

THE EVOLUTION OF THE WORKING CONDITIONS AND
ASSOCIATED LEGISLATION OF APPRENTICES AND
CHILD LABOUR IN BRITISH FACTORIES AND
TRADES FROM THE LATE 18th TO THE
MIDDLE OF THE 19th CENTURIES

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PREFACE

Both modern and contemporary commentators have over the past 140 years written many millions of words on the subject of the abuse of child labour in factories and trades in the first half of the nineteenth century. The subject was highly charged with emotion at that time. The detailed observations of intelligent and perceptive men contrast with the partial accounts of honest and not so honest early Victorians. Together they have blurred the definition between truth and the embellishment of it. This lack of clarity on the issue of child labour has left modern historians great scope for widely differing interpretations and the evidence for believing that conditions were as bad or as good as suited their particular point of view. It is regretted that there is insufficient material in South Africa to enter fully into the often bitter arguments of the, so called, 'optimists' and 'pessimists' in respect of the improvement or deterioration of the standard of living of the labouring classes in the first half of the nineteenth century.¹

Child labour was not one of the inventions of the Industrial Revolution. The labour of children within the domestic economy had, certainly from the seventeenth and eighteenth centuries, been regarded as socially acceptable. The aim of this work is to trace the conditions of child labour in the early years of the Industrial Revolution as the spread of factories demanded more and more young hands and imposed an

¹Perhaps the bitterest argument is that between E.J. Hobsbawm and R.M. Hartwell in Taylor, A.J., The Standard of Living in Britain in the Industrial Revolution. For more general contrasting approaches to the problems of labour on one hand there are the works of Hammond, J.L. & B., The Town Labourer and Cole, G.D.H., A Short History of the British Working Class Movement, while on the other there is Hayek, F.A. (ed.), Capitalism and the Historians which contains essays by T.S. Ashton and W.H. Hutt.

alien and sometimes inhuman discipline on the workers. As the numbers of children employed expanded not only in total but also as a proportion of the total labour force, the realisation that the labour of children was presenting a grave social problem gradually dawned upon the governments of the time. This work traces the development of legislation from the first faltering step forward of the Health and Morals of Apprentices Act of 1802 to the passing of the Factory Act of 1847 which provided for a ten hours' working day. This type of legislation was an experiment which developed in efficiency by trial and error.

Detailed consideration is given to the arguments of the supporters and the opponents of restrictions being placed on the complete freedom of the manufacturers. This was a battle eventually to be won by the supporters of restriction on the freedom of the masters. Nearly twenty years have passed since detailed consideration was given to the parallel development of the awareness that the labour of children was a problem and the steps taken to alleviate it.¹ The aim in this work is to consider the most recent publications that deal with particular aspects of the problem. The intention is to penetrate the contradictory claims made in the first half of the nineteenth century, and to attempt to clarify as accurately as possible the realities of the conditions of child labour and to trace their improvement to the middle of the century.

¹Thomas, M.W., The Early Factory Legislation, published 1948.

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CHAPTER I

Information on the labouring conditions of apprentices and child labour is widely scattered, and in the period prior to the industrial revolution there is very little of it. In this period the only sources of information are the accounts of commentators who travelled round Britain such as Arthur Young and Daniel Defoe, and personal biographies like those of George Cromton and William Radcliffe. As the 19th Century progressed information became much more readily obtainable. Evidence is found in Parliamentary Commissions and Committee Reports, in newspapers, periodicals and pamphlets and in the writings of advocates and opponents of factory reform, and of the critics and defenders of the factory system. Spates of writing coincide with periods of controversy which stimulated the output of partial accounts to back up the view point of the author. Perhaps the most reliable sources of information (despite periodic contemporary criticism) are the Parliamentary Committees and Commissions and these are referred to extensively in this work.

In the period covered, the leading industry and the one that provided a model for the growth of the factory system, was the cotton industry. "Cotton was certainly the pacemaking industry of the industrial revolution, and the cotton mill was the pre-eminent model for the factory system..."¹ It was the industry chosen by the legislature for interference in working conditions with good reason. The factories were much larger and much more before the public eye,²

¹Taylor, A.J. (ed.), The Standard of living in Britain in the Industrial Revolution, p.128.

²Hutchins, B.L. & Harrison, A., A History of Factory Legislation, p.18

information could be more readily collected on working conditions and legislation could be more easily implemented and supervised. The cotton industry was a concentrated one carried out in large buildings with large numbers of persons.¹ The result is however that there is less information on the conditions of work in other industries.

The factory system did not introduce bad working conditions, low wages with long hours of work and child labour. J.L. & B. Hammond in "The Town Labourer, 1760-1832", admit that hardly any of the evils of the factory system were new, as in the domestic system the hours were also long and the earnings poor. Here also children worked from a tender age in poor, crowded, and badly ventilated rooms.²

Cooke Taylor the elder (a supporter of the manufacturers who opposed factory legislation) in his "Notes of a Tour in the Manufacturing Districts" refers to a conversation he had with a weaver who believed that working conditions had been worse under the domestic system of production. "The creatures were set to work as soon as they could crawl, and their parents were the hardest of taskmasters."³ In domestic framework knitting the hours of work were believed to be generally from 5-6 am to 10 pm. In this trade a considerable number of children were employed.⁴ It is interesting to note a comment by Adam Smith also in this regard: "A shepherd has some leisure, a husbandman some, a manufacturer none at all."⁵

¹Ibid., p.120.

²See supra, p.41

³As quoted in Hutchins, B.L. & Harrison, A. Op.cit., p.5.

⁴House of Commons Journal 1778, XXXVI, p.740.

⁵Smith, Adam, The Wealth of Nations, Book V, Ch. 1, part 1.

Daniel Defoe gives an early account of child labour under the domestic system, and here child labour was exploited as a matter of course. Talking of the woollen manufacturing district between Halifax and Rochdale he writes with obvious admiration: "Among the manufacturers houses are likewise scattered an infinite number of cottages and small dwellings, in which dwell the workmen which are employed, the women and children of whom, are always busy carding, spinning, &c. so that no hands being unemploy'd, all can gain their bread, even from the youngest to the antient; hardly any thing above four years old, but its hands are sufficient to it self".¹

George Crompton, the eldest son of Samuel Crompton, recalls his work at the age of four years old. "I recollect that soon after I was able to walk I was employed in cotton manufacture. My mother used to bat the cotton wool on a wire riddle. I was then put into a deep brown mug with a strong ley of soap suds. My mother then tucked up my petticoats about my waist, and put me into the tub to tread upon the cotton at the bottom. When a second riddleful was batted I was lifted out, I was placed in the mug, and again trod it down. This process was continued until the mug became so full that I could no longer safely stand in it, when a chair was placed beside it, and I held onto the back. When the mug was quite full, the soap suds were poured off, and each separate dollop of wool well squeezed to free it from moisture..."²

Locke, the philosopher, recommended as part of his plan to reform the Poor Laws in 1697 that working schools should be set up

¹Defoe, Daniel, A Tour through the Whole Island of Great Britain, Vol. II (Everyman edition), p.195.

²Annual Register, 1817, p.279, as quoted Hammond, J.L. & B., The Town Labourer, 1760-1832, p.143.

in each parish. The children of all applicants for poor relief should be made to attend these schools from the ages of 3 to 14 years.

Children were employed from a very early age in some of the Houses of Industry. In discussing the working conditions of children in the early mills, T.S. Ashton, while he commented that their lot was unenviable, said it was no worse than was often the case under the domestic system.¹ According to Defoe and Arthur Young the English worker only wished to earn enough money to maintain his standard of living and he wished to spend the rest of the week drinking.² What was significant, therefore, was not the fact that child labour was an innovation of the Industrial Revolution but the new impersonal quality it took, the change in apprenticeship and the new discipline required in the mills. "What the new order did was to turn the discomforts of the life of poor into a ridged system".³

The golden age of the hand-loom weaver was in the 1780s and 1790s. This prosperity was enhanced by a general shortage of labour caused by the disappearance of many weavers into the armed forces. There was a movement of women and children into weaving and associated activities and people gradually left farming which was already only a supplementary source of income.

The dramatic arrival of spinning machines reversed the yarn supply situation. The result was a massive increase in the supply of yarn and a great demand for weavers to make it into cloth. The hand-loom weavers were unable to keep up with the demand. As late

¹ Ashton, T.S., An Economic History of England: the 18th Century, p.224.

² Perkins, Harold, The Origin of Modern English Society, pp. 130-131.

³ Hammond, J.L. & B., op.cit., p.19.

as 1800 Radcliffe complained of a shortage of weavers. At this time the weaver discovered that, "his labour, when employed on his loom, was more profitable, and more immediate in its return, than when devoted to agricultural pursuits".¹ As a result wages were forced up. For the first two decades of the 19th Century weaving was still predominantly a 'putting-out' industry.² The number of weavers increased rapidly. In 1769 Arthur Young estimated that the number of weavers was 50,000.³ Ten years later there were, "Three times as many looms employed (as a decade before)...and...if there were more looms...the manufacturers would be glad to employ them".⁴ In 1788 there were an estimated 108,000 weavers and by 1801 this figure had risen to 164,000.⁵

William Radcliffe described a family engaged in domestic manufacture in this period, "The principal estates being gone from the family, my father resorted to the common but never failing resource for subsistence at that period, VIZ. - the loom for men, and the cards and hand-wheel for women and boys. He married a spinster and my mother taught me (while too young to weave) to earn my bread by carding and spinning cotton, winding linen or cotton weft for my father and elder brothers at the loom, until I became of sufficient age and strength for my father to put me into a loom."⁶ Referring to these small

¹Gaskell, P., Artizans and Machinery... (1836), p.25.

²Smelser, N.J., Social Change in the Industrial Revolution, p.130.

³Young, Arthur, A Six Months Tour through the North of England, Vol. III, p.192.

⁴Parliamentary Papers, 1780, V, 38, Petition of Cotton Spinners... p.5, as quoted in Smelser, N.J., op.cit., pp.137-8.

⁵Smelser, N.J., op.cit., p.137.

⁶Radcliffe, William, Origin of the New System of Manufacture, commonly called "Power-Loom Weaving" (Stockport, 1828), as quoted by Collier, F., The Family Economy of the working classes in the Cotton Industry, 1784-1833, pp.9-10

workshops Paul Mantoux comments that it is an "error to think them healthier, less toilsome and freer than the factory under the foremen's eye. In reality the most pitiless exploitation was the lot in some home industries. Furthermore it was much harder to eradicate abuse."¹

As early as 1798 weaving wages began a long decline which was exaggerated by depressions from time to time. The history of the trade through the first two decades of the 19th Century is one of chronic overcrowding, facilitated by the fact that little capital or skill was required to enter the industry; this position was made worse by the fact that the spread of the power loom slowly but surely drove wages down. Wages reached a peak in 1806 and then gradually fell. In 1797 weekly wages were on average 18s 9d, in 1800 - 18s 9d, 1805 - 23s, 1810 - 14s 3d, 1815 - 13s 6d, 1820 - 8s 3d, 1825 - 8s 3d, 1830 - 6s 3d.² The combination of declining wages and the loss of males to the armed forces encouraged many weavers to teach the women how to weave. In addition it was complained in 1816 that children were used in weaving, "...of late years...at a younger period than any other business", always under ten years of age and occasionally between three and five years old.³ A result of the fall in wages was an increasing willingness on the part of the weavers to send their children into the mills.

The last quarter of the 18th Century saw great technological developments in the textile industry that led to factory production. Factories were by no means new. The first real factory in Britain

¹Mantoux, Paul, The Industrial Revolution in the 18th Century, p.73.

²Smelser, N.J., op.cit., p.140.

