure, followed for all expenses from then on, greatly stabilized the Inspectors' position.

The Act also had an indirect effect which introduced a practice new in administration policy. The additional regulations in the Act of 1844 and the inclusion of Print and Rope works by an Act of 1845 added greatly to the time which the Inspectors and Superintendents

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1. Home Office Papers, H.O.45(655).

2. Ibid., H.O.87(1).



had to spend on tours of inspection. Once more the Inspectors pleaded on behalf of their Superintendents, but no longer for a simple increase in salary.<sup>1</sup> Horner suggested that the salaries should be reduced to £300 a year but travelling and food and lodging expenses allowed. He pointed out that it was not in the interests of the public service that the Superintendents should be anxious to return home every night in order to save money. The Home Office replied that the only precedent was the Inspectors of Prisons; although they were allowed travelling expenses, there was no question of allowing money for bed and meals. The Inspectors retorted that there was no comparison between the salaries received by the two types of Inspectors, as the Factory Superintendents were grossly underpaid. The Home Office foresaw all manner of fraud arising out of a personal expense account, but when the Inspectors agreed to check personally every item of the accounts submitted by their Superintendents, and when it was agreed that the Superintendents should sign an oath on the bottom of the accounts that they were not attempting to defraud the Government, the Home Office gave way. Henceforth the Superintendents received £300 per annum, travelling expenses, and 12s. for every

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1. Minutes, November 28, 1844. The controversy with the Home Secretary over salaries can be traced in successive entries in the Minute Book.

night they were compelled to spend away from home on their tours of inspection.

The practical difficulties of administration were slowly being ironed out, but the problems of applying the Act were still numerous. The Home Secretary insisted on maintaining his control over the means used to enforce the Act. When the Joint Report was used as a vehicle to appeal to Parliament over the Home Secretary's head, the Inspectors received a curt rebuff. Manners Sutton wrote to tell them, in the name of the Home Secretary, that if their Joint Report was intended for the information of the Home Secretary, it was unnecessary to publish the letters he had sent to them; if it was intended for Parliament's information, it was "irregular and inconvenient" to publish the letters.<sup>1</sup> The Inspectors had to get the approval of the Home Office every time they appropriated money paid in fines for educational purposes.<sup>2</sup> The Home Secretary's interpretation of a clause was frequently asked and sometimes received. Often the legal opinion of the Lord Advocate or the Law Officers of the Crown was sent, but sometimes the Inspectors were abruptly informed that the Act was quite clear.<sup>3</sup>

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1. Home Office Papers, H.O.87(2).

2. Ibid.

3. Ibid., H.O.45(1423) and H.O.45(1421).

The more frequent co-operation of the mill owners after 1844 did not compensate, in the eyes of the Inspectors, for the loss of power under the Act of that year to issue instructions.<sup>1</sup> The Inspectors were now forced to rely on a favourable decision by the Law Officers of the Crown, and to hope that the magistrates would pay attention to such decisions.<sup>2</sup> In an attempt to clarify the responsibility of the mill owners for damages to be paid to an injured employee, the Act of 1844 included a clause covering "bodily harm". But in April of 1846, Saunders wrote to the Home Secretary asking for legal advice on the refusal of some magistrates in his district to assign compensation in the case of a man's having been killed at work.<sup>3</sup> Much to the exasperation of the Inspectors, the Law Officers decided in May of that year that the Act did not apply in cases of instantaneous death; death could not be considered a case of "bodily harm" within the meaning of the Act.<sup>4</sup> The Inspectors remained powerless to obtain protection for the workers under such conditions until steps were taken when Lord Palmerston was Prime Minister.

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1. Minutes, July 26, 1844.

2. An example of trouble with the magistrates is recorded in Minutes, December 12, 1845.

3. Home Office Papers, H.O.45(1421).

4. Ibid., H.O.87(2).

The Act of 1844 eased one of the more urgent problems of the Inspectors--the question of age certificates. Not until birth registration had become universal in Britain would the problem be finally laid to rest, but the right to appoint certifying surgeons went far to mitigate the trouble. The Inspectors tried to choose reliable surgeons, and on the whole it was felt that the possession of a birth or baptismal certificate signed by an appointed surgeon or an age certificate authorized by him was as foolproof a guarantee as could be expected.<sup>1</sup> These surgeons could also be paid by the Inspectors to investigate and report on accidents in the mills. With double duties they often visited the mills every two weeks and thus helped materially in clearing up the difficulties both of age limits and accident responsibility.

But no sooner were these two problems being brought under control than a third one began to assume huge proportions. The use of relays in the 1840's introduced perhaps the most frustrating and exasperating problem which confronted the Inspectors. The question grew in importance after women were protected under the Act of 1844 and became acute after the hours were further restricted to ten a day in 1847. In 1844 it was stated

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1. Parliamentary Papers, 1846, Vol. XX, No. 565, p. 587.

that the hours of work were to be "reckoned" from the time when the first young person commenced work, and that all meal times were to be given during the same "period of the day". In January 1845, Saunders asked Graham to submit a case to the Law Officers to determine whether or not the work "reckon" implied "continuously".<sup>1</sup> If the time was reckoned continuously, then the factories could not employ any young person twelve hours after the first one had entered the mill; but if the hours were not to be reckoned continuously, then the young people could finish work at different times. The same problem attached to the meaning of the phrase, "period of the day". Did the phrase mean specific hours, or could it be interpreted loosely to mean morning and afternoon? The Inspectors claimed that the latter interpretations would make it quite impossible to detect illegalities in the system. Graham refused to submit the question to the Law Officers,<sup>2</sup> saying that the Act was clearly worded, but not giving any interpretation.<sup>3</sup> He altered his stand in April 1845, and wrote to the Inspectors "that in no case can a Factory work more than 12 hours to be reckoned from the time when any child or Young

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1. Minutes, January 21, 1845.

2. Ibid., January 27, 1845.

3. Home Office Papers, H.O.87(2).

person first began work in the Factory on the same day".<sup>1</sup> The trouble reached its peak in Horner's district where the magistrates refused to impose fines even in the face of the decision of the Home Office. Since there was no appeal to a higher court by either party in a case where the fine was less than £5, the Inspectors were powerless if the magistrates refused to convict in cases of infringement. This situation put the Inspectors in an impossible position and caused much friction within the Inspectorate. The Act of 1847 aggravated the problem.

The friction in the Inspectorate over relays was intensified by their relation to the practicability of providing education.<sup>2</sup> The problem was compounded by the requirements of the Print Works Act that the children have a minimum of education before they could be hired.<sup>3</sup> But although the Inspectors were influential, the decision as to the hours of labour was not in their hands. The provision of schools, however, was to a certain extent under their control, for they were allowed to use the money obtained from fines to help existing schools or to establish new ones. The Inspectors were very

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1. Minutes, April 4, 1845.

2. Ibid., December 31, 1846 and January 5, 1847.

3. Ibid., May 20, 1847; Parliamentary Papers, 1847, Vol.XV, No.441, p.451 and p.454.

dissatisfied with the state of education. Howell desired greater powers to disallow incompetent schools and thereby force the mill owners to provide better ones.<sup>1</sup> Horner reported that the public was simply not aware of the need to have qualified teachers instructing the children.<sup>2</sup> Saunders added his voice to the general complaint:

A large number of the schools are still wholly inefficient for the purpose of instructing the children in their duty, or for exercising any beneficial influence over their moral or religious principles. In many of these cases, the Inspectors of Factories cannot interfere, because the teachers are not 'grossly ignorant', nor of 'immoral conduct', and do contrive to 'fill up and sign the certificates of school attendance'.<sup>3</sup>

To men keenly aware of the necessity for education, such conditions only made them more zealous to use their powers to the limit in bringing more children into satisfactory schools.

It is clear from the reports that the Act of 1844 had pleased the Inspectors.<sup>4</sup> Their duties were becoming more routine through experience, and conditions were gradually improving. There was only one outstanding problem which the Inspectors could see little hope of

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1. Parliamentary Papers, 1846, Vol.XX, No.611, p.618; ibid., 1847, Vol.XV, No.489, p.495.

2. Parliamentary Papers, 1846, Vol.XX, No.611, p.614; ibid., 1847, Vol.XV, No.489, pp.490ff.

3. Parliamentary Papers, 1846, Vol.XX, No.611, p.625.

4. Parliamentary Papers, 1845, Vol.XXV, No.431, p.438, p.458 and p.466.

remedying, even by Act of Parliament; even Stuart mentioned it. He reported that the new Act was highly satisfactory, and he was bringing more informations against mill owners now that the regulations were simpler and clearer. Unfortunately, he added, the magistrates inflicted the smallest fine possible except when a mill owner sued a newspaper for libel and the paper had to pay £500 damages.<sup>1</sup> It would take time for Factory regulation to win complete approval and for the magistrates to come over to the side of the Inspectors.

### III

In general the country was being won over to an approval of Government interference in the factories, although in specific cases feeling might still be with the individual who was protecting himself against the inquisitorial hand of the State. There was no longer much controversy over conditions in the factories; the Inspectors' reports by giving a balanced picture of factory labour tended to concentrate discussion on specific abuses. The Leeds Times continued to describe incidents of cruelty or abuse,<sup>2</sup> but for the most part such attacks on the mills were outdated by 1844. The

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1. Parliamentary Papers, 1845, Vol. XXV, No. 431, pp. 484ff.

2. For example, see Leeds Times, January 30, 1847.



Economist after its founding in 1843, became the champion of the factory system. It extolled the happy lot of the workers and pointed out that the operatives now had time to organize themselves "to obtain such a remote and speculative object as an artificial limitation to the working of the mills"<sup>1</sup> to prove that the wolf was no longer at the door.

The Economist also sang the praises of machinery. "That machinery--the beneficent operation of which such agitators as Mr Oastler and Mr Ferrand would abridge, is equivalent to a whole continent of virgin soil."<sup>2</sup> Throughout the decade, the periodical continued to defend machinery against any suggestion that a limitation should be imposed on its use.<sup>3</sup> Nor was it alone in this crusade.<sup>4</sup> The country might have been prepared to limit the hours of children and indirectly to affect the hours of all labourers, but it was not prepared for such a blatant interference with industry as a direct control of machinery. The Globe was roused to deliver a tirade at the suggestion that machinery be stopped:

1. Economist, December 12, 1846.

2. Ibid.

3. For example, ibid., October 31, 1846 and November 28, 1846.

4. See, for example, Leeds Mercury, March 14, 1846; Westminster Review, Vol.47 (April 1847), p.252.

In the first place, every one knows, who is conversant with the working of steam-machinery, that it suffers more while it stands idle, than while it is kept at work. But, in the second place, how can 5 per cent. possibly cover the loss on this fixed capital? It is not merely the interest on its amount, that requires to be calculated, but the profit which must be realized on its working, in time to provide for its replacement. And this must not be calculated from the wear and tear of the machinery, but from the chances, or rather the certainty, that within a few years, or a few months, improvements will be made, which will render comparatively valueless the machinery previously in use.

The grand mistake of all who agitate this question on the restrictive side is, that the mechanical power is subministrant to the manual, and must not be suffered to hold the mastery. The fact is exactly the contrary. The machine-power represents the mind of the concern. Humans just perform light jobs in pleasant surroundings,... functions to which it is a perfect derision to compare the toilsome operations of manual cottage-industry. or the field labour of rural districts, beginning with the dawn of day, and pursued all day, and in all weathers, by the youth on the estates of the landed gentlemen, zealous for factory restriction.

To stop machinery would be to run the risk of losing trade;...the 'risk' we are called on to incur is not that of losing an advantage purchased at a profligate cost of life, health, or morals,-- but a source of employment advantageous in all these respects over any which amateur legislation will leave us instead.<sup>1</sup>

The opposition was too strong for a limitation on machinery ever to become a serious threat to the mill owners.

A new element was introduced into the controversy by the successful experiments carried out in some mills,

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1. The Globe, March 18, 1847.

notably Mr. Gardiner's at Preston and Mr. Marshall's at Leeds, of reducing the hours of labour below twelve. One obvious conclusion was that if these mills could run profitably for ten or eleven hours, then a universal restriction was practicable. But the other side of the coin gave encouragement to those men who argued that the Government should leave industry alone. Graham pointed out in debate that if restriction could come voluntarily, there was no need for the Government to step in.<sup>1</sup> The Leeds Mercury eagerly supported this contention,<sup>2</sup> and Labouchere added the thought that the experiment had worked only because it was voluntary and would fail if either the masters or the workers were compelled to limit their working day.<sup>3</sup> The Economist provided the classical theoretical justification for voluntary action:

A diminution of toil, and a better distribution than now obtains of the annual produce of labour and capital, can never be brought about by a law which expressly goes to limit production, and make those who now keenly contend for a large share of all that is produced, contend still more keenly for a smaller quantity. Mr. Oastler, however, will not trust the masters, and will not trust the men, to improve, by voluntary and mutual agreements, their own conditions. He will trust nothing to

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1. Speech by Sir James Graham in Hansard, LXXXVIII, 3rd series, p.395 (January 29, 1846).
  2. Leeds Mercury, March 14, 1846.
  3. Speech by Labouchere in Hansard, LXXXVI, 3rd series, p.482 (May 13, 1846).

human nature, unless it operates through an act of parliament. He will have one after his own heart, to limit the masters to ten hours. Is that anything but over weening self-conceit of the individual, and mistrust of all other men? It is the holier-than-thou principle in its most aggravated form, "all the manufacturers and labourers are great sinners, and must not be trusted to the guidance of their own self-interest," is the palpable [sic] creed of King Oastler. If he and the factory operatives would only open their eyes and look abroad, on the vast mass of human affairs with which legislation never interferes, they might perhaps begin to believe that the mill-owners and their men could safely be allowed to deal with each other, without the interference of an act of parliament.<sup>1</sup>

A further argument in favour of voluntary action was that no Bill could be successful if the masters did not concur in its passing and co-operate in its application.<sup>2</sup> In reply to the threat from the ten-hour men that the workers would combine to force a ten-hour day if an Act was not passed, it was argued that it was better not to legislate and to allow the men to achieve their goal by voluntary action.<sup>3</sup> Even Bright took this tack against his opponents and accused them of advocating unnecessary legislation because shorter hours would come voluntarily within five years.<sup>4</sup> The Leeds Intelligencer immediately attacked Bright for what it deemed his inconsistency. If he really believed that factory hours

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1. Economist, December 12, 1846; see also ibid., October 31, 1846.

2. Speech by Fox Maule in Hansard, XCI, 3rd series, pp.119-20 (March 17, 1847).

3. See speech by T.M. Gibson in Hansard, XC, 3rd series, pp.796-7 (March 3, 1847).

4. Speech by Bright in Hansard, LXXXVI, 3rd series, p.1059 (May 22, 1846).

would be shortened, he could not expect all the dire consequences of legislation which he had foretold.<sup>1</sup>

In addition there were many men who agreed with Saunders:

The system [of shorter hours]...so generally, I may say universally approved, as practically beneficial as well to employers as employed, had been long practised by a large and influential body of mill-occupiers; nevertheless, I do not believe there is a single individual who had been acquainted with the proceedings in these cases,... but will allow that it would have been vain to hope either restriction on children or on women would have become general, or could have been enforced, without a legislative provision on the subject.<sup>2</sup>

The conviction which this argument carried depended on whether the hearer felt that the earlier Acts had produced benefits.

There was not unanimity on the subject of the good derived from government interference. Hume stated flatly that the Acts had produced harm.<sup>3</sup> Other voices in the House were raised to claim that Ashley's philanthropy had beggared many working class families<sup>4</sup> and driven children out of the pleasant mills into worse trades.<sup>5</sup> Bright denied the validity of the argument based on the

1. Leeds Intelligencer, May 30, 1846.

2. Parliamentary Papers, 1846, Vol.XX, No.565, p.591.

3. Speech by Hume in Hansard, LXXXIII, 3rd series, p.401 (January 29, 1846).

4. See speech by Bickham Escott in ibid., p.403 (January 29, 1846).

5. See speech by Bouverie in Hansard, XCI, 3rd series, pp.144-5 (March 17, 1847).

innocuousness of former Acts, because mills had never worked regularly more than twelve hours, and therefore the Acts had not imposed any real restriction.<sup>1</sup> Roebuck warned the House not to be led away by the experience of the last few years:

Why, what did that experience prove, but that they had enjoyed a great increase in the demand for labour? But, supposing that the great changes which they were all anticipating [from Repeal], by some accident did not take place, and then the demand for labour should fall off; they would see, in spite of their legislative attempts, that labour would not be employed, that wages would rapidly fall, and that the operative would be a sufferer instead of a gainer by their philanthropy.<sup>2</sup>

In spite of this admonition, men looked to the past to judge the future and frequently found there encouragement.<sup>3</sup> Saunders reported that employment in his district was increasing although trade was bad,<sup>4</sup> and the workers were better off than at any time in the last six or eight years.<sup>5</sup> Horner reported that everyone, employed and employer, was content under the new Act:

I consider that it may now be safely affirmed, that the nearly twelve years experience of the Factory Act has solved a very important problem, by proving that, under a judicious adaptation of means with

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1. Speech by Bright in Hansard, LXXXVI, 3rd series, p.1056 (May 22, 1846).
  2. Speech by Roebuck in Hansard, LXXXIII, 3rd series, p.405 (January 29, 1846).
  3. See, for example, speech by Wakley in Hansard, LXXXVI, 3rd series, p.1048 (May 22, 1846).
  4. Parliamentary Papers, 1847, Vol.XV, No.489, p.498.
  5. Ibid., 1845, Vol.XXV, No.431, p.477.

special reference to the nature of employments, it is practicable to check, by legislative interference, the excesses and moral evils which an unrestrained pursuit of gain has a tendency to create, more particularly as respects children and adolescent females, without injury to commercial interests.<sup>1</sup>

The Inspectors' opinions naturally carried weight in the House.<sup>2</sup>

There was another opinion gaining ground in the House which affected the fortunes of the ten-hour demand. It was clear by the beginning of 1846 that Repeal was assured.<sup>3</sup> The Spectator and the Westminster Review, for example, accepted Free Trade as the commercial wish of the country.<sup>4</sup> For such opinion as that represented by the latter periodical, Repeal would mean increased prosperity for every class in Britain, and by implication, the end to the need for restrictive measures.<sup>5</sup> Other

1. Parliamentary Papers, 1846, Vol.XX, No.565, p.568.
2. See, for example, speech by Colquhoun in Hansard, LXXXVIII, 3rd series, p.404 (January 29, 1846).
3. See, Remarks as to measures calculated to promote the welfare and improve the condition of the Labouring Classes; and to provide for the Maintenance of the Increasing Population, more particularly in connexion with the Future Prospects and the Interests of Landed Proprietors and Agriculturists, by a Member of the Aristocracy, London: W.H. Dalton, 1845, p.8: "It may be safely affirmed that the spirit of the age is opposed to protective-laws; we cannot long contend successfully with the spirit of the times in which our lot is cast."
4. Spectator, May 10, 1845; Westminster Review, Vol.45 (March 1846), p.225.
5. Westminster Review, Vol.46 (October 1846), pp.123ff.

advocates of Repeal felt that increased prosperity would allow the House to give increased protection to the working class.<sup>1</sup> The Morning Chronicle wrote that when the Corn Laws had been repealed, the ensuing prosperity would lead men to seek social instead of political reform and thus create a better and more stable society.<sup>2</sup> Speaking at a Short-Time meeting in Preston, Lord Ashley justified his resignation from Parliament:

He had been compelled to abandon his seat in Parliament--but he thought only for a time--to preserve his consistency; an act which he considered had done more for the final consummation of the Short-time question than he could have done had he remained in Parliament and voted with his implied pledges on the subject of the Corn-laws. 'For when we shall have the trade of the country as free as air, I ask what man will be bold enough to stand up before such an assembly as this, and say that he was under the necessity of keeping up the hours of labour, because he shrunk from foreign competition, under the existence of a law of which the effect was to keep up the price of bread?'<sup>3</sup>

Lord Morpeth was not such a man; he supported a further restriction of the hours of labour in 1847 because he had said he would do so if Repeal was carried.<sup>4</sup> Other men were bolder. The Morning Chronicle began to hedge as soon as Repeal was accomplished. It rejected the argument that now was a propitious time to lighten the

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1. See, for example, speech by Wakley in Hansard, LXXXVI, 3rd series, p.1046 (May 22, 1846).
  2. Morning Chronicle, May 23, 1846.
  3. Quoted in the Spectator, March 7, 1846.
  4. Speech by Lord Morpeth in Hansard, XC, 3rd series, pp.784ff. (March 3, 1847). He did, however, hedge at first (Hansard, LXXXVI, 3rd series, pp.1023ff. (May 22, 1846)).



load of the operative.

We dare not say that it is impossible--but it is somewhat early in the day to embody these pleasant anticipations of the possible or probable results of our free-trade policy in the shape of an act of Parliament....Actually we are wanting to eat the fruit before we have quite planted the tree.... Because commercial freedom decidedly tends to enable the operative to make better terms for himself with the capitalist, and may eventually render abridged hours of labour a feasible and satisfactory arrangement, we cannot so much as wait till one branch of the Legislature has passed a Free-trade Bill, but must begin forthwith cutting down work and wages by act of Parliament.

We have a clear faith in the natural tendency of free-trade to lighten the toils and ameliorate the conditions of industrial life. We quite expect that, as the operations of important and beneficent changes now in progress gradually develop themselves, they will result in circumstances which will render shorter hours of labour desirable and safe. But we do most fervently protest against this attempt to jump to a conclusion, and ante-date nature by act of Parliament--this gross neglect of the dangers and difficulties incident to a state of transition.<sup>1</sup>

The Economist reported scornfully that one effect of the abolition of the Corn Laws was to make "the least reflecting and most impassioned of the landowners the warm advocates of some of the manufacturing operatives."<sup>2</sup> The wrath of the ten-hour advocates, especially those who had supported Repeal, was heaped on the unfair tactics of those who had attempted to win the worker and then abandon him.<sup>3</sup> The Times wrote an angry editorial ending with

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1. See, for example, the Morning Chronicle, May 13, 1846.

2. Economist, February 20, 1847.

3. See, for example, speech of Lord John Manners in Hansard, LXXXVI, 3rd series, p.499 (May 3, 1846).

the words:

What is cheap bread good for, if it does not effect a diminution of toil? Rest and leisure are among the first objects of wealth....Free trade is to give a better income to the whole nation; it promises a better master, a more abundant market, and a more extensive custom. It ought, then, to raise the working-class, and give them a little more time for physical rest, for instruction, and for recreation--more time to live, and more time to die.<sup>1</sup>

The Anti-Corn Law Leaguers were reminded that they had shown how to get Bills passed by outside agitation and that the workers would use the same methods if their Bill was postponed.<sup>2</sup> The pendulum was inexorably swinging towards the ten-hour day; the Westminster Review was at a loss to comprehend the movement:

Twelve months ago the principles of political economy had achieved a signal triumph. Free trade, as affecting industry and food, was adopted as a government measure, and appeared to be understood. The delusion has vanished; the victory was that of Richard Cobden, carrying with him the sympathies, but not the understanding of the nation. Protection and interference have arisen in a new form, in some respects more disastrous than before, and the nation looks on approvingly, unconscious of the inconsistency of its aims....

We take up our pen with the feeling that to attempt to counteract prevailing hallucinations by a few words of plain sense is to "lift up a voice in the wilderness" which no man regardeth.<sup>3</sup>

But it was the Westminster which was unconscious of the consistency men like Russell had achieved through

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1. The Times, April 28, 1846.

2. See speech by Ferrand in Hansard, XCI, 3rd series, p.25 (March 16, 1847).

3. Westminster Review, Vol.47 (April 1847), p.251.

a reinterpretation of laissez-faire. The Economist, speaking of the new social trend begun by Repeal, was likewise a "voice in the wilderness"; the abolition of the Corn Laws was a great step forward: "[f]or the future peace of society and for the influence of truth, thus to bring the employer and the employed together before the tribunal of Nature, is an unspeakable gain."<sup>1</sup> The Economist was completely out of touch with the revaluation of classical economy which was taking place, and still talked in the terms of ten years ago:

Tight stays, into which growing and exuberant ladies try to confine their shape, inflicting disease and death upon themselves from the most miserable and paltry vanity, is a faint type of the attempt to lace in, by a 'Ten Hours' Act, the growing, fluctuating, and the delicate form of trade.<sup>2</sup>

It also attempted to blacken the character of Oastler and his supporters without refuting their position.<sup>3</sup>

It attacked the Morning Post for describing Laissez-faire as an anti-social, selfish system and advocating action to overcome the selfishness of human nature.

But, if man be by nature selfish--if, indeed, it is a physical impossibility that anyone should experience the sensations of another, or prevent himself from loving and seeking that which is pleasant and good--the Post wishes, by its system, to subvert nature, and thus, it admits that its system is contrary to the laws of nature, which is exactly what the advocates of laissez faire assert.<sup>4</sup>

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1. Economist, September 18, 1847.

2. Ibid., December 12, 1846.

3. Ibid., November 28, 1846.

4. Ibid., January 2, 1847. See also ibid., October 24, 1846.

Any attempt by interference to better the position of the operatives was to break the "general laws [which] control and settle all these things".<sup>1</sup> Even the Queen's publicized use of poorer bread to help during hard times was criticized as an example of "how dangerous it is to interfere with the ordinary course of the distribution of commodities."<sup>2</sup> The Economist accepted so completely existing conditions that it equated "social" and "natural" in describing the relations between capitalists and labourers.<sup>3</sup>

The Leeds Mercury had found in the Economist a staunch ally in its battle against attempts to upset "the ordinary and natural course of manufacturing industry."<sup>4</sup> The Edinburgh Review was not as reliable a friend. It would follow the thought of "so recent a thinker, and one so much in advance of his predecessors, as Adam Smith" to the conclusion that the working class would inevitably "be pinched and in a condition of hardship" except for the spasmodic periods of commercial expansion.<sup>5</sup> It could agree that, "All systematic relief of the poor, whether its sources be voluntary or

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1. Economist, September 18, 1847.

2. Ibid., May 22, 1847.

3. Ibid., October 31, 1846.

4. Leeds Mercury, February 20, 1847. See also Westminster Review, Vol.47 (April 1847), p.254.

5. Edinburgh Review, Vol.81 (April 1845), p.500.

compulsory, is an interference with the natural order of society, as resting upon the institution of property."<sup>1</sup> But at other times it declared that the "existing generation [had] a practical consciousness of living in a world of change"<sup>2</sup> and "that 'cash payment' should be no longer 'the universal nexus between man and man'".<sup>3</sup> Although the Edinburgh Review was proud to deserve the epithets 'Malthusian' and 'Political Economist' because no other group of men "cherish such hopeful views of the future social position of labour, or have so long made the permanent increase of its remuneration the turning-point of their political speculations",<sup>4</sup> it acknowledged that legislative interference, if not a panacea, might assist improvement.<sup>5</sup> In April of 1845, the idea was expressed quite strongly:

Even the Legislature, which seldom concerns itself much with new tendencies of opinion until they have grown too powerful to be safely overlooked, is invited, in each Session with increasing urgency, to provide that the labouring classes shall earn more, work less, or have their lot in some other manner alleviated; and in each Session yields more or less cheerfully, but still yields, though slowly yet increasingly, to the requisition.

That this impulse is salutary and promising, few will deny; but it would be idle to suppose that it has not its peculiar dangers, or that the business of doing good can be the only one for which

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1. Edinburgh Review, Vol.83 (January 1846), p.83.