³Hutchins, B.L. & Harrison, A., op.cit., p.20.

was a silk throwing factory that was owned by the Lombe brothers in 1719 at Derby.¹ Factories were however rare up to Arkwright's time. They represented a rise in scale of production, not only a rise in the number of persons employed. Factories were an increase in size, complexity, and degree of organisation under the leadership of one man or a partnership. In the domestic workshop there was often only £2-3 capital employed, the factories with more specialised machinery might have a fixed per capita investment of £40-50. Arkwright claimed that in 1783 his spinning factory investment was £40 per head.²

Richard Arkwright, born in 1732 was perhaps the true founder of the factory system.³ His first cotton-spinning machine was patented in 1769 for a period of 14 years. In 1771 he entered into a contract with Need and Strutt in order to raise capital to develop his invention. He started business with just a few machines in a small workshop. In 1771 Arkwright, in association with his two partners built a spinning mill at Cromford on the river Derwent. The spot was chosen as here the river flowed through a narrow gorge with a strong current. The machine he had developed and patented, the 'water-frame', produced a much stronger thread so that cotton no longer had to be mixed with linen, and pure cotton goods could now be woven. In 1775 Arkwright took out his second patent which he apparently purposely cloaked in ambiguous English. This gave him sole right to work his water-frame and associated inventions. He allowed others to use it on the payment of royalties. It was as a

¹Perkins, Harold, *op.cit.*, p.106.

²*Ibid.*, pp.108-110.

³Mantoux, Paul, *op.cit.*, p.220.

result of two actions by other manufacturers to break the patent that Arkwright lost the monopoly to his invention. Mantoux comments that the factory age started in the textile industry with the cancellation of Arkwright's patent in 1785.¹ The mill he had set up with his partners had meanwhile expanded to hold a few thousand spindles and to give employment to some three hundred workmen.² These early mills employed between 150 to 600 persons.³ They were situated near a fast flowing stream as this provided the motive power for the machinery; the steam engine was still inefficient, expensive and costly to run. Thus the factory system developed not in centres of population but in sparsely populated and isolated regions. The isolation of these mills had a significant impact on the means employed in order to acquire labour.

Before considering the case of the parish apprentices in the early cotton mills it is necessary to have some idea of the conditions of life among the labouring classes in the last quarter of the 18th Century. It is important to relate their working conditions to those prevailing among the working classes at the time in order to see whether they were, in the eyes of contemporaries, subjects of abuse.

In 1695 Gregory King estimated the population of England and Wales as being five and a half million. The census of 1801 gave a figure of 8,872,000, though this did not include those in the armed forces. John Richman in "Report of the Census (1811), Preliminary Observations", p.XX, has corrected this figure to 9,168,000.⁴

¹Ibid., p.246.

²Marsh, R., A Treatise on Silk, Wool, Cotton and Thread, 1779.

³Mantoux, Paul, op.cit., p.247.

⁴Ashton, T.S., op.cit., p.2.

Parish registers and bills of mortality suggest a slow rise in population up to 1750; it is therefore only in the last half, and in particular in the last quarter of the 18th Century, that a very rapid increase in population is noted.¹ Hanway's Act of 1767 helped to reduce the death rate among the poor children dependant on the parish by providing a minimum requirement of food.² The Gilbert Act (22 Geo. III.c.83) of 1782 improved the administration of the Poor Law, and provided for more humane regulations. By this Act parishes were allowed to give outdoor relief to the able-bodied poor, the work-houses being reserved for old people, cripples and children. The burden on the Poor Rate steadily increased. They totalled £2 million in 1785, £4 million in 1801 and £6½ million in 1812.³ Colquhoun, a follower of Adam Smith, was alarmed by the increase in pauperism as a result of the labourers being forced into abject poverty during the inflationary years of the Napoleonic wars. In 1803 over a million people were receiving relief, one in nine in the population, at the cost of £5,348,205.⁴ "The forces which determined the general level of real wages during the Napoleonic Wars were the familiar ones of any war-time economy. It is commonplace that wages are slow in following prices...During the wars there was a substantial increase

¹Ibid., p.4.

²By this Act, that was generally given his name, London parish children were boarded out for not less than 2s 6d per week. A bonus of 10s per child per year was given to successful nurses. Hanway estimated that the death rate up to the age of 5 years was in the order of 60-70 percent, thus few of these children had lived to worry the parish authorities. The Act, according to Eden, caused "...a deficiency of 2100 deaths a year..."The State of the Poor, p.338.

³Mantoux, Paul, op.cit., pp.436-438.

⁴Parliamentary Papers 1803-4, 175, XIII, 'Return of the numbers of Paupers, 1802-1803'.

in both government consumption and investment. About a quarter of the gross national product, some £72.4 million, was being used for military and naval purposes by 1815. The supply of goods and services available for private consumption was drastically reduced in relation to demand. Prices rose sharply and there was a transfer of income...to entrepreneurs and rentiers at the expense of wage earners and the poor."¹

The old Poor Law relied on the parish as the unit of Government, and on unpaid non-professional administrators. As the administrative units were small so was the availability of cash for each parish, thus there was strong local feeling that each parish was only responsible for its own poor. Indeed some small parishes did try to rid themselves of their obligations onto the richer ones. It was for this reason that the 'Act of Settlement' of 1662 was passed. Under this legislation anyone leaving the parish could be sent back to his parish of settlement by the order of two Justices of the Peace. This could be authorised not only if the person was a burden on the Poor Rates but also if it was thought that it was likely that he would become one. Whilst this protected the parish it deprived the labourer of freedom of movement in search of employment. This provision was changed in 1795 so that only those who were a burden on the Poor Rates could be repatriated to their parish of origin.

Attention is drawn to this background to factory legislation as it provides the standard of working-class living conditions in Britain against which factory legislation is constructed. It is also of value to appreciate contemporary economic thought, which also had

¹Williams, J.E., 'The British Standard of Living, 1750-1850', Economic History Review, 1965, p.587.

a significant impact on government interference in conditions of work.

In 1739 William Temple asserted that the only way to make workers industrious and temperate was to keep them at work all the time, excluding only time required for rest and sleep, and time required to buy the necessities of life.¹ Arthur Young a generation later asserted: "Everyone but an idiot knows that the lowest classes must be kept poor or they will never be industrious."² This attitude emerges frequently in Parliamentary speeches and in pamphlets surrounding the factory legislation question in the early years of the 19th Century in justification for the long hours of work in factories. It was a paternalistic demand for the right to exploit labour for its own moral welfare. With the same paternalism the period that saw the development of factories also witnessed the establishment of Philanthropic Societies such as The Society for the Prevention of Crime and The Society for the Improvement of the Poorer Classes. The Act of 1788 attempted to improve the working condition of the chimney sweeps. Some manufacturers acknowledged a duty to their men, for example men like David Dale, Robert Owen, Samuel Greg (jr.), Kirkman Finlay and Richard Reynolds.³ "The same spirit which had led to the concession (in the Poor Law) of out-relief as a means to prevent disturbances now introduced an Act of 1799 against combinations."⁴ In fact it did nothing more than to make a general regulation where through the 18th Century these had been directed against

¹ Temple, W., 'The Case between the Clothiers and the Weavers', reproduced by Smith, J., in Memoirs of Wool.

² Quoted in Ashton, T.S., An Economic History of England: the Eighteenth Century, op.cit., p.205.

³ See pp.43-47., below.

⁴ Mantoux, Paul, op.cit., p.445.

specific trades, for example, the tailors (1720) 7 Geo.1.st.c.55, the weavers and wool combers (1725) 12 Geo.1.c.34, the hatters, 17 Geo.111.c.55, the papermakers in 1796, 36 Geo.111.c.111. Thus a law was passed to forbid men to combine at a time when intervention in trade was becoming more and more discredited in favour of 'laissez-faire' and legal protection of wages and conditions of work had been withdrawn from the labourers.¹ When wool weavers tried to have the Statute of Artificers of 1563 enforced, the result was the suspension of the Statute (43 Geo.111.c.136) and in due course its final repeal in 1809 (49 Geo.111.c.109).

The old apprenticeship system, failing already, was killed with the rise of laissez-faire. Despite this the number of apprentices in the textile industry continued to increase; in fact, they were not true apprentices. The abuse of chimney sweep apprentice regulations provides another glaring example where apprentice regulations were used to shackle children to a trade in which there was great hardship, cruelty and abuse. An Act was passed on their behalf in 1788 though this proved to be a dead letter. In 1817, 1818, and 1819 further attempts were made to introduce a more effective measure but they were all rejected by the House of Lords. The tale of hardship continued through three-quarters of the nineteenth century and it was only in 1875 with the help of Lord Shaftesbury that sufficient safeguards were provided. It took over a hundred years, from the

¹The new attitude to wages is illustrated in an article in the Edinburgh Review, Vol. 33, 1820, p.107, referring to a discussion of 'Roundsmen': "...we cannot help noticing a strange assertion of Mr Nicol, that the low rate of wages paid by the master, is an injustice to the pauper - that he is cheated, forsooth, out of 8s or 10s per week by this arrangement. Nothing, however, can possibly be more absurd than such an allegation. The whole country is open to him. Can he gain more anywhere else? If not, this is the market price of his labour; and what right has he to complain? Or how can he say he is defrauded?"

time that Jonas Hanway first drew public attention to the abuse of these wretched children in 1773, that the legislature undertook to give them sufficient protection. In "A Sentimental History of Chimney Sweepers in London...", Jonas Hanway appealed for regulations to protect the climbing boys. "If our mode of living has so reduced the size of chimneys as to make the service of climbing boys necessary it is an evil and an offence to humanity. We should reform our custom of treating them and alleviate their suffering."¹ He appealed that at least children should not be forced to climb chimneys on fire and that they should have sufficient clothing and food. He states that the children of the poor are sold for seven years apprenticeship for 20 to 30 shillings.² There are no exact records of the numbers of chimney sweeps and apprentices. It is estimated that there were 200 masters and 500 apprentices in London alone.³ In the years

¹Hanway, Jonas, A Sentimental History of Chimney Sweepers in London and Westminster shewing the Necessity of putting them under regulations, to prevent the grossest Inhumanity to Climbing Boys... (1785), p.16.

²Ibid., p.25. In Oliver Twist by Charles Dickens, there is an interesting account of such a transaction:

"'So you won't let me have him, gen'lmen?' said Mr Gamfield pausing near the door. (Mr Gamfield was a chimney sweep and was referring to Oliver who was advertised by the Workhouse Board.)

'No,' replied Mr Limbkins; 'at least, as it's a nasty business, we think you ought to take something less than the premium offered.' (£5). Mr Gamfield's countenance brightened, as, with a quick step, he returned to the table, and said,

'What'll you give, gen'lmen? Come! Don't be too hard on a poor man. What'll you give?'

'I should say, three pounds ten was plenty,' said Mr Limbkins." (Oxford Illustrated Dickens, p.17.) 'Oliver Twist' first appeared in February, 1837, in Bentley's Miscellany.

If the detail of the price negotiated can be relied upon, Workhouses paid considerably higher prices to be rid of paupers.

³Porter, David, Considerations on the present State of Chimney Sweepers, with some Observations on the Act of Parliament Intended for the Regulation and Relief, with Proposals for their further Relief (1801), p.34.

1804 and 1817 there were believed to be about the same number outside the capital. Most of these children started work between the ages of 6 to 8 years though some started from between 4 to 5 years old.¹ When the child had mastered its fear of climbing chimneys it suffered great pain from sores on its elbows and knees until the skin was toughened. The children were often encouraged to climb the chimneys by having pins pushed into the soles of their feet or fires of straw lit under them. A considerate master would see that his boys were washed once a week, while others would leave their children unwashed for years.² These children suffered from a disease peculiar to the job, cancer of the scrotum, which proved fatal without early attention.³ Besides this they were often stunted in growth, physically deformed, suffered from impaired eyesight and were left hungry.⁴ The children invariably slept in a cellar or outhouse with the soot that was collected and often they slept on the bags with just a sack covering them.

"When he is too big for the job he is thrown out of the trade with no skill to any other kind of work. They often leave the towns and find it impossible to get work in the countryside either." It is interesting to note that this is an account of someone who went through these experiences.⁵ He pointed out that if the hours of labour of the chimney sweeps were limited he would be able to learn

¹Hammond, J.L. & B., op.cit., p.179.

²House of Commons Journal, May 1st 1788.

³Report of the Committee on Employment of Boys in Sweeping of Chimneys (June 1817), p.3.

⁴Hanway, Jonas, op.cit., pp.77-78.

⁵Porter, David, op.cit., pp.38-39.

some other useful job.¹

As the figures show the problem was a small one, with perhaps only a thousand children involved. It did however receive considerable publicity. Support for legislation to protect these children came from very influential circles, yet in spite of this nothing effective was done until the last quarter of the 19th Century. The Act of 1788 was passed with no difficulty, perhaps, as the dangers of Parliamentary interference in private enterprise had not yet taken a grip of members. The original draft, however, was apparently rendered ineffective in the House of Lords when the clause for the compulsory registration of masters and apprentices and for calling in the streets were removed.² The Act (28 Geo. III. c. 48), referred in the preamble to the "various complicated Miseries, to which boys employed in climbing and cleaⁿsing chimneys are liable, beyond any other Employment whatsoever in which Boys of tender years are engaged..." The Act provided that no boy should be apprenticed before he was 8 years of age, no master might have more than 6 apprentices, and that apprentices had to have their masters plate stuck in the front of his cap. The apprentices were to be cleaned of dirt and soot at least once a week and it was specified that the apprentice should go to church on Sunday. He was not to be made to climb chimneys on fire.

This Act was quite ineffective as no provision was provided for its enforcement, the parent was only required to state the age of the child to the employer to be over 8 years. Otherwise the child was worked without an indenture until it was 8 years old. In any

¹Ibid., p.43.

²Hammond, J.L. & B., op.cit., p.181.

event the employer did not refrain from cruelty because he had put his signature to an indenture. In short, the abuse continued unchecked. The Parliamentary Committee Report of 1817 revealed this very clearly.

In 1803 a "Society for Superceding the Necessity of Climbing Boys by Encouraging a New Method of Sweeping Chimneys, and for Improving the Condition of Children and Others employed by Chimney Sweepers" was formed. The list of patrons and of donations are both most impressive. Patrons included, the Duchess of Gloucester, the Lord Bishop of Durham, the Dukes of Bedford and Northumberland, the Earl Grosvenor, Lord Sumerville, William Wilberforce, Thomas Bonar, and Patrick Colquhoun. The 10th section of the Societies rules stated that one of the main aims was to find a machine that would be used instead of climbing boys. Such a machine was invented by a Mr Smart in 1803 and it was estimated that it was effective in sweeping 99 percent of chimneys. The Society promoted a bill which provided that all sweeps within ten miles of the Royal Exchange had to be licenced and registered.¹ This bill of 1804 was rejected by the House of Lords. Opposition to this measure came from the more prosperous sweeps and from servants in big houses.² In 1817 a Committee was appointed following several petitions to the House of Commons.

The findings of this Committee were strongly in favour of effective legislation. "Your Committee refers generally to the evidence for proofs of the cruelties that are practiced, and of all the ill-usage, and the peculiar hardships that are the lot of the wretched children who are employed in this trade. It is in evidence

¹Hammond, J.L. & B., op.cit., p.184.

²Ibid., p.185.

that they are stolen from their parents, and inveigled out of work-houses; that in order to conquer the natural repugnance of the infants to ascend the narrow and dangerous chimneys to clean which their labour requires, blows are used....Resolved that the Chairman be directed to move for leave to bring in a Bill for preventing the further use of Climbing Boys in Sweeping Chimneys."¹ In spite of this the House of Lords rejected provisions to protect these children on the grounds that the proceedings were being hurried. In 1819 when the final attempt to provide protection was rejected, Lauderdale commented, "If the legislature attempted to lay down a moral code for the people, there was always a danger that every feeling of benevolence would be extirpated."² It would seem that to these people the underworld of exploitation and abuse was too distant to comprehend, for this was a time when the rich and powerful took pride in their sensibility and tenderness.³

In 1834 an Act was passed (4 & 5 Will.IV.c.35) which made it illegal for any child under ten years of age to be bound to a master. Children under 14 years of age had to be apprenticed. By the Act of 1840 (3 & 4 Vict.c.85), no one under the age of 21 years was allowed to climb chimneys and no child under 16 years of age was to be apprenticed to a chimney sweep. It is interesting to note that at the meeting of the "Society for Superseding the Necessity of Climbing Boys..." in 1837, at which time the king was the patron, the following statement was made: "When a Bill was sought for, they (chimney sweepers having combined) are said to have expended £1,200

¹Report of the Committee on Employment of Boys in Sweeping of Chimneys, 1817, pp.3-4.

²Hammond, J.L. & B., op.cit., p.191.

³Ibid., p.192.

upon council, Parliament agents and witnesses; and that these witnesses evinced little regard to truth."¹

Compared with the problem of the abuse of free labour the abuse of apprenticeship labour in cotton mills was also a small one. "There were never more than a few thousand parish apprentices in cotton mills at any one time and their numbers declined after the first Factory Act of 1802 made them more troublesome to employ than free labour."²

The success of Arkwright's inventions slowly removed spinning and other preparatory processes from the home. Workers, however, were very reluctant to enter the mills and accept the long hours and severe discipline. By many, the factories were seen as imitations of the workhouses and factory work was viewed only as casual work for the migrating worker.³ Even if there had been no prejudice against mill employment the locality around the mill could not have provided sufficient mill hands. Frances Collier points out that as the mill employment was unskilled there was little incentive to attract the family to move the mills.⁴ The labour required in the mills could be performed by women and children. "With the inventions of Arkwright, Watt, and Crompton, and the use of water power and mechanical production adults were superceded by children who could be paid less and had greater dexterity."⁵ Spinning required little physical strength and was easy to learn. Besides the fact that the small size of the children

¹ Report, p.4.

² Perkins, Harold, op.cit., p.130.

³ Ibid., p.129.

⁴ Collier, Frances, The Family Economy of the Working Classes in the Cotton Industry, 1784-1835, p.37.

⁵ Gaskell, P., Artizans and Machinery... (1836), op.cit., p.136.

and light touch were particularly suited to the job, they could be easily disciplined and more passively obedient.

To the parish authorities burdened with increased numbers of unwanted children the new cotton mills were a very convenient outlet, and they were thankful to be rid of their paupers. The system of finding employment for parish paupers was nothing new, as parishes had always tried to place them in employment to keep down the Poor Rates. The aim was to be rid of the children anywhere, anyhow. An Act of 1697 (8 & 9 Will.III.c.30) obliged employers who were selected by the Justices of the Peace to take these children as apprentices under penalty of a fine of £10. For these reasons the mills took this type of labour. This was not cheap labour and it often involved many problems. The apprentices had to be accommodated, clothed and fed.

The children were disposed of like merchandise to the mills in lots of 50, 80, or 100. Mantoux states that some parishes insisted that the mills take one idiot for every 20 sound children supplied.¹ Economically these cart loads of children supplied a demand for labour in regions where population was scattered. What brought the system before the public eye was the spread of infectious

¹Mantoux, Paul, *op.cit.*, p.411. Also Horner, Francis, Member of Parliament, Hansard, 6th June, 1815. "These apprentice children were often sent one, two or three hundred miles from their place of birth....It had been known that a gang, if he might use the term, of these children had been put up for sale with a bankrupt's effects, and were advertised publicly, as a piece of the property. A most atrocious instance had come before the court of the King's Bench two years ago, in which a number of these boys, apprenticed by a parish in London to one manufacturer, had been transferred to another, and had been found by some benevolent persons in a state of absolute famine. Another case, more horrible, had come to his knowledge while on a committee upstairs; that, not many years ago, an agreement had been made between a London Parish and a Lancashire manufacturer, by which it was stipulated that with every twenty sound children, one idiot should be taken."

diseases in these early mills.

Attention was first drawn to the mills by an outbreak of infectious fever at Radcliffe Mill, owned by Sir Robert Peel. An appeal by some influential people to the Justices of the Peace in the County of Lancaster resulted in the latter requesting that a medical man investigate the complaint. Dr Thomas Percival (1740-1804) investigated the matter.¹ As a result of his investigation a number of recommendations were made, some of which were aimed only at the prevention of the spread of disease. They were unable to find out how the outbreak had originated, though they suggested that long hours of work in crowded and poorly ventilated mill rooms contributed to the spread of disease.² "We earnestly recommend a longer recess from labour at noon and a more early dismissal from it in the evening, to those who work in the cotton mills; but we deem this indulgence essential to the present health and future capacity for labour, for those who are under the age of fourteen; for the active recreations of childhood and youth are necessary to the growth, the vigour and the right conformation of the human body. And we cannot excuse ourselves, on the present occasion, for suggesting to you, who are the guardians of the public weal, this further very important consideration, that the rising generation should not be debarred from all the opportunities of instruction at the only season of life in which they can be properly improved."³

¹Born in Warrington, he received his medical training at Edinburgh and Leyden. He started practicing in Manchester in 1767. Buer suggests that he had claim to the title of first civilian health reformer. Buer, M.C., Health, Wealth and Population in the Early Years of the Industrial Revolution, pp.122-3.

²Buer, M.C., op.cit., pp.122-3.

³As quoted in Hutchins, B.L. & Harrison, A., op.cit., p.8.

As a result of this report the magistrates agreed to a resolution that they would not authorise indentures of parish apprentices to cotton mills in which the owners undertook night work or worked his mill for more than ten hours a day.¹ Similar resolutions were passed by other magistrates in the north of England. These resolutions had no impact on the areas that supplied most of the apprentices. The factories could not be visited by parent or magistrate and the child was entirely at the mercy of the employer. There was a law which in theory could be applied to apprentices (20 Geo.11.c.19 of 1747). Under this law apprentices could apply to a magistrate if he thought that he had been ill-treated by his master. In the event of the master being found guilty the apprentices' indenture could be terminated. By the Act 32 Geo.111.c.57 of 1792 a fine of up to £10 could be imposed on the master. The chances however of the child getting out of the mill to report the employer were slight. It is clear that abuse continued. In 1792 the Manchester Infirmary set aside rooms for the care of fever victims. In 1795 there was an outbreak of infectious fever in Ashton-Under-Lyme which was believed to have originated in two cotton mills. The result was a growing public interest in the problem. A surgeon traced the outbreak of fever back to its origin in Manchester. It was following from this report that a Board of Health was set up in Manchester.

The Board of Health decided to set up a House of Recovery. Ferriar, one of the founders, believed that the positive aspect arising from its formation was that the masters of mills had to take more care with the health of the operatives and that the mill buildings were kept cleaner and better ventilated. Dr Percival's report to the

¹Ibid., p.9.

Manchester Board of Health of 25th January 1796 outlines medical thinking on the Board as regards apprentice labour.

"It appears that the children and others who work in the large cotton factories are peculiarly disposed to be affected by the contagion of fever, and that where such infection is received it is rapidly propagated, not only among those who are crowded together in the same apartment but in the families and neighbourhoods to which they belong. 2. The large factories are generally injurious to the constitution of those employed in them, even where no particular disease prevails, from the close confinement which is enjoined, from the debilitating effects of hot and impure air, from the want of the active exercises which nature points out as essential in childhood and youth, to invigorate the system and to fit our species for the employment and the duties of manhood. 3. The untimely labour of the night, and the protracted labour of the day, with respect to children, not only tends to diminish future expectations as to the general sum of life and industry, by impairing the strength and destroying the vital stamina of the rising generation, but it too often gives encouragement to idleness, extravagance and profligacy in the parents, who, contrary to the order of nature, subsist by the oppression of their offspring. 4. It appears that the children employed in factories are generally debarred from all opportunities of education, and from religious and moral instruction. 5. From the excellent regulations which subsist in several cotton factories, it appears that many of these evils may in a considerable degree be obviated. We are therefore warranted by experience, and we are assured we have the support of the liberal proprietors of those factories, in proposing the application for Parliamentary aid (if other methods appear not likely to effect the purpose) to establish a

general system of laws for the wise, humane and equal government of all such works."¹

This report is interesting and important in three respects. As a document it is of historical importance in its demand for state intervention. It admits that private measures were quite incapable of correcting the abuse. When seen alongside the document of 1784 it suggests that in the minds of the Board of Health members was a fear that the mills were a threat to the health of the community at large. It may be suggested that this first pressure for reform of working conditions in mills came less from concern for the parish apprentices than a fear that infectious diseases were threatening the general public.

Working conditions in the mills in this period varied very greatly. "The worst employers were unchecked in their neglect and cruelty, but the best were also unchecked in well-doing by a satisfied feeling that legal enactments were being obeyed."² Masters varied from the brutal ignorant oppressors of Robert Blincoe to the paternalistic philanthropy of Greg, Finlay, Dale and Owen.

In the appeal for legislative interference much was made of the horrifying stories of abuse of children by unscrupulous employers though there is less publicity given to the working conditions of the better employers. Frances Collier gives a valuable account of the conditions of work at Quarry Bank Mill owned by Samuel Greg.³ It provides a typical example of the organisation of this early type of unit of production.