2. Ibid., Vol.81 (April 1845), p.502.

3. Ibid., p.513.

4. Ibid., pp.501-2.

5. Ibid., Vol.83 (January 1846), p.94.

zeal suffices, without knowledge or circum-  
spection.<sup>1</sup>

The Times, which was backing, and no doubt moulding, the new opinion, attacked the economists' appeals to nature. Nature had never intended man to have all work and no play and to spend all his life seeking economic gain; artificial society, it was implied, had brought about a false mode of life.<sup>2</sup>

The necessity of a law to protect children was no longer seriously under dispute.<sup>3</sup> Equally it was accepted on nearly all sides that shorter hours for adults were desirable.<sup>4</sup> But whether such shorter hours were possible and how they were to be brought about were still matters open to prolonged and heated debate. Some of the proponents of the Ten Hours Bill argued that the Bill did not interfere with adult labour,<sup>5</sup> and should therefore be argued only in relation to children, young persons and females.<sup>6</sup> Lord George Bentinck insisted

1. Edinburgh Review, Vol.81 (April 1845), p.499.
2. The Times, April 29, 1846.
3. See, for example, Letter to the Editor in the Economist, February 21, 1846.
4. See, for example, the Economist, February 7, 1846, and speech by Ainsworth in Hansard, LXXXV, 3rd series, p.1234 (April 29, 1846).
5. See, for example, the Globe, April 30, 1846.
6. See, for example, speech introducing the second reading of the Ten Hours Bill by John Fielden in Hansard, LXXXV, 3rd series, p.1222 (April 29, 1846) and speech by Lord John Russell in Hansard, XCI, 3rd series, p.134 (March 17, 1847). Cf., the angry denial of this position in the Economist, May 2, 1846.

that the debate be so restricted although he admitted that the Bill would affect male operatives also.<sup>1</sup> Macaulay went so far as to argue the necessity of interfering for all men, at the same time as he admitted he would not vote for a Bill which specifically included adult males.<sup>2</sup> The Westminster recognized in one article that the debate was technically over only a ten- or eleven-hour restriction,<sup>3</sup> but for the most part the disputants argued the question as the basic one of interference or non-interference with adults. The Economist bridled at the attempts to disregard the indirect consequences of the measure;<sup>4</sup> Graham insisted that the Bill must be considered as a restriction on all labour,<sup>5</sup> and this opinion was held by many.<sup>6</sup>

The Westminster Review claimed that although it had been possible to legislate for children, it was a sophism to argue that adults could therefore be restricted. Adults as free agents would not abide by any limitation

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1. Speech by Lord George Bentinck in Hansard, XC, 3rd series, p.787 (March 3, 1847).
  2. Speech by Macaulay in Hansard, LXXXVI, 3rd series, p.1035 (May 22, 1846).
  3. Westminster Review, Vol.47 (April 1847), p.251.
  4. Economist, March 20, 1847.
  5. Speech by Sir James Graham in Hansard, LXXXV, 3rd series, p.1243 (April 29, 1846).
  6. See, for example, speech by Trevelyan in Hansard, LXXXVI, 3rd series, p.508 (May 13, 1846), and the Globe, March 4, 1847.

of their hours.<sup>1</sup> Aside from the human element, the law of supply and demand would render nugatory any attempt on the part of Parliament to shorten the day's labour.<sup>2</sup> The Economist felt that the restriction would be universal at first, but that in times of depression, relays of children would be used with the men to the exclusion of women (an "unworthy and unmanly" eventuality) in order to keep the mills running.<sup>3</sup> Another argument claimed that a twelve-hour restriction had been feasible because the Bible decreed a twelve-hour day, but shorter hours could not be ordained.<sup>4</sup>

As in 1844, the main issue of the debate on the Bill was whether the labourer was in reality a free man. It was this question which showed most clearly the stage of development which had been reached in the reinterpretation of Laissez-faire. The Economist, the spokesman for the old school of Laissez-faire, saw no necessity for qualifying the application of classical economic theories:

He [Ashley] forgets that they [the workers] are freemen in the eye of the law, and is ignorant that they are free in point of fact; and in this,

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1. Westminster Review, Vol.47 (April 1847), p.252.
  2. See speech by Bowring in Hansard, LXXXIX, 3rd series, p.1128 (February 10, 1847).
  3. Economist, May 2, 1846.
  4. See the Rev. William Scoresby, American Factories and their Female Operatives, London: Longman, Brown, Green & Longmans, 1845, p.101.



as in all other charitable undertakings, has no idea but to protect and patronize them back again into serfs and paupers. His legislation embodies an insult, and its acceptance implies degradation.<sup>1</sup>

Any attempt to restrict men"who are entitled to the unrestricted use of all honest means of obtaining a livelihood"<sup>2</sup> would only lead them to depend upon Parliament instead of their own exertions.<sup>3</sup> Such action, furthermore, encouraged the idle habits of the people and discouraged them from sharing in the "great and good task of promoting social and public improvement, instead of limiting it, as at present, to some few more zealous, and perhaps more ambitious than wise individuals."<sup>4</sup> To protect the worker from competition, the natural result of his freedom,<sup>5</sup> was to "transplant into our modern societies the beneficial part of slavery".<sup>6</sup> The Edinburgh accused Carlyle, the Young England party and The Times of tending by their attitude to destroy democracy and to replace it by a "feudal and sacerdotal

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1. Economist, February 7, 1846.
2. Parliamentary Papers, 1847, Vol.XLVI, No.623, p.623 (Memorial of Master Manufacturers and Millowners in the County of Lancaster).
3. See speech by Marsland in Hansard, XC, 3rd series, p.172 (February 17, 1847).
4. Economist, October 24, 1846.
5. See Edinburgh Review, Vol.83 (January 1846), p.86.
6. Ibid., p.89.

ascendancy".<sup>1</sup> It further insisted that the obligation of the rich to take responsibility for the poor never had existed and never could.<sup>2</sup> The Westminster was not as adamant as the Economist. It agreed that the worker would not like the Bill if he found himself unable to accept an offer of double pay for working fifteen hours to fill a rush order;<sup>3</sup> but it suggested that the Legislature should define a legal day's labour so that the operative could collect overtime pay for any extra hours.<sup>4</sup> It would be difficult to adopt such a plan as long as the workers were not free and equal with the masters to ensure that their demands for overtime or anything else were heeded. The advocates of government restriction argued that neither the individual master nor worker was free to shorten hours by himself.<sup>5</sup> The Ashleyites were convinced and bent on convincing others that the labourer was not free and consequently not able to protect or further his own interests.<sup>6</sup> Industrial society

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1. See Edinburgh Review, Vol.81 (April 1845), p.504.
2. Ibid., p.507.
3. Westminster Review, Vol.47 (April 1847), p.253. See also speech by Roebuck in Hansard, XC, 3rd series, p.165 (February 17, 1847).
4. Westminster Review, Vol.47 (April 1847), p.254.
5. See, for example, speeches by Crawford in Hansard, LXXXVI, 3rd series, p.519 (May 13, 1846) and XC, 3rd series, pp.135-6 (February 17, 1847).
6. See speech by John Fielden in Hansard, LXXXIII, 3rd series, p.411 (January 29, 1846), and speech by Brotherton in Hansard, XC, 3rd series, p.772 (March 3, 1847).

had created a labour market which made the freedom of the labourer a mockery<sup>1</sup> and left him "bound down by the iron necessity of circumstances".<sup>2</sup>

The argument over the amount of freedom enjoyed by the worker affected the discussion of the labourer's ability to know his own interests. There was considerably more confusion on the latter issue on the part of the opponents to the Bill than there was on the former. If the men were to be left free to make their own arrangements,<sup>3</sup> it must be assumed that they knew their own interests best.<sup>4</sup> Accepting this assumption, the Edinburgh Review concluded that all the government should do was remove any hindrances to the forwarding of their own position by the labouring classes.<sup>5</sup> Once again the motto "Aide-toi, le ciel t'aidera" was quoted.<sup>6</sup> There was a drawback to this position. Petitions for ten hours

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1. See speech by Lord Wharncliffe in Hansard, XCII, 3rd series, p.943 (May 17, 1847).
  2. See Leeds Times, February 7, 1846.
  3. See speech by Sir Robert Peel in Hansard, LXXXVI, 3rd series, p.1067 (May 22, 1846), and speech by Hume in Hansard, LXXXIX, 3rd series, p.1074 (February 10, 1847).
  4. See, for example, the Economist, February 14, 1846, and speech by Hume in Hansard, LXXXIX, 3rd series, p.1075 (February 10, 1847).
  5. Edinburgh Review, Vol.81 (April 1845), p.519.
  6. Ibid., p.515.

were pouring in from the labourers in the North; if they knew their own interests best, should not a Bill be granted? Hume admitted that he was opposing the demands of the workers, but felt that acceding would not be in the best interests of the community.<sup>1</sup> But in later statements in the same debate, he claimed that every man was the best judge of how his time should be spent.<sup>2</sup> Bright avoided a similar inconsistency by asserting that although many workers were in favour of ten hours, he did not think there was a majority, at least not a majority of intelligent ones.<sup>3</sup> The Economist denied that there was much support among the workers for a shorter day and attributed what there was to "some noisy, bustling demagogues".<sup>4</sup> Trelawny, opposing the Bill, asked the House, "How long was it since the opinion of labourers on what best suited their condition first became so infallible?"<sup>5</sup> and concluded that "if the labourers were better informed than the Legislature upon

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1. Speech by Hume in Hansard, LXXXV, 3rd series, pp.1234ff. (April 29, 1846).
  2. Ibid., p.1236 (April 29, 1846).
  3. Speech by Bright in Hansard, LXXXIII, 3rd series, p.409 (January 29, 1846).
  4. Economist, May 15, 1847. See also Letter to the Editor in ibid., May 22, 1847.
  5. Speech by Trelawny in Hansard, LXXXVI, 3rd series, p.576 (May 13, 1846).

such a point they were surely better entitled to have seats in that House."<sup>1</sup> Perhaps, it was suggested, the operatives were guided too much by wishes and hopes and too little by judgment.<sup>2</sup> The Economist devoted an article in 1846 largely to explicating this difficult point:

It is quite contrary to our principles to restrict the factory operatives, or any other class, in the pursuit of their own interest or happiness, or for one moment to pretend that they do not understand what is good for themselves equally as well as other men; but as all classes, when they legislate, meaning only to provide for their own welfare, do affect, by multiple ramifications, of which they dream not, the whole community, and do fail even to promote their own interests-- of which our landowners are a remarkable illustration, for they long maintained a law which impeded the improvement of the land and lowered their character-- we may without presumption suppose it to be, at least, possible that even the factory operatives mistake their own interest, and the interest of the community, in demanding that labour in factories be limited to ten hours by Act of Parliament. If we thought that such an Act would benefit them...<sup>3</sup> it would find no warmer advocates than ourselves.<sup>3</sup>

The supporters of the Bill were quick to seize upon this confusion in the ranks of their opponents. The Times told its readers: "And, as if self-interest were not all-sufficient for its own work, political economy steps in to preach down petition and remonstrance with a stern homily on the text of Laissez-faire."<sup>4</sup> Bentinck

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1. Speech by Trelawny in Hansard, XCI, 3rd series, p.1123 (April 21, 1847).
  2. Speech by Lord Ashburton in Hansard, XCII, 3rd series, p.946 (May 17, 1847).
  3. Economist, November 28, 1846. See also ibid., December 12, 1846.
  4. The Times, January 27, 1847.

pointed out that on other questions, meaning Repeal, the House had

been told "to listen to the cry out of doors". I apprehend if there ever was a case upon which there was a unanimous feeling on the part of those who ought to understand their own affairs best, it is upon this very question.<sup>1</sup>

The debate over the amount of freedom enjoyed by the labourer and his ability to know and further his own interests was further complicated by the experiment conducted at this time. Both sides were uncertain of the conclusion to be drawn from the successful, voluntary curtailment of the hours to eleven per day at Mr. Gardiner's mill. After one year, a meeting of the workpeople had voted to try a ten-hour day.<sup>2</sup> The experiment received much publicity and some imitators.<sup>3</sup> One reaction was to discredit the achievement. Bright protested that the experiment had been made to work only by speeding up the machinery and cutting minutes of the break periods.<sup>4</sup> The Economist supported Bright:

Now we cannot speak with any positive affirmation on this subject...but we will simply mention that there are many causes which might have led to the alleged result in the mill in question, without justifying either the inference drawn from it, or the interference proposed to be based on it.<sup>5</sup>

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1. Speech by Lord George Bentinck in Hansard, LXXXVI, 3rd series, pp.1022-3 (May 22, 1846).
  2. Spectator, March 15, 1845.
  3. See, for example, ibid., March 29, 1845.
  4. Speech by Bright in Hansard, LXXXVIII, 3rd series, p.408 (January 29, 1846).
  5. Economist, February 7, 1846.

The fact that Gardiner's mill used mostly manual labour and not machinery explained, according to the Manchester Guardian, the success of the experiment.<sup>1</sup> Others, like Horner, who was delighted by what he saw when he visited the mill, thought more owners would follow suit as soon as they were convinced that it really worked but did not feel that grounds had been provided for further enactments.<sup>2</sup> The Economist rejected the proposition that all manufacturers should be forced onto the same footing as the "humane" ones who chose to run their mills only eleven hours. If, the argument ran, the eleven-hour mills cannot compete with factories running longer hours, then eleven hours is not a good practice--a truth the Economist had always preached; but if eleven-hour mills were successful, then eleven hours would be proved practicable--a consummation the Economist had always desired.<sup>3</sup> But in either case it would be ridiculous to assume that a bargain arranged voluntarily between two parties could be successfully imposed on all factories.<sup>4</sup>

The labourer must win his own rest; earned privileges, not conferred ones, brought real good to the possessor.<sup>5</sup> If the workers wanted a ten-hour day, they

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1. Manchester Guardian, April 29, 1846.

2. Parliamentary Papers, 1845, Vol.XXV, No.431, p.443.

3. Economist, February 14, 1846.

4. Ibid., February 7, 1846.

5. Ibid.

should combine to attain it, "and, if the laws of commercial and political economy do not pronounce it unattainable, they do attain."<sup>1</sup> As long as no violence or compulsion whatsoever was used, the Manchester Guardian approved of trade unions to improve the men's condition.<sup>2</sup> The Spectator, accepting the fact that Gardiner's experiment was legitimately successful, saw in it further proof that the men if left to their own devices would be able to get mutually advantageous agreements with the masters.<sup>3</sup> If other workpeople really wanted ten hours and a reduction of wages, they could combine to get it, rather than continuing to petition because of their mistaken belief that a Government enactment would not mean a diminution of wages.<sup>4</sup>

Others felt that to encourage combinations under any conditions was a dangerous step. The Globe qualified out of existence its approval of the workers' combinations: combinations were to be commended only if they were not directed to obtaining the impossible, or to invading the rights which were not theirs, in an attempt to dictate business matters which were not properly their concern.<sup>5</sup> Ward cited in the House the example of the

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1. Economist, February 7, 1846.
  2. Manchester Guardian, April 22, 1846.
  3. Spectator, March 22, 1845.
  4. Manchester Guardian, May 16, 1846.
  5. Globe, June 3, 1846.



Sheffield operatives who won through combinations a six hour day and a restriction of the numbers allowed into their trade. The result had been disastrous both to trade and to the men, who had been deluded as to the cause of their own unhappiness.<sup>1</sup> Any encouragement of combinations tempted fate, in the eyes of the Leeds Intelligencer; anarchy would result in the industrial world if the men proved their desire for ten hours by coming out on strike all over the country.<sup>2</sup> The Edinburgh Review likewise decried all challenges to the working classes to show their strength:

The victory of 1832, due to the manifestation though without the actual employment of physical force, had taught a lesson to those who, from the nature of the case, have always physical force on their side; and who only wanted the organization, which they were rapidly acquiring, to convert their physical power into a moral and social one. It was no longer disputable that something must be done to render the multitude more content with the existing state of things.<sup>3</sup>

In any case, The Times protested, although advice to combine might be given to men or masters, it could not be applied to women and young people. "They are destitute of aggregate strength. Their only social union is the national one of which the State is the centre, the minister, and the guardian."<sup>4</sup> Bright was asked in the House

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1. Speech by Ward in Hansard, LXXXVI, 3rd series, p.1016 (May 22, 1846).

2. Leeds Intelligencer, December 5, 1846.

3. Edinburgh Review, Vol.81 (April 1845), p.503.

4. The Times, April 28, 1846.

whether he had made any attempt himself, or knew of any attempts, to get shorter hours by mutual agreement in recent months. If not, was it not now time for legislation?<sup>1</sup>

The majority of the House thought "yes", but the more vociferous ones, "no". A man's labour was his capital and must not be restricted. The very terminology used showed which side of the debate a man was on; the Edinburgh Review and Hume spoke the same language:

He [Hume] thought it contrary to the principles of common sense for the House to be one day adopting measures to relieve capital and industry from the trammels of monopoly, and the next day to impose them on the capital of the labouring man--his labour. If the bill became law, it would end in the ruin of the employer and the employed. Free trade would do more to correct existing evils than any act of Parliament.<sup>2</sup>

In other words, restriction was an invasion of the rights of property.<sup>3</sup> But whether labour was considered capital or property, by 1846 the proponents of legislation were prepared to counter the arguments on the same ground. If labour was to be considered capital, the labourer was being cheated of his rightful position in the commercial world. Wages should be considered the

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1. Speech by Bankes in Hansard, LXXXIX, 3rd series, p.1097 (February 10, 1847).
  2. Quoted in the Spectator, May 2, 1846; see also Edinburgh Review, Vol.83 (January 1846), p.70.
  3. See speech by Trevelyan in Hansard, XC, 3rd series, pp.168-9 (February 17, 1847).

interest on the worker's capital, and therefore, if he be paid £52 a year, his investment in a firm was £1040. On these grounds his wages should be enough to provide for his old age--the equivalent to wear and tear in the owner's terminology--which they were not.<sup>1</sup> Again, if labour were property, it should be protected like other property.

By refusing the labourer protection, they suffered him to be destroyed by the capitalist, and the Legislature neglected its duty. The protection of labour implied that those who ought to be able to labour should have not only the ability but the means of labouring. By working them too many hours in the day, their power to labour at all was destroyed.<sup>2</sup>

It was becoming clear throughout the debate that the House would vote in the end as it had done in 1844 before Graham threatened resignation. The change which had taken place in the attitude of the country and in the opinions of its representatives in Parliament was in favour of a further reduction in hours, but, as the vote on Repeal had shown, this conversion did not mean that the principles taught by the classical economists had been entirely overthrown.

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1. See The Rights of Labour being an Exposure of Fallacies contained in the Messrs. Chamber's tract entitled the Employer and the Employed, Glasgow: John Morrison, ND [1845], p.5.
  2. Speech by John Fielden in Hansard, LXXXIII, 3rd series, p.411 (January 29, 1846).

Graham denounced the House for threatening to renew restrictions on commerce when it had just begun to remove them.<sup>1</sup> The argument that since the House had relieved trade of the burden of cotton and corn duties, it would therefore now safely impose a restriction of hours was loudly denounced by the Economist; the duties "were a most onerous, injurious, and ruinous tax, which the legislature was bound to remit, as it is bound to remit every similar tax the instant it can be spared". Their removal was certainly no excuse for a further limitation of hours.<sup>2</sup> Every restraint was an evil,<sup>3</sup> and men like Russell who had been opposed to a ten-hour measure in 1842 were inconsistent in supporting one now.<sup>4</sup> In truth, the men who supported the Bill "had no consistent definite set of principles".<sup>5</sup> Graham assured the House that legislation would be a flagrant departure from the strict rules of political economy,<sup>6</sup> although at the same time he felt it incumbent upon him to declare:

1. Speech by Sir James Graham in Hansard, XC, 3rd series, p.780 (March 3, 1847).
2. Economist, March 20, 1847.
3. See, for example, speech by T.M. Gibson in Hansard, XC, 3rd series, p.793 (March 3, 1847).
4. See, for example, speech by Roebuck in Hansard, XCI, 3rd series, pp.143-4 (March 17, 1847).
5. Speech by Trelawny in Hansard, XCII, 3rd series, p.307 (May 3, 1847).
6. Speech by Sir James Graham in Hansard, XC, 3rd series, p.773 (March 3, 1847).

it is no pedantic adherence to the principles of political economy that induces me to oppose the measure now before the House; but I oppose it because I do believe it is for the good of the working classes...that we should not carry this abridgement of the hours of labour further....<sup>1</sup>

Graham's hesitation was prompted by the fact that all arguments based on a "pedantic adherence to the principles of political economy" would oppose not only the Ten Hours Bill but all previous Factory Legislation. The Manchester Guardian pointed out that a simple appeal to classical economy was no longer valid:

But while we concur with Mr. Bright in opposing the Ten Hours' Bill, we cannot join with him in thinking that its enactment would involve any violation of principle. The legislature had already restricted--and, we believe, beneficially--the daily period of labour for women and young persons, to twelve hours; and its right to interfere being thus distinctly recognized, the present question is only one of degree.<sup>2</sup>

The Morning Chronicle, feeling that 1847 was not the right time nor ten hours the right degree,<sup>3</sup> yet argued that it was on these grounds, not on principles, that the question must be debated.

We abstain now, as heretofore, from insisting on the rigid observance, under all conceivable circumstances, of the general and just principle of non-interference with capital and labour--a principle the extreme assertion of which was inconsistent with

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1. Speech by Sir James Graham in Hansard, LXXXV, 3rd series, pp.1246-7 (April 29, 1846).
  2. Manchester Guardian, February 17, 1847.
  3. Morning Chronicle, January 29, 1847. See also ibid., May 25, 1846.

former acts of the Legislature, some of which at least few persons are anxious to disturb.<sup>1</sup>

Graham, when he felt there might be a possibility of a compromise solution for eleven hours, observed:

the question as it now presents itself, appears to be one not so much of principle as of detail, and therefore a compromise might on that ground be less objectionable, and a settlement by compromise might reasonably be anticipated.<sup>2</sup>

The Earl of Clarendon ignored principles in his speech, basing his opposition on the improvement of the conditions which had once made interference necessary.<sup>3</sup> Labouchere told the House that a ten-hour day would ruin trade,<sup>4</sup> but agreed that an argument based on the principle of non-interference was no longer a sound one.<sup>5</sup> Its proponents were termed "fanatical";<sup>6</sup> although some minds might still be "poisoned by their principles of political economy, invented to rob the operatives of protection",<sup>7</sup> no longer could "theoretical principle...be allowed to

1. Morning Chronicle, May 13, 1846.

2. Speech by Sir James Graham in Hansard, LXXXV, 3rd series, p.1241 (April 29, 1846).

3. Speech by the Earl of Clarendon in Hansard, XCII, 3rd series, p.933 (May 17, 1847).

4. Speech by Labouchere in ibid., p.309 (May 3, 1847).

5. Speech by Labouchere in Hansard, LXXXVI, 3rd series, p.476 (May 13, 1846).

6. Speech by Sir J. Hannier in ibid., p.1044 (May 22, 1846).

7. Speech by Ferrand in Hansard, XC, 3rd series, p.142 (February 17, 1847).

overbear experience of many years in the Legislature."<sup>1</sup>

Many men, who had formerly opposed Ashley, felt that the principle of interference having been "already practically confirmed", the onus now lay on the opposition to prove this Bill dangerous.<sup>2</sup> Sir George Grey conceded the argument that the labour market should be free, but denied that was the point at issue; it was, he said, a question of degree not principle.<sup>3</sup> There were many men, like Sir George, who felt that the question of principle being laid aside, Ashley's opponents had not proved that the ten-hour limit was unsafe.<sup>4</sup> The opposition might claim that the principle of interference between employer and employee had not been definitely established,<sup>5</sup> but it was enough that the opposite principle no longer held undisputed sway.

All he [Sir George Strickland] contended for was that there should be some exception to the general rule, and that where children and young persons could not protect themselves, the law should step in, and, as a matter of humanity, give them that assistance.<sup>6</sup>

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1. Speech by Newdegate in Hansard, LXXXIII, 3rd series, p.415 (January 29, 1846).
  2. See, for example, speech of Colquhoun in Hansard, LXXXVI, 3rd series, p.467 (May 13, 1846).
  3. Speech by Sir George Grey in ibid., p.521 (May 13, 1846).
  4. See, for example, speech by Lord John Russell in Hansard, LXXXIX, 3rd series, pp.1149-50 (February 11, 1847).
  5. See speech by Sir A.L. Hay in Hansard, XC, 3rd series, p.128 (February 17, 1847).
  6. Speech by Sir G. Strickland in Hansard, LXXXV, 3rd series, pp.240-1 (April 29, 1846).

Brotherton's argument showed that he too no longer felt that the House held the rule of non-interference sacred:

He was ready to admit that it was not desirable to interfere with those general principles where interference could be avoided; but if the House should leave everything to the operation of general principles of political economy, its occupation would soon be very much curtailed.<sup>1</sup>

Lord John Manners, hurling the charge of inconsistency back at his opponents, declared it was they who were maintaining a principle--non-interference--which had been broken in innumerable ways in every sphere of activity.<sup>2</sup> The Globe even attempted to denounce the principle of non-interference when applied to questions strictly of trade,<sup>3</sup> but this was going beyond the swing of the pendulum, and The Times and the Manchester Guardian staunchly defended Free Trade in its own sphere.<sup>4</sup>

It was not the men who claimed that Factory Legislation was a necessary departure from principle who saved intact the principles of classical economy for application to trade; it was the men who qualified the application of classical economy by distinguishing between the commercial and social fields who provided that Britain should be the great Free Trade nation of the nineteenth century.

1. Speech by Brotherton in Hansard, XC, 3rd series, p.767 (March 3, 1847).
2. Speech by Lord John Manners in Hansard, LXXXIX, 3rd series, pp.1115-6 (February 10, 1847).
3. The Globe, April 30, 1846.
4. The Times, April 6, 1846, and the Manchester Guardian, April 25, 1846.



This latter group gradually won the House and the country over to their reinterpretation of Laissez-faire. There would, of course, always be men who opposed the trend initiated by the new political economy. The Economist would not sit quietly by and see its cherished principles discarded. It concentrated its venom on Lord John Russell and incidentally on Macaulay whose stand the former defended.

Lord John Russell was taunted into making a speech which was forcible and clever; but not such a speech as might be expected from a minister who is supposed to have mastered and adopted the principles of free trade.<sup>1</sup>

Deeply do we deplore the prejudice, or the want of thorough and earnest conviction in the noble lord [Russell] which makes him follow as a guide the clamour of suffering ignorance or the promptings of feeble sentimentality, rather than the well-established principles of science.<sup>2</sup>

The Economist was totally unaware of the forces at work in men's minds; it could not see the train of reasoning which justified support of both Repeal and Ten Hours:

benefits [From Repeal] are expected as the results of the non-interference of the Government, and not of legislative enactments. If legislative interference be bad with regard to trade, why should it be good with regard to labour? But if it be good with regard to labour, if it be wise to interfere, and by acts of Parliament to determine how long mills shall be kept open, how long men shall remain at work, why not intrust the Legislature to regulate matters of trade altogether? Why not fix the wages as well

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1. Economist, March 20, 1847.