¹Select Committee, on the State of Children Employed in the Manufactories of the United Kingdom, 1816, Report, pp.139-40.

²Buer, M.C., op.cit., pp.40-41.

³Collier, Frances, op cit., pp.37-45.

This mill began working in 1784 and cost £16,000 to erect. As the mill was constructed in an isolated spot to take advantage of a strong flow of water, Greg had to bring labour to the area and thus a large portion of his labourers were apprentices from Workhouses as far afield as London. He housed them in an Apprentice House which was situated five minutes walk from Quarry Bank Mill and it is interesting to note that Greg refused to accept any children under nine years of age. The apprentices were clothed, fed and housed but received no wages while other apprentices engaged on contract directly with the parents were also fed, housed, but were not clothed. In return, however, they received a small money wage which varied from 9d to 1s 6d a week. The Greg family took special pride in the way that they treated their apprentices and they claimed that their apprentices became later in life, healthy, hardworking and respectable citizens. Of the boys received in 1790 some became overlookers and mechanics in the 1830s. One apprentice became book-keeper to the firm and at least two managers had been apprentices. The children originated from all parts of the country and included such areas as Newcastle-Under-Lyme, Liverpool, London and Cheshire which are mentioned on their certificates of indenture.

Girls were accommodated on one side of the Apprentice House and boys on the other. Two apprentices shared a bed and the beds were said to be clean and comfortable as the sheets were changed once a month. The rooms were aired daily and the rooms were whitewashed at least once a year. The children received clothes when they needed them. They received new Sunday suits once every two years. The boys attended school once a week, with eight boys going every night. Part of the teaching was done by daughters in the Greg family. The conclusions as regards the expense of apprentice labour are very

revealing and suggest an important reason why their services were abandoned. It was cheap labour indeed, but the accounts of the Apprentice House suggest that if the employer undertook to do his duty properly apprentice labour was not as cheap as free labour. In the 1840s the firm made a calculation of the relative weekly cost of keeping parish apprentices and the result was as follows:

1790: 3s 6d; 1822: 5s0 $\frac{1}{4}$ d; 1830: 5s 0 $\frac{1}{2}$ d; 1835: 4s 2d; 1842: 6s 5 $\frac{1}{2}$ d; 1846: 9s 2d; 1847: 13s 4d.¹ The last apprentice completed his service in 1847. This account is a good example of enlightened paternalism in the early cotton mills at its best. Samuel Greg was commercially a successful man also.

Accounts of abuse are not hard to find. One of the most vicious practices of the day that led directly to cruel exploitation was that of paying the overseers by the volume of work produced in a given period of time, usually a week or month. This system invited abuse. The extreme case of Robert Blincoe illustrates how far abuse could be taken. This account was published in the radical periodical, 'The Lion' in 1828, for propaganda purposes. According to J. Brown,

¹ Collier, Frances, op.cit., p.46. It is interesting to compare these with price-indices. That of Professor Phelps Brown and S.V. Hopkins takes a base as 1451-1475 = 100. His prices of a composite Unit of Consumerables, are the following for the years given above: 1790=871, 1822=1029, 1830=1146, 1835=1028, 1842=1161, 1846=1122, 1847=1257. *Economica*, Vol. XXIII, No. 92, 1956, as quoted, 'A History of the Cost of Living', by John Burnett, p.199. Another index is provided by Gayer, Rostow and Schwartz. It covers wholesale and import prices of nearly 80 commodities: "...the index represents the most elaborate attempt that has yet been made to chart the movement of prices over this period.", op.cit., p.198. The monthly average is given as 100 for the years 1821-25. 1790=89.3, 1822=87.9, 1830=94.5, 1835=84.5, 1842=88.8, 1846=86.0, 1846=96.3. op.cit., pp.200-201. With the exception of the first two dates supplied by these two indices, they show a similar trend. This suggests that if Greg's index can be relied upon, the rise in cost of maintaining Parish Apprentices was even greater in real terms than it was in money terms.

Blincoe was sent to Lowdham Mill near Nottingham in 1799 with some 80 other parish apprentices. Here they were whipped from morning to night for the slightest fault. It appears that he was later sent to a mill at Litton owned by Ellice Needham who used to hit, whip and kick the children. He liked to pinch their ears till his nails showed through. One of his overseers was even more savage, hanging the child over machines by his wrists at a level that compelled Blincoe to keep his knees bent, filing his teeth and making him work with weights on his shoulders.¹

Another case, less extreme, comes from the Minutes of Peel's Committee in 1816. John Moss, at the time of the Committee was the Governor of Preston Workhouse. He had previously been employed as Apprentice Master at Backbarrow Mill in 1814-15. When he arrived there were 111 apprentices employed, by the time that he left this figure had risen to 150. The children worked for 14 hours a day with one hour off for meals. They were required to clean the machinery on Sunday. On occasions the children were so tired after a day's work that they fell asleep on the mill floor next to the machines.

" Were any children injured by the machinery? - Very frequently. Were their fingers often crushed? - Very often their fingers were caught, and one had his arm broken. Were any of the children deformed? - Yes, several of them were deformed; there were two or three that are very crooked."²

It emerges that earlier when the employer had stopped paying wages (no reason is given for this) the apprentices had been turned

¹Mantoux, Paul, op.cit., p.414.

²Peel's Committee, op.cit., p.180.

out onto the road to beg their way back to their parishes.¹ In these cases bad food, long hours and lack of sleep ruined the health of the apprentices and deformed their bodies. The ceilings in many of the factories were low and windows were kept closed to keep the humidity high.

It is impossible to say that the effect of the Manchester Board of Health recommendation was to increase interest in the apprentices but there is some evidence to suggest this. William Sabatier published his book, 'Treaties on Poverty' in 1797. He mentions the duty of the employer to educate, clothe and feed the apprentices and he comments that if these plans are carried out it will provide happiness for the poor, "...but if neglected and left solely to the discretion of interested individuals, avarice, that bane of human happiness will look with callous indifference to every present and future misery in others." And in a footnote he comments, "Nothing less than an Act of Parliament can put this most essential affair universally upon a proper footing, many particulars are necessary to be provided for. -

- 1st. The wholesomeness of the buildings in which they work and sleep.
- 2nd. Their cloathing, food and cleanliness.
- 3rd. Hours of relaxation and sleep.
- 4th. Medical assistance.
- 5th. Teaching reading, writing and arithmetic."²

In 1801, Jouvaux, a Watford mill owner, was tried for ill-treating and over-working his apprentices. He was sentenced to 12 months hard labour by Mr Justice Grose. The trial was reported in the Lancashire Gazetteer (4th July 1801). From this it seems that the

¹Peel's Committee, 1816, op.cit., p.130.

²As quoted in Hutchins, B.L. & Harrison, A., op.cit., p.11.

Poor Law overseers had been very neglectful of their duty in allowing 16 apprentices to be sent to Jouvaux though he was destitute. It was stated that these children only had two beds between them. Many of the children were deformed and even disabled for life as a result of excessive hours of work and poor food. He was found guilty of "assaulting and cruelly beating Susannah Archer, a child of fifteen years, his apprentice...", of working her "beyond her strength...of neglecting to provide for her proper clothing and necessaries, whereby, she was stated to be emaciated and her health impaired." The judge's summing-up is most revealing. "Should the manufacturers insist, that without these children they could not advantageously follow their trade, and the overseers say that without such opportunities they could not get rid of these children, he should say to the one, that trade must not for the thirst of lucre be followed, but at once, for the sake of society, be abandoned; to the other, it is a crime to put out these children, who have no friend to see justice done, to incur deformity and promote consumption and other diseases; this obviously leads to their destruction - not to their support."¹ He went on to state that it was to be regretted that the supply of cheap labour was allowed to tempt poor and ignorant persons into business who could not properly pay their workers and offer them reasonable conditions of work.

Robert Peel, himself a manufacturer and employer of 1,000 persons introduced legislation in Parliament. He expressed his reasons very clearly before the Committee of 1816. He stated that when he had visited his own factories he had been struck by the paleness and ignorance of the children and the unhealthy conditions in which

¹Hutchins, B.L. & Harrison, A., op.cit., pp.14-15.

they lived. It was at his mill, Radcliff Mill, that the outbreaks of infectious fever had broken out in 1784 and 1796.

It is however a tribute to him that despite this he introduced legislation. He states that "in passing that Bill, I had a great deal of care upon my hands to prevent the Manufacturers suffering, as well as the apprentices; many gentlemen would have urged me in the most earnest manner; to shorten the hours much below what I thought it proper to shorten them; they were governed more by humanity than a knowledge of business."¹ In addition to this attempts were made to try to include free labour under the provisions of the Act but these were resisted by Peel who believed that this should be made a provision of a separate Act. The Act² was passed with little problem and its provisions were as follows:

1. Walls and ceilings of all workshops had to be whitewashed twice a year.
2. Factories had to have sufficient windows of sufficient size to allow proper ventilation.
3. Each apprentice had to be supplied with two complete sets of clothes one of which had to be renewed every year.
4. Girls and boys were to have separate dormitories, with enough beds so that not more than two had to share a bed.
5. Apprentices were to go to church at least once a month.
6. The working hours of apprentices was limited to 12 per day.
7. Night work was forbidden.
8. Justices were to appoint two from amongst themselves as inspectors,

¹Peel's Committee, 1816, op.cit., p.139.

²"An Act for the Preservation of the Health and Morals of Apprentices and others, employed in Cotton and other Mills and Cotton and other Factories", 42 Geo.III.c.73.

of whom one should be a clergyman, to visit the factories.

9. All mills and factories had to register with the Clerk of the Peace.
10. There was provision for fines of from £2 to £5 for breaches of the provisions.

After the Act was passed numerous petitions were sent to Parliament complaining about it. These came from such places as Manchester, Glasgow, Preston, Leeds, Keighley, Tutbury and Holywell. Owners declared that the Act would be "prejudicial to the Cotton Trade".¹ Some claimed that it was vital that at least a sixth of apprentices were allowed to work at night. The inspectors would create idleness and disorder among the apprentices. It was claimed that some of the masters would take their trade abroad and it was pointed out that the manufacturers made a great contribution to public revenue and rescued the children from vice and misery and trained them in the ways of industry and religion.²

The Act was more an extension of the Elizabethan Poor Law relating to parish apprentices than a factory act. It was the government that placed these children in work and it was now attempting to regulate the conditions of work. It did however establish the principle of inspection of the factories. As an extension of the old Poor Law, in a sense, it marked the end of legislative era by attempting to force good behaviour on masters.³ It followed one of the canons of legislation in that period that there should be

¹House of Commons Journal, February 11th, 14th, 22nd, 25th, 1803.

²Hammond, J.L. & B., op.cit., p.153.

³Smelser, N.J., op.cit., p.270; Clapham, An Economic History of Modern Britain, p.372.

no interference with the freedom of the free man. "It may be questioned whether the Bill of itself did much good, but from the discussions it excited, and the vast superiority displayed by some mills over others, when general enquiries were made, very beneficial consequences was the result..."¹

The terms of the Act were too vague and the penalties quite inadequate for effective enforcement of it to be possible. Magistrates and clergymen did not push matters too hard with employers who were often neighbours and friends. Some of the magistrates and Justices of the Peace were against the Act and in some areas inspectors were no longer appointed after a few years had passed. At no point were copies of the Act posted in mills as was specified in its provisions.² In any event as the legislation only applied to mills employing over 20 persons many small works escaped its effect. The Act however had been designed to be limited in scope, on one hand it was a health measure designed to prevent the spread of epidemic diseases, on the other it was intended to offer, within the framework of the Poor Law, a modicum of protection to children dependent on the government for a bare existence.³ Besides a number of petitions, soon after it was passed there is little evidence that it aroused uneasiness in the minds of employers that it might be the thin edge of the legislative wedge into the preserves of industry unfettered by government measures to control it. This may however bear out the view that mill-owners also saw it as an extension of the Poor Law. Alternatively this

¹Gaskell, P., Artizans and Machinery, (1836), op.cit., p.140.

²Robert Blincoe read the text of the Act for the first time some 11 or 12 years after it was first published; 'Memoirs of Robert Blincoe', in The Lion, 1, 156, as quoted by Mantoux, Paul, op.cit., p.473.

³Ward, J.T., The Factory System, Vol. II, p.66.

apparent lack of evident anxiety may have been due to the fact that as they were so scattered employers found effective organisation difficult.

Even in the early days after it was passed inspection in terms of the Act it was perfunctory indeed. The following report was submitted late in 1802:¹

"Hundred of Scarsdale

20th December 1802

Gentlemen,

In pursuance of your appointment, to inspect the Cotton Mills in the Hundred of Scarsdale, we have visited those at Pleasley, belonging to Messrs. Hollins & Company, containing sixty apprentices, all girls, and employing about 240 other hands.

In our enquiry we closely followed the requisitions of the Act, and in every particular required by it found the most careful observance of its injunctions.

On the whole we are satisfied, from the remarkable health and clean appearance of the apprentices, and the very wholesome conditions of this mill, and from the inspection of the domestic rules, and the writing and work in the school, that the great objects of the Act, the health, morals and instruction of the apprentices, have been long and successfully attended to.

We are, Gentlemen, Your Obedient Servants,

Jos. Jebb, Edward Otter."

It appears that from several reports some of the officials did what they could and visited factories with a view to controlling abuse when they saw it. As action was optional the Justice of the Peace

¹Peel's Committee, Minutes of Evidence (1816), op.cit., p.187.

could do as much or as little as he wished.¹ Peel certainly believed that the Act achieved some good, "...having the assistance of Dr Percival and other eminent medical gentlemen of Manchester...I brought in a bill in the Forty-second year of the King, for the regulation of factories containing such parish apprentices. The hours of work allowed by that bill being fewer in number than those formerly practiced, a visible improvement in the health and general appearance soon became evident, and since the complete operation of the Act contagious disorders have rarely occurred."² He was asked by the Committee if he thought that the improvements were in his opinion as a result of the Health and Morals of Apprentices Act. He stated that "No improvements took place till the passing of that Bill, and great improvements have taken place since..."³

Peel's opinion on the effectiveness of the Act is contradicted, however, by the Report of the Manchester Board of Health, 1805. The Committee commented that, "They have still to lament the untimely and protracted labour of the children employed in some of the mills, which tend to diminish future expectations, as to the general sum of life and industry, by impairing the strength, and destroying the vital stamina of the rising generation..."⁴

Peel estimated that at the time that his Bill was passed there were about 20,000 parish apprentices that would be affected by it. A further attempt to help them was made in 1811 by Mr Wilbraham Bootle

¹Hutchins, B.L. & Harrison, A., op.cit., p.18.

²Peel's Committee, op.cit., p.133.

³Ibid., p.134.

⁴Thackrah, Charles Turner, The Effects of Arts, Trades and Professions...on Health and Longevity (1832), p.80.

who asked leave to introduce a Bill to prevent Parish Apprentices being sent more than 40 miles from their parish of indenture. The London Parish Authorities were united in their opposition to this measure which would curtail their ability to dispose of unwanted orphans and the bill was withdrawn.¹

Technical change in the textile industry, however, was changing the nature of the problem. The gradual switch in motive power from water to steam created a demand for "free labour" in the towns where the new mills were situated. The problem of Parish Apprentices was to linger on to the 1830's and 40's, until it had disappeared by the end of that decade.

¹The matter was considered by a Committee which included Horner, Romilly, and Whitbread. Only parishes near London were investigated. Hammond, J.L. & B., The Town Labourers, op.cit., p.154.

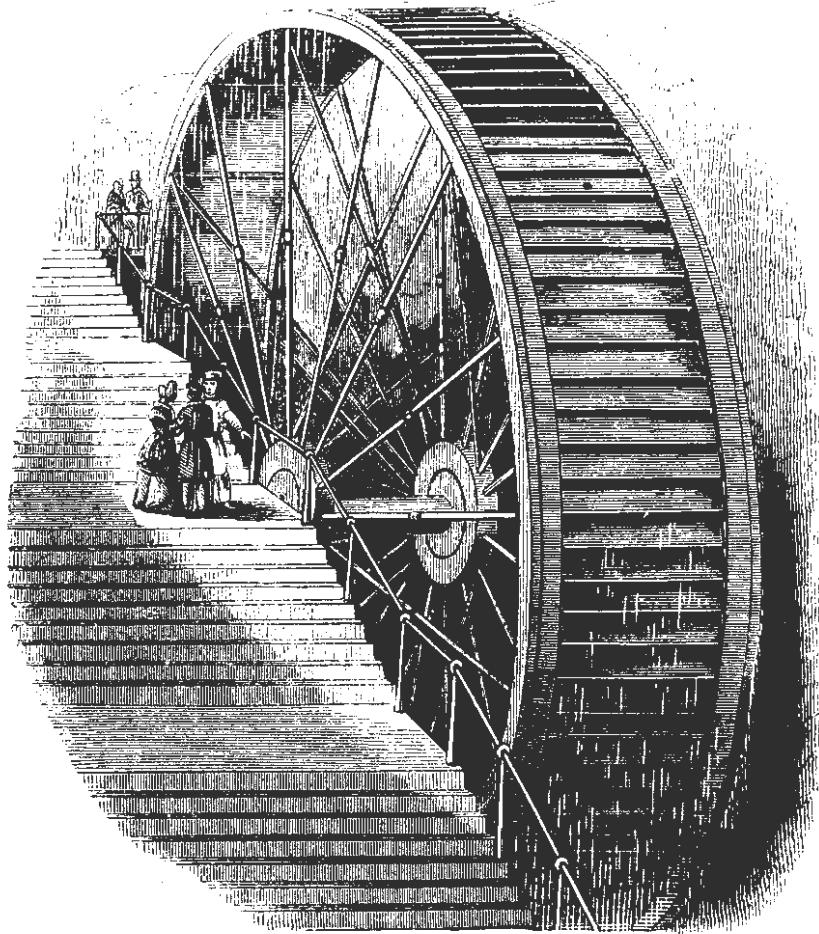
CHAPTER II

In many ways water power was very inconvenient as the flow of water varied with the seasons and in times of drought the mills had to stop work altogether, although this was rare. The country streams often became crowded with mills one above the other, and in many cases each mill had its own artificial reservoir on the stream which held back the water. Often the hours of work were irregular to make use of the flow of water when it was available. Even when trade and water was good the water-wheels frequently broke down as they were, in many cases badly designed, poorly constructed and lacking in power.¹ Time lost and expense was great as repairs were difficult in isolated rural areas. This continuing problem with water power is revealed in the factory legislation up to the middle of the century. Throughout this period provision was always made for making up lost time for water-powered mills whose work was made irregular through lack of water and breakdown in machinery.

To make the most effective use of the power available the mills were frequently small and the machinery cramped. Low ceilings and lack of ventilation also seem to have been, regrettably, general characteristics. The small water-wheels of the 18th Century were replaced by huge wheels in the 19th. An example of this was the giant wheel used at Quarry Bank Mill by Messrs. Samuel Greg. This was "an elegant water-wheel 32 feet in diameter, and 24 feet broad, equivalent in power to 120 horses."² The mill of Messrs Strutt at

¹ Smelser, N.J., *op.cit.*, p.117.

² Ure, A., The Philosophy of Manufacturers (1835), p.346. The Ashworth's water-wheel was even larger, being 62 feet in diameter. See illustration, p.36.



WATER WHEEL, AT ASHWORTH'S COTTON MILL, TURTON, NEAR
BOLTON.

This wheel is 62 feet in diameter; it is 150 horse-power, and was erected at the
cost of 5,000*l*.

Belper was powered by water-wheels that totalled 600 horse-power.¹

Factory legislation also shows that there was another stage that was adopted in the evolution of motive power from water to steam. The Factory Act of 1844 specified that time might only be made up in the mills that exclusively used water-power. This was an attempt to tighten regulations on firms that worked extra time over that provided for in the Act when in fact only part of the mill's power came from the water-wheel. In these cases a steam engine was used to drive some of the machinery. These modifications, however, were to no avail as steadily from the turn of the century, the urban steam-driven factory was replacing the rural water-powered mill.

Up to the time of James Watt the steam engine was used only to pump water out of mines; the patent used for this purpose was that of Thomas Newcomen taken out in 1705. James Watt's patent, "for lessening the consumption of steam and fuel in fire engines", was taken out in 1769 which was the same year as Arkwright's patent for spinning with rollers.² In 1775 Watt joined in partnership with Boulton of Soho, Birmingham, and in the same year an Act of Parliament was passed giving them the sole right to the patent for a period of twenty-five years.³ Watt continued work on his improvements and took out three other patents in 1781, 1782, and 1784. The three great improvements he made were briefly the following: the condensation of steam in separate chambers which had the effect of increasing power and efficiency, the employment of steam pressure instead of atmospheric pressure, and thirdly,

¹Ibid., p.343.

²Baines, Edward, op.cit., p.223.

³Ibid., p.224.

the double impulse, as a result of which the action of the engine was made more even.¹ The rotary engine had been invented in 1782 and this was to revolutionise later developments particularly in the field of transport. Thus by 1784 the steam engine had reached a stage of considerable efficiency.

This improved engine was first used in a cotton mill at Papplewick, Nottinghamshire owned by Messrs. Robinsons. In 1783 an atmospheric engine had been used in Manchester by Messrs. Arkwright and Simpson at their Shude Hill Mill but it was only in 1789 that the engine of Boulton and Watt design was erected in that town for cotton spinning. This engine was installed for Mr Drinkwater, while in the following year an engine was installed for Richard Arkwright in Nottingham. The first engine installed in Scotland was at the mill of Messrs. Scott and Stevenson in Glasgow in 1792. In the early 1790's engines had been erected by owners with sufficient capital and included such families as Oldknow and Peel. Between 1785 and 1795 some 47 engines were used in England alone, with horse-power of about 736, while in the following five years 35 more engines were erected of a total of 637 horse-power. By 1800 Scotland had eight engines with a total of 128 horse-power.² Thus the expansion of the use of the steam engines was steady though unspectacular. It was at least well into the second decade of the 19th Century that the construction of steam powered factories equalled that of water powered mills.

The expansion of steam power in the cotton industry was to set in motion a number of far-reaching changes. The mills no

¹Ibid., p.225.

²Smelser, N.J., op.cit., p.117.

longer had to be situated in isolated hills but could now move to the centres of population. The population of the towns affected increased at a staggering pace. The population of Manchester and Salford increased by 22 percent between 1801 and 1811 from 94,876 to 115,874; this compares with an increase of 14 and two-thirds for the whole of England. In the years 1811 to 1821 the tempo of urban growth increased to 40 percent from 115,874 to 161,635. Communities that had long been villages exploded into large industrial towns, such towns as Bury, Preston, Ashton, Oldham and Blackburn. The cost of the capital outlay for the steam-powered factories was prohibitive for the small man who was effectively excluded.¹ Thus the hold over capital drew the line decidedly more distinctly between the capitalist owners and the employees, the entrepreneur and the labourer.

The period when these changes were taking place in the cotton industry was a period of war, that was only to end in 1815. Normally, such heavy capital investment would have been expected to yield a great increase in output, but full potential was only reached in the years after the war and it may be suggested that the industry was working with excess capacity until 1815.²

It is interesting to note that water power was considered to be the most economical throughout the first decade of the 19th Century, and the total number of water-powered mills continued to increase into the second decade.³ There was however a steady decline

¹The cost of construction rose to as high as £100,000. Orrell's great factory which was built near Stockport was stated to have cost £85,000. This factory housed 1,100 looms on six floors. Ure, A., The Cotton Manufacture of Great Britain (1836), Vol. I, p.314.

²Smelser, N.J., op.cit., p.113.

³Ibid., p.124.

in profits and one of the characteristics of the depressions up to that of 1841-42 was the failure of these older firms that had not adapted.¹

The new steam driven mills were larger in size than the older water mills, the rooms were larger and in general better ventilated. For those who worked in them there was greater comfort and healthier accommodation.²

The problem that had faced the isolated country mills in respect of labour was solved by the use of 'free labour'. There was no longer the responsibility of housing and feeding apprentices nor the problem, however remote, of being obliged to comply with legal enactments in their interest. Sir Robert Peel before the Committee of 1816 indicated that he was well aware of this change. "Large buildings are now erected, not only as formerly on the banks of streams, but in the midst of populous towns, and instead of parish apprentices being sought after, the children of the surrounding poor are preferred, whose masters being free from the operation of the former Act of Parliament are subject to no limitation of time in the prosecution of their business..."³ Considering the capital outlay for the new machinery it was not surprising that the owner wished to keep it working for as long as possible. "Much labour and ingenuity and expense being incurred in the invention and construction of machinery, the owner of a costly improvement naturally wished to employ it as far as he can to his individual advantage."⁴

¹R.C.O. Matthews, A Study in Trade Cycle History, p.145.