2. Ibid., March 6, 1847.

as the hours of labour? ...If, in short, you have no better and sounder principle to rely upon, why have you been coercing the Legislature for the last seven years to abandon all interference with trade, as either useless or mischievous?--useless, if it enacted just what free competition would have produced if left to itself, and mischievous to the interests of all, if it enacted anything else.<sup>1</sup>

Bright, concurring in these sentiments, reprimanded the House for considering legislation based on "the political economy which that House had last Session most emphatically declared to be unsound and rotten".<sup>2</sup> He argued that it was "precisely the same principle" involved in Repeal and in non-interference with labour.<sup>3</sup> The advocates of the old school still considered political economy to be the rational application of "the science of value" demanding that men be left alone to live according to the laws of nature in natural harmony.<sup>4</sup> Interference by the Government was another aspect of that class legislation which had been condemned.<sup>5</sup> Roebuck objected to the accusation that he was "a cold-blooded economist",<sup>6</sup> when he was only

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1. Economist, February 7, 1846.

2. Speech by Bright in Hansard, LXXXIX, 3rd series, p.1136 (February 10, 1847).

3. Ibid., pp.1147-8 (February 10, 1847).

4. See, for example, W. Nielson Hancock, Three Lectures on the Questions Should the Principles of Political Economy be Disregarded at the Present Crisis? and If Not, How Can They Be Applied Towards the Discovery of Measures of Relief? Dublin: Hodges and Smith, 1847, p.9.

5. See the Economist, March 20, 1847.

6. See speech by Marquess of Granby in Hansard, LXXXIX, 3rd series, p.1125 (February 10, 1847).

trying to understand and be guided by the laws and circumstances of wealth and labour.<sup>1</sup> The laws of classical economy, although they might at first glance seem harsh, were the only truly benevolent guides to legislation;<sup>2</sup> the interests of all men were identical.<sup>3</sup> Adherence to the doctrines of classical economy, it was claimed, was a Christian duty:

It is a Christian duty to do good to our fellow creatures, both in their spiritual and in their temporal concerns: and, if so, it must also be a duty to study, to the best of our ability, to understand in what their good consists, and how it is to be promoted. To represent therefore any branch of such study as inconsistent with Christianity, is to make Christianity inconsistent with itself.<sup>4</sup>

Strict adherence to the doctrines derived from Adam Smith, however, was no longer popular. The publicity given to the conditions condoned by the doctrinaire advocates of Laisser-faire had changed men's attitudes towards classical economy.<sup>5</sup>

Every year--every month, indeed--the benevolent exertions of Mr Fielden and those who labour with him in this philanthropic field, tell with additional power on the public mind, and have the effect of inducing new recruits to enter the noble army who have heretofore had to maintain a hard struggle with the cold-hearted votaries of Mammon.<sup>6</sup>

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1. Speech by Roebuck in Hansard, XC, 3rd series, p.155 (February 17, 1847).
  2. See Manchester Times, February 10, 1847.
  3. See Economist, November 21, 1846.
  4. Hancock, Three Lectures, p.18.
  5. Leeds Intelligencer, February 14, 1846.
  6. Morning Advertiser, May 2, 1846.

The conscience of the age had been stirred by the revealed suffering of the workers--a suffering that most religious men could not ignore.

If our labouring population be over-worked, the Christian economist and philosopher should feel no anxiety and apprehend no risk in doing towards them, and for them, that which is right. If it be the blessing of the Lord that giveth prosperity to men and nations, as by the sacred authorities already adduced has been shewn--then we might reasonably calculate upon a greater blessing in doing what is right, than in pursuing what is wrong.<sup>1</sup>

Although not all men would base their attitude so openly on a belief that God and not man was responsible for the prosperity of Britain, similar revulsions to the condition of the lower classes explained that condition as "the miserable result of the utilitarian dogma which makes the human labor a marketable commodity, without any regard to the conservation of health."<sup>2</sup> Even if the economists who predicted the country's ruin if working conditions were ameliorated were right, the gamble must be taken.<sup>3</sup>

The Morning Chronicle was still foretelling complete disaster, and could do no more after the Act was

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1. The Rev. William Scoresby, American Factories and their Female Operatives, pp.120-1.
  2. William Shaw, To the Right Honorable the Lords Spiritual and Temporal, and to the Members of the House of Commons, London: W. Clowes and Sons, ND [1846], p.13.
  3. See Bradford Observer, May 7, 1846.

passed than devoutly hope that it had been signally mistaken.<sup>1</sup> However, to such gloomy predictions, it was objected that cries of "Wolf" had been heard ever since 1830, both by the manufacturers and the landlords, and that in spite of them England still prospered.<sup>2</sup> By 1847, supporters of ten hours had little fear of such warnings.<sup>3</sup> It was claimed that forecasts of doom were based upon a disregard of the part that human nature played in producing the wealth of the country;<sup>4</sup> Gardiner's experiment had done much to allay any remaining doubts about the practicability of shorter hours.<sup>5</sup> In addition, experience had led many men to reject the belief that individual desires worked towards the public good.<sup>6</sup> Sir George Strickland accused Bright and his co-thinkers of being the "certain sort of political economists who never listened to reason on this subject, and who carried their argument to an extreme that did not apply to the question now under discussion."<sup>7</sup>

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1. Morning Chronicle, February 18, 1847.

2. See Bradford Observer, March 12, 1846.

3. See Leeds Intelligencer, May 8, 1847.

4. See Leeds Times, March 14, 1846.

5. See Manchester Courier, February 4, 1846.

6. See speech by Sir Robert Inglis in Hansard, LXXXVI, 3rd series, p.514 (May 13, 1846).

7. Speech by Sir George Strickland in Hansard, LXXXIX, 3rd series, p.495 (January 26, 1847).

The sphere in which Free Trade applied was becoming clearly delineated in the 1840's; in that of human relations it no longer held sway. Although not approving of the new development, the Globe recognized the two opposing philosophies that were current under the name of political economy, referring to them as "protective interference" and "protective laissez-faire".<sup>1</sup> The very choice of the latter term shows that unconsciously the Globe was being influenced by the new interpretation of Laissez-faire. Peel revealed his recognition of the distinction in his defence of the economists who were concerned with only one branch "of an extensive and diversified social policy, not claiming for that single branch exclusive or pre-eminent considerations."<sup>2</sup> This distinction was used more and more often in the debates to justify the passing of Factory Legislation. Macaulay stated it clearly:

I believe that I am as firmly attached as any Gentleman in this House to the principle of free trade properly stated, and I should state that principle in these terms: that it is not desirable the State should interfere with the contracts of persons of ripe age and sound mind, touching matters purely commercial. I am not aware of any exception to that principle; but you would fall into error if you apply it to transactions which are not purely commercial. Is there a single Gentleman so zealous

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1. Globe, May 14, 1846.

2. Speech by Sir Robert Peel in Hansard, XC, 3rd series, p.812 (March 3, 1847).

for the principles of free trade as not to admit that he might consent to the restriction of commercial transactions when higher and other considerations are concerned?<sup>1</sup>

The Leeds Times, praising Macaulay's speech, proclaimed him a genius.<sup>2</sup> Peel recognized the validity of Macaulay's argument; although he disapproved of ten hours at the present time, he admitted "that the principles of free trade ought not to control our legislation, provided that, by our interference, we can promote the social comforts, the health, and the morality of the community."<sup>3</sup> When Trelawny denied that the proponents of ten hours had shown good reason why the House should violate the principles of political economy, Ferrand retorted that "the object of the hon. Member who had just addressed the House, seemed to be to show that the Legislature had no right to interfere with him in walloping his own ass."<sup>4</sup> Fielden defined political economy as "the mode of rightly governing a State"<sup>5</sup> and its leading principle as "the care of the lives, the health, and the morals of the people".<sup>6</sup> He could not

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1. Speech by Macaulay in Hansard, LXXXVI, 3rd series, p.1031 (May 22, 1846).
2. Leeds Times, May 30, 1846.
3. Speech by Sir Robert Peel in Hansard, LXXXVI, 3rd series, p.1062 (May 22, 1846).
4. Speech by Ferrand in Hansard, LXXXIX, 3rd series, p.494 (January 26, 1847).
5. Speech by John Fielden in ibid., p.490 (January 26, 1847).
6. Ibid., p.491 (January 26, 1847).

have produced such a definition in the House fifteen years earlier, and yet in 1846 it was adopted by many as a justification for their support of Free Trade and Factory Legislation.<sup>1</sup> Furthermore, one member of the House pointed out that Adam Smith himself had said that if "a manufacturer worked his labourers to an extent that was injurious to their health and minds, it was a losing game for both."<sup>2</sup>

It is very noticeable by 1847 how many men proclaimed that support of the Ten Hour Bill was not a denial of the principles of political economy. These principles were described as common sense and, far from the Ten Hours Bill violating them, "it was substituting a system of restraint for a pernicious system of coercion."<sup>3</sup> In introducing a Bill to the House of Lords, the Earl of Ellesmere declared:

...I am advocating nothing inconsistent with the doctrines of political economy at all....I...refer your Lordships to an argument which you will find in the debates, delivered by a noble Earl now on the Ministerial bench, who drew the just distinction between restrictions on labour and capital devised to increase wealth, and those intended for other purposes--to guard against want and physical evils.<sup>4</sup>

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1. See, for example, Halifax Guardian, May 30, 1846.
  2. Speech by Muntz in Hansard, LXXXVI, 3rd series, p.1079 (May 22, 1846).
  3. Speech by the Bishop of St. David's in Hansard, XCII, 3rd series, p.945 (May 17, 1847).
  4. Speech by the Earl of Ellesmere in ibid., p.893 (May 17, 1847).



The Earl added that the application of steam in manufacturing had changed conditions from the days when non-interference was the accepted dogma.<sup>1</sup> The Bishop of London developed this point denying that the question could any longer be judged "by the purely abstract principles of philosophy or science" but should be "looked at in connexion with numberless anomalies resulting from the highly artificial state of society in which we live".<sup>2</sup> Political principles must be "an induction from facts".<sup>3</sup> The Westminster Review remarked quite accurately that it had lived to see conservative statesmen quoting Adam Smith as an authority and high Churchmen using his arguments;<sup>4</sup> but it did not fully realize that it was a changed Adam Smith from the man who had coloured their pages in the previous decade. The Times corrected the old view of political economy and described the new in an editorial at the beginning of 1847:

But the maxim by which the cruelty of non-interference is justified is essentially false. True political economy is not indifferent to the comforts, the morals, and the health of the people. If political economy enjoined one general system of Laissez faire, then the present age and the present year would rise up against this generation

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1. Speech by the Earl of Ellesmere in Hansard, XCII, 3rd series, p.894 (May 17, 1847).
  2. Speech by the Bishop of London in ibid., p.925 (May 17, 1847).
  3. See speech by Sir Robert Inglis in Hansard, LXXXVI, 3rd series, p.510 (May 13, 1846).
  4. Westminster Review, Vol.46 (October 1846), p.183.

for repeated violations of its most vaunted axiom. Political economy did not refuse to prescribe the duration of the negro's work. Political economy does not forbear to direct the sanitary condition of our towns. Political economy does not hesitate to define the limitation of work in mines. Political economy does not array itself in hostility against those numerous enactments, by which, from time to time, the State has thought fit to interfere with the caprices of private irregularity or vice, and thus to form the manners and habits of the people. Then, why should political economy refuse to interfere with the undue and unwholesome employment of women and children? 1

By 1847 the Edinburgh too had accepted whole-heartedly the new interpretation of Laissez-faire and was warmly advocating its acceptance to all its readers.

With similar good sense and moderation Mr. Thornton [author of the book being reviewed] speaks of sanitary regulations, 'short time' acts, and other interferences with the habits or the contracts of labouring people. At the same time, we wish he had devoted a little more attention to the principle of this class of public measures. They form, in truth, one of the most important topics of the day. England has been long in unlearning its inveterate prejudices, in favour of the interference of government with private enterprises, to protect particular classes and interests. Perhaps it has now to learn the lesson, that there are other objects for the sake of which government may be rightly called on to interfere, to an extent as yet unusual. When the 'let-alone' policy was first advocated by Economists, the interference which they had in view, and denounced as noxious, was altogether of the first description. Their earliest endeavours were directed towards liberating society from the sordid tyranny of Class Interests, employing the State as their engine of selfish oppression. It is not unnatural, but it is surely illogical, to extend the same objections to a species of interference exerted with an entirely different object. Spain prohibited

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1. The Times, January 27, 1847.

the cultivation of the vine in the Americas in order to protect the Spanish vine-growers. China prohibits the cultivation of opium as a drug pernicious to public health and morality. Whether China be right or wrong, it is obvious that to condemn her policy on the same ground on which we condemn that of Spain is to confound matters essentially different. There are already instances too numerous and notorious to require enumeration, in which governments interfere to prevent or limit contracts--not with a view to the supposed pecuniary advantage of one or other of the contracting parties--not to protect the public in general from nuisance or inconvenience--but simply to protect the contractor himself from the consequences of an engagement fraught with physical or moral evils, which he is unable to appreciate; still more reasonably, to protect others from being driven by the hard necessity of competition to bind themselves, knowingly, to their own prejudice. It is a mere evasion to say that these are exceptional cases. Once admit the principle, that government may rightly exercise such influence--and the usage of every day sanctions it--and every case seeming to call for it, is to be argued on its own merits. And so it must be with reference to the limitation of the hours of labour--the most knotty question of this class now before the public. Its supporters urge that the duration of labour which men will engage to undergo is too much for their bodily and mental health. They say that even high wages, thus acquired, bring little of blessing with them to men spiritless from over-exertion, in homes rendered squalid and uncomfortable; because there is neither time nor inclination left for the exercise of household economy. They say that hasty marriages, early deaths, constant improvidence, brutish and irrational habits of living, are the necessary concomitants of a state of things in which the whole six days are devoted to toil. They even affirm that man deteriorates with these evil influences, not only in his higher qualities, but also in his inferior capacity as a machine of production, and that with shorter labour he might do more or better work. The time is surely past for answering their arguments by mere assertions of general doctrine. Fair reasons must be given for supposing that the point has been already reached, (some point there evidently must be,) at

which further interference would do more harm, by diminishing the productiveness of the fund for the maintenance of labour, than it could do good, by its influence of the character of the labourer. And, since every step which the legislature has hitherto taken in the same direction has been met with similar objections and denunciations, none of which have /sic/ yet been realized, the burden of proof seems to lie rather on the opponents than supporters of reform.<sup>1</sup>

Thus the wheel had come full circle. Laissez-faire had lost its authority over every sphere of life and been relegated to pecuniary relationships; the principle that government could rightly interfere had been admitted; the burden of proof had been shifted off the shoulders of the proponents and on to the shoulders of the opponents of Factory Legislation; and yet Laissez-faire had not been rejected.

The acceptance of the new view of political economy by many of the old critics of Factory Legislation meant that the particular provisions of the Acts received less attention. The vital debate on the meaning of political economy left little time for a discussion of relays or education.<sup>2</sup> The Inspectors had become accepted by 1847; they had proved themselves forceful and honest. The frequent and shocking accidents for which the Inspectors

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1. Edinburgh Review, Vol.85 (January 1847), pp.173-4.

2. See, for example, however, Westminster Review, Vol.43 (June 1845), p.456; and the debate in Hansard, XCI, 3rd series, pp.108ff. (March 17, 1847).

could prosecute the owners but which they could do little to prevent<sup>1</sup> raised briefly the question whether the Inspectors should be granted greater powers to increase their control over the physical conditions in the mills<sup>2</sup> and to facilitate the prevention of evasions.

The effects of the proposed Act, especially if it were not a compromise but a ten-hour one, were bones of contention. There were no new arguments brought forward to show that restricted industry would not be able to compete with unrestricted foreign manufactures. The prophets of doom felt that there was no need to say more than they already had, since it was obvious to them that shorter hours would put Britain at a disadvantage.<sup>3</sup> The only additional claim that was made was that the repeal of other duties had exposed the manufacturers to more intense competition from outside, and consequently 1847 was the worst possible year to apply further restrictions.<sup>4</sup> Hume was not prepared to repeal all previous

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1. See, for example, Parliamentary Papers, 1845, Vol. XXV, No. 431, p. 445.
  2. See, for example, speech by Viscount Ebrington in Hansard, XC, 3rd series, pp. 807-8 (March 3, 1847).
  3. See, for example, Morning Chronicle, May 1, 1846; speech by Sir Robert Peel in Hansard, XC, 3rd series, pp. 812ff. (March 3, 1847); Globe, March 4, 1847; and Leeds Mercury, March 20, 1847.
  4. See, for example, speech by Sir James Graham in Hansard, LXXXV, 3rd series, p. 1247 (April 29, 1846) and the Economist, March 6, 1847 and May 15, 1847.

legislation--"sufficient unto the day was the Motion before them"<sup>1</sup>--but both he and the Economist were convinced that a Ten Hour Bill "must inflict a great injury on the trade, on the independence, and morals of the people, and on the character of the legislature which passes them."<sup>2</sup>

The supporters of the Bill had no new arguments either. But since very few men rejected Laissez-faire in commerce, and since ruin of British manufactures would obviously not benefit anyone,<sup>3</sup> the proponents of the Ten Hour Bill felt it incumbent upon them to counter the gloomy predictions of their opponents with more optimistic predictions also based on economic principles. Appealing to past experience, they claimed that as Britain had managed to compete when it worked a twelve-hour day and the continent worked longer hours, the British labourer must be superior to his European counterpart.<sup>4</sup> It was also pointed out that the classical economists had asserted before 1846 that freer trade would benefit manufactures, and could, therefore, not claim now that 1847

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1. Speech by Hume in Hansard, LXXXV, 3rd series, p.1239 (April 29, 1846).
  2. Economist, May 22, 1847.
  3. Ibid., October 31, 1846.
  4. See speech by Colquhoun in Hansard, LXXXVI, 3rd series, p.469 (May 13, 1846), and speech by Lord John Russell in ibid., p.1073 (May 22, 1846).

was a poor year to choose to increase restrictions on labour.<sup>1</sup> Many supporters in 1847 used the argument that restriction to ten hours might decrease the daily output but would not affect the yearly output; the work would be spread more evenly throughout the year and fluctuations in trade would be less drastic.<sup>2</sup> The Globe considered such reasoning puerile. British manufacturers had not only internal gluts to worry about; they could not control the world market or remain unaffected by it. Consequently to talk about two hours a day less as spreading the work more evenly and stabilizing trade was to be blind to economic circumstances.<sup>3</sup> Bright scathingly remarked that Fielden's political economy taught nothing more than that if expenditure was increased, the ten-hour measure would not reduce production.<sup>4</sup> In favour of

1. See speech by Colquhoun in Hansard, LXXXVI, 3rd series, p.470 (May 13, 1846); speeches by Lord John Russell in ibid., p.1074 (May 22, 1846) and XCI, 3rd series, pp.135ff. (March 17, 1847); and speech by Lord John Manners in Hansard, LXXXIX, 3rd series, p.1108 (February 10, 1847).
2. See Illustrated London News, May 2, 1846; speech by Cowper in Hansard, LXXXVI, 3rd series, p.489 (May 13, 1846); speech by John Fielden in Hansard, LXXXIX, 3rd series, pp.491ff. (January 26, 1847); speech by Lord John Manners in ibid., p.1109 (February 10, 1847); and speech by Lord John Russell in Hansard, XCI, 3rd series, p.135 (March 17, 1847).
3. Globe, May 14, 1846 and March 18, 1847.
4. Speech by Bright in Hansard, LXXXVI, 3rd series, p.1054 (May 22, 1846).

shorter hours Macaulay argued that they would, in the long run, result in more and better work by producing better workmen.<sup>1</sup> To which argument, the Economist retorted that such a conclusion was based on the false assumption that it was the operative and not the machine which did the work and endured the labour.<sup>2</sup> In actual fact, the argument with regard to foreign trade could not be conclusive since no man fully understood the reasons for the fluctuations in trade. Past experience had not provided the answer to this question any more than it had to the problem of wages.

The threat of a reduction in wages was one of the strongest practical arguments that the classical economists had against the advocates of shorter hours. Everyone was more or less agreed that the economic circumstances of the workers were as low as they could safely be for the well-being of the country as well as for that of the operatives;<sup>3</sup> any measure which would reduce them further was obviously dangerous and cruel. Both sides were agreed that as the principle of interference was no longer at issue, one practical aspect of the debate

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1. Speech by Macaulay in ibid., p.1039 (May 22, 1846).

2. Economist, February 7, 1846.

3. See, for example, William Shaw, To the Right Honorable the Lords Spiritual and Temporal, p.8.



concerned wages.<sup>1</sup> Those opposed to the Bill were convinced that it would reduce wages.<sup>2</sup> The reduction would be brought about by the deterioration of trade;<sup>3</sup> less labour would naturally bring lower remuneration.<sup>4</sup> Two hours leisure, it was argued, would reduce wages by one-sixth,<sup>5</sup> or perhaps even more, "sufficient to make up to the manufacturer the full proportion of profit and general charges which he had lost by the change."<sup>6</sup> Wages, according to Graham's figures, were already falling with the cessation of work, and it was unjust to reduce them more.<sup>7</sup>

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1. See speech by Lord Ashley in Hansard, LXXXIII, 3rd series, p.379 (January 29, 1846); speech by Beckett in Hansard, XC, 3rd series, pp.760-1 (March 3, 1847); speech by Sir Robert Peel in ibid., p.817 (March 3, 1847); and Globe, March 4, 1847.
  2. See, for example, Economist, February 7, 1846; Morning Chronicle, May 13, 1846; Globe, May 14, 1846; and speech by Cobden in Hansard, LXXXVI, 3rd series, pp.1075ff. (May 22, 1846).
  3. See, for example, speech by M. Philips in Hansard, LXXXIX, 3rd series, p.1102 (February 10, 1847); and speech by Ward in Hansard, XC, 3rd series, p.764 (March 3, 1847).
  4. See, for example, speech by Lord Brougham in Hansard, XCII, 3rd series, p.907 (May 17, 1847).
  5. See, for example, Morning Chronicle, May 1, 1846.
  6. Manchester Guardian, May 6, 1846.
  7. Speech by Sir James Graham in Hansard, XC, 3rd series, p.775 (March 3, 1847).

The supporters of the Bill were ready with replies. Experience, they claimed, had not shown a reduction of wages in the past after an Act was passed, nor a depression in trade.<sup>1</sup> The argument based on a one-sixth reduction of wages had been used when it was proposed to reduce the hours below sixteen a day and had never proved correct.<sup>2</sup> Lord John Manners replied to Graham's point by saying that as the mills were at present working short time the passing of the Bill would not be noticed.<sup>3</sup>

The debate was further complicated by the confusion over the factors which controlled the rate of wages.

The Edinburgh Review was typical of this uncertainty:

But where the working classes are free, and their hours of labour are limited by law, the amount of their wages is left to be determined by the competition of the market: and if their labour is rendered less valuable, it must before long, naturally command less remuneration.<sup>4</sup>

It was not clear whether the amount of work done or the competition in the labour market determined the wages.

Fielden argued against his opponents on both grounds,

1. See, for example, speech by Lord John Russell in Hansard, LXXXVI, 3rd series, p.1073 (May 22, 1846); and speech by Lord John Manners in Hansard, LXXXIX, 3rd series, p.1110 (February 10, 1847).

2. See Halifax Guardian, May 2, 1846.

3. Speech by Lord John Manners in Hansard, LXXXIX, 3rd series, p.1108 (February 10, 1847).

4. Edinburgh Review, Vol.83 (January 1846), p.86.

claiming that in the former case wages would rise because "if there was any truth in the doctrine asserted by the free-traders ten thousand times over, that demand and supply regulated prices, one-sixth less being produced, goods would rise in value", and the amount of work done in ten hours would command a higher remuneration than that done formerly in twelve hours.<sup>1</sup> In the second case, if supply and demand in the labour market controlled wages, then, both Fielden and Russell argued, shorter hours would mean the employment of more men, and therefore, each labourer would be able to demand more for his labour.<sup>2</sup> Roebuck staunchly denied the conclusions arrived at by Fielden and stuck to the old premises:

Of course, as the same number of hours were not to be employed in labour, wages would fall exactly in the proportion that they were so restricted. Let them depend upon it, that the price of labour depended upon the supply and demand, and that no legislative interference could satisfactorily regulate its wages. Increase the demand for labour by taking away restrictions from trade, and they would be taking the proper plan to raise wages. But attempt to limit hours, and the result would be failure, however philanthropic the motive.<sup>3</sup>

He did not succeed in convincing a majority of the House

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1. The Times, January 8, 1847.
2. Speech by Lord John Russell in Hansard, LXXXVI, 3rd series, p.1074 (May 22, 1846); and quote from Fielden in Leeds Intelligencer, December 18, 1847.
3. Speech by Roebuck in Hansard, LXXXIII, 3rd series, p.405 (January 29, 1846).

that an increased demand for labour caused by limiting the hours of work was evil, while an increased demand caused by expanding trade or, as Harriet Martineau preached, by reducing population, was good. The confusion led Sir George Grey to support the Bill on the grounds that although the tendency of the shorter working day might be to reduce wages, there were other forces which they could not calculate which might operate to increase them.<sup>1</sup>

If the Members of Parliament were not sure of the effects on wages, they were equally unsure of the operatives' thoughts on the question. Roebuck argued that the operatives supported the Bill because they had been led to believe that wages would not fall.<sup>2</sup> Labouchere cited the example of R. Greg's mill where the workers had refused to accept a cut in wages in return for an eleven-hour day.<sup>3</sup> A similar experiment was described by the Economist.<sup>4</sup> One Member of the House doubted whether the Government had the right to suffer the workers to run such a risk even if they were willing to accept lower wages.<sup>5</sup>

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1. Speech by Sir George Grey in Hansard, XC, 3rd series, p.782 (March 13, 1847).
  2. Speech by Roebuck in Hansard, XCI, 3rd series, pp.1129-30 (April 21, 1847).
  3. Speech by Labouchere in Hansard, LXXXVI, 3rd series, p.479 (May 13, 1846).
  4. Economist, April 11, 1846.
  5. Speech by M. Philips in Hansard, LXXXV, 3rd series, p.1249 (April 29, 1846).

Ainsworth thought the House had no reason to object to the Bill if the operatives were willing to abide by the consequences.<sup>1</sup> Brotherton, admitting that decreased hours might mean decreased wages, claimed that the operatives also recognized the fact; but as wages had not fluctuated more than one per cent in the last fifteen years, while the price of raw materials had fluctuated forty per cent, the workers need not fear much change in their pay.<sup>2</sup>

A majority of the House agreed to accept the risk of lower wages. The classical economists had failed to convince Parliament that the principles of their science were simple and inviolable. There was a growing awareness, as signified in the discussion of wages, that an industrial society was more complicated than had been thought twenty years earlier. Parliament was no longer content to govern by a few concise principles. Trade, it was accepted, could be governed by the simple rule of *Laissez-faire*; but *Laissez-faire* when applied to the lives of men was not a simple proposition. Past experience demanded limits to the application of *Laissez-faire*; present experience demanded the formulation of new

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1. Speech by Ainsworth in Hansard, LXXXV, 3rd series, p.1229 (April 29, 1846).
  2. Speech by Brotherton in Hansard, XC, 3rd series, p.769 (March 3, 1847).

principles to take into account these limits and yet preserve the basic idea. One major result of this reinterpretation of classical economy was a changing concept of the role of government.