²Gaskell, P., Artizans & Machinery... (1836), op.cit., p.141.

³Peel's Committee (1816), op.cit., p.133.

⁴Kennedy, J., Miscellaneous Papers (1849), p.42.

Those who left the countryside and moved to the factory towns entered an environment totally foreign to them. They left behind peasant holdings, small workshops and later, in the second decade of the century, handlooms. The golden age of the handloom weaver was in the first five years of the 19th Century, but though the total numbers entering the trade continued to increase into the 1820's, wages and earnings began a long and tortuous decline, that was to impoverish thousands of them.¹ The new factory labourers did not at first take kindly to the new discipline of the mills nor was their new environment likely to encourage them. "The new towns were not so much towns as barracks of an industry",² and the mills bore a striking resemblance to the workhouse or prison. One of the greatest problems facing the employer was to obtain efficient and stable labour. Samuel Greg, Jr., remarked that most of the factory labourers were of a "restless and migratory spirit".³ Early mill owners found the same problem in Scotland, at Catrine mill owned by Kirkman Finlay, "...the children were all newcomers, and were very much beat at first before they could be taught their business".⁴ The highlander "never sits at ease at a loom; it is like putting a deer in the plough".⁵ In a letter to Bentley, Josiah Wedgewood wrote: "We are laying by for Xmas at our works. The men murmur at the thought of play these hard times, but they can

¹In 1830 there were still some 240,000 handloom weavers, while in 1840 the figure was 123,000, Smelser, N.J., op.cit., p.207.

²Hammond, J.L. & B., op.cit., p.39.

³Redford, A., Labour Migration in England, 1800-50, p.13.

⁴Pollard, S., 'Factory Discipline in the Industrial Revolution', Economic History Review, 1963-4, p.255.

⁵Factories Commission (1833), Parl.Papers, 1833, XX, 1, p.83.

keep wake after wake in the summer when it is their own good will and pleasure and they must now make a few holidays for our convenience."¹ One of the most enlightened firms McConnel and Kennedy turned labour over at the rate of 20 a week or about 100 percent a year.²

The mill owners had a long and slow job conditioning their employees to regular hours and application to work. The problem had its origin under the domestic system where the worker, though his total hours of labour might have been no shorter when the total was added up at the end of the week, could distribute his toil in any way he wished. It was often the practice to spend the first couple of days in the week in idleness and debauchery and then work excessive hours, often late into the night to catch up at the end.

In these circumstances the manufacturer sought to impose a system of discipline on his labour force. As child labour made up a very large percentage of the mill labour force this greatly increased the complexity of the discipline problem. The only available information on the age/sex composition in these years shows that in the year 1816 adult males made up only 17,7 percent of the total employees listed in the Parliamentary returns. For six mills in the county of Nottinghamshire the figure was 18,54 percent.³ It had been the practice in the early days for employers to hire whole families and the parents were responsible for the discipline of their

¹Letter from Josiah Wedgwood to his partner, Bentley, on 31st December 1772, as quoted in Ashton, T.S., op.cit., p.212.

²Lord's Committee on the Bill for the Preservation of the Health and Morals of Apprentices, Parl. Papers, 1818, XCVI, pp.147, 168, as quoted Pollard, Sidney, op.cit., p.256.

³Usher, Introduction to the Industrial History of England, pp.353-9.

children who worked in the factory. Thus the child was looked after and supervised by a parent. In the country mills in the 1780's and 90's Smelser suggests that the ratio of children to adults was 1:10.¹ The head of the family at this stage was employed in such work as plant and road construction while the wife and children worked in the factory. Witnesses who testified before the Committee of 1816 consistently stated that spinners recruited their own assistants, piecers and scavengers and many of these children entered the factory at the wish of their parents.² One manager claimed that parents or children of widows employed their children in the mill, at very young ages indeed, very often under the age of ten years. Bearing in mind the composition of the labour force of the mills being largely young persons and children, it is of value to look at the paternalistic interest, and methods employed to enforce discipline by the larger more respectable manufacturers.

Perhaps the name best known among the philanthropic manufacturers is that of Robert Owen. He was associated with the New Lanark mill from 1799 to 1829 and in that time he and his partners received interest payments of 5 percent per annum and during that time they shared out, in addition to this, £300,000. In terms of the huge profits made at that time this figure was not spectacular, though real enough.³ During that period of time he entered three partnerships and it seems that he was unable in business and later

¹Smelser, N.J., op.cit., p.185.

²Peel's Committee, 1816, pp. 76, 179-9, 239, 334, 341, 387.

³Ed., Pellard, S. & Salt, J., Robert Owen, Prophet of the Poor. Essay by Robertson, Robert Owen, Cotton Spinner: New Lanark, 1800-1825, p.148. Podmore, F., Robert Owen (1906), p.642. This was "an age when capital had an extraordinary monopoly value, and when enterprising manufacturers were making with ease 20% and more on their capital."

occupations to get on with his associates. In his management of his employees his philanthropic contributions do not differ much from those mill owners, including those who were in the front line of the fight against factory legislation, "for example, although the Strutts of Milford and Belper vehemently opposed the 1819 Act, their works were 'a model, spoken of in praise by such severe critics as Owen, Faucher and Gaskell'."¹ James Finlay and Company was strongly opposed to the Factory Act of 1833, though his factory at Deanston was noted for good treatment of employees. It must also be remembered that Owen was building on the improvements of Dale, the previous owner of New Lanark. It is suggested that Owen was ungenerous in his assessment of Dale and it seems that Owen had a tendency to elevate himself by decrying others.²

Robert Owen's motive for the good treatment of labour was not only philanthropic, but was good business sense. New Lanark was a mill situated in an area remote from the centres of population, and Owen was compelled to attract labour and hold an efficient, reliable and honest labour force in order to carry on his business. An effective code of discipline was required to mould the interests of the employer and employees together to their mutual advantage. He attacked drunkenness, theft and immorality with direct punishments such as fines on the parents of illegitimate children and drunkenness, and for bad cases he dismissed the culprits. To deter the latter problem and to ensure that houses were kept clean he employed a police system. He also directed talks to his work people to encourage them to accept his standards. Within the Scottish

¹Ibid., p.149. Included quote from Fitton and Wadsworth, The Strutts and Arkwrights, p.169.

²Ibid., p.151, as quoted from Podmore, Robert Owen, I, p.82.

tradition of elementary education Owen set up his own system of schooling that was superior to that obtainable elsewhere. Even many of the less enlightened firms in Scotland also provided classrooms. He set great store by his system of incentives, his 'silent monitors', a system of distinguishing those whose performance at work was above average. A worker had the right to appeal to him directly if he thought that his rating was unfairly low. By 1819 Owen reduced his working day to 10½ hours where, between 1800 to 1813, it had been 14 hours. In his evidence before the Committee of 1816 he explained his observations in this regard. He stated that loss of production with a drop of hours would soon correct itself "...on the increased strength and activity, and improved spirits, of the individuals in consequence of the reduction of the time."¹ He went on to state that a larger production in relation to the hours worked could be put down to the greater attention on the part of the operatives. It is the tragedy of the early years of the Industrial Revolution that this early expression of the law of Diminishing Marginal Utility was not accepted. From the tone of the questioning before the Committee it is clear that they were incredulous that such a theory should be suggested.² It was not until the late 1840's that this was to be accepted and in the meantime it was believed that production increased in exact proportion to increased hours worked.

¹ Peel's Committee (1816), op.cit., pp.90-93.

² Ibid., p.94. "Do you, as an experienced spinner, or a spinner of any kind, mean to inform the Committee, that the machine that you employ for throstle or water spinning can produce an additional quantity from any other cause whatever but the quickening of the motion of the machine? - Yes, as an experienced spinner, I do say that it may."

In 1840 Leonard Horner, Inspector of Factories, published for private circulation only, two letters he had received from Samuel Greg (jr.).¹ Though they describe conditions and his attitudes to his labour force in a country mill a generation later it is nevertheless valid for the earlier period. The first letter was written in January 1835 from Bollington. He described how he and his brother had taken over the mill in 1832 and found only the bare wall and a worn out water-wheel. They spent the first two years making improvements and collecting the hands they required, trying as far as possible to collect hands that would remain in the area. It was, he stated, his intention to restrain the nomadic habits of the labouring families. He stated that this was one of the greatest problems manufacturers had to face.² In the spring of 1834 when the work on the restoration of the mill was nearly complete Greg started a Sunday school. A committee among the older employees was formed, a teacher engaged, and by 1836, there were 200 children in the school. Greg encouraged games for the children after work and also drawing and singing classes.³ At the end of the first letter he stated that the more he did the more he saw to do, he believed that the capacity for improvement of this class was greatly under-estimated. Referring to education he thought that while it was confined to only reading, writing and arithmetic, the positive benefit of the communication of knowledge was lost from sight. He believed that positive improvement would be slow until this was corrected.⁴

¹Two letters to Leonard Horner Esq., on the Capabilities of the Factory System (1840).

²Ibid., p.5. If this comment was valid of the late 1830's it was probably more so 20 years before.

³Ibid., p.9.

⁴Ibid., pp.12-13.

His second letter was written in March 1838. He commented that his aim was to "promote the welfare of the manufacturing population, and raising them to that degree of intellectual and social advancement of which I believe them capable."¹ He went on to state that in order to achieve this he required a settled population and this he achieved through fair wages, comfortable houses, schools, and attention when they were sick. As suggested the inference that may also be drawn is that a stable labour force was also to the advantage of the employer.² The labouring population, Samuel Greg believed, is often blamed for their low and vulgar occupation. This he believed was not surprising considering that they were provided with no intellectual stimulation. They should be gently led and be allowed to lead themselves to realise abilities that he believed they possessed.³

The dependence of the mills on child labour is great. Kirkman Finlay gave a detailed description of his Catrine Cotton Works before the Lord's Commission on Children Employed in the Cotton Manufactories of the United Kingdom in 1819.⁴ In the evidence he supplied in connection with health in his factory he revealed much regarding the age composition of his labour force. The works employed in December 1818, 832 persons and was managed by Archibald Buchanan a benevolent master who took a humanitarian interest in his work people. Out of the total of 832 persons, 568 were children. There were no male adult spinners and it seems that they were employed as overseers,

¹ Ibid., p.16.

² See supra, p.44.

³ Letter to Leonard Horner Esq., on the Capabilities of the Factory Population, pp.22-25.

⁴ Lord's Sessional Papers, 1819, XVI, pp.578-82.

mechanics and cardroom operatives. At this mill the separation of the parents from their children during working hours had reached a stage of conscious policy. "I have laid it down as a rule, in our works, that none of the children of the person who is master of the room, should work in his room, for it gave rise to jealousy". He also commented that this practice was adopted in most other mills.¹

The proportion of children working in other industries was often greater. In the silk industry for example nearly all the work was performed by them. In this case they started younger, often from 6 to 7 years old, while the usual age in cotton mills was 9 to 10 years.² He suggests that the average for the cotton industry was around 40-45 percent while in some firms it was higher. In 1816 Horrocks, Miller & Co. had 13 percent of their labour force under 10 years of age and 60 percent between the ages of 10 and 16 making a total of 73 percent.

Thus it can be seen that the manufacturers faced a number of problems in ensuring that their factories ran smoothly. On one hand much of the early free factory labour was (in the words of Smelser), "transient, marginal and probably deviant..."³ On the other hand there was a high proportion of child labourers, some still directly under parental supervision and others not.

The manufacturers approached the problem in two totally different ways. There were those who obtained the best results by running paternalistic humanitarian communities as those described, those who

¹Ibid., p.64.

²Pollard, Sidney, 'Factory Discipline in the Industrial Revolution', op.cit., Economic History Review, 1963-4, Vol. 16, p.259.

³Smelser, N.J., op.cit., pp.105-108.

like Greg made a home for their work people.¹ On the other hand there were those mills run by brutal, vicious masters who flogged their employees and where fear was the incentive to work. Beating which has been the practice under the parish apprentice system continued to be used with 'free children', though with the propaganda that surrounded the factory question, with claim and counter-claim it is hard to ascertain to what extent. Such manufacturers as Robert Owen, Samuel Greg (jr.) and Benjamin Gott did not beat at all and many of the larger manufacturers frowned upon it. The experiences of Robert Blincoe are quite untypical.