The old concept was still held by the Economist. Lord John Russell was criticized for burdening the State with responsibility for the welfare of the people.<sup>1</sup>

The desire for happiness, or what is called self-interest, is universal....Relying on self-interest, enlightened by knowledge and religion, to achieve the welfare of the whole, by achieving the welfare of the individual, we endeavoured to show that while there is a great chance of individuals providing for their own welfare as individuals, there is almost an infinity of chances against their promoting the welfare of the community, when they attempt to do that by commercial and economical legislation.<sup>2</sup>

The Leeds Mercury was one of many who still shared these sentiments on the grounds that the principle of centralization which was inherent in all philanthropic schemes was dangerous to British liberty.<sup>3</sup> "Governments are always but too fond of this principle of Centralization," the Leeds Times agreed:

It gives them power uncontrolled by the nation--increases their patronage--multiplies the number of placemen, and affords extended opportunities for quartering the hangers-on and relatives of the aristocracy on the taxes levied from the people. Its tendency is to make the citizens automata, and

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1. Economist, March 20, 1847.
  2. Ibid., November 21, 1846.
  3. Leeds Mercury, May 15, 1847.

the rulers autocrats. It takes the blood of the State from the extremities and drives it to the head. It produces apoplexy and death.<sup>1</sup>

The men who were modifying the old view realized that Government should pass legislation to help the working classes--if only to help them to help themselves.<sup>2</sup> Education was one field that many men felt could be tilled only under Governmental guidance,<sup>3</sup> although there was still strong opposition to this idea from those who feared religious compulsion.<sup>4</sup> Nevertheless, it was becoming more accepted that the Englishman's old fear of centralization was exaggerated and perhaps injurious to his best interests.<sup>5</sup> Government was created for the protection of the people and

when Government ceases to be on the side of restriction, control, and regulation, and endeavours rather to break down than to uphold the laws which have been devised for the protection of the people, it appears to us to abandon the functions and even the principles of Government, and to retain only the name.<sup>6</sup>

Civilized society should not be controlled by a philosophy of dog eat dog; the blessings of civilization

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1. Leeds Times, May 23, 1846.
2. See, for example, Edinburgh Review, Vol.81 (April 1845), p.519.
3. See, for example, Globe, March 10, 1847; and Morning Advertiser, March 25, 1847.
4. See, for example, E. Baines Jr., An Alarm to the Nation of the Unjust, Unconstitutional, and Dangerous Measure of State Education Proposed by the Government, London: Ward and Co., 1847, passim.
5. See, for example, Illustrated London News, April 3, 1847.
6. Morning Post, May 11, 1846.

should be extended throughout the whole of the nation.<sup>1</sup> Paternal government was no longer a phrase that men rejected forthwith.<sup>2</sup> The Spectator summed up the effect that the last seventeen years had had on men's opinions:

The excitement about social questions at present will have one important and salutary effect--to mark out more clearly than hitherto the attributes of government, so as to extend its legitimate action where it has been limited by popular bigotry, and to prevent the caprices that it has been tempted from time to time to indulge through popular indifference.

"What right has the Government to interfere?" "Why does not the Government interfere?" These two questions are equally common in England, and in most cases equally absurd. In a fit of good humour, there is no amount of power which the English are not willing to bestow on the Legislature. In an opposite mood, they trammel and torment it by silly carping and childish suspicions. The attitude of the English people in reference to their Government is an alternation between excessive jealousy and excessive indulgence; and it generally happens that the indulgence and the jealousy are alike misplaced.<sup>3</sup>

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1. See, for example, Quarterly Review, Vol.82 (December 1847).

2. See, for example, the Rev. William Scoresby, American Factories and their Female Operatives, p.94; and speech by Lord John Manners in Hansard, LXXXVI, 3rd series, p.504 (May 13, 1846): "I accept this Bill [Ten Hours Bill] as an earnest of good, paternal, patriarchal government for the future."

3. Spectator, December 26, 1846.



## CHAPTER FIVE

### I

Not until 1853 was the uniform working day for factories established in practice, although Ashley had won his fight in Parliament in 1847. During the six years in between, the controversy continued, but the ground of the debate had shifted again. With the passing of the Ten Hours Act, the classical economists had been routed from the field of labour. But the ingenuity of a number of manufacturers had evolved a system of shifts which allowed mills to work for fifteen hours without breaking the letter of the law. The old guard fought a valiant rear-guard action to defend this interpretation of the law; but the pressure of the old supporters of ten hours, of the more recent converts and of the Inspectors won a uniform working day restricted to the hours between 6 a.m. and 6 p.m. (with an extension to ten and a half hours' labour) and between 6 a.m. and 2 p.m. on Saturday for women and young persons on August 5, 1850<sup>1</sup> and (with no extension of their hours) for children on August 20, 1853.<sup>2</sup> Protected employees were to take their meals

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1. 13 & 14 Vict., c.54.

2. 16 & 17 Vict., c.104.

between 7.30 a.m. and 6 p.m.,<sup>1</sup> and they were forbidden to remain, during meal-times, in a room where a manufacturing process was carried on.<sup>2</sup> All the old arguments were reiterated on both sides, but once experience had shown that the shift system denied the advantages to the workers for which the earlier Acts had been passed, no arguments could prevail against the stand adopted by the House.

It was an irony of history that the three years between 1850 and 1853 saw the controversy centred upon the condition of the children as it had been in the years between 1830 and 1833; the women and young persons achieved a normal working day before those under thirteen. An unsuccessful and short-lived attempt in 1853 to restrict the moving power showed that although the classical economists had lost their absolute power over public opinion, their theories still retained some influence. Indirect restriction of adult males was the consequence of the legislation passed, and the years were to accustom the country to accept these conditions at the same time as it still listened with interest and attention to the voices of Harriet Martineau, Roebuck and others warning against a rejection of freedom in industry. The limits and

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1. 13 & 14 Vict., c.54, Sec.3.

2. Ibid., Sec.8. These Acts altered nothing but the hours of labour.

qualifications on the doctrine of Laissez-faire had been recognized and accepted by most men and Britain advanced into the second half of the nineteenth century as the great free trade nation of the world in whose factories the workers enjoyed protection supervised by regular government inspection.

The operatives had never ceased to fight for this protection during the twenty years that the theories were being developed to admit of it. The introduction of shifts was a great disappointment in the North. The Lancashire Short Time Committee arranged with a mill owner, David Mills, who was favourable to their cause, that he would work shifts in order to get a trial case into the courts. On April 14, 1849, the same Committee called a meeting of delegates from every town in the county to exhibit their solidarity. The following month, the men lost one of their most influential supporters with the death of John Fielden. His devotion to the cause, coming as it did from a wealthy manufacturer, had convinced many another man to vote for the Ten Hours Bill. Oastler and Stephens were still attending meetings but their language, like that used at Staleybridge on August 10, was so violent that it lost the movement its more moderate friends. On January 8, 1850, the Court of the Exchequer brought in a decision favourable to the employment of shifts. There was now nothing to be done

but to take the issue once more before the House of Commons, and on March 14, Ashley introduced his Bill to prohibit relays. Brotherton presented a petition signed by 26,765 operatives who favoured the Bill, and Milner Gibson laid on the table a counter petition. It was in this atmosphere of tension, with everyone becoming heartily sick of the continuing trouble, that Lord Ashley intimated he would settle for a ten and a half hours' compromise as the only way of gaining real protection for the operatives.

Immediately a meeting was called for May 27, in the Corn Exchange, Hanging Ditch, Manchester, in the names of Lord John Manners, Duncombe, O'Connor, Oastler, Samuel Fielden, Ferrand, J.R. Stephens and many others, for the purpose of considering "Lord Ashley's treachery". In spite of the anger which his move aroused, Ashley accepted Sir George Grey's proposal of a Bill providing a working day for women and young persons from 6 a.m. to 6 p.m. with one and a half hours for meals; on August 5, 1850 the Bill received royal assent. The Government had betrayed Ashley, for the Act excluded children for whose inclusion he had pressed and had received a verbal promise. Oastler and Stephens denounced Lord Ashley and the Act bitterly, but the operatives and the country were tired of the struggle. In 1853 Lord Palmerston passed a Bill,

virtually unopposed, to extend the provision for the limited day to child labour; the men of the North settled down to work and to enjoy their hard-earned leisure.

Gradually over the years the acrimony towards Ashley diminished and with the death of Richard Oastler on August 22, 1861, differences and hatreds were forgotten. On October 6, 1866 Ashley told a meeting in Manchester Town Hall to recollect that protection for the workers "was achieved without violence, without menace, without strikes, without resorting to any extraordinary or illicit means." On May 15, 1869, Ashley travelled once more to the North to unveil at Bradford before a crowd of 100,000 people a statue of Richard Oastler. The last of the ten-hour mass meetings had been held.

## II

For the Inspectors, the years between 1847 and 1853 were full of tribulation, although the worst was over by 1850. Not only did their usual worries persist--the niggardliness of the Home Office,<sup>1</sup> the poor sanitary condition of the factories,<sup>2</sup> the lack of educational

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1. See Home Office Papers, H.O.45(35).

2. See Parliamentary Papers, 1849, Vol.XXII, No.131, p.249; ibid., No.283, p.341; ibid., 1850, Vol.XXIII, No.181, pp.239ff.; and ibid., No.217, p.275.

facilities,<sup>1</sup> and the prevalence of accidents<sup>2</sup>--but the question of shifts and relays disrupted their whole existence. Horner foretold trouble when the ten-hour restriction should come into effect on May 1, 1848. "This alteration in the law," he wrote to the Home Secretary, "makes so great a change in the productive power of the machinery, that every expedient will be resorted to that is likely to diminish the loss."<sup>3</sup> The problem became insurmountable because the Inspectorate, the Courts of Law and the Home Office were all divided within themselves over the advisability of relays. The trouble began when the magistrates at Chowbent refused to convict Messrs. Kennedy on an information against working relays laid by Horner.<sup>4</sup> Stuart reported to the Home Office that although the use of relays would make it difficult to administer the Act, he did not feel that relays should be prohibited, because they were within the spirit of the law.<sup>5</sup> Saunders was unhappy about convicting for relays but felt it would be unfair not to do so when other manufacturers were being prevented from using them.<sup>6</sup>

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1. See Parliamentary Papers, 1850, Vol.XXIII, No.181, p.228; and ibid., 1851, Vol.XXIII, No.293, p.319.

2. See Parliamentary Papers, 1851, Vol.XXIII, No.293, p.335.

3. Home Office Papers, H.O.45(2269). See also Parliamentary Papers, 1848, Vol.XXVI, No.105, p.107.

4. See Home Office Papers, H.o.45(1851).

5. Ibid., H.O.45(2272).

6. Ibid., H.O.45(2265).

On May 30, 1848, the Inspectors decided to submit another case to the Law Officers, as the two previous decisions of August 11, 1837, and April 29, 1848, were inconsistent concerning the interpretation of meal times specified by the Acts.<sup>1</sup> The decision handed down on June 7, 1848, that it was legal to take the hour and a half for meals before the beginning of the working day,<sup>2</sup> favoured relays. The opinion of the Law Officers of the Crown forwarded to the Inspectors by Cornwall Lewis on June 9, 1848, that the working day for young people and women started when the first one of the group entered the factory,<sup>3</sup> was unfavourable. Consequently the Inspectors decided to bring a case before a higher court than that of the magistrates at Chowbent. The Law Officers declared that such a move was impossible unless a magistrate refused to convict and the Inspector obtained a mandamus.<sup>4</sup> Saunders said that he had such a case, but the Inspectors decided not to take this step, because thus far only the magistrates at Chowbent had refused to convict. If a mandamus were applied for it could not come before a higher court until November, and meanwhile the Inspectors would be unable to prosecute what they considered to be violations.<sup>5</sup> On June 23, the Law

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1. Minutes, May 30, 1848.

2. Ibid., June 7, 1848.

3. Parliamentary Papers, 1847-8, Vol.LI, No.243, p.244.

4. Minutes, June 14, 1848.

5. Ibid., June 19, 1848.

Officers reversed their decision about meal times and decided that though breakfast and tea might be taken before and after the working day, dinner must be taken during.<sup>1</sup>

The matter became more serious in July as the practice of using relays became more prevalent. Horner wrote a letter asking the opinion of the other Inspectors in the case of John Bright and Sons of Rochdale. In this factory, fifty young persons were given an extra hour for dinner, when their assistance could be dispensed with, so that they might work one hour longer at night, and thus keep the mill running twelve hours. The legality of this mode of operation depended upon the meaning of the word "period" in the Act. If all meals must be taken at the same "period" of the day, must they all begin and end at the same time? The interpretation of "reckoned continuously" was also involved in this case.<sup>2</sup> The Act could be interpreted to mean that employees should work only ten hours of the day--in which case Bright was obeying the spirit of the law. Or the Act could be read as providing the workpeople with more time for their own personal use at home--in which case Bright was thwarting the intentions of the Legislature. Or

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1. Minutes, June 19, 1848.

2. Ibid., June 23, 1848.



the stress could be placed on making the enforcement of the Act practicable--in which case, many men felt, Bright's scheme defeated the intention of the Act.

Grey, in August 1848, favouring the first view of Bright's action, wrote to Horner telling him not to attempt convictions over relays unless he really felt that the operatives were being employed more than ten hours in the day.<sup>1</sup> Horner's reply was based on the second and third interpretations of the Act:

My firm conviction is that under any modification which I have ever seen or can imagine, the employment of young persons by relays must virtually render nugatory the main purpose of the law which imposes restrictions upon their hours of work, and that acting contrary to the above named Sections Sections 26 and 52 of 7&8 Vict., c.157 is not a mere disobedience of the "letter of the act," but a violation of its spirit and scope and of enactments which form necessary and indispensable adjuncts of the main restrictive enactment. All my experience up to the present hour, has satisfied me that a license to work young persons by relays and a law restricting their labour to a given number of hours, evasions of which can practically be prevented, are two things which cannot co-exist.<sup>2</sup>

Grey's reply to this letter was non-committal, and the matter remained undecided.<sup>3</sup> Howell wrote to Grey in support of Horner explaining that the trouble in mills derived from the use of shifts not relays. The work-people, who had fought for years to obtain ten hours --"as to which I believe their feelings to be sensitive

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1. Minutes, December 4, 1848.

2. Ibid.

3. Ibid.

if not inflammable"--were anxiously watching the trial of Messrs. Kennedy. If the Government was going to interpret the Act so as to take away all its advantages, Howell warned that the bitterness which had once existed in the North would soon revive. He did not say that adult men wanted a ten-hour day, but pointed out, as Horner had done, that if the young people and women had to stay around the mill all day in order to pop in when their time came, they might just as well be working.<sup>1</sup> Saunders illustrated his stand by prosecuting all relays he discovered after he had read Grey's non-committal letter.<sup>2</sup> Stuart abided by the first of Grey's letters and refused to convict unless he felt certain that overworking was actually being practised.<sup>3</sup>

This difference of opinion led to ill-feeling in the Inspectorate, especially between Horner and Stuart.<sup>4</sup> Stuart referred to Horner's district in his report submitted at the Inspectors' meeting in January 1849 and quoted some correspondence which Horner considered harmful to his public service; the latter asked Stuart to alter his report. Stuart refused and, when Horner threatened to complain to Sir George Grey, stopped all communication

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1. Minutes, December 6, 1848.

2. Ibid.

3. Ibid.

4. Ibid., December 27, 1848.

with him and even refused to read and comment on the reports of the other Inspectors.<sup>1</sup> Agreement could not even be reached on what had taken place at the meeting; Horner and Saunders signed the minutes with reservations about one sentence; in protest about the reservation, Stuart refused to sign at all.<sup>2</sup> The following week, the situation had degenerated so far that Stuart suggested they change their usual places around the meeting table, and the four of them solemnly drew lots and sat according to the number drawn.<sup>3</sup> When their reports were submitted to the Home Secretary, they were returned with a letter instructing the Inspectors to remove all controversy from them.<sup>4</sup>

The reports indicated, nevertheless, very clearly where each man stood. Horner was repeatedly trying for convictions in his district but not meeting with much success. In the case of Messrs. Kennedy, the magistrate would not even help Horner in his attempt to remove the case to a higher court.<sup>5</sup> Horner gave it as his opinion, based on enquiries he had made among the owners and the operatives, that a working day from 6 a.m. to 6 p.m. with

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1. Minutes, January 2, 1849.

2. Ibid., January 4, 1849.

3. Ibid., January 15, 1849.

4. Ibid., January 22, 1849.

5. Parliamentary Papers, 1849, Vol. XXII, No. 131, pp. 138-40.

one and a half hours for meals would be the most acceptable plan.<sup>1</sup> Stuart reported that, although the letter of the law did not sanction relays, he felt their prohibition was unfair to owners and operatives. If a woman, from indisposition, could not enter the factory until 3 p.m. when the others had started work at 6 a.m., it was a mere fiction to say that by 5 p.m. she had worked ten hours, especially when the factory was continuing to run for another two hours. "Such is the law, for the unqualified enforcement and preservation of which my colleagues, with perfect sincerity and good intentions, I doubt not, are now contending, as if it was the keystone of the system of factory law."<sup>2</sup> With a glance at Horner, Stuart took pains to explain:

I did not consider it prudent, nor within my province, agreeably to the terms of the 3rd and 27th sections of the 7th Vic., c. 15, as I understand them, to make inquiries of the operatives in factories by examinations, either separately or together, as to the amount of their wages, their preference of long to short hours of labour, or of short to long hours of labour, or as to any similar subject, which has been already fully discussed and finally adjusted by the authority of the Legislature.<sup>3</sup>

The Joint Report attempted to hide the bitterness but could not hide the dissension:

Nothing has occurred to which it appears to us to be necessary to request your attention, except the important question respecting the employment in

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1. Parliamentary Papers, 1849, Vol. XXII, No. 131, pp. 144-5.

2. Ibid., p. 262.

3. Ibid., p. 259.

factories of young persons and females above the age of 18 years by relays. Mr. Stuart has differed, for reasons stated in his Report, from the practice of his colleagues, and has refrained for above three months past, during which alone there has been any working by relays in Scotland, from instituting any proceedings against several Factory occupiers there working by relays, when he had no reason to believe that any young persons or female had been actually employed for a longer period than that sanctioned by law.<sup>1</sup>

On January 29, 1849, the Inspectors received from the Home Office the draft of a proposed Bill to legalize relays. Saunders, Howell and Horner immediately submitted a memorandum saying that the Bill would be impracticable and that they would work on such a Bill under protest although they would, of course, do so. Stuart sent a separate memorandum approving of the draft as it would not only help mill owners but also allow the employment of more work people.<sup>2</sup> The Home Office appears to have been convinced by the majority memorandum; it was clear by February 5, that an attempt would be made to prevent relays.<sup>3</sup> But until an Act passed the House, the problem remained. Horner wrote to Grey asking his advice about a factory at Staleybridge using thirteen relay teams in which Horner could not satisfy himself that the law was not being infringed. Grey replied that it would be "inexpedient" to prosecute.<sup>4</sup> Saunders apologized to the

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1. Parliamentary Papers, 1849, Vol. XXII, No. 131, p. 281.

2. Minutes, January 29, 1849.

3. Ibid., February 5, 1849.

4. Home Office Papers, H.O. 45(2861).

Home Office in May for the action he was taking: "I think it right to inform you that after endeavouring to avoid the necessity of prosecuting a Mill Occupier for employing Young Persons by relays, I have been obliged to do so, at the Dewsbury Petty Sessions."<sup>1</sup> Horner was being encouraged by Howell and Saunders in an attempt to get a mandamus in a case concerning relays.<sup>2</sup> The indecision about relays was causing a growing restlessness in the manufacturing areas.<sup>3</sup>

Matters went from bad to worse during 1849. Horner was unable to prevent relays and his admonitions to factory owners were futile. By May of that year, 114 factories in his district were working shifts;<sup>4</sup> he reported:

When the Ten Hours bill was in agitation, it was often said that the workpeople who petitioned for it did so from the expectation that they would get 12 hours' wages for 10 hours' work; it may be so, but by this plan of shifts the case is reversed, for the people get only 10 hours' wages for 12 hours' occupation.<sup>5</sup>

Saunders had some success in gaining convictions in the West Riding. His informations were laid on the grounds that the owners were not using Schedule C as demanded by

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1. Home Office Papers, H.O.45(2861).
  2. Minutes, May 29, 1849.
  3. Ibid., June 5, 1849.
  4. Parliamentary Papers, 1849, Vol.XXII, No.283, p.287.
  5. Ibid., p.288.

Section 8 of the Act. It was impossible to fill out this form just as it stood, to tell the truth, and to work relays all at once. The magistrates agreed with him and imposed fines up to £20. But, when Saunders tried to convict on the grounds that all restricted employees must begin work at the same hour, he lost his case. Although his report showed that this anomaly worried him and that he disliked gaining convictions when there seemed to be one law for his district and another for Horner's, his opposition to relays never lessened.<sup>1</sup> Howell did not encounter the problem of relays in his district until after February, when he failed to get a conviction at Stockport; but both before and after this incident, his support was firmly behind Horner and Saunders.<sup>2</sup> Still condoning relays, Stuart reported that, in his opinion, "with few, almost insignificant exceptions" everyone liked the system.<sup>3</sup> He was, however, sufficiently upset when he failed to get conviction in a proven case of young people being worked during meal times to appeal to the Home Secretary for help in enforcing the Act.<sup>4</sup> The Home Office, anxious to stay completely out of the controversy, intimated that it preferred the Inspectors

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1. Parliamentary Papers, 1849, Vol. XXII, No. 283, pp. 312ff.

2. Ibid., pp. 301ff.

3. Ibid., p. 333.

4. Ibid., p. 331.

not to prosecute, although it could not be explicit, since the mill owners were acting illegally according to the Law Officers of the Crown.<sup>1</sup> The Inspectors, especially Horner, were using every means available to put pressure on the Home Secretary to have the Act obeyed.<sup>2</sup> By July 9, 1849, Saunders and Horner were both advocating a uniform working day running from 6 a.m. to 6 p.m.<sup>3</sup> Horner pointed out that he knew that shifts were against the spirit of the Act, because the Inspectors themselves had been called upon to give suggestions for these clauses in 1844.<sup>4</sup> The situation became so confused that when Horner finally obtained his mandamus, and the case came up before the Court of Exchequer, the Treasury informed the Inspectors that it was doubtful whether that Court had jurisdiction to decide the case.<sup>5</sup>

The Court did hand down a verdict in February of 1850 which brought matters to a head. It decided in the case of *Ryder v. Mills* that relays were legal. Horner immediately wrote to Grey to inquire if the decision meant that he must stop prosecuting. Grey replied, "...the only instructions Sir George Grey can give you are that in the discharge of your duty as Inspector you

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1. Home Office Papers, H.O.45(2861).

2. Parliamentary Papers, 1849, Vo..XXIII, No.283, p.346.

3. Home Office Papers, H.O.45(2861).

4. Parliamentary Papers, 1850, Vol.XXIII, No.181, p.184.

5. Minutes, January 10, 1850.



must conform to the constructions of the law laid down by the Court of Exchequer."<sup>1</sup> The Inspectors then turned to their reports as the last weapon they could use to press their opinions. Horner was asked to remove his personal opinions from his report for December 1849; he removed them into the mouths of the operatives.<sup>2</sup> The Home Secretary also asked the Inspectors to show unanimity in their Reports; this demand was gladly acquiesced in as Stuart had died and his successor, Kincaid, shared the opinions of his colleagues.<sup>3</sup> In spite of the efforts of the Home Secretary, the House of Commons was left in little doubt as to the opinions of the civil servants. The report in the House of Commons Papers relating to the decision in the case of *Ryder v. Mills* showed clearly the issues in the struggle which had been taking place over relays.

In a court of law...we are not to inquire whether the enactments are dictated by sound policy or not; that question is exclusively for the consideration of Parliament. We agree also with the Attorney-General, that though the immediate question in this case did relate to adult females, who are more capable of taking care of themselves, and of continual labour, than children, and consequently need less protection, and on whom the restriction from employing themselves as they may think best appears more of a hardship, the point to be decided is the same as if we were considering of children and young persons only, for the Legislature has clearly put

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1. Home Office Papers, H.O.45(3094).

2. Ibid., H.O.45(3090).

3. Ibid., H.O.45(3670).

all females on the same footing as they are....  
 [A] man is not to be restrained from the liberty which he has of acting as he pleases, and rendered liable to a punishment, unless the law has plainly said that he shall.<sup>1</sup>

It had been made quite clear that in a court of law, not the intention of the Act but the wording counted. Although the Act specified that all protected persons should begin work at the same time, it did not specify that the time should be reckoned continuously; nothing would have been simpler than to include a clause stating that all must finish work at the same time. The contention that the form of the schedules showed the meaning of the Act was refuted; such an interpretation of the schedules would not allow a young person to work, and be paid for, less than ten hours. The report, therefore, concluded:

Undoubtedly if there was such an enactment [that all must finish work at the same hour] it would have the effect of securing to the children and young persons, whom it was most certainly the object of the Legislature to protect against their own improvidence or that of their parents, the more effectual superintendence and care of the inspectors. Without question it would more certainly prevent them from being over worked, and secure to them more completely the benefit of some education in public schools which the Legislature meant them to enjoy; it would advance the intended remedy. But then this result could only have been obtained by a larger sacrifice of the interests of the owners of factories, and we cannot assume that Parliament would disregard so important a consideration.<sup>2</sup>

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1. Parliamentary Papers, 1850, Vol.XLIII, No.479, p.479.
  2. Ibid., p.480.

Here then was the crux of the whole question. Once again the mill owners and their supporters were aligned against the operatives and their supporters. Had Parliament intended a "larger sacrifice of the interests of the owners of factories" in order to "advance the intended remedy"? The Inspectors insisted that Parliament had, and heartily welcomed the introduction of the Bill to settle the problem by a uniform twelve-hour working day, with an hour and a half allowed for meals.<sup>1</sup> Parliament after much debate agreed with the Inspectors, and the Bill passed into law.

The end to relays for women and young persons was greeted on the whole with enthusiasm in the manufacturing districts by the operatives<sup>2</sup> and by the Inspectors.<sup>3</sup> The latter had only two complaints: they felt that the working day for children should also be limited to between the hours of six and six; and that children should be allowed to work for ten and a half hours on alternate days, instead of ten.<sup>4</sup> (The clause in the Act of 1844 limiting the hours of children to ten on alternate days had naturally not been repealed, and the restriction meant that the hours for children could not coincide with

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1. Parliamentary Papers, 1850, Vol.XXIII, No.261, p.326.

2. Ibid., 1851, Vol.XXIII, No.217, p.219 and p.266.

3. Ibid., p.220 and p.266.

4. Ibid., p.222, p.255 and p.264, and No.261, pp.295-6, and No.293, p.326.

those of young persons and females.) In spite of these defects, the Inspectors concluded unanimously:

We have derived, as we anticipated in our last Report, considerable assistance in our efforts to obtain a more uniform observance of the law, in respect to the ordinary working hours of young persons and women, from the valuable provisions contained in the late amending Act for defining the duration of the factory working day for these two classes of the persons employed.

The amending Act has also had the effect of allaying much of the excitement which existed, throughout the manufacturing districts, for the long period during which the shift system was practised in so many places.<sup>1</sup>

In April of 1853, the last step was being prepared. Horner was busy writing at Lord Palmerston's request the draft of a Bill to amend the Factory Acts in order to bring the labour of children into accord with that of young persons and females. The draft was shown to Lord Shaftesbury who approved it and promised to speak to Palmerston.<sup>2</sup> The Bill was rushed through Parliament. In December the Inspectors reported to Palmerston that the Act

has been enforced in our several Districts and has removed an anomaly [children remaining in the mills after the women and young people had left] which has been the subject of much complaint and has given general satisfaction as well to Employers as to the employed excepting possibly some of those Masters whose unusually long hours of work have been contracted by it.<sup>3</sup>

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1. Parliamentary Papers, 1850, Vol. XXIII, No. 217, p. 289.