Before the Commission of 1833 John Bolling, a master, gave an interesting and balanced account. He stated that he was unable to prevent his spinners from beating because "children require correction now and then, and the difficulty is to keep it from being excessive....It never can be in the interest of the master that the children should be beaten. The other day there were three children run away; the mother of one of them brought him back and asked us to beat him; that I could not permit; she asked us to take him again: at last I consented, and then she beat him."²

In the same report, "it ought to be remarked, in the first place, that such acts of severity and cruelty towards children employed in factories as are still found of occasional occurrence, are for the most part chargeable neither on the masters nor on the overseers, but on the spinners or the slubbers themselves. It is the practice of these latter parties to engage the children who work under them, and corporal punishment, when it is inflicted at

¹ See "Two Letters to Leonard Horner...", op.cit.

² Factories Commission (1833), First Report, D.1, pp.173-4.

all in factories, is administered to a child by the hands of a parent, or at least on the child of a working man by the working man, in most cases himself the parent of children in like circumstances. It further appears in evidence, that sometimes the sole consideration by which parents are influenced in making choice of a person under whom to place their children is the amount of wages, not the mode of treatment to be secured to them."¹ In fact the best way to secure discipline in the factory was dismissal or the threat of it, this was particularly effective when labour was scarce. Where skill was required in an industry dismissal was only used with great reluctance.

Employers used fines as punishment on children, women and men and they seem to have been the most used means of correction. In cases where the employer kept them for himself he was encouraged to make them heavy. It was to become a major source of abuse and discontent. One of the most unpleasant practices of the time was that of paying the overseers on the amount of work their section turned out in a given period of time, usually a week or month. This encouraged the abuse of the children through excessive hours and other means to stimulate production. It likewise encouraged the overlooker to work the children with total disregard for their health. Often they were obliged to extract the full quota of work or they were dismissed. In these circumstances pity could not be allowed to interfere with production, and the deterrent to a child to prevent it from staying in bed after a long and hard day's work the day before had to be very great to ensure that it arrived on time the following day. One witness before Sadler's Committee had known a

¹ Ibid., Report, C.1, p.45.

child arrive home from work at 11.00pm and get up in a panic at 2.00am to get to the mill in time.¹

Robert Owen was aware that abuse of children had continued and that there was no provision for containing it under the law of 1802 which only affected parish apprentices. He decided to attempt to extend protection to free labour. "Not more than thirty years since, the poorest parents thought the age of 14 sufficiently early for their children to commence regular labour; and they judged well; for by that period of their lives they had acquired by play and exercise in the open air, the foundation of a robust constitution.... It should be remembered also that twelve hours per day, including the time for regular rest and meals, were then thought sufficient to extract all the working strength of the most robust adult... Contrast this state of matters with that of the lower orders of the present day - with human nature trained as it is now under the new manufacturing system.

"In the manufacturing districts it is common for parents to send their children of both sexes at seven or eight years of age, in winter as well as summer, at six o'clock in the morning, sometimes of course in the dark, and occasionally amidst frost and snow, to enter the manufactories which are often heated to a high temperature, and contain an atmosphere far from being the most favourable to human life, and in which all those employed in them very frequently continue until twelve o'clock at noon, when an hour is allowed for dinner, after which they return to remain, in the majority of cases, till eight o'clock at night.

"The children now find that they must labour incessantly for

¹Hammond, J.L. & B., The Town Labourer, 1760-1832, op.cit. p.159.



their bare subsistence: they have not been used to innocent, healthy and rational amusements; they are not permitted the requisite time, if they had been previously accustomed to enjoy them...

"The employer regards the employed as mere instruments of gain, while these acquire a gross ferocity of character, which, if legislative measures shall not be judiciously devised to prevent its increase...will sooner or later plunge the country into a formidable and perhaps inextricable state of danger."¹

With the above beliefs in his mind he drew up a Factory Bill in 1815. It was never introduced into Parliament in the form in which he drafted it. It was however to provide the foundation for the Bill that Sir Robert Peel the elder was to introduce in the same year.

It was Owen's intention to provide legislation for all the branches of textiles and not only to cotton factories. It was his intention that the minimum age for work should be 10 years² and that the hours of work should be regulated to the age of 18. He wanted to have a maximum working day of 10 and a half hours with an extra one and a half hours to be allowed for meals. Night work should be prohibited for those under the age of 18 years, though he did not specify what the hours of night were. Realising that it would have been hopeless to ask the unreformed Parliament to

¹Owen, Robert, Observations on the Effect of the Manufacturing system (1815). As quoted in Cole, G.D.H. & Filson, A.W., British Working Class Movements. Select Documents 1789-1875, pp.10-12.

²"And be it further Enacted, That no Male or Female shall be employed in any such mill, Manufactory, or Building, until he or she shall have attained the age of Ten Years, to be ascertained by the register of Baptism, or other satisfactory evidence."
Owen, Robert, Life of Robert Owen (1858), Vol. I, pp.23-26.

provide for inspectors he specified that they should be appointed by Justices of the Peace. He wished to repeal the clause connected with inspection in the Act of 1802 as it was quite ineffective. He provided, in addition, for education to be provided by the master at the rate of 1½ hours in every working day for the first four years that the child was employed. The schooling was to be in reading, writing and arithmetic, and the schoolmaster to be employed by the mill-owner.¹

With the lead provided by Owen, Peel introduced his own bill late in the session of 1815. Owen had stated that the loss to the masters of reducing the hours as he had provided in his bill would be only a farthing a yard. It would seem that Peel was persuaded on the strength of this to introduce his bill on 6th June 1815.²

Peel's bill was to effect all flax, cotton and woollen mills and all mills employing more than 20 persons. No children were to be employed to the age of 10 years and no person was to work more than 10 and a half hours a day if under the age of eighteen years. This did not include half an hour to be provided for breakfast, an hour for lunch and half an hour's instruction, making in all twelve and a half hours. In order to prevent night work this had to take place between the hours of 5am to 9pm. If time was lost through the breakdown of machinery it could be made up at a rate not exceeding two hours a day. In recognition that the arrangements for inspection in the provisions of the Act of 1802 were inadequate, new arrangements were made. The magistrate was to appoint the Clerk of

¹Ibid., p.26.

²Parl.Papers (1814-15) 11, pp.735, 739, as quoted in Thomas, M.W., The Early Factory Legislation, p.19.

the Peace or his deputy as a visitor who was to be paid from the county rates. As with Owen's bill it was realised that it was an unrealistic demand to expect the central government to pay qualified inspectors at this time. The Government therefore, had few alternatives open to it in respect of inspection. Peel perhaps introduced his bill late in the session in order to let manufacturers review it in detail, and so that it could be printed and circulated in the recess. The bill was put off at the report stage and the following year, to Owen's disappointment Peel moved for a Committee to be appointed to consider the state of children in the factories.

In 1802 there had been no effective millowner resistance to legislative interference. However surrounding the legislation of 1819 all the features of organised resistance appeared. In Parliament, in the Committee of 1816, and in the pamphlets published many of the manufacturers' arguments that were to be used and developed for the next 30 years were to emerge. Resistance in Parliament was to grow and the battle lines to be drawn that were to make the factory question a highly contentious and emotion-charged debating point. Mass pressure for legislative protection emerged more clearly after the 1819 Act. At this stage those who pressed for legislation were humanitarian mill-owners such as Peel and Owen, medical men and others of influence. The Committee of 1816 made no report and embraced a complete spectrum of arguments, the views of different mill-owners often contradicted each other and likewise with the opinions of the doctors and surgeons questioned. The evidence of the forty-three witnesses was taken and it is interesting to note that not a single employee was questioned. In spite of the fact that no conclusion can be drawn from the evidence, the Committee's evidence is a very valuable source of

information on the textile industry for the period from 1802 to 1816.

Robert Owen in his evidence¹ gave an account of how he found New Lanark Mill when he purchased the establishment from Dale. He found that the mill employed 500 children who had been taken from the Poor Houses of Edinburgh, and their ages varied from 5 to 8 years. He stated that he had afterwards heard that Dale had been unable to get them at an earlier age. The hours of work under Dale were 13, including meal times; an hour and a half was allowed for meals. According to Owen the children were well fed, clothed and housed, yet despite this they were stunted and deformed and mentally lacking in ability. He went on to state that he thought that no child should work under the age of 12 years. The Committee following up the last point showed that they were worried that the children would, if Owen's suggestion was followed, have time on their hands to learn "...vicious habits, for want of regular occupation."²

Eight of the witnesses interviewed were medical men and it is interesting to see how their views differed. Dr Matthew Baillie stated that he thought that a child of seven years of age should not work for more than four to five hours a day. He believed that a child of 8 to 9 years might be worked for 6-7 hours and a child of 10 years could work for 10 hours without injury. The hours after that should not be extended.³ A surgeon, Ashley Cooper likewise believed that work of 10 hours would injure the health of children from 7 to 10 years of age,⁴ but another doctor, Christopher Pemberton

¹Peel's Committee, op.cit., pp.20-21.

²Ibid., p.23.

³Ibid., p.29.

⁴Ibid., p.33.

thought that the limit of work should be 12 hours.¹ Another surgeon, Anthony Carlisle thought that children's health would suffer with 13 hours work a day.²

The evidence of the employers gave great insight into the thinking of this class, but also an insight into important aspects of industry at that time.

Mr. Joseph Mayer stated that it was quite impossible for the children to work different times from the adults as the machinery would have to be stopped when the children were not working.³ It was this rigid interdependence that made factory reform so hard to achieve. Mayer went on to claim that factory children were more alert than ordinary children.

Josiah Wedgewood stated that the manufacturers objected to the principle of legislative interference in free enterprise until a clear case was made out for its need. When he was asked about the employment of children under 10 years of age he believed "that the employment of children under 10 years of age is never desired by the masters; that the employment of children under 10 years of age is an accommodation to the workmen themselves, and perhaps in most instances they are employed under the eyes of their own parents..."⁴ He also drew attention to one of the main reasons why the manufacturers wished to be able to increase hours. He was asked whether he thought that the manufacturers would object to a law making it illegal to work children more than 10 and a half hours with an hour and a half for meals. He stated that he thought that there

¹ Ibid., p.35.

² Ibid., p.41.

³ Ibid., pp.52-53.

⁴ Ibid., p.63.

would be a great objection as it "is very convenient to manufacturers to be able, at times, to produce more ware within a given time than the ordinary course enables them to do, and at those times the workmen work the extra hours that have been mentioned; and it would be inconvenient to a master that they should not be enabled so to do."¹ Thus the manufacturer had the capacity to make short term increases in production to meet rapid demand increases in times of boom without the necessity of undergoing considerable capital expenditure to make long term increases in capacity. This great flexibility must indeed have been very useful to manufacturers to make the best of sudden rapid expansions in demand. He went on to point out that any restrictions in hours would have the effect of inconveniencing the employees' families as earnings would fall with the reduction in hours.² This was an argument that was to arise again and again in the manufacturers' propaganda. He went on to state that if this was the case a fall in earning would lead to the family having less clothes, poorer food and this would lead to a drop in the health of the family. He was "not at all satisfied that the health and strength of children will be improved by Legislative interference in those respects."³

Three manufacturers from the silk industry were questioned. In all the cases they admitted that the children started work from six to eight years old. The reason they started so young was given that they learned the work very quickly at that age and their fingers were supple. Mr John Ward admitted that he made no provision

¹Ibid., p.64.

²Ibid.

³Ibid., pp.64-65.

for ensuring the good health of the children, he provided no education or religious instruction. The children from the age of 9 years upward were employed for 11 and a half hours a day and if these hours were reduced their earnings would likewise fall.¹ All three of the silk manufacturers claimed that one of the reasons for taking the children so young was to oblige the parents.