2. L. Horner, Memoirs of Leonard Horner, Vol. II, p. 210.

3. Home Office Papers, H.O. 45(4758).

The first stage in the restriction and inspection of factories was over. A great precedent had been established, but, successful as the experiment had been, it was only a precedent. The country had accepted and applied a new concept, but only in one small area; each extension of the area would take time and debate, although a little less as each year passed. Perhaps Horner, who devoted years of his life to the successful establishment of the Factory Inspectorate, can best sum up its meaning for nineteenth-century Britons. His comments were made on his retirement in 1856 when accepting a testimonial from the factory delegates:

I should have been very insensible indeed had I not been much gratified by such an appreciation of my endeavours to give full effect to the benevolent and wise interference of legislation on behalf of the oppressed factory population. It was a great experiment, and twenty-five years of testing the soundness of the measure have shewn that moderation in the hours of work, are perfectly compatible with an ample remuneration to the capitalist. Sound, however, as the legislation has been in the case of the factories, the application of the principle to other employments would require great forethought and a perfect acquaintance with the nature of the employment proposed to be interfered with. There is also this great difficulty, that all legislation would speedily become a dead letter, without a similar system of inspection to secure the observance of the law, and that implies a very large expense.<sup>1</sup>

If Horner could have glanced in 1957, he would have seen that all expense is relative.

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1. L. Horner, Memoirs of Leonard Horner, Vol.II, pp.291-2.

## III

The main subject of the debate between 1847 and 1853 was a loophole in the Acts of 1844 and 1847 which allowed the use of shifts to keep the mills running more than twelve hours a day. It was a flaw which brought to the fore once again the whole question of Parliament's real intentions in passing the Factory Acts. There were still voices which claimed that the Legislature's intentions were anything but laudable:

In the mode in which we shall exhibit their objects and methods, we shall, at the same time, unavoidably display the operation of passion and prejudice on the part of their antagonists; and the encouragement to unscrupulous statement, insolence, arrogance, and cant, to which the door is opened when meddling legislation is accorded to the pseudo-philanthropy which is one of the disgraces of our times.<sup>1</sup>

Political economy meant liberty and "by no other means can the state be ensured prosperity, without which there can be no safety."<sup>2</sup> Without liberty the country would stagnate; red-tape would stifle all initiative.<sup>3</sup> Free Trade would create democracy and prosperity at the same time.<sup>4</sup> Free Trade would make the country prosper;<sup>5</sup> to

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1. Harriet Martineau, The Factory Controversy, Manchester: A. Ireland and Co., 1855, p.35.
  2. See the Economist, May 6, 1848.
  3. See ibid., May 20, 1848.
  4. See D.P.Barhydt, Industrial Exchanges and Social Remedies, New York: George P. Putnam, 1849, pp.37-8 and pp.174-5.
  5. See, for example, speech by M. Gibson in Hansard, CIX, 3rd series, pp.913ff. (March 14, 1850).

oppose Free Trade was to oppose Divine Law.<sup>1</sup>

England has been often referred to as an evidence of the prosperity effected by the protective system; but these fail to glance at the reverse of the medal, where the horrible suffering, pauperism, and misery showed at what a cost this partial prosperity has been purchased. There, where under an undue appropriation of the natural agent of production, the division of labour's product is unjust, immense fortunes rise up in the midst of great destitution. The plunder of her own people is a kindred source of wealth to that deprived by nations from foreign conquest, and the rapine of war ....Prices have risen, whilst the people's wages have diminished. This state of things untaxed exchanges will go far to terminate in England, and would have already, if that country had not merited the accusation of manufacturing the doctrines of free trade, like other products, for exportation, without applying them at home. Unfortunately for them, her production and her doctrines have been alike withheld from the common use of her oppressed people.<sup>2</sup>

For the Economist, seeking the general rules which governed the moral as well as the material world, it appeared obvious that "when it is demonstrated that it is a terrible error to interfere with the industry of the husbandman and the merchant, it must be, or all human knowledge is worthless, equally erroneous to interfere with the industry of the spinner and weaver."<sup>3</sup>

The general laws had seemed obvious when no one doubted their existence, but were more difficult to prove once they were questioned. It was easy for the Edinburgh Review to advise its readers: "the State, if it wishes

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1. See, for example, D.P. Barhydt, Industrial Exchanges and Social Remedies, pp.19-20.

2. Ibid., p.175.

3. Economist, August 26, 1848.

to maintain a straight and safe career, must act upon principles as stern, as steady, and as comprehensive as those of Nature herself,"<sup>1</sup> but it was not so easy to find these principles. Should they be based on Nature? The Economist saw suffering and evil as "nature's admonitions" and accepted them;<sup>2</sup> but to the majority of Victorians, such a position was no longer palatable.<sup>3</sup> Schemes of reform were opposed by some on the ground that they ignored the essence of man's nature--selfishness;<sup>4</sup> but the nature of man could also be used to justify reforms, since reforms sought "to make all people, what God and nature intended them to be, equal in mental and bodily organization, at least as nearly so as possible."<sup>5</sup> And what of moral laws? Did they not, while coinciding with many of the economic teachings, yet demand time for the mental improvement and the moral instruction of the workers?<sup>6</sup> Where should the line be drawn? What distinguished interference which furthered the intentions of nature from that which thwarted them? Sidney Smith had

1. Edinburgh Review, Vol.90 (October 1849), p.503.
2. Economist, May 13, 1848. See also ibid., June 3, 1848.
3. See, for example, Quarterly Review, Vol.86 (December 1849), p.157.
4. See D.P. Barhydt, Industrial Exchanges and Social Remedies, p.191.
5. Christopheros, Condition of the Labouring Poor, London: Whittaker and Co., 1851, p.5.
6. See Robert Baker, The Present Condition of the Working Classes, London: Longman, Brown & Co., 1851, p.7.



his own inimitable answer:

What a singular event,--these divisions upon the working hours of the common people! The protection of children is perhaps right; but everything beyond is mischief and folly. It is generally believed that if the Ten Hours Bill is carried, Government will resign. I am a decided duodecimalist.----- is losing his head. When he brings forward his Suckling Act, he will be considered quite mad. No woman to be allowed to suckle her own child without medical certificates. Three classes, viz. free-sucklers, half-sucklers, and spoon-meat mothers. Mothers whose supply is uncertain to suckle upon affidavit! How is it possible that an Act of Parliament can supply the place of nature and natural affection? Have you any nonsense equal to this in Northumberland?<sup>1</sup>

The debate over the right to interfere with adult labour followed much the same lines as it had followed before 1847. The only new element in the discussion was the challenge issued by the opponents of the Ashleyites, questioning the intention of the previous Parliament. Had it meant to interfere with adult labour? The answer to this question was a repetition of the justification for the stand taken in 1847. The one argument missing from the debate was the reference to man's being the best judge of his own interests which had appeared in many of the earlier speeches. But as it had been most often used by the opponents of legislation, and as the operatives had shown beyond a doubt that they wanted a

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1. Quoted in Harriet Martineau, The Factory Controversy, pp.48-9.

ten-hour day, perhaps the omission was natural.<sup>1</sup> The qualities in the worker which would make him a responsible member of society, some felt, had unfortunately been destroyed by the conditions in which he was compelled to live.<sup>2</sup> There were indications also that a fear was growing that the working man was becoming only too capable of knowing what he wanted and achieving it, although his interests might not coincide with the interests of the rest of the community.<sup>3</sup> Although it was still preached that acquired boons were better than granted ones,<sup>4</sup> it was tacitly understood by the preacher if not by the worker that some boons were better not acquired.

It was still generally accepted that freedom for the adult worker was a desideratum; but the argument over the meaning of freedom was slowly being won by the Ashleyites. With one or two exceptions<sup>5</sup> few men, even now, openly advocated direct restrictions on adult labour;

1. See, however, speech by W. Brown in Hansard, CIX, 3rd series, p.933 (March 14, 1850) in which he claimed that the operatives would find the results of the legislation injurious and would soon petition Parliament to reverse its decision.
2. See Westminster Review, Vol.52 (October 1849), p.95.
3. See, for example, Robert Baker, The Present Condition of the Working Classes, pp.57ff.
4. See Edinburgh Review, Vol.89 (April 1849), pp.434-5; and Robert Baker, The Present Condition of the Working Classes, p.60.
5. See, for example, speech by O'Connor in Hansard, CIX, 3rd series, pp.915-6 (March 14, 1850).

Hume still found many supporters after 1847 for his view that all interference, even indirect interference, by the Legislature was a transgression of man's freedom.<sup>1</sup> Consequently, Ashley's Bill to restrict the working day for protected persons from 6 a.m. to 6 p.m. was opposed by many who disapproved of any move direct or indirect to impose restrictions on adult male labour.<sup>2</sup> The amendment to bring the working day of children into line with that of women and young persons was considered a particularly dangerous attempt at indirect interference, and was defeated in 1850.<sup>3</sup> Bright was vehement in opposition, exposing the proposal as a blatant move to close all mills after ten hours.<sup>4</sup> Labouchere opposed the motion as inadmissible interference with the labourer's property.<sup>5</sup> Although the House was reminded that the subject under

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1. See, for example, Morning Chronicle, March 14, 1850; speech by Hume in Hansard, CX, 3rd series, p.1135 (May 3, 1850); and speech by W. Brown in Hansard, CXI, 3rd series, p.837 (June 6, 1850).
  2. See, for example, Manchester Guardian, March 16, 1850; speech by Fergus in Hansard, CXI, 3rd series, p.830 (June 6, 1850); Leeds Mercury, June 8, 1850; and speech by Hume in Hansard, CXI, 3rd series, pp.1238-9 (June 14, 1850).
  3. See, for example, speech by Sir George Grey in Hansard, CXI, 3rd series, p.847 (June 6, 1850); speech by T. Egerton in ibid., p.1238 (June 14, 1850); and speech by Elliot in ibid.
  4. Speech by Bright in ibid., pp.848ff. (June 6, 1850).
  5. Speech by Labouchere in Hansard, CXXVIII, 3rd series, pp.1285-6 (June 5, 1853).

discussion was not the protection of adult males and that the debate should be circumscribed accordingly,<sup>1</sup> such a limit could not possibly be maintained; the concept of freedom concerned all ages and sexes.

It was this aspect of the debate which showed most clearly the advance in the reinterpretation of Laissez-faire. T.H. Green, in the second half of the century, would not have disagreed with the definition put forward in 1851 by Robert Baker: liberty is not necessarily freedom but the full possession of every right.<sup>2</sup> Baker's defence of the Factory Acts was becoming typical by 1850:

But a more specious form of attacking the laws which limit the hours of labour, and the motives of the promoters of them, is in the cry that it is an infringement on liberty to interfere between masters and their workpeople: as if there was really liberty in this kind of labour. It is very true that labour is free to go as it came, if it is not satisfied with its condition; but that is not liberty. Just as well might that state be called liberty, in which the labourer is compelled to work long hours against his inclination when labour is plentiful, and yet to have it shortened to starvation, when work is scarce. Besides, infant labour, where absent from parental control, should be protected somewhere. It seems an infringement of liberty rather, to lengthen the conventional hours of labour [set in Henry VII's time at an average of ten hours], for that absorbs in proportion to its duration the positive property of the workers, without their having a beneficial interest in it.... And when the masters complain of legislative interference,

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1. See, for example, speech by the Bishop of Oxford in Hansard, CXII, 3rd series, p.1367 (July 15, 1850).
  2. Robert Baker, The Present Condition of the Working Classes, p.61.

and when political economy steps in to support them, and to confirm the justice of their complaint, it is wonderful how they both overlook the cause and the author of it. The cause, was the abuse by the manufacturers of this very liberty in others of which they are so tenacious themselves; and the author of it, was one of their own craft. There is, therefore, no justice in such a complaint; and when they add to it, that the natural tie of parental affection is the safest and the surest guarantee of physical protection to the infant labourer, they deny the facts which originated legislative interference, and they maintain for the working classes a capability of resisting the temptation of pecuniary advantages, which they themselves do not possess. Their motive for working long hours,--what was it? To accumulate capital upon rent, taxes, and plant, by a continuance of labour, in which continuous physical duration was once, and in many cases is now, hardly a unit of consideration; whilst for the working man they disclaim any temptation in increased wages to tax the physical powers of his children. And thus it has been for years that Mammon has prevailed over morals, and intellect has of necessity succumbed to a depravity which is proverbial.<sup>1</sup>

If a free labour market was a myth, it was possible to render support to a Bill which indirectly restricted adult male labour.<sup>2</sup> Saunders advanced the example of the unscrupulous use of shifts, against the known wishes of the operatives, to prove these contentions:

Such proceedings have afforded moreover, incontrovertible proof of the fallacy of the assertion so often advanced, that operatives need no protection, but may be considered as free agents in the disposal of the only property which they possess, the labour of their hands and the sweat of their brow.<sup>3</sup>

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1. Robert Baker, The Present Condition of the Working Classes, pp.20-1.
  2. See, for example, speech by W.J. Fox in Hansard, CXI, 3rd series, pp.1239-40 (June 14, 1850).
  3. Parliamentary Papers, 1850, Vol.XXIII, No.261, p.305.

The Spectator took pains to illustrate the fallacy and danger inherent in the belief, based on an analogy between labour and capital, that interference was an evil.

"Labour is capital." These words have been often used, especially by those who insist that the State has no right, by abridging the hours of work, to interfere with the means of profitably employing what constitutes the only capital of the labourer. But the statement, being viewed as a metaphor rather than a truth, even by those who advanced it, has never been carried out to its legitimate conclusions.

So carried out, it appears to contain within it the germ of a remedy for the double grievance, by a sense of which the labouring population is now rendered unquiet.

The grievance is that the labourer is not treated as an entity; he is not recognized as having an existence, either politically or socially. Politically, he has no part, direct or indirect, in the Government of his country. Socially, he has virtually no voice in his own disposal, employment, or residence.

But admit only that his capacity for labour is a certain though dormant capital; ascertain its amount by the annual return which it is capable of yielding; consider the labourer as a possessor of capital to that amount; and give him a vote proportionate thereto, both in the Government and in regulation of his own remuneration....<sup>1</sup>

Thus another tenet of the classical economists was being taken out of their hands and given a meaning which, to the Economist at least, was completely untenable.<sup>2</sup> Under the present conditions of a labourer's existence, the Ashleyites asserted, "freedom of contract meant nothing more than freedom of coercion".<sup>3</sup> Since the men were

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1. Spectator, May 6, 1848.

2. See Economist, April 15, 1848.

3. See, for example, speech by W.J. Fox in Hansard, CIX, 3rd series, p.926 (March 14, 1850).

brought up in ignorance, obedience and submissiveness, it was not only ridiculous to expect them to make a reasonable contract,<sup>1</sup> but, also, if they remained ignorant, dangerous.<sup>2</sup> The helplessness of the individual worker forced him to act with the herd, and if more consideration was not given to working-class demands, it would soon be the mill owner who would be helpless.<sup>3</sup>

A strong argument against the men who opposed restriction on the moving power of a factory, or on the adult men therein employed, was the impossibility of enforcing restrictions for any employees if relays were permitted.<sup>4</sup> The Ten Hour Act had been meant as a measure to protect those who were unable to protect themselves, and if the new Bill in 1850 was the only method of enforcing that protection, then it should be supported.<sup>5</sup> Such an attitude was described by its proponents not as sanctioning indirect restriction per se, but as sanctioning such interference as was a "necessary consequence" of protecting young persons and women.<sup>6</sup>

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1. See Christopheros, Condition of the Labouring Poor, p.23.

2. See speech by Lord John Manners in Hansard, CX, 3rd series, p.1432, (May 13, 1850).

3. See Spectator, January 6, 1849.

4. See, for example, speech by H. Edwards in Hansard, CIX, 3rd series, p.898 (March 14, 1850).

5. See, speech by Fergus in Hansard, CXI, 3rd series, p.830 (June 6, 1850).

6. Speech by Bankes in Hansard, CIX, 3rd series, p.912 (March 14, 1850).

The distinction was important in the eyes of the Victorians, because it justified the view that "the question of what shall be the limit of your hours of labour is one thing--the enforcement of your limit, whatever it may be, is another."<sup>1</sup> As Saunders pointed out:

No doubt has been expressed, or, I believe ever entertained, as to the intention of the Legislature to leave the working of machinery, and the labour of male adults, as free from restriction as it was possible, consistently with affording adequate protection, against over-work, to the younger and weaker classes.<sup>2</sup>

Even Bright was anxious "to settle what was in some degree an unsatisfactory state of the law."<sup>3</sup> He justified his support on the grounds that it would be most convenient for industry for all to work a ten-hour day.<sup>4</sup> It is noteworthy that in his speech, Bright showed the influence of his opponents' arguments. He admitted "that a man may be induced, if not forced, to work more than twelve--aye, more than thirteen hours per day."<sup>5</sup> Thus Bright, the adamant supporter of freedom of industry, became finally convinced that not all the premises of Laissez-faire were unquestionable.

Even if it were decided that all labour was not

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1. Speech by I. Butt in Hansard, CXXVIII, 3rd series, p.1277 (July 5, 1853).
  2. Parliamentary Papers, 1848, Vol.XXVI, No.105, p.126.
  3. Speech by Bright in Hansard, CIX, 3rd series, p.918 (March 14, 1850).
  4. Ibid., Hansard, CXI, 3rd series, p.1237 (June 14, 1850).
  5. Ibid., Hansard, CIX, 3rd series, pp.921-2 (March 14, 1850).



free, it was necessary to determine whether interference was producing beneficial results, before further steps could be taken. The Economist made quite clear where it stood:

If the people are at once poor and discontented, they have to thank their meddling friends; if they are ignorant of the only means of improving their condition they have still to thank their kind legislative friends, who never permitted them to feel and see nature, never would allow them to learn the truth she teaches, but for ever stood between her and them, and meaning to protect them from the calamities by which she warns and guides men, have kept them in ignorance, and have made them very often mischievous.<sup>1</sup>

The periodical also lashed out at Ashley and Hindley for feeling "some pleasure in fining and snubbing the mill-owners".<sup>2</sup> But what if the workers were not poor and discontented and the manufacturers not suffering any more than before 1833; in fact, less so? The reports of the Inspectors gave much weight to this query.<sup>3</sup> Stuart reported Scotland not ruinously affected by the Act of 1847 because he did not prosecute for relays and because the mills did not normally run more than ten hours.<sup>4</sup> At first Horner was sceptical of the attempt to limit the hours to ten; he thought the idea praiseworthy in theory

1. Economist, March 11, 1848.

2. Ibid., June 17, 1848.

3. See speech by Lord John Manners in Hansard, CIX, 3rd series, p.924 (March 14, 1850).

4. Parliamentary Papers, 1848, Vol.XXVI, No.149, p.189.

but financially impracticable. He also feared hardship for the workers caused by a substantial reduction in wages and the non-employment of women.<sup>1</sup> The Westminster Review claimed that the whole agitation from the beginning had been inspired by a selfish desire on the part of the men to exclude women from the factories.<sup>2</sup>

By 1848 attitudes were changing. In the early part of that year, Horner had made a small survey of his own, the results of which threw a new light on the Ten Hour Act.

Besides my ordinary occupation when in circuit, and the necessity of writing a great deal in the evening, to prevent that, which I of all things dislike, viz., an accumulation of arrears, I voluntarily undertook an inquiry which I considered of importance to make, in order to ascertain the feelings of the workpeople of the factories as to the Ten hour Act, whether the law passed ostensibly for their benefit is considered to be so by themselves; I have conversed with two hundred and sixty-three individuals, and taken notes of their evidence, and the writing it out for the press has occupied a great deal of time. I cannot yet speak with any accuracy, but my general impression, from my own enquiries, and from those of the five Sub-Inspectors of my district, is, that the workpeople prefer the shorter time, although they get less wages, in a majority of cases. It is a result I did not expect, and is a justification of Lord Ashley, and of those who urged him to persevere, that I was not disposed to give them credit for. I never for a moment doubted the purity of Lord Ashley's motives, but I thought that he had been misled to a great extent, by designing people. I feel quite sure of this, that there will never be a return to twelve hours of work.<sup>3</sup>

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1. Parliamentary Papers, 1848, Vol. XXVI, No. 149, pp. 152ff.
  2. Westminster Review, Vol. 49 (July 1848), p. 306.
  3. L. Horner, Memoirs of Leonard Horner, Vol. II, p. 146.

The survey may have meant extra work for Horner, but his conversion to full support of the Act meant leisure for the operatives. In his report, he stated his conviction, in spite of the fact that there was no shortage of hands for mills which worked long hours. The operatives who worked twelve, thirteen, or even fifteen hours informed him that they had no choice because work was scarce. Horner then went on, perhaps slightly inconsistently, to show that trade had not suffered from shorter hours. The mill owners themselves had informed him that large amounts of money had been newly invested in businesses in his district: 61 new mills had been built and 21 more were being built with a total of 2615 horsepower which meant employment for 13,000 men; 156 vacant mills were being reopened with a total of 2,738 horsepower.<sup>1</sup>

And if we take into account the vast increase since 1834, not only of cotton-mills, but of woollen, worsted, flax, and silk factories, it may be confidently maintained that the legislative restrictions imposed in that year and since, while they have vastly improved the condition of the operatives employed in them, cannot be charged with having thrown impediments in the way of a steadily progressive improvement in all these branches of trade.<sup>2</sup>

Mill owners who respected the preference of the workers for shorter hours, but felt at a disadvantage in competition with the masters who kept their mills running,

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1. Parliamentary Papers, 1850, Vol. XXIII, No. 261, p. 264.

2. Ibid., p. 266.

favoured a restriction from 6 a.m. to 6 p.m. with one and a half hours for meals.<sup>1</sup> There was some attempt to deny that masters and employees favoured shorter hours,<sup>2</sup> but Horner's report could not be discredited as it was supported by numerous facts. Saunders' report, as usual, supported that of Horner. Not only had trade and wealth increased in his district, but prosperity had reversed the earlier evil trend, as adult labour was replacing young and weak labour without causing hardship to those already working. The number of adult males employed had increased by 44 per cent since the first restrictions, while the aggregate increase in employment was 28.4 per cent.<sup>3</sup> In his report for December, 1849, Saunders explained the reasons for his conversion to ten or ten and a half hours' labour: many of the masters and nearly all of the workers in his district had stated a preference for short hours, which experience had proved practicable. For example, he cited

a silk mill in which regular night-work was carried on before 1844. In that year the Act passed which prevents women being employed at night, and for the first time restricted the age at which children were to be admitted in silk mills. Distress and serious injury were anticipated as the result of that legislation. The occupiers of the mill in question appealed against the enforcement of the

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1. Parliamentary Papers, 1849, Vol.XXII, No.131, pp.146-7.
  2. See, for example, Economist, February 29, 1848.
  3. Parliamentary Papers, 1850, Vol.XXIII, No.217, p.279.

law, especially in respect to night-work, which they considered would seriously affect both employer and employed. The alterations in the law to which I have alluded, as well as the 10 hours' restriction, have all been faithfully carried out by the occupiers. Night-work has been, in the mill to which I now allude, wholly abandoned; and I was gratified to find, by a recent conversation with the highly-intelligent manager, who has for years had charge of the factory, that he is well satisfied the work-people have derived considerable advantages from the protection now afforded them, and would regret any extension of the hours of work. The occupiers of the mill to which I refer, made such alterations in their premises and machinery as were necessary under the altered mode of working, and I have no reason to doubt but that they would agree in the opinion expressed to me by their manager.<sup>1</sup>

Many mill owners were still opposed to restriction or felt that it had gone too far, Saunders continued, but the number was now large who would be willing to work the ten-hour day ending at 6 p.m.

...[A]nd this, I [Saunders] believe, to be especially the case, among mill-occupiers and managers who can, from their own experience, compare the state and condition of the operative class under the present system, with their state and condition under the hours of work during which they laboured 20 years ago.<sup>2</sup>

Saunders' conclusions effectively refuted the Economist's claims that Factory Legislation had increased the need for emigration<sup>3</sup> by reducing not only profits, wages and production, but also the moral and intellectual standards of the workers.<sup>4</sup> The Inspectors expressed strongly their

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1. Parliamentary Papers, 1850, Vol. XXIII, No. 181, pp. 220-1.

2. Ibid., p. 221.

3. Economist, March 11, 1848.

4. Ibid., June 3, 1848.

opinion about relays and shorter hours to the House of Commons. Therefore it was with full knowledge that the disinterested men working most closely with the Acts believed short hours to be beneficial that the House debated the question of relays.

The Home Office, Parliament, and the Inspectors were all conscious by 1850 that the question of relays could no longer be left in abeyance. After the decision in favour of relays by the Court of Exchequer in the case of *Ryder v. Mills*, delay in settling the law was dangerous. Horner's opinion was prejudiced but it summed up the situation.

There is a very great degree of excitement among the Factory operatives by the cruel disappointment to their hopes by the decision of the Court of Exchequer. I am inclined to think that it is as well that things have taken the turn they have done, because there must be now an Act of Parliament to settle the question. I do not think that the judgment will increase the evil of relays, for it had got to a great length, and had the judgment been different, we should have been struggling on with a doubtful, uncertain law upon a point which should be clear and unequivocal. The Government has behaved in a very discreditable way in this matter; so soon as doubt was thrown on the true meaning of the Act, by the contradicting decisions of magistrates (and that was the case twenty months ago) they should have brought the subject before Parliament. If they attempt to infringe upon the Ten Hours' Act, they will be assuredly beaten sooner or later, for it has taken deep root in the good opinion of the operatives, and they will make a great struggle to have the Act honestly and uniformly carried into operation. It quite disgusts me to hear the cold, calculating economists throwing aside all moral considerations, and with entire ignorance of the state of the people who work in factories, talking of its being an infringement

of principle to interfere with labour. Why interfere with the use of capital in any way then? and do we not see laws passed every year to check the abuse of the application of capital, when it is productive of great moral and social evils. If I were free to write, I could from my experience make such a statement as would shew the fallacious reasonings, and bad political economy, of those very economists who, with their extravagant extension of their doctrine of laissez faire, bring discredit upon the science they cultivate.<sup>1</sup>

Not all men considered that the application of the dogmas of Laissez-faire in this case was extravagant or bringing discredit upon the science. The new Bill making relays illegal was hotly disputed. The Globe demanded that the Ten Hour people come out into the open and admit they wanted restricted hours for all operatives. "An accusation of disregard of the (supposed) spirit of the Act comes with but an ill grace from those who are seeking so to frame the letter of the law as to push its operation beyond the known intentions of the legislature." In addition, the Globe was convinced that ten hours strictly enforced would ruin commerce and thus bring about a reversal of the previous decisions of the House.<sup>2</sup> The alternative, advocated by some, was to pass an amendment legalizing relays and end the regrettable situation.<sup>3</sup> In fact, there was a definite body of opinion which considered that the law already permitted relays and

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1. L. Horner, Memoirs of Leonard Horner, Vol.II, pp.158-9.

2. Globe, March 15, 1850. See also Economist, December 30, 1848.

3. See, for example, the Spectator, February 24, 1849.

Mr. Horner is doing neither more nor less than tyrannically and oppressively prosecuting us for doing that which is allowed to many of our competitors and which appears to be legal, which benefits all and injures none....<sup>1</sup>

If the law was evaded, the Economist considered it proof that the law was a bad one.<sup>2</sup> Relays, experience had shown, provided for the protection of women and children while adult labour was left unrestricted.<sup>3</sup> To fetter adult labour would be a far greater evil than the occasional illegal imposition of longer hours on the protected classes of workers.<sup>4</sup> Lord Stanley maintained that the use of relays had been intentionally allowed by both the Act of 1844 and that of 1847.<sup>5</sup> Stuart's reports were a gold mine for the advocates of relays; almost any one of them for the years 1848 and 1849 could be quoted from profitably. For example:

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1. See, for example, Economist, October 21, 1848 and December 30, 1848; Minutes, December 21, 1848 (Letter from Messrs. Kennedy to Sir George Grey); and Home Office Papers, H.O.45(1851) (Petitions).
  2. Economist, July 1, 1848. See also Manchester Examiner and Times, March 20, 1850.
  3. See speech by Bright in Hansard, CXI, 3rd series, pp.842-3 (June 6, 1850).
  4. Parliamentary Papers, 1849, Vol.XXII, No.131, p.271 and No.283, p.342 (Stuart's Reports).
  5. Speech by Lord Stanley in Hansard, CXII, 3rd series, p.1351 (July 15, 1850). Although Lord Stanley approved of relays of children being used, he opposed the employment of women and young persons by shifts (speech by Lord Stanley in Hansard, CIX, p.880 (March 14, 1850)).



...I experienced no difficulty whatever, in consequence of the plan recently adopted at some of the factories in those places of working by relays of young persons, and females above 18 years of age....I found the relay system very popular in almost every instance where it had been adopted; and although it might, perhaps, have occasioned some little extra trouble in ascertaining details as to hours of work, etc., I considered that a matter of little consequence, and certainly not to be thought of for a moment as weighing against a plan which is clearly within the spirit, if not the letter, of the law, and which, as I firmly believe, is giving entire satisfaction to all persons having any interest in it, both employers and employed.

I am, &c.

P.S. Perhaps I should have stated that it may be a little difficult to detect irregularities under the relay system; but what of that? Is the great manufacturing interest of this country to be treated as a secondary matter in order to save some little trouble to Inspectors and Sub-Inspectors of Factories?<sup>1</sup>

The Economist, of course, agreed; if a master should neglect to fix up a notice giving the hour of the commencement of work, "to punish him for neglecting to obey that order is a great deal more injurious than the order itself can possibly be beneficial."<sup>2</sup> Supporters of Ashley might claim that the law must be uniformly enforced to be just, but for his opponents uniformity was unjust to the smaller manufacturers, especially those who used water power, as many in Scotland did.<sup>3</sup>

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1. Parliamentary Papers, 1849, Vol. XXII, No. 131, p. 266.  
See also ibid., p. 274; and ibid., No. 283, pp. 336ff.

2. Economist, April 1, 1848.

3. See, for example, speech by Elliot in Hansard, CXI, 3rd series, pp. 827ff. (June 6, 1850).

It was admitted by most men that there was a difference between relays, which were beneficial and gave reasonable periods of time between labours, and shifts, practised in Horner's district, which gave only an hour between labours.<sup>1</sup> Stuart, with a Scotsman's desire to laud his own country at the expense of England, explained the difference which existed between his district and Horner's, incidentally defending all types of relays:

...all plans of relays, where the hands are not divided into equal classes, have been described as artful devices or schemes for shuffling hands, and factory owners, who have adopted those plans, as resorting to tricks.... So far as I have had any intercourse with the factory occupiers of my district, I may say with perfect truth, that I know of no class of men in the empire of more honourable character, or more incapable of having recourse to tricks, or more useful members of the community.<sup>2</sup>

The distinction between shifts and relays was picked up by both Graham and Grey who, although the former admitted that the Act of 1844 had been meant to prohibit relays, hoped to find grounds for a compromise by preventing shifts but not relays--the prohibition of the latter being an indirect restriction on all labour.<sup>3</sup> Grey concluded that there was nothing inconsistent in acting with

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1. See, for example, speech by Elliot in Hansard, CXI, 3rd series, pp.825 (June 6, 1850).

2. Parliamentary Papers, 1849, Vol.XXII, No.131, p.272.

3. See speech by Sir James Graham in Hansard, CIX, 3rd series, pp.928ff. (March 14, 1850) and speech by Sir George Grey in ibid., pp.902ff. (March 14, 1850).

the spirit of the law and not the letter, although he did not make it quite clear what he considered to be the spirit and what the letter.<sup>1</sup>

There was no doubt in some minds that the spirit of the Act of 1847 had granted a uniform ten hours' labour for all protected persons. Anything short of this was for them a breach of faith.<sup>2</sup> This premise being accepted, it was clear that if relays left the way open for evasions, then relays must go.<sup>3</sup> The workers should not be deprived of benefits by a mistake in wording.<sup>4</sup> The Westminster Review, in an article opposing relays, wrote that it was on moral not physical grounds that relays were indefensible.<sup>5</sup> Ashley claimed that most

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1. Speech by Sir George Grey in Hansard, CXI, 3rd series, p.1261 (June 14, 1850).
  2. See, for example, Manchester Courier, March 16, 1850; speech by Lord John Manners in Hansard, CXI, 3rd series, p.1253 (June 14, 1850); speech by Hornby in ibid., p.1254 (June 14, 1850); speech by Heald in ibid., pp.1266-7 (June 14, 1850); speech by Alderman Sidney in ibid., p.1268 (June 14, 1850); speech by S. Crawford in ibid., pp.1271-2 (June 14, 1850); speech by Greenall in ibid., p.1272, (June 14, 1850); speech by Lord Feversham in Hansard, CXII, 3rd series, p.1059 (July 8, 1850); and speech by the Bishop of Oxford in ibid., p.1367 (July 15, 1850).
  3. See, for example, Parliamentary Papers, 1848, Vol. XXVI, No.149, p.165; and speech by Heywood in Hansard, CXI, 3rd series, p.1268 (June 14, 1850).
  4. See, for example, speech by Aglionby in Hansard, CIX, 3rd series, pp.922-3 (March 14, 1850).
  5. Westminster Review, Vol.54 (October 1850), p.148.  
See also speech by Sir George Grey in Hansard, CXI, 3rd series, pp.828-9 (June 6, 1850).

manufacturers had not employed relays--if they had, he realized,<sup>1</sup> the benefits he had listed could be attributed to relays as his opponents claimed;<sup>2</sup> only a few owners had denied their workpeople the opportunity "to employ themselves every evening for purposes of improvement, in promoting their moral, domestic, and religious benefit, and in recreation".<sup>3</sup> Many manufacturers had been able to accommodate themselves to restrictions; the Bill would end the uncertainties of the law which were more harmful than the restrictions.<sup>4</sup> The matter had, after all, really been decided in 1844, claimed Ashley's supporters, and the opposition was only trying to reopen a settled question.<sup>5</sup>

The opposition not only tried to reopen a "settled question"; they succeeded and gained some advantage for their efforts. Not only were two and a half hours a week added to the hours of women and young persons, but children were not granted a uniform day and consequently

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1. See speech by Lord Ashley in Hansard, CIX, 3rd series, pp.931-2 (March 14, 1850).
  2. See, for example, Morning Chronicle, March 15, 1850.
  3. Speech by Lord Ashley in Hansard, CIX, 3rd series, p.886 (March 14, 1850).
  4. See speech by Fergus in Hansard, CXI, 3rd series, pp.829-30 (June 6, 1850).
  5. See speech by W.J. Fox in ibid., pp.844-5 (June 6, 1850).

the day for adult men was not limited. The Halifax Guardian expressed the disappointment felt at the "trap of a disingenuous and unscrupulous Minister [Grey]"<sup>1</sup> into which Ashley and his supporters in the House had fallen. The editor could accept a uniform ten-and-a-half-hour day, but he could not accept those hours if the exclusion of children destroyed the uniformity.<sup>2</sup> From the North, Ashley received some bitter criticism for his compromise,<sup>3</sup> but the new Bill was accepted by most of his supporters as a possible solution which should restore peace and good feeling to the manufacturing districts.<sup>4</sup> The experience of the last few years had taught the lesson that only an Act in which the manufacturers acquiesced, at least partially, could be successful in practice.<sup>5</sup> The omission of children from

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1. Halifax Guardian, June 15, 1850.
  2. The editor's indignation grew during the debate on the Bill. See Halifax Guardian, April 27, May 4, May 11, May 18, May 25, and June 1, 1850.
  3. See, for example, Morning Post, May 11, and May 23, 1850; and Halifax Guardian, June 22, and July 20, 1850.
  4. See, for example, Manchester Guardian, April 27, and May 11, 1850; Bradford Observer, May 16, 1850; speech by Aglionby in Hansard, CXI, 3rd series, p.837 (June 6, 1850); speech by E.B. Denison in ibid., p.841 (June 6, 1850); speech by Brotherton in ibid., pp.841-2 (June 6, 1850); speech by Alderman Sidney in ibid., p.1268 (June 14, 1850); speech by Lord John Russell in ibid., pp.1272ff. (June 14, 1850); and Robert Baker, The Present Condition of the Working Classes, p.33.
  5. See, for example, Manchester Examiner and Times, April 27, and May 11, 1850; and speech by Heywood in Hansard, CXI, 3rd series, p.1268 (June 14, 1850).

the Act facilitated the winning of the manufacturer's approval; perhaps only by that omission could the Act have been passed:<sup>1</sup>

The only possible justification of the present Bill is, that circumstances have rendered it in a manner necessary to re-adjust one particular point arising out of former Factory Acts, and that the compromise which the Bill proposes is considered, by experienced persons, likely to work less unsatisfactorily than any other that could be devised. For our own part, without thinking it necessary to repeat our objection to all legislation of this kind, we acknowledge that the plea is not without its plausibility; and we are willing to hope for the best of a measure which we can neither approve nor support. But to admit the smallest deviation [*i.e.*, the inclusion of children] from the one specific question which events have, as it were, compelled the Legislature to reconsider--to sanction the slightest addition of a new matter to a code which is already more than sufficiently restrictive and prohibitory--would be to commence afresh, without the shadow of an excuse, on a course in which every step that is taken violates a recognized principle, and hazards great social and national interests.<sup>2</sup>

Thus, even Ashley's opponents, glad to see the question laid to rest, were willing to support the compromise.<sup>3</sup> Experience had shown that only small violations of the "recognized principle" could be gained at one time; Ashley's opponents could not be brought to agree to a measure unless a semblance of victory was left to them.

Everyone was heartily tired of the debate and the compromise seemed a small price to pay for burying the

1. See, for example, speech by Brotherton in Hansard, CXI, 3rd series, p.1277 (June 14, 1850).
2. Morning Chronicle, June 7, 1850. See also ibid., June 15, 1850.
3. See, for example, Leeds Mercury, May 11, 1850.

controversy. Horner did not realize, in May 1850, the anomaly created by the omission of children:

I have heard that Sir George Grey has at last had the courage to take the right course in the Factory Bill. There will be a great opposition to his plan among certain classes of the operatives, but as I know that Lord Ashley is, in his heart, favourable to it, there is a strong probability that there will be a decided majority in its support in Parliament. It is by far the best plan that could be adopted; it secures everything that is valuable for the operatives, it confers a great additional boon upon them by their being released from work on Saturdays at two o'clock, and it gives the Inspectors the most ready and prompt means of detecting any over-working. It does all this, and it gives the mill owner two hours more work out of his machinery in the week, a benefit which the work-people will share in, without any extra exertion that practically will be felt.<sup>1</sup>

When Ashley failed to gain the inclusion of children in the Act, there was no great outcry. Peace and quiet through compromise was what the country wanted. It was, in fact, only a matter of time before the mill owners found it was more convenient to close the mills after ten and a half hours rather than to work out a method of continuing work with only adult men and little children. In 1853, Palmerston's Bill to provide a uniform day for children aroused no controversy as it was rushed through both Houses of Parliament.

It is indicative of the changed attitude produced by twenty years of controversy that a Bill to restrict the moving power was actually introduced into the House

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1. L. Horner, Memors of Leonard Horner, Vol. II, pp. 159-60.

in 1853. Horner attributed the change to a desire for uniformity in the working of the mills:

Nothing can mark more strongly the great importance attached to enforcing uniformity in the hours of work than that millowners should propose a restriction on the hours of moving power. Such a proposal could not of course be entertained by Parliament, while the principle of non-interference with the labour of adult men is adhered to.<sup>1</sup>

The proposal was, however, momentarily entertained by Parliament on the grounds of expediency.

Now he [Booker] humbly conceived that the principle involved in this measure was, not the mere principle of whether the mechanical power of the country should be stopped or kept in active operation. No; what was contended for was this, that a law which the Legislature had deliberately passed for the protection of the bone and sinew of England--for the protection of the industrious classes...--on whom the welfare of England depended, should be enforced....<sup>2</sup>

Russell immediately jumped into the breach:

[He] was prepared to maintain that it would neither be right nor necessary to impose any restrictions upon adult labour, for it would be a violation of all the principles which ought to govern our legislation upon this subject, and he therefore would not consent to any provisions of such a nature.<sup>3</sup>

But he admitted that it was right for the Legislature to investigate any violations of its laws, and therefore,

1. Parliamentary Papers, 1849, Vol.XXII, No.283, p.289.
2. Speech by Booker in Hansard, CXXVIII, 3rd series, pp.1286-7 (July 5, 1853). See also speech by Feilden in ibid., pp.1251ff. (July 5, 1853); speech by Lord John Manners in ibid., p.1271 (July 5, 1853); and speech by Newdegate in ibid., p.1289 (July 5, 1853).
3. Speech by Lord John Russell in ibid., p.1288 (July 5, 1853).



he voted for the admission of the Bill without agreeing with its principle. No more was heard of the Bill because Palmerston introduced a Bill which would have the same effect in practice without apparently violating the principle. He was in perfect accord with his contemporaries when he claimed, "The only motive power I spoke of restricting is the motive power of children."<sup>1</sup> There was no longer a Member of Parliament who could or would object to that position.

Such was not the case in 1833, and, as Russell's speech indicated, the earlier theories had not been altogether abandoned. However, it is clear that by 1853 a new position with regard to economic theories had been established. It is equally clear from the tenor, or lack, of debate that the protection of the weaker classes no longer was generally explained as merely a temporary departure from principle, although this ground was still maintained by a few.<sup>2</sup> The Edinburgh Review still at times considered interference to be an expedient. It held that the public mind during the last few years had been distinguished by "a quick perception and conscientious sense of our social evils,--and an entire want of system and philosophy in our mode of treating and regarding them."<sup>3</sup>

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1. Speech by Lord Palmerston in Hansard, CXVIII, 3rd series, p.1285 (July 5, 1853).

2. See, for example, speech of Lord Wodehouse in Hansard, CXII, 3rd series, p.1361 (July 15, 1850).

3. Edinburgh Review, Vol.90 (October 1849), p.496.

The Frenchman, the Review explained, always started discussions from the "laws of nature" and the "rights of man", whereas the Englishman seldom went further back than the precedents which his own history furnished; consequently, the only way in which an Englishman could be induced to accept an innovation was to persuade him that he was going backwards.<sup>1</sup> It insisted:

nobody can deny that Free Trade is the normal condition of mankind, and that restriction, which is the proper name for protection, whenever introduced, and by whatever means supported, was and must continue to be an experiment.<sup>2</sup>

In consequence of this attitude towards recent developments, the periodical, blinded by its own point of view, missed the importance of J.S. Mill's Principles of Political Economy.

Mr. Mill next takes up a class of cases where...the interest which is to be directed and the judgment which is to be controlled are those of the agent, where, in short, the person protected is protected from himself. Any interference in such cases must be justified by circumstances excepting it from the general rule, that most persons take a juster and more intelligent view of their own interest than can either be prescribed to them by an enactment of the legislature, or pointed out in the particular case by a public functionary. Such are the circumstances in which lunatics, infants, and idiots are placed; and such is the case of women, according to much modern legislation--a legislation which, as might be expected, Mr. Mill strongly disapproves.<sup>3</sup>

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1. Edinburgh Review, Vol.90 (October 1849), p.502.
  2. Ibid., Vol.90 (July 1849), p.133.
  3. Ibid., Vol.88 (October 1848), p.336.

There can be no doubt that Mill would object to women appearing inferior before the law--his battle in this cause was a life-long one. But the Edinburgh did not realize that in justifying exceptions from the general rule, Mill was in reality following the trend of the times in qualifying, and consequently altering, the general rule. The reviewer, wishing to prove a point, looked at only one section of Mill's work. If he had read a little further he would have come to another case in which Mill justified government interference.

To a fourth case of exception [to the principle of non-interference] I must request particular attention, it being one to which, as it appears to me, the attention of political economists has not yet been sufficiently drawn. There are matters in which the interference of law is required, not to overrule the judgment of individuals respecting their own interest, but to give effect to that judgment: they being unable to give effect to it except by concert, which concert again cannot be effectual unless it receives validity and sanction from the law. For illustration, and without prejudging the particular point, I may advert to the question of diminishing the hours of labour.<sup>1</sup>

There were more men after 1853 concerned with pointing out and correcting the "mistakes" of the earlier economists--and thus adopting a position which adapted political economy to changed conditions--than there were men concerned to prove that beneficial legislation was only an exception--and consequently adopting a position which would in the long run undermine the authority of political

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1. J.S. Mill, Principles of Political Economy, p.963.

economy. The admission that the condition of society demanded the necessary evil of Government interference did not inspire confidence in the doctrine that Laissez-faire should be the guiding principle of legislation.<sup>1</sup>

Nevertheless the old doctrines were still preached by some. The classical economist watched with horror "noble lords, aye, even prime ministers, who introduce communist doctrines into our manufactories";<sup>2</sup> the Factory Acts were no less than an attempt to impose uniformity and equality such as might be found under despotism or communism.<sup>3</sup> Parliament was described as legislating in 1850 without regard to principle of any kind but to some "compact" in order to "soothe" and "pacify" some "delegates" and "agitators".<sup>4</sup> The humanitarians were attempting to ruin the factories and send the children back to the drudgery of domestic labour.<sup>5</sup> The peace and prosperity of the country were the result of the growth of the middle class, fostered by the selfish striving of each man governed only by the natural laws of economics.<sup>6</sup> Harriet Martineau exhorted the manufacturers to struggle until

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1. See, for example, the attempt to reconcile the necessary evil of government interference with the principle of non-interference in the Bradford Observer, March 7, 1850.
  2. Economist, April 1, 1848.
  3. Bradford Observer, March 21, 1850.
  4. See Morning Chronicle, May 4, 1850.
  5. See Globe, March 12, 1850.
  6. See Economist, August 12, 1848.

they have brought the principle of special legislation like that of the Factory acts, to the most conclusive test before the eyes of the world, and, in freeing themselves from ignorant and factious interference, drawn off a fog from the mind of the nation, purged its legislation from a barbarism, and released its industry and independence from an oppression and a snare.<sup>1</sup>

she could see nothing in protective legislation but an imminent danger to the liberties of every Englishman; she did not seek to prescribe and limit the sphere of *Laissez-faire* but of government.<sup>2</sup> The aim of the political economists was stated by the Morning Chronicle: "We would remove artificial hindrances and obstructions out of the labouring man's way--but we would not stimulate his labour by artificial aid and State patronage."<sup>3</sup> Protection in any form could produce only harm;<sup>4</sup> there could be no bounds to the application of freedom:

What, besides freedom of exchange, is embraced in the laissez faire, so desirable and sufficient for the people of this country? ...Were the author competent to the task, there is not space within the prescribed limits of this volume, for the full consideration of a question that, in its details, involves all the subjects coming within the province of government, and embraces various shades of expediency. Thence comes the call for a degree of intelligence in the people, whose business it is to define the metes and bounds of government, and in those who legislate under and administer its functions, that embraces a wide field of acquirement, unhappily not always compassed.<sup>5</sup>

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1. Harriet Martineau, The Factory Controversy, p.48.

2. Ibid., p.6.

3. Morning Chronicle, March 7, 1850.

4. See D.P. Barhydt, Industrial Exchanges and Social Remedies, p.21.

5. Ibid., p.182.

By 1853 the doctrinaire supporters of *Laissez-faire* were few; the intelligence of most of the people had decreed the passage of Factory Legislation and was now busy in reconciling the fait accompli to a political philosophy. For some men the task was easy: political economy held no truths and was from the beginning a mistaken concept. The Morning Post told its readers that whenever the lower classes asked for aid,

the scientific statesmen answer with some cant phrase of political economy. The relations between employers and employed are something much too sacred to be meddled with--what money has joined together, neither justice nor mercy must presume in the slightest degree to put asunder.... [Laissez-faire is an exorable tyrant over the minds of these economists. If justice, or humanity, or common sense prevail over it on any given occasion, this only serves to add intensity to the zeal with which its votaries hug their darling theory the next time it is called into question.<sup>1</sup>

Surely truth and sterling facts were not to be "defeated by false philosophy and prophecies of evil, which are contradicted by all experience."<sup>2</sup> But this denial of political economy was too simple; the philosophy was not false in the eyes of the Victorian Legislature when the Corn Laws were repealed and other duties lowered. To avoid wearing the uncomfortable cloak of inconsistency, those who supported Repeal and Ten Hours, lower wool duties and the Public Health Act, had to reconsider

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1. Morning Post, May 9, 1850.

2. Halifax Guardian, May 23, 1850.

the "false philosophy" and find out wherein its truth lay.

The task was undertaken by many men; it was not undertaken in bitterness, but in the spirit of men correcting those who had once partaken of the same bread. Experience had shown that "the weightiest trusts in the nation must be held in check by direct legislative supervision, in addition to the influence of local public opinion."<sup>1</sup> Laissez-faire had sufficed in earlier times when life was simpler, but conditions had changed and the nation's guiding philosophy must change too.<sup>2</sup>

Some worthy enthusiasts seem to think that free trade is the philosopher's stone, the inclusive creator of all things human. They ascribe to their formula such omnipotence, that it really becomes necessary to make distinctions between those few things which lie within its scope and all the rest of the universe.<sup>3</sup>

That the life of the nation had improved in the last half century could not be denied, but it could

be contended that a great deal at all events of the observable improvement in the labouring classes depended not upon the cheapness of articles and the free-trade tenets of the Manchester school, but on the use which they had made of the leisure secured to them.<sup>4</sup>

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1. Westminster Review, Vol.52 (January 1850), p.494.
  2. See speech by Colonel Thompson in Hansard, CIX, 3rd series, p.931 (March 14, 1850); and Robert Baker, The Present Condition of the Working Classes, p.11.
  3. Spectator, February 5, 1848.
  4. Speech by Sir Robert Inglis in Hansard, CIX, 3rd series, p.918 (March 14, 1850). See also Quarterly Review, Vol.86 (December 1849), p.177.

Saunders explained at length in his report the differing attitudes towards political economy which he found among the mill owners in his district. His description illustrated the change which had taken place in the last twenty years. He divided the manufacturers into three groups: those who wanted no restrictions, those who wanted the hours of work limited but the use of relays permitted, and those who desired a uniform ten-and-a-half-or eleven-hour day.

Those of the first class support their views invariably by reference to the usually recognized principles of political economy; contending, in substance, that the principles of free trade are in every respect as applicable, and ought to be applied as strictly, to the labour of women, young persons, and even children, as to any branch of trade or commerce, and with this view deprecate any interference which can lessen the supply of labour, or which, even indirectly, can increase its market price.

Those who advocate such principles to their full extent, can do so only from an impression that the happiness and welfare of the nation at large, and of every class, is dependent in a great measure, some evidently consider them to be entirely dependent, on the quantity and cheapness with which the produce of labour can be brought to market, without any other reference to the social state and condition of the working classes, than as shown by the number of persons employed and the quantity of produce these, with the aid of machinery, can enable the employer to send to market, at the least possible expense to himself.

Many of those included in the second and third class of mill-occupiers, support their views on the same principles as the first class, subject, however, in many particulars, to much limitation and qualification. All of these, with those occupiers who distinctly approve of the present limitation of the



working day [in November 1848], repudiate the extreme application of these principles, and admit the absurdity of expecting any material improvement in the condition of the working classes, except under timely and efficient protection. Experience, they acknowledge, is in favour of a limitation of labour and other provisions for the protection of women, young persons, and children, and in affording every possible facility for their better training and instruction. Wide differences of opinion exist, it is true, among the members of these classes, and among others who hold generally the same views, both as to the extent to which the existing evils may be traced to the system of non-interference, or want of protection; and also as to the general rules by which interference or protection can be equitably and usefully regulated. All of them, however, concur in opinion, that whatever enactments are laid down, should be as uniformly and efficiently enforced as is possible, on the two classes of employers and employed, to whatever extent each may be affected by them; and also be impartially enforced, on all engaged in similar pursuits. The importance of these two principles, every one must acknowledge who either has had any experience in the enforcement of a law, or who has been himself subject, in common with others, to restrictions to which he is willing to conform.<sup>1</sup>

The majority of the mill owners had changed their views considerably to bring them into accord with the evident necessity of the period. The Spectator adopted the advice of the Edinburgh Review in the former's attempt to further the reconciliation between ideas and necessity; Factory Legislation was not a forward but a backward step:

The opponents of the Ten-hours Bill used to cry out, with a side-appeal to free trade, "Leave us alone"; but they had not been left alone. You might repeal statute after statute, as you peel coat after coat off an onion, before arriving at naked noninter-vention.<sup>2</sup>

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1. Parliamentary Papers, 1849, Vol. XXII, No. 131, pp. 243-4.

2. Spectator, January 6, 1849.

If he could not be convinced he was going backwards, at least many an Englishman convinced himself that he was not rejecting his old road--"the measure was one that in no wise ran counter to the sound principle of political economy"<sup>1</sup>--or at any rate that the new road ran parallel to his usual walk--"It is a moral and not an economical question, which we are now called upon to decide."<sup>2</sup> Or again, perhaps he was only retracing his steps in giving back to the operatives "what was their just and most indisputable [sic] possession",<sup>3</sup> "their admitted rights".<sup>4</sup> One Member of the House who argued at length in favour of ten hours and no relays could conclude his speech with the assurance, "Our motto in Yorkshire is to 'Live and let live;' and I trust the same spirit prevails throughout the entire kingdom."<sup>5</sup> Lord John Manners went so far as to accuse the opponents of the ten-hour day of violating the principles established by the Repeal of the Corn Laws:

...no sooner did an hon. Member in that House ask for a little less toil for the child, than the manufacturers who had before been so loud in their

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1. Speech by Bankes in Hansard, CIX, 3rd series, p.910 (March 14, 1850).
  2. Speech by Disraeli in Hansard, CXI, 3rd series, p.1282 (June 14, 1850).
  3. Speech by Hornby in ibid., p.1257 (June 14, 1850).
  4. Speech by Lord John Manners in ibid., p.1251 (June 14, 1850).
  5. Speech by Edwards in ibid., p.832 (June 6, 1850).

denunciations of protection, declared they must be protected against this interference....<sup>1</sup>

A considerable number of the supporters of restriction recognized that the path they proposed to tread was not the straight road of former times. Political economy must permit of bends in the road, or it would meet obstacles which would force its adherents to leave the path altogether. Palmerston in his speech advocating a uniform day for children explained his motives:

It was a matter of considerable delicacy to interfere by legislation with the employment of those who, being of age to determine for themselves, were to be considered as free agents, and therefore ought to be at liberty to work as long or as little as they should think fit to do. But his own opinion was, that millowners were not pursuing their own real interest by dealing with the persons whom they employed as if they were mere machines, as if the longer they could work them the more profit they could make out of them, and as if all other considerations should be set aside except the quantity of work which, in the greatest number of hours, could be got out of the men so employed. His own opinion was, that employers would do better--and he knew many of them did act upon that consideration --they would do better to reflect that these workmen were moral and intelligent agents....It was said that to limit the number of hours, as he should propose to do, for the employment of children, would indirectly tend to limit the employment of persons of more advanced age; but all he could say was, he thought it was so essential to protect these children from being overtasked that he could not consider the results which it might be imagined would flow from it, as a reason why such a limitation should not be adopted.<sup>2</sup>

Palmerston was prepared to reject the dogma that every

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1. Speech by Lord John Manners in Hansard, CXI, 3rd series, p.1248 (June 14, 1850).
  2. Speech by Lord Palmerston in Hansard, CXXVIII, 3rd series, pp.1269-70 (July 5, 1853).

man knew his own interests best, in order to protect the best interests of political economy. Even the Leeds Mercury had come to terms with the inevitable and commended the passing of the Act of 1850.<sup>1</sup>

A Member of Parliament, Mr. Anstey, described in 1850 the past sixteen years as "a constant struggle between the operatives on the one hand, and the laissez faire, laissez passer people on the other. The millowners were worsted, and the operatives reaped the benefit."<sup>2</sup> The statement was not altogether accurate; it implied that Laissez-faire had been overthrown. The Quarterly Review (which did not appear to be conscious of the distinction it was making),<sup>3</sup> although it delivered a crushing attack on political economy when applied to social interests,<sup>4</sup> admitted that freedom in trade,

subject only to such restraints as the laws of morality require for the protection of the honest dealer, or the necessities of the state demand for the public good...is indispensable to the success of internal commerce, and the general prosperity of every people.<sup>5</sup>

The Westminster Review combined a pride in the commercial prosperity of the country fostered under the auspices of

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1. Leeds Mercury, July 20, 1850.
2. Speech by C. Anstey in Hansard, CXI, 3rd series, p.1270 (June 14, 1850).
3. Quarterly Review, Vol.86 (December 1849), p.149 and p.155.
4. Ibid., p.157 and p.183.
5. Ibid., p.157.

free trade,<sup>1</sup> and an embarrassment for the lack of sympathy with the humbler sections of the community which "in the writings of former political economists, was a reproach to the science."<sup>2</sup> Hope for the future lay not in a rejection of the principles of political economy but in a closer study of them, and in their continued application and propagation by such leaders of opinion as Peel, Russell and Cobden.<sup>3</sup>

Now, we [the Westminster Review] contend, that the future rate of progressive improvement among mankind depends greatly upon the success which awaits the efforts of those who are now engaged in making what there is of truth in the philosophy of Adam Smith, Malthus, and the two Mills, father and son...the inevitable inheritance of the whole human family. ...Verily, the philosophy of one age is the common sense of succeeding ages; and we look forward with confidence to see the great truths of social science transferred, in their turn, into common-places, and unquestioned regulators of human conduct.<sup>4</sup>

It was the task of the twenty years from 1833 to 1853 to develop the philosophy which was to become the common inheritance of the last half of the century.

How was this process of distilling the truth affecting the attitude towards the particular provisions of Factory Legislation? The majority who had come to acquiesce in Government regulation were little troubled by the necessary adjuncts it demanded. The Factory Inspectors caused amazingly little controversy, although

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1. Westminster Review, Vol.48 (January 1848), pp.395-6.

2. Ibid., Vol.49 (July 1848), pp.297-8.

3. Ibid., Vol.52 (October 1849), p.110.

4. Ibid., Vol.50 (January 1849), pp.390-1.

it is clear that if they had not been nearly above reproach in their motives, the machinery of the Factory Acts would not have survived. As it was, Grey had indignantly to deny<sup>1</sup> Bright's charge that the Home Secretaries always appointed relatives to fill any vacancies in the Inspectorate.<sup>2</sup> The English public was very susceptible to the cry of invasion of liberty, and this cry was raised loudly by the opponents of interference. Howell reported that his returns of information asked for by the House might not be entirely accurate because some of the mill owners to whom he had applied, resenting the Government's prying, had been unwilling to comply.<sup>3</sup> Hume applauded the mill owners' attitude.<sup>4</sup> The Inspectors were the symbols of centralization, in the eyes of their deprecators; a group of mill owners sent a petition to the Home Secretary in which they expressed their acceptance of the shorter hours and the provisions for education, but protested against the provisions for guarding machinery and the inquisitorial powers with which these provisions endowed the Inspectors, and finally demanded the abolition of the London office of the Inspectorate.<sup>5</sup> The Economist

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1. Speech by Sir George Grey in Hansard, CXI, 3rd series, p.425 (May 28, 1850).

2. Speech by Bright in ibid.

3. Parliamentary Papers, 1851, Vol.XXIII, No.217, p.241.

4. Speech by Hume in Hansard, CXI, 3rd series, p.425 (May 28, 1850).

5. Home Office Papers, H.O.45(6249).

exposed the dangers when justice was at the mercy of the Inspectors' partiality and expatiated on the threat that such a state of things contained to liberty.

On a mere fiction two gentlemen are fined. That is an unbearable outrage. Inspectors punish or not as they please. For with such a fiction to act on, it will always be at their option whether they prosecute or not. That is a gross infringement of liberty. That the industrious classes, on whose exertions the welfare of the community depends, should be exposed to such contumely, and be so placed at the mercy of Jacks-in-office, is not to be tolerated. The rights of Englishmen are grossly violated by such a piece of legislation.<sup>1</sup>

The way to obtain equal justice, according to Harriet Martineau, was not to make interference more uniform, but to do away with interference completely.<sup>2</sup>

Much of the wrath directed against the Inspectors came because of their efforts to lessen the number of accidents. Miss Martineau in her fervent defence of the mill owners claimed that if men and women were to be absolved from the care of their own lives and limbs, then the laws were lapsing back into barbarism. Under such barbarous conditions the mill owners would undoubtedly be forced to withdraw to another country.<sup>3</sup> She expressed a deep hatred towards all Inspectors, especially Horner,<sup>4</sup> and, according to Horner's own comments, her animosity was

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1. Economist, April 1, 1848.

2. Harriet Martineau, The Factory Controversy, p.49.

3. Ibid., pp.46ff.

4. Ibid., p.20.

shared by the Manchester mill owners, who were aroused by his attempts to enforce the fencing of machinery.<sup>1</sup>

Public opinion, roused by the reports of horrible accidents, supported the actions of the Inspectors and gradually the number of mill owners willing to co-operate increased.<sup>2</sup> Although there were mill owners like the one who replied, when warned to put a guard around his machines for blowing cotton, "If the markets do not improve I shall not only lock the scutchers [blowers] up but the mill also, and if any of the humanity-mongers wish to take it I shall be glad to let it,"<sup>3</sup> Saunders reported that some Halifax owners had decided, at a meeting,

to seek a legislative enactment for enforcing, among other regulations, a periodical inspection of boilers, by qualified persons, so as to afford some guarantee that each boiler was adapted to perform the work required of it. A general feeling was also expressed, that no person should be entrusted with the care of a boiler and engine, whose fitness for the duties had not been certified.<sup>4</sup>

The Inspectors drew encouragement from such an attitude whenever they met it.

The education of the factory children was of primary interest to the Inspectors. Here their task received more sympathy, but only because the interest in education was more extensive than that in accidents. There was

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1. L. Horner, Memoirs of Leonard Horner, Vol.II, p.247.

2. Parliamentary Papers, 1849, Vol.XXII, No.283, p.289.

3. Ibid., 1850, Vol.XXIII, No.181, p.206.

4. Ibid., No.217, p.272.



general agreement that education was a highly desirable necessity:

Let the teachers, legislators, and statesmen among us be but once resolved that the rising generation shall be thoroughly taught, ignorance, if not suppressed, will soon be greatly diminished; and the miseries of the people, so far as they arise from ignorance, will be found amenable to diminution at will.<sup>1</sup>

There was also fairly general agreement that education should include courses to explain wherein lay the true interest of the working classes.<sup>2</sup> Education must be widespread to prevent the people being led astray by demagogues and agitators who were themselves an example of insufficient and improper education.<sup>3</sup> So far there was complete agreement; but who should initiate and control the education of the people?

There was a strong movement throughout the century, only partially defeated in 1870, which resisted strenuously centralized control.<sup>4</sup> Baines Jr. was one of the chief supporters in the North of this movement; he came very close to falsifying history in his propagation of his beliefs:

1. Westminster Review, Vol.50 (October 1848), p.65.
2. See, for example, ibid., Vol.49 (July 1848), p.296; ibid., Vol.52 (October 1849), p.98; and Edinburgh Review, Vol.88 (October 1848), p.327.
3. Remarks Addressed to the Common People by a Calm Observer, Norwich: Charles Muskett, 1848, passim.
4. See, for example, D.P. Barhydt, Industrial Exchanges and Social Remedies, pp.189-90.

Cheerfully admitting the general tendency of education to promote the peace, welfare, and advancement of the community, I cannot on that account admit that education falls within the province of Government. Many things are in a high degree conducive to the public welfare, which it is not, and cannot be, the duty of Government to superintend. For example, nothing is more conducive to the peace and prosperity of nations than regular industry; but it is now admitted by enlightened statesmen that the attempts of legislatures, in this and other countries, to regulate, guide, organize, or even to encourage and stimulate, industry, were gross blunders;--that all the notions of the competency of Government, from superior knowledge and the means at its command, to direct industry, were mere delusions;--that, though it had the power, and often exercised it, to lay down rules for manufacturing, marketing, trading, and cultivating, yet the self-interests of the people is infinitely better, both as a spring and regulator of industry, than the wisest of legislators;--that, moreover, state industrial laws to prescribe the course of industry always proved to be partial and unjust;--and thus, in the upshot, notwithstanding all speculative probabilities to the contrary, the MARQUIS OF LANSDOWNE only spoke the plain language of experience when he said--

'It is now universally admitted that Governments are the worst of cultivators, the worst of manufacturers, and the worst of traders.'<sup>1</sup>

To deny this position was, according to Baines, to accuse the Maker of being deficient in His creation.<sup>2</sup> But Baines' analysis of experience was only true as far as it went. Why was the Government's role in regard to education any different from the role it had been forced by circumstances and public opinion to adopt towards hours of labour in factories? Compulsory, systematic, state education would affect only a few because many were

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1. E. Baines Jr., Education Best Promoted by Perfect Freedom not by State Endowments, London: John Snow, 1854, p.11.

2. Ibid., p.30.

already, it was presumed, subjected to education through the Factory Acts.<sup>1</sup> Teachers should be regulated by the Government; such regulation would not be an infringement of the liberties so jealously guarded by the age but a rightful protection of the child.<sup>2</sup> Saunders and Horner reported that the education clauses of the Factory Acts were bringing some benefit.<sup>3</sup> Saunders pressed for more extensive powers for the Inspectors to enable them to raise the standard of education being offered by those mills that were doing no more than fulfilling the letter of the law.<sup>4</sup> Horner was fully prepared to defend his position against the voluntarists in education; if the State could levy money for a police force; "it seems very irrational and inconsistent that there should be no rate to provide the far more humane and certain means of rearing an orderly and contented population."<sup>5</sup>

I [Horner] wish some of those who have been lately extolling so loudly the voluntary system, as all-sufficient for the education of the humbler classes, and have been throwing impediments in the way of the efforts of Government to give aid towards the establishment and maintenance of good schools by grants of the public money, would visit some of those places called schools, to which factory children are frequently sent, and to which in many cases they

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1. See Robert Baker, The Present Condition of the Working Classes, pp.22ff.
  2. See ibid., p.26.
  3. Parliamentary Papers, 1849, Vol.XXII, No.283, p.293 and ibid., 1851, Vol.XXIII, No.217, p.282.
  4. Ibid., 1851, Vol.XXIII, No.217, p.271.
  5. Ibid., 1848, Vol.XXVI, No.105, p.110.

must go, as no better are within their reach. They would then, if not blinded by prejudice to a very extraordinary degree, see very plainly the wretched state of a large proportion of these schools in almost every part of the country; they would further learn, by inquiring into the circumstances of the localities, that without Government aid had [sic] been afforded, many of the good schools that do exist could never have been established; what incessant and painful struggles the zealous clergy undergo, in order to collect subscriptions; how, with all their efforts, they are unable to raise the funds necessary to maintain their schools in a moderate state of efficiency; how one teacher only is employed where the number of children would require two at least, to render the teaching at all effective; how miserably the teachers are paid; and how utterly hopeless it is to expect, in these localities, to raise funds to establish a new school on the most moderate scale, far less to maintain it in good working order; and that, without large grants voted by Parliament, or, what would be more just, a local school rate, a large proportion of the people must continue in ignorance of the best guides for their right conduct in life, and of the most lasting source of happiness. We might as reasonably expect the voluntary system to provide an army and navy adequate to the defence of the country.<sup>1</sup>

Or, Horner might reasonably have added, to achieve the shorter working day. Religious prejudices were strong, but the Factory Acts had laid the weak foundations of a Government-supervised system of education, and the Inspectors were doing their best to apply more mortar.

The more specific arguments against the Factory Acts had lost nearly all their power by 1850. There was little heard about the dangers of foreign competition; indeed, as the Halifax Guardian pointed out, the Free

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1. Parliamentary Papers, 1851, Vol. XXVI, No. 105, p. 109.

Traders were warning the mills to work only eight hours a day because there was a shortage of raw cotton.<sup>1</sup>

Baunders reported that experience showed that shorter hours distributed the labour more evenly throughout the year rather than lessening it.<sup>2</sup> Howell poured ridicule on Senior's theory:

They who, some twelve years ago, were startled by the confidence with which it was gravely proclaimed to the public, under the sanction of high authority, that the whole net profit of the master was derived from the "last hour" of work, and that if the hours of working should be reduced by one hour per day net profit would be destroyed; will be scarcely less surprised to find that the original discovery of the virtues of the "last hour" has been so far improved upon as to make it comprehend morals as well as profits, so that if the duration of children's labour be reduced to ten hours' active employment, their "morals" must be destroyed, together with the "net profit" of their employer; both depending upon the last--the fatal-hour.<sup>3</sup>

The controversy over reduced wages was no longer vigorous; throughout the years, hours had gradually been reduced, and no matter what happened to wages, the workers had not started an agitation for longer hours. It is an interesting sidelight on the attitude of the middle class toward the working class that Mrs. Marcet, who felt that the labourer did not receive the full value of his labour, justified the discrepancy in the words: "there is some pleasure in thinking...that by your labour, which has

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1. Halifax Guardian, July 27, 1850.

2. Parliamentary Papers, 1848, Vol.XXVI, No.149, p.172.

3. Ibid., 1849, Vol.XXII, No.131, p.231.

procured you this food, you enrich your country, by producing more than you eat, and giving more than you take."<sup>1</sup> It was much safer ground to believe that the workers were justly rewarded;<sup>2</sup> to explain this belief by reference to the iron economic laws;<sup>3</sup> and to prove in addition that these same laws dictate that shorter hours bring lower wages.<sup>4</sup> The ground was made doubly safe by the silence of the proponents of shorter hours. It could not be denied that wages had gone down after 1847; whether from shorter hours or from bad conditions of trade was not certain and depended upon the point of view. But the deciding fact remained, proved by Horner's survey, that even with reduced wages the majority of the workers were not prepared to go back to longer hours, and certainly not to twelve hours. There was little more that could be said on this aspect of the controversy.<sup>5</sup>

The Government had, on the whole with the concurrence of the nation, interfered in factories and made a beginning in national education; but it had also largely withdrawn from the field of commercial regulation. Consequently, the larger question of the role the Government

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1. J. Marcet, Rich and Poor, London: Longman, Brown, Green, and Longmans, 1851, p.17.
  2. See Edinburgh Review, Vol.89 (April 1849), p.433.
  3. See D.P. Barhydt, Industrial Exchanges and Social Remedies, pp.38ff.
  4. See Parliamentary Papers, 1848, Vol.XXVI, No.149, p.152; and Morning Chronicle, June 7, 1850.
  5. Parliamentary Papers, 1849, Vol.XXII, No.131, pp.145-7 and pp.208-17.

should play in the life of the individual and of society had to be more clearly defined. The question was a large one and the definition has never been settled although it has been discussed and altered by the public and the political scientists for the last hundred years. By the 1850's, a distinction had been accepted by most men between Government interference which implied Government control and that which implied self-help. Naturally, a man placed a project of which he disapproved in the former category and one of which he approved in the latter. The voluntarists placed education definitely in the class of socialistic tendencies--socialism, especially after 1848, being a decided bogey for the British middle class. Government administered education, it was threatened,

will justify Government in taking under its management our libraries and newsrooms, our charities and benefit societies. In short, it rests on a socialistic principle, which may be as easily applied to industry and property as to education. Accordingly we find that Socialists are every where among the most ardent advocates of the principle and practice of State education. In so acting they are sagaciously consistent. But their activity ought to be a warning to others.<sup>1</sup>

For the Government to guarantee education, physical necessities or any other amenities to any class was

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1. E. Baines Jr., Education Best Promoted by Perfect Freedom, p.10. See also ibid., passim.

fraught with danger.<sup>1</sup> Therefore, "it is vitally essential to the liberty of the human being in this country, that the legislative and administrative action should be constitutionally confined to the smallest possible extent."<sup>2</sup>

Harriet Martineau felt that common law provided all the protection that it was necessary or possible to give the people.<sup>3</sup> The results of further interference were illustrated by events in Paris:

The exaggeration of our own proceedings, the caricature now enacting in Paris of a paternal government, the principle of protection carried out to its logical consequence, and men, accordingly, demanding that 'there should be institutions and guarantees for the happiness of women and children, so that every one may have the possibility of marrying with the certainty of being able to rear a family and rendering it happy;' or, 'that every citizen, after the age of 55, shall be entitled to a pension from the commune;' or, 'that all children shall be reared, maintained, and instructed, at the expense of the state,' excites no little loathing.<sup>4</sup>

Such actions were as distasteful to Britain as had been the authority of a feudal society. "Of the working classes of Western Europe at least it may be pronounced certain, that the patriarchal or paternal system of government is one to which they will not again be subject."<sup>5</sup>

But did Government action necessarily imply paternalism?

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1. See D.P.Barhydt, Industrial Exchanges and Social Remedies, pp.184ff.

2. Ibid., p.189.

3. Harriet Martineau, The Factory Controversy, p.50.

4. Economist, March 11, 1848.

5. Quoted from J.S. Mill in Westminster Review, Vol.49 (July 1848), p.295.



Great stress was laid on self-help, self-exertion and self-reliance as "essential to the formation of character, and to real happiness in every grade of life."<sup>1</sup> And yet there was a growing feeling that self-help could be furthered by legislative enactments, not destroyed by them. Robert Baker argued that since, "The first principle of right is self-effort; the second--of assistance," therefore membership in societies like the Odd Fellows should be compulsory.

If it is a fact, that one portion of the community can be voluntarily self-supporting, what reason is there why the whole should not be so compulsorily? It will be said that such compulsion would be an infringement on public liberty--that it would never be carried out, that it would be inapplicable to casual and travelling poor--and that it could not be compelled. But these arguments are fallacious--for, in the first place, which would be a greater infringement on public liberty, the forcible collection of the industrious profits of trade and independence hardly gained, in the shape of a heavy poor rate for the compulsory maintenance of the voluntarily improvident, who has no abstract right to the property of others till all his own had been made available; or, ab initio, to make everybody provident, so that there should be no necessity for it? The evils of a poor rate are aggregate, whilst those of improvidence are individual. You have to meet the first as you best may, when the second has been neglected.<sup>2</sup>

Not many would go as far as Baker, but it was becoming common to expect the Government to help the workers to

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1. Montague Gore, On the Dwellings of the Poor and the Means of Improving Them, London: James Ridgway, 1851, p.iv.
  2. Robert Baker, The Present Condition of the Working Classes, p.36.

help themselves.<sup>1</sup> Dr. Guy called it the policy of prevention as opposed to the earlier policy of palliation practised by the Government; the latter fostered Communist and Socialistic doctrines, whereas the former made it possible for the workers to stand on their own feet and cultivated in them a desire to do so.<sup>2</sup> Better housing was one field in which, it was becoming popularly assumed, the Government should interest itself.<sup>3</sup> The establishment of co-operative stores should be made easier;<sup>4</sup> laws should be passed to protect the worker from adulterated food;<sup>5</sup> standards of education should be enforced;<sup>6</sup> sanitation should be improved;<sup>7</sup> encouragement should be given better labour conditions<sup>8</sup> --these were some

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1. See C. Cochrane, How to Improve the Homes of the People. Address delivered by Charles Cochrane, Esq., on Monday Evening Aug. 27th 1849 at the Vestry Hall of St. Pancras, London: W.S. Johnson, 1849, pp.14-5.
  2. Dr. Guy, "The Policy of Prevention", pp.96-7, in Meliora: or Better Times to Come being the contributions of many men touching the Present State and Prospects of Society, ed. Viscount Ingestre, London: John W. Parker and Son, 1852.
  3. See, for example, C.Cochrane, How to Improve the Homes of the People, passim; Globe, June 7, 1850; and Morning Post, June 17, 1850.
  4. See, for example, Viscount Goderich, "On the Adulteration of Food, and its Remedies", pp.83ff., in Meliora, ed. Viscount Ingestre.
  5. See, for example, ibid., pp.80-1.
  6. See Robert Baker, The Present Condition of the Working Classes, pp.22ff.
  7. See, for example, ibid., p.30ff.; and Dr. Guy, "The Policy of Prevention", pp.99ff.
  8. See, for example, Westminster Review, Vol.54 (October 1850), p.148; and Christopheros, Condition of the Labouring Poor, pp.25ff.

of the ideas to which Government should give thought. The belief that "the real cause for instituting a government in any country is to guard the life, liberty, and property of the weak against the strong and powerful",<sup>1</sup> was becoming part of nineteenth-century British thought. To accomplish this aim, help must be given to the weak in society to compete with, and become equal to, the more fortunate. Once this goal was recognized, many men could say with the writer in the Edinburgh Review:

We agree with him [J.S. Mill] that there is absolutely no limit, no exception, to the doctrine of expediency....As soon as it has been shown that it is expedient that a Government should perform any functions, it must also be its right, and also be its duty to perform them.<sup>2</sup>

Expediency had been raised from a justification for a deviation from a principle to a doctrine in its own right. Much debate continued to take place in the nineteenth century and the twentieth--but it was no longer to decide whether government intervention per se was good or evil, but wherein its good and evil lay. By 1853, a new concept of the role of Government had evolved from the reinterpretation of Laissez-faire:

The ends of government are as comprehensive as those of the social union. They consist of all

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1. Home Office Papers, H.O.45(2861) (Petition from Permanent Committee of Factory Workers).
  2. Edinburgh Review, Vol.88 (October 1848), p.331.

the good, and all the immunity from evil, which the existence of government can be made directly or indirectly to bestow.<sup>1</sup>

Factory Inspectors and restrictions on labour in the mills were good; trade restrictions were evil; many more aspects of life remained to be fitted into a category.

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1. J.S. Mill, Principles of Political Economy, pp.804-5.

Table showing the number and ages of persons employed between March 1, 1835 and March 1, 1836 drawn from Parliamentary Papers, 1836, XIV, #155, pp. 51-145. (CWWF = Cotton, Woollen, Worsted and Flax Mills; S = Silk Mills)

Saunders	Under 8		8-9		9-13		13-18		Over 18		Total		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
CWWF 223					1041	1183	1476	2906	2498	5100	5015	9189	14204
S 76	56	78	79	118	802	1674	539	2555	782	3416	2258	7841	10099
Total 299	56	78	79	118	1843	2857	2015	5461	3280	8516	7273	17030	24303
<u>Howell</u>													
CWWF 371					1305	911	2764	2424	6110	5466	10179	8801	18980
S 26	8	8	22	26	117	269	80	409	70	501	297	1213	1510
Total 397	8	8	22	26	1422	1180	2844	2833	6180	5967	10476	10014	20490
<u>Rickards</u>													
CWWF 1812					18742	16499	27591	38873	63807	62135	110140	117507	227647
S 127					2308	3386	1985	3647	3154	3970	7447	11003	18450
Total 1939					21050	19885	29576	42520	66961	66105	117587	128510	246097
<u>Horner</u>													
CWWF 515					3252	4440	5062	13628	10456	22260	18770	40328	59098
S 6					42	89	40	244	103	168	185	501	686
Total 521					3294	4529	5102	13872	10559	22428	18955	40829	59784
TOTAL 3156	64	86	101	144	27609	28451	39537	64686	86980	103106	154291	189383	350674

Table showing the amount of horse power and the number and ages of persons employed in 1838 drawn from Parliamentary Papers, 1839, AIII, # 1. (SHP = Steam Horse Power; MHP = Water Horse Power)

Horner	SHP	MHP	To 9	9-13	13-18	Over 18	Total
Cotton	1202	31099		8033	59861	91156	159050
Woollen	213	1433		1164	2611	3412	7187
Worsted	23	322		171	798	760	1729
Flax	71	969		439	2794	3218	6451
Silk	30	505	89	1170	2127	2112	5498
Total	1539	34328	89	10977	68191	100658	179915
Howell							
Cotton	199	7392		1153	13581	24570	39304
Woollen	403	1841 $\frac{1}{2}$		1028	5487	8316	14831
Worsted	13	169		88	318	524	930
Flax	38	318		134	876	1176	2126
Silk	162	1125	787	4139	5683	6889	17498
Total	815	10845 $\frac{1}{2}$	787	6542	25945	41415	74689
Saunders							
Cotton	202	2206		1845	7824	11164	20833
Woollen	563	7569 $\frac{1}{2}$		3578	9585	13330	26493
Worsted	380	5372		4398	12912	11659	28969
Flax	60	1847		848	3582	3566	7996
Silk	71	679	86	2359	3587	4527	10559
Total	1276	17674	86	13028	37490	44246	94850
Stuart							
Cotton	216	6129		1299	16042	22857	40198
Woollen	143	682		251	2511	3545	6307
Flax	223	4278		338	11883	14693	26914
Silk	5	148		89	334	340	763
Total	587	11237		1977	30770	41435	74182
TOTAL	4217	74084 $\frac{1}{2}$	962	32524	162396	227754	423636

Table showing the number and ages of persons employed in 1846 drawn from Parliamentary Papers, 1847, XLVI, #609, pp. 610-622.

	Under 13		13-18		Over 18		Total		
	M	F	M	F	M	F	M	F	
Cotton in England	10723	6814	33818	47944	78783	98950	123320	153708	277028
Cotton in Scotland	379	366	3046	8661	5796	16868	9221	25895	35116
Cotton in Ireland	4	11	592	773	954	1849	1550	2633	4183
Total for Cotton	11106	7191	37452	57378	85533	117667	134091	182236	316327
Woollen in England	4206	3068	10624	8253	23135	13401	37965	24722	62687
Woollen in Scotland	80	58	1312	1754	4023	2410	5415	4222	9637
Woollen in Ireland	2	1	79	144	452	404	533	549	1082
Total for Woollen	4288	3127	12015	10151	27610	16215	43913	29493	73406
Worsted in England	3453	3884	4452	10767	7228	22013	15133	36664	51787
Worsted in Scotland			4	52	58	29	62	81	143
Worsted in Ireland			21	46	80	91	101	137	238
Total for Worsted	3453	3884	4477	10865	7366	22133	15296	36882	52178
Flax in England	836	752	2385	4517	3837	7513	7058	12782	19840
Flax in Scotland	109	296	1937	4253	3465	11234	5547	15783	21330
Flax in Ireland	9	27	2458	4235	3128	7231	5595	11493	17088
Total for Flax	954	1075	6816	13005	10430	25978	18200	40058	58258
Silk in England	2951	4777	3603	9310	7218	15831	13772	29918	43690
Silk in Scotland	17	59	63	330	141	407	221	796	1017
Silk in Ireland	-	-	-	-	-	-	-	-	-
Total for Silk	2968	4836	3666	9640	7359	16238	13993	30714	44707
Total in England	22169	19295	54876	80791	120201	157708	197248	257794	455042
Total in Scotland	585	779	6398	15050	13483	30948	20466	46777	67243
Total in Ireland	15	39	3150	5198	4614	9575	7779	14812	22591
Total	22769	20113	64426	101039	138298	198231	225493	319383	514876

Table showing the amount of horsepower and the number and ages of persons employed in 1849 drawn from Parliamentary Papers, 1850, XIII, #455. (SHP = Steam Horse Power; MHP = Water Horse Power)

	Mills SHP		MHP		Under 13		13-18		Over 18		Total	
	M	F	M	F	M	F	M	F	M	F	M	F
Cotton in England	1753	62940	8182	5183	9230	34016	154869	88364	131610	160052	291662	291662
Cotton in Scotland	168	7712	2842	328	252	2698	27200	5847	8797	27528	36325	36325
Cotton in Ireland	11	353	526	-	-	345	1843	749	1094	1843	2937	2937
Total for Cotton	1932	71005	11550	5511	9482	37059	183912	94960	141501	189423	330924	330924
Woollen in England	1306	12567	6887	2838	4189	10622	22120	24657	39468	24958	64426	64426
Woollen in Scotland	182	880	1653	30	37	1214	4382	3801	5052	4412	9464	9464
Woollen in Ireland	9	8	229	-	-	48	308	197	245	308	553	553
Total for Woollen	1497	13455	8689	2868	4226	11884	26810	28655	44765	29678	74443	74443
Worsted in England	493	9769	1501	5717	4236	7617	46460	14885	26738	52177	78915	78915
Worsted in Scotland	6	121	88	2	1	66	390	387	354	392	746	746
Worsted in Ireland	2	-	36	-	-	12	51	13	25	51	76	76
Total for Worsted	501	9890	1625	5719	4237	7695	46901	15185	27117	52620	79737	79737
Flax in England	135	3616	871	525	739	2039	12341	3357	6135	12866	19001	19001
Flax in Scotland	189	5004	1421	218	61	2949	20311	4773	7783	20529	28312	28312
Flax in Ireland	69	2285	1095	31	7	3024	14191	3868	6899	14222	21121	21121
Total in Flax	393	10905	3387	774	807	8012	46843	11998	20817	47617	68434	68434
Silk in England	272	2718	853	4602	2358	3159	24588	6996	12513	29190	41703	41703
Silk in Scotland	5	140	-	164	27	55	523	72	154	687	841	841
Silk in Ireland	-	-	-	-	-	-	-	-	-	-	-	-
Total in Silk	277	2858	853	4766	2385	3214	25111	7068	12667	29877	42544	42544
Total in England	3689	91610	18214	18865	20752	57453	260378	138259	216464	279243	425707	425707
Total in Scotland	550	13857	6004	742	378	6932	52806	14780	22140	53548	75688	75688
Total in Ireland	91	2646	1886	31	7	3429	16393	4827	8263	16424	24687	24687
Total	4330	108113	26104	19638	21137	67864	329577	157866	246867	349215	596082	596082



A return of the number of children in the United Kingdom of 12, 13, and 14 who are now [February 1836] employed and subject to the Act; the number who will be discharged or restricted to 48 hours on February 29 and those who have benefit of the education clauses, drawn from Parliamentary Papers, 1836, XLV, #203, pp. 203-214.

Description of the Factories in which the Children are employed	Number of children of required Ages			Number to be discharged or restricted to 48 hrs	Number benefit-ting from education clauses
	12	13	14		
Cotton Factories 1322	12460	25805	21028	14841	2625
Woolen Factories 1413	5219	8752	8424	8682	1784
Flax Factories 324	1674	3136	4052	1982	549
Silk Factories 242	3109	2979	2574	-	-
Total	22462	40672	36078	25505	4958

Factory Education Table [for c. 1831] in Ure, *Philosophy of Manufactures*, p. 477.

England	Numbers Taken From The Returns		Proportion in the Hundred	
	Read	Cannot Read	Read	Cannot Read
Lancashire	11393	2344	83	17
Cheshire	3092	344	90	10
Yorkshire	9097	1616	85	15
Derbyshire	2490	314	88	12
Staffordshire	3530	718	83	17
Leicestershire	351	92	80	20
Nottinghamshire	948	127	88	12
Norfolk Suffolk Essex	1914	433	81	19
Wiltshire	3045	527	85	15
Somersetshire	2040	229	89	11
Devonshire	755	34	96	4
Gloucestershire	4556	379	92	8
Worcestershire	21	-	100	-
Warwickshire	105	15	88	12
TOTAL	43327	7170	86	14
Scotland				
Aberdeenshire	4336	305	93	7
Forfarshire	4879	237	95	5
Perthshire	1601	96	94	6
Fifehire	1558	38	97	3
Clackmannanshire	213	6	97	3
Stirlingshire	795	23	97	3
Inarkshire	7815	317	96	4
Renfrewshire	5664	199	97	3
Ayrshire	867	2	100	-
Bute	430	4	99	1
Mid-Lothian	98	3	97	3
TOTAL	28256	1230	96	4

[sic]

Summary of the day and evening schools, and of the children receiving education, in the borough of Manchester exclusive of Sunday schools and evening schools attached to them taken from a report of the committee of the Manchester Statistical Society printed in 1835 in Wing, Evids of the Factory System, p.c.lxxxvi.

	Number of Schools	Number of Teachers	Number of Boys	Number of Girls	Total Number of Scholars	Number who Attend Sunday Schools	Established			Not Ascertained
							In or Before 1820	1820 to 1830	1830 and After	
Dame Schools	230	234	1939	2783	4722	2795	34	58	138	-
Common Boys' 116, and Girls' 63 Schools	179	210	4107	2795	6902	3757	27	56	94	2
Superior Private and Boarding Schools (Boys' 36, Girls' 78)	114	188	1355	1579	2934	67	21	47	42	4
TOTAL	523	632	7401	7157	14558	6619	82	161	274	6
Infant Schools	5	8	345	304	649	425	-	3	2	-
Endowed and Charity Schools	21	37	2481	973	3454	2173	13	1	6	1
TOTAL of Day Schools	549	677	10227	8434	18661	9217	95	165	282	7
Evening Schools	86	93	1012	446	1458	794	12	26	47	1
TOTAL of Day and Evening Schools	635	770	11239	8880	20119	10011	107	191	329	8

Table showing the literacy of 2000 Factory Children in Manchester drawn from Parliamentary Papers, 1837, XXXI, # 53, p.105.

	Number Examined	Did not know the Alphabet	Knew the alphabet only	Could read words or one syllable only	Could read the Testament but with difficulty	Could read the Testament with ease	Could write
Boys	1040	77	177	260	200	326	341
Girls	960	109	195	249	122	285	100
Total	2000	186	372	509	322	611	441

Particulars of Fine Cotton-Spinners' Wages at different Periods, spinning No. 180 and No. 200 from the Wages-book of Thomas Houldsworth, Esq., F.F., Manchester in Ure, Cotton Manufactures, Vol. II, p. 447.

Years	Work per Spinner Per Week		Wages per Week		Hours per Week	Prices from Greenwich Hospital Records		Buying Power of a Week's Earnings	
	lbs.	Nos.	Gross	Piecers Net		Flour per Sack *	Flesh per lb.	lbs. flour	lbs. flesh
1804	12	180	60s.	27s. 6d	74	83s.	6d to 7d	117	62½
1804	9	200	67s. 6d	31s.	74	83s.	6d to 7d	124	73
1814	18	180	72s.	27s. 6d	74	70s. 6d	8d	175	67
1814	13½	200	90s.	30s.	74	70s. 6d	8d	239	90
1833	22½	180	54s. 8d	21s.	69	45s.	6d	210	67
1833	19	200	65s. 3d	22s. 6d	68	45s.	6d	267	65

\* The sack of flour is taken at 280lbs.

Rates of Wages per Week at the different Periods in the Same Mill in ibid.

Card-Room Males	1806	1811	1815	1818	1824	1833
Card-Room Males	15s.	15s.	15s. 6d	15s.	15s.	15s.
Card-Room Males	17s.	17s.	18s. 6d	18s.	17s. 9d	17s. 9d
Card-Room Males	35s.	35s.	40s.	40s.	40s.	30s.
Card-Room Females	9s.	9s.	10s.	9s.	9s.	9s.
Reelers Females	19s. to 30s.	15s.	15s.	15s.	15s.	12s.
Doublers Females	12s.	10s. 6d	10s. 6d	9s. 6d	9s. 6d	8s. 6d

Rate of Wages in some factories in Manchester to show the difference for same type of work in Ure, Cotton Manufactures, Vol. III, p. 444

Name of firm	Fineness of Yarn Spun	Average Fineness Operatives	Total of Operatives	Average earnings in 69-hour week of each individual of all ages
M. Connell & Co.	100 to 240	170	1545	131.03 pence
T. Houldsworth M.P.	130 to 230	180	1201	122.72 pence
A. and G. Murray	90 to 200	145	841	141.96 pence
T. R. and T. Ogden	150 to 220	176	712	125. pence
Benjamin Gray	100 to 200	130	391	113.5 pence
Benjamin Sandford	140 to 210	175	382	112.94 pence
Thomas Flant	140 to 210	175	343	112.34 pence
J. and W. Bellhouse	130 to 210	170	211	148.46 pence
S.M. Moore	150 to 210	180	189	129.49 pence
Hugh Shaw & Co.	150 to 210	180	182	111.8 pence
William Carruthers	150 to 210	180	143	146.24 pence

Table showing the wages of males in Wool Factories in Ure, Philosophy of Manufactures, p.474. (Lack of space has necessitated the omission of fractions.)

District	Below	11-16	16-21	21-26	26-31	31-36	36-41	41-46	46-51	51-56	56-61	61-66	66-71	71-76	76-81
Leeds	11	4/4	9/9	19/6	22/5	22/6	22/6	22/	22/	21/	21/11	20/3	16/8	15/3	-
Gloucester	1/8	3/1	6/9	11/5	12/11	15/3	14/4	13/8	13/2	11/4	16/	13/8	10/11	11/3	8/4
Somerset	2/1	3/5	7/10	14/10	16/3	17/10	19/9	16/10	18/	14/4	16/3	12/2	12/	11/8	-
Wilts	1/9	2/10	6/4	11/6	13/10	15/5	13/7	14/8	14/10	14/10	12/2	11/2	7/5	6/6	-
Aberdeen	2/6	4/11	7/9	14/5	14/10	16/6	14/10	13/9	15/1	15/2	12/4	14/	10/1	11/4	12/

Table showing the wages of females in Wool Factories in ibid., (Lack of space has necessitated the omission of fractions.)

District	Below	11-16	16-21	21-26	26-31	31-36	36-41	41-46	46-51	51-56	56-61	61-66	66-71	71-76	76-81
Leeds	2/5	4/6	6/5	7/	7/4	7/2	7/7	6/10	7/1	7/5	6/3	3/5	-	-	7/
Gloucester	1/7	2/7	4/6	5/6	5/6	5/8	5/5	5/7	5/6	4/4	5/	5/	-	1/6	7/
Somerset	2/	2/10	5/1	6/6	7/5	8/1	6/9	7/4	6/11	7/11	5/3	3/3	5/	2/	-
Wilts	2/3	2/9	4/9	6/	5/1	6/11	6/2	6/	5/9	5/8	5/6	5/3	5/1	4/	-
Aberdeen	3/4	3/7	5/1	5/7	5/5	5/4	5/6	5/	5/3	4/11	4/4	-	4/6	3/3	-

Ages of People employed in Cotton Factories in Lancashire and Glasgow taken from Factories Inquiry Supplementary Report from Commissioners in Wing, Evils of the Factory System, p.clxxxii.

LANCASHIRE				
Age	Males		Females	
	Number Employed	Average Weekly Wages	Number Employed	Average Weekly Wages
Below 11	246	2s. 3½d.	155	2s. 4½d.
From 11-16	1169	4s. 1¼d.	1123	4s. 3d.
- 16-21	736	10s. 2½d.	1240	7s. 3½d.
- 21-26	612	17s. 2½d.	780	8s. 5d.
- 26-31	355	20s. 4½d.	295	8s. 7½d.
- 31-36	215	22s. 8½d.	100	8s. 9½d.
- 36-41	168	21s. 7¼d.	81	9s. 8½d.
- 41-46	98	20s. 3½d.	38	9s. 3½d.
- 46-51	88	16s. 7½d.	23	8s. 10d.
- 51-56	41	16s. 4d.	4	8s. 4½d.
- 56-61	28	13s. 6½d.	3	6s. 4d.
- 61-66	8	13s. 7d.	1	6s.
- 66-71	4	10s. 10d.	1	6s.
- 71-76	1	18s.	-	-
- 76-81	1	8s. 8d.	-	-
GLASGOW				
Below 11	283	1s. 11¾d.	256	1s. 10½d.
From 11-16	1519	4s. 7d.	2162	3s. 8¾d.
- 16-21	881	9s. 7d.	2452	6s. 2d.
- 21-26	541	18s. 6d.	1252	7s. 2½d.
- 26-31	358	19s. 11¼d.	674	7s. 1d.
- 31-36	331	20s. 9d.	255	7s. 4½d.
- 36-41	279	19s. 8½d.	218	6s. 7¾d.
- 41-46	159	19s. 6d.	92	6s. 6d.
- 46-51	117	19s. 2d.	41	6s. 10d.
- 51-56	69	17s. 9¾d.	18	6s. 1½d.
- 56-61	45	16s. 1½d.	16	6s.
- 61-66	17	17s. 7d.	7	5s. 5d.
- 66-71	15	15s. 9½d.	2	4s.
- 71-76	11	10s. 11d.	-	-
- 76-81	5	9s. 6d.	-	-
- 81-86	-	-	-	-
- 86-91	1	8s.	-	-



Table showing the Comparative Weekly Earnings of the different Classes of Workers in Cotton Mills at Manchester and Bury in 1836 and 1841 drawn from Parliamentary Papers, 1842, XXII, #337, p.428. (The initials are abbreviations of names of mills.)

	I. N.*		F. E.†		H. G.‡		B. A.		M. L.		O. P.		D. C.	
	1836	1841	1836	1841	1836	1841	1836	1841	1836	1841	1836	1841	1836	1841
Mule Spinners by hand	30/8	18/6	21/	21/	35/	35/	42/	29/	27/	26/	27/	24/	25/	15/
Card-Room hands	9/	8/	9/6	9/	7/	7/	6/	6/	6/6	6/6	7/6	7/	6/	6/
Strippers in Card-Room	14/	13/			13/	12/	14/	14/	10/6	10/	15/	12/	-	-
Throstle-frame Spinners	-	-	-	-	-	-	10/6	10/	-	-	-	-	-	-
Throstle-frame Doffers	-	-	-	-	-	-	6/	6/	-	-	-	-	-	-
Big Piecers	9/	9/	8/	8/	9/	9/	9/	9/	9/	8/	8/6	8/	8/6	8/
Little Piecers	-	-	5/6	5/	-	-	6/	6/	6/6	6/	6/6	6/	5/6	5/
Scavengers above 13 years of age	4/6	4/	4/6	4/6	4/6	4/6	-	-	4/6	5/	-	-	-	-
Scavengers under 13 years of age	-	-	3/2	3/	-	-	-	-	-	-	-	-	-	-
Reelers	9/	8/	-	-	-	-	-	-	-	-	10/6	10/	2/4	2/4
Winders	9/6	8/6	-	-	-	-	-	-	-	-	11/6	11/	9/	9/
Power Loom weavers	-	-	9/6	9/	-	-	-	-	8/3	9/	10/6	10/	9/6	9/
	-	-	10/6	10/	-	-	-	-	-	-	15/	15/	10/	10/

\*In this mill 33 spinners do the work on which formerly 60 were employed.

†In 1834, in this mill, they employed 46 spinners and 80 piecers; in 1841 they have 25 spinners and 75 piecers. Double-decking and the introduction of self-acting mules have been the cause of the reduction.

‡Two years ago in this mill they had 9 spinners; by double-decking the mules only 3 are used

Table showing the Food Expenditure and Rent of Seven Families for one Week in Parliamentary Papers, 1843, XIV, #1, p.98.

	Income £4.7 9 people	Income £2.17 8 people	Income £1.14 6 people	Income £1.1 4 people	Income £1.1 7 people	Income £1 5 people	Sussex Labourer 13s. 2d. 6 people
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Rent	5. 7	4. -	5. -	2. 9	4. -	3. -	- - -
Flour	10. 10	10. -	5. 10	4. 10	7. 6	6. 3	- - -
Meat	11. 8	10. -	4. 8	4. 8	- - -	- - -	5. 6
Bacon	- - -	1. -	- - -	- - -	1. 4	2. -	2. -
Ham	1. 6	- - -	- - -	- - -	- - -	- - -	- - -
Oatmeal	- - -	- - -	- - -	- - -	1. 8	10	- - -
Butter	6. -	4. -	2. -	2. -	1. -	1. 6	1. 8
Eggs	- - -	- - -	1. -	- - -	- - -	- - -	- - -
Milk	2. -	- - -	- 10	2. -	- - -	1. -	- - -
Potatoes	2. 6	3. -	1. 8	- 6	1. 5	2. 3	- - -
Cheese	1. 6	1. -	- 9	- - -	- - -	- 8	1. 6
Tea	1. 6	1. 3	1. -	- 8	- 8	- 8	- 8
Coffee	3. 7	1. 2	- 6	- 8	1. 6	- - -	- - -
Sugar	4. 6	2. 6	2. -	- 8	1. 8	1. -	10 <sup>1</sup>
Treacle	- - -	- - -	- - -	- - -	- - -	- 4	- - -
Tobacco	- - -	- 9	- - -	- - -	- - -	- - -	- - -
Soap	1. 1	- 9	- 6	- 8	- 6	- 6	- 3
Candles	1. -	- 6	- 6	- 8	- 6	- 6	3 <sup>1</sup>
Salt	- 2	- 2	- 1	- 6	1 <sup>1</sup>	- 2	- 2
Coals	2. 3	- - -	1. 2	- 8	- - -	- - -	- - -
TOTAL	2.15. 8	2. - 1	1. 7.10	1. 1. 3	1. 1.10 <sup>1</sup>	1. - 8	13. 2

[Three families appear to be living beyond their incomes.]

Table showing Retail Prices in Manchester in the Years 1836 and 1841 in Parliamentary Papers, 1843, XIV, #1, p.97.

	1836		1841	
	s.	d.	s.	d.
Rent	2.	3	2.	-
Flour per doz. [sic]	1.	8	2.	4
	1.	9	2.	7
	1.	10	-	8
Meat per lb.	-	5½	-	8½
	-	6	-	7
Bacon per lb.	-	4½	-	7
Oatmeal per peck of 10 lbs.	1.	-	1.	4
Butter per lb.	-	9	1.	-
	-	10	1.	1
Milk per pint	-	1½	-	1
Potatoes per 20 lbs.	-	7	-	11
	-	8	1.	-
Tea per lb.	6.	-	5.	-
Coffee per lb.	1.	8	2.	-
Sugar per lb.	-	5½	-	8
	-	6½	-	9½
Treacle	-	2½	-	3
Tobacco per oz.	-	2½	-	2½
Soap per lb.	-	5	-	5
Candles 8 per ld. [sic] dips	-	6½	-	6½
Salt per 4 lbs.	-	1	-	1
Coals per cwt.	-	7	-	7

Table showing the Income of Families in the Employ of H. and B. A[shworth] no date given [around 1844] in Taylor, Factories and the Factory System, p.105.

Trade or Occupation	No. of Family	No. of Workers	Weekly Income			Per Head Per Week			Yearly Income		
			£	s.	d.	£	s.	d.	£	s.	d.
Labourer	5	4	1.	17.	-	-	7.	4 $\frac{3}{4}$	95.	18.	-
Labourer	7	6	2.	10.	-	-	7.	1 $\frac{1}{2}$	130.	-	-
Labourer	11	8	2.	15.	-	-	5.	-	143.	-	-
Spinner	9	5	2.	2.	2	-	4.	8 $\frac{1}{2}$	109.	12.	8
Spinner	7	4	2.	1.	1	-	5.	10 $\frac{1}{2}$	106.	16.	4
Spinner	9	5	3.	5.	5	-	7.	3 $\frac{1}{2}$	170.	6.	-
Spinner	5	2	1.	8.	-	-	5.	7 $\frac{1}{2}$	72.	16.	-
Spinner	6	3	1.	15.	6	-	5.	11	92.	6.	-
Spinner	4	1	1.	7.	-	-	6.	9	70.	4.	-
Spinner	6	3	1.	13.	-	-	5.	6	85.	16.	-
Spinner	6	2	1.	15.	6	-	5.	11	92.	6.	-
Spinner	7	2	1.	13.	6	-	4.	9 $\frac{1}{2}$	87.	2.	-
Carder	9	2	2.	7.	6	-	5.	3 $\frac{1}{2}$	123.	10.	-
Loomer	8	6	3.	6.	-	-	8.	3	163.	16.	-
Weaver	5	2	1.	-	-	-	4.	-	52.	-	-
Weaver*	4	3	1.	8.	-	-	7.	-	72.	16.	-
Weaver†	4	1	-	13.	-	-	3.	3	33.	16.	-
Joiner	8	3	2.	8.	-	-	6.	-	124.	16.	-
Spinner	5	1	1.	10.	-	-	6.	-	78.	-	-
Spinner	3	1	1.	12.	-	-	10.	8	83.	4.	-
Spinner	7	3	1.	9.	-	-	4.	1 $\frac{1}{2}$	75.	8.	-
Spinner	2	1	1.	6.	-	-	13.	-	67.	12.	-
Spinner	5	2	1.	8.	6	-	5.	8 $\frac{1}{2}$	74.	2.	-
Spinner	6	1	1.	7.	-	-	4.	6	70.	4.	-
Spinner	3	1	1.	7.	6	-	9.	2	71.	10.	-
Dresser	4	2	1.	18.	-	-	9.	6	98.	16.	-
Dresser	6	3	2.	3.	6	-	7.	3	115.	2.	-
Carder	2	1	1.	-	-	-	10.	-	52.	-	-
<b>TOTAL 28</b>	163	78	50.	7.	3	9.	5.	6 $\frac{2}{3}$	2620.	15.	-
<b>AVERAGE</b>	5 $\frac{1}{29}$	2 $\frac{23}{27}$	1.	14.	8 $\frac{11}{27}$	-	6.	4 $\frac{2}{3}$	90.	7.	5
	[sic]	[sic]	[sic]								

\*Widow with three children.

†Widow with two small children and a housekeeper.

Table showing the Opinions of Operatives concerning Men.  
Hours in Parliamentary Papers, 1849, XXIII, #217, p.217.

Summary of the Opinions of the Men, classified according to the amounts of their weekly wages for 10 hrs. a-day, so far as these were ascertained.		Summary of the Opinions of the Women, classified according to the amounts of their weekly wages for 10 hrs. a-day, so far as these were ascertained.					
Men	Whose weekly wages are	Prefer working		Women	Whose weekly wages are	Prefer working	
		hrs	hr\$			hrs	hr\$
of 90	from 5/9 to 10/10	10	11			10	11
		45	6	of 256	from 4/6 to 8/	141	15
			39			100	12
of 149	from 11/ to 17/6	106	17	of 97	from 8/2 to 10/	54	17
of 176	from 18/ to 25/6	130	34	of 23	from 10/6 to 15/6	12	4
of 34	from 26/ to 50/	25	7	-	-	-	-
			1				

Returns of the Number of Factories Worked on the 15th of July 1850, by Male Persons above Eighteen Years of Age, after the Young Persons and Women who are employed in those Factories for Ten Hours continuously (exclusive of Meal Times) have ceased to work for the Day, and in which Factories Children are employed as Assistants to the said Male Persons during such extra Time of Work; together with the Number of Children so employed in Parliamentary Papers, 1850, XLII, #477, p.477.

	Number of Factories	Number of Children Employed		Total
		Boys	Girls	
Horner's District	148	1405	544	1949
Howell's District	11	72	15	87
Kincaid's District	8	30	9	39
Saunders' District	90	871	796	1667
<b>TOTAL</b>	<b>257</b>	<b>2378</b>	<b>1364</b>	<b>3742</b>

Table of Prosecutions drawn from Inspectors' Reports in Parliamentary Papers.

		Number of Informations	Result				Penalties Imposed				
			Convictions	Withdrawn on Payment of Costs	Withdrawn	Dismissed	Under £2	£2 or more	£3 or more	£5 or more	£10 or more
Jan.-Dec.	1834	41	32	-	7	2	24	2	-	2	4
Jan.-Aug.	1835	145	109	2	32	2	62	18	2	14	8
Aug.-Dec.	1835	181	160	1	17	3	46	17	7	42	30
Dec. 1835 - May	1836	112	88	1	16	7	35	21	4	16	12
May 1836 - Jan.	1837	979	825	-	84	71	594	77	15	63	49
Jan.-July	1837	709	593	31	57	28	429	122	12	26	12
July-Dec.	1837	183	154	7	9	13	101	27	10	12	3
Jan.-Dec.	1838	806	581	138	12	80	332	84	26	28	36
Jan.-Dec.	1839	345	265	34	9	32	132	65	13	10	22
Jan.-Dec.	1840	187	151	24	1	11	86	31	4	16	10
Jan.-Dec.	1841	200	159	25	-	16	113	19	1	15	11
Jan.-Dec.	1842	90	78	8	-	3	44	8	11	9	6
Jan.-Dec.	1843	196	188	3	1	4	134	12	8	10	22
Jan.-Dec.	1844	168	136	21	2	9	96	25	3	6	6
Jan.-Dec.	1845	824	634	145	-	45	381	173	32	35	13
Jan.-Dec.	1846	613	487	92	2	32	189	199	39	33	25
Jan.-April	1847	86	73	10	-	3	22	26	15	2	6
April-Oct.	1847	124	97	9	-	18	34	38	7	7	6
Oct. 1847-April	1848	181	117	40	20	4	32	36	35	8	6
April-Oct.	1848	179	117	35	1	26	42	31	23	15	5
Oct. 1848-April	1849	235	143	43	14	35	85	39	11	2	4
April-Oct.	1849	161	73	31	28	29	45	16	6	5	1
Oct. 1849-April	1850	240	184	41	7	8	88	58	16	14	8
April-Oct.	1850	336	215	53	37	29	129	61	2	18	5
Oct. 1850-April	1851	446	312	103	10	21	229	62	21	2	1
April-Oct.	1851	318	199	99	1	19	120	50	22	3	4
Oct. 1851-April	1852	173	149	20	-	4	130	13	3	-	3
April-Oct.	1852	267	187	80	-	-	109	55	16	6	1
Oct. 1852-April	1853	381	220	161	-	-	87	78	44	6	3
April-Oct.	1853	396	230	144	-	22	88	39	25	4	4

a Horner laid 918 informations.

b Horner 775, Saunders 58, Stuart none.

c Horner 168, Saunders 168, Stuart 2.

d Horner 256 (several punished by one fine), Saunders 69,

e Horner 100, Saunders 68, Stuart none. Stuart 6.

f Horner 38, Saunders 145.

g Horner 33, Saunders 49.

h Horner 46, Saunders 118.

i Horner 63, Howell 35, Saunders 64.

j Horner 152, Howell 249, Saunders 308, Stuart 115.

k Horner 141, Howell 96, Saunders 327, Stuart 49.

l Horner 43, Saunders 25, Stuart 7.

m Stuart died and therefore no report.

n Saunders died and therefore no report.

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