The evidence of Mr William Sidgwick, cotton spinner at Skipton in Yorkshire, revealed the total freedom from interference of industry at this time.² He had been in the industry for 32 years and claimed that the health of the poor children employed in the factories was much better now than had been the case, the factories were better designed and ventilation was improved. This belief is borne out by P. Gaskell writing in the 1830's.³ He went on to say that his mill worked 13 hours a day and he took in children from 9 to 11 years of age. He offered no security for children who were sick. If the master chose to help a sick child, "It is an act of bounty then in the master."⁴ He did not work at night only because his dam of water for the wheel required the night to re-fill. He went on to add that he would work at night if he could and if trade warranted the extra production. "Then there is nothing now to restrain you from working day and night, but want of water and want of trade? - I know of no law to restrain me from so doing; I never heard of any."⁵ Sidgwick employed the children on no

¹Ibid., p.74.

²Ibid., pp.114-116.

³See supra, p.40.

⁴Peel's Committee, op.cit., p.115.

⁵Ibid., p.115.

contract and paid them by the week. He was then asked to comment on the effect of legislation that would limit the hours of work of children. He thought that it would damage the trade, as on one hand if water was scarce the mills could not operate and he also thought that the wages of employees would fall in proportion to the fall in hours. As it turned out up to the middle of the century provision was made in factory legislation for mills driven by water-power to make up lost time.

Sidgwick also provided two arguments that were to be aired over the next decades by manufacturers opposed to legislation. He stated that manufacturers who abused their labour would not stay in business for long, thus the abuse of labour by manufacturers would be self-correcting. His other contention was in connection with foreign competition. He had recently come from France and as far as he could see the employers were under no restriction. If British factories were restricted in their hours and the foreign factories were not, British produce would be damaged in exact proportion to the amount of the limitations on the hours: "...it would be a bounty to the foreign, exactly in proportion to the difference: if I reduced from 13 hours to 10 and a half, there would be precisely that difference as a bounty to a foreign spinner."¹

Besides the medical men and the manufacturers and their agents the Committee interviewed a number of persons including magistrates who were in favour of reform. The evidence of two magistrates presented a grim picture. Theodore Price who had visited a spinning mill in Warwick had noticed the damp close air full of fluff and the stunted appearance of the children. The hours of work were 12 to

¹Ibid., p.119.

13 with half an hour for dinner. He stated that he had in the past signed indentures for apprentices to enter the mills but had not signed any for a number of years.¹ Another magistrate, Mr Thomas Richardson lived in Manchester where he could hear the factory bells. He judged that by the ringing the children spent 16 hours a day in the mills with an hour and a half for meals making a working day of 14 and a half hours. The evidence of John Moss presents a picture of heartless abuse though it refers to the parish apprentice system which was disappearing.² In conclusion, the evidence of Mr H. Houldsworth, a manufacturer from Glasgow, presents an argument that is to be heard from time to time. "Any interference in the regulation of free labour, never fails to excite the spirit of restlessness and insubordination inimical to the habit of sobriety by raising expectations that cannot be fulfilled; the result generally is vexation and disappointment with the commission of excesses which endanger the lives and properties of their employers."³

Much of the evidence presented to the Committee was biased, though "It came out in the inquiry that the provisions of the Apprenticeship Act were set at nought..."⁴ The evidence was published though no report was made. Due to illness Peel was unable to bring a measure before Parliament until early in 1818. Just before this, however, two significant petitions were presented to Parliament from the adult operatives of Manchester and Bolton. They stated that they worked in factories for 14 or 15 hours a day in an atmos-

¹Ibid., p.121.

²See supra, pp. 26-27.

³Peel's Committee, op.cit., p.245.

⁴Westminster Review, Vol. 26, 1830, p.179.

phere ill-ventilated and laden with dust and fluff and this had a deleterious effect on their health and "that the Petitioners, in representing their unfortunate situation, beg leave to observe that they also feel the unhappy condition of young children working in factories, who in many instances are connected with the Petitioners by the dearest ties of relationship". They requested "that a law may be passed to restrict the time of actual labour in Cotton Factories to Ten hours and a half each day, so as to allow within the ordinary space of twelve hours, half an hour for breakfast and an hour for dinner."¹ Sir Robert Peel read the petition out to the House of Commons and commented that protection was required. An M.P., Curwen, rose to express the view that legislation would step between the parents and their children and should not be agreed to.

Peel's new Bill was introduced on the 19th February 1818,² and was very much more watered down than his original proposals of 1815. The legislation would only apply to cotton mills. Nine years of age was given as the minimum age to start work and children up to the age of 16 years were to be restricted to 11 hours work a day. The clause that qualified persons be appointed by the Quarter Sessions was considerable progress over the old provisions of the 1802 Act. The Bill passed the Commons though there was considerable opposition from Sir James Graham, Philips and Finlay, the latter two being mill-owners. Philips painted such an attractive picture of the mills that Peel duly commented that he thought that they should be erected as health resorts. Philips also argued that "The low rate at which we have been able to sell our manufacture on the

¹House of Commons Journal, Feb. 10th, 1818, Vol. 37, p.265.

²Parl.Papers (1818), 1, pp.87, 91.

continent, in consequence of the low rate of labour here, had depressed the continental manufacturers, and raised the English much more than any interference could do."¹ This was a modification of the argument that Sidgwick had put forward before Peel's Committee. The bill was held up for the session in the Lords where further evidence was asked for by Lauderdale, a resolute opponent of factory legislation.

In the meantime outside the House pamphlets had been published which were of great interest in the lucid propagation of the theoretical basis of the contrasting viewpoints.

"An inquiry into the Principle and Tendency of the Bill now pending in Parliament, for imposing certain restrictions on Cotton Factories" was published in 1818 for distribution to Members of Parliament to defend the manufacturers' cause. The author pointed out that one of the main justifications for legislative interference was to protect the children from unscrupulous masters. "The young persons for whose protection the bill is framed are, through some strange mistake, represented to be exposed, forlorn and unprotected, to any excess of labour which the avarice of their employers may exact, and to all the hardships which his inhumanity may inflict....What is meant by talking of children being exposed to hardship without protection, who are constantly under the eye of their natural guardian, many of them during the time they are engaged in labour..."²

Smelser agrees with this view and states that even in the early 1820's children were employed under the eye of their parent,

¹Hansard, 23rd February, 1818.

²pp. 2-3.

at a very early age they gathered cotton waste and cleaned the machines.¹ A large scale movement to restrict hours only emerges in the 1830's and at this stage interest had only just started.² Smelser believes that it is the break-up of this family group in the factory and the growing impersonalisation of factory employment that alarmed the operatives into pressing for a general reduction of hours of labour using child labour as a front. The pamphlet went on to state that the new bill was not just a measure to fill the gaps in the Act of 1802 but offered quite new principles in so far that it effectively put itself between the authority of the parent and child.³ In many cases the master did not even pay the assistants who were paid by the spinners, weavers or slubbers; indeed, he had no dealings with them at all. The adult spinners were quite happy with this arrangement as they could add the children's wages to their own,⁴ and they could instruct their own child in the job.⁵

The pamphlet made a number of other telling and perceptive observations. It pointed out that the age clause could be easily evaded,⁶ and this proved to be the case. If they chose not to evade the measure the parents would send their children to other industries where working conditions were much worse.⁷ It was claimed that one of the effects of the extra time that the operatives had on their

¹Smelser, N.J., op.cit., p.189.

²Ibid., p.238.

³"An Inquiry into the Principle and Tendency of the Bill...", op.cit., pp.4-5.

⁴Parl.Papers, 1837-8. Combinations of Workmen..., p.265.

⁵First Report of the Factory Commissioners (1833), p.886.

⁶Ibid., p.25.

⁷Ibid., p.26.

hands would be used in "riotous debauchery" and crime. It was claimed that "the deterioration of morals increases with the quantity of unemployed time of which they have the command. Thus the bill actually encourages vice...."¹. The bill was founded on a dangerous and alarming principle "radically inconsistent with the state of society, and the prosperity of a manufacturing and commercial country, and seems to be at variance in no small degree, with the spirit of our constitution."² Hutchins and Harrison believe that this line of argument sprang from the belief that the lower orders were regarded as a class apart almost an inferior race that could not be allowed any of the more humane aspects of life.³

Another line of argument taken was that conditions were not as bad as claimed and that given time they would improve on their own and that conditions were, in point of fact, better in the cotton industry than in many others. Smelser believes that the conditions were indeed improving through this period in the physical sense in the cotton industry alone;⁴ Hutchins and Harrison agree with this view.⁵

A number of pamphlets were published to support Sir Robert Peel's intention to extend factory legislation. "Information concerning the State of Children employed in Cotton Factories" was also printed in 1818 for distribution to the Members of both Houses of Parliament. It drew attention to the petition that had recently

¹ Ibid., p.41.

² Ibid., p.50.

³ Hutchins, B.L. & Harrison, A., op.cit., p.28.

⁴ Smelser, N., op.cit., p.265.

⁵ Hutchins, B.L. & Harrison, A., op.cit., p.28.

been put before the House,¹ and commented that those who signed it were all over the age of 16 years. They were, it was claimed, in many cases the parents of the children who worked in the factories with them; the bill would not interfere with free labour as it was the intention in the legislation only to protect those under the age of 16.² It pointed out that the children worked from the age of 5 to 7 years, 14 hours a day and were often obliged to clean machinery during the lunch hour. In the towns of Manchester and Oldham no time was allowed for breakfast and an afternoon meal. The atmosphere in which these persons worked these long hours was heated to from 78 to 80 degrees. It went on to state that it was quite clear that this was very bad for the health of the operatives. Dr John Boutflower visited three Sunday Schools in Salford and found that the children who worked in cotton spinning factories suffered from lung disorders and were pale in appearance. There follows a long account of deformed children, disease, and long hours. Out of 19 cases given one is left with the feeling that the worst complaint is lung disease, faint voices and wheezing coughs. "...I have remarked, that consumptions have been the most prevalent disease that have come under my observation, and sometimes asthmas."³

"Remarks on the objections which have been urged against the principle of Sir Robert Peel's Bill"⁴ pointed out that legislative interference with free labour was no novelty as the statute book had

¹See pp.43-49.

²"Information concerning the State of Children employed in Cotton Factories" (1818), p.3.

³Ibid., p.18, Abraham Hepworth, Curate of St.Luke's, Manchester.

⁴Published 1818. In reply to "An Inquiry into the Principle and Tendency of the Bill...".

many examples of this kind of measure. This was the case in foreign countries such as Holland and the Hanseatic League.¹ It was questioned whether it was possible to call the labour of children free labour and it was noticed that it was the parents of those that worked in the mills that had petitioned Parliament to reduce the hours. It was these families that had most to lose in wages in the reduction of hours.²

Referring to the point that the best judge of the suffering of the children will be the parents and that given time the good sense and humanity of the masters will correct any abuse it stated that so far there had been no effects. The slave traders had made the same assertion that the legislature should not interfere with commerce and that the slaves were happy and content.

In the following year another pamphlet in favour of legislation introduced some new arguments.³ Besides the same tale of deformity, excessive hours, brutal treatment, bad ventilation and disease it stated that great national importance was put on education. In view of this it was noted that the children after working a week of excessive hours were quite unable to go to Sunday School.⁴ It also mentioned that there had been an inspection of mills undertaken in Manchester in May 1818, for which the masters had made great preparation. In some instances the masters and overseers were present

¹ Ibid., p.1.

² Ibid., p.2.

³ "Reasons in favour of Sir Robert Peel's Bill for Ameliorating the Condition of Children employed in Cotton Factories; comprehending a Summary View of the Evidence in support of the Bill, taken before the Lord's Committees in the Present Session of Parliament", (1819).

⁴ Ibid., p.5. It was pointed out that one of the effects of the Bill would be greater religious and moral instruction of children, p.14.

during the inspection to over-awe the persons to be examined.

While these events were going on outside Parliament progress towards a Factory Act was slow. The Manchester Stipendiary in September 1818 wrote to the Home Office that the master spinners of Manchester had considered the question of hours and had resolved, "to restrict them to twelve working hours per day. This may prevent any further discussion on this point in Parliament."¹ This had no effect. The Lord's Committee that had sat from 20th May to 5th June 1818 had revealed no new features and only succeeded in delaying matters. Before this Committee again and again we see the idea that to restrict the labour of children was more cruel as they would starve through lack of money to buy food.² The second enquiry by the House of Lords also revealed nothing new. The evidence of one or two of the doctors show that they were evading the questions put to them by the Committee.³ Some operatives gave evidence before them and they told of long hours and heat and dust. These operatives apparently had great difficulty getting their jobs again in Lancashire. "When they returned home they were flung out of employment, and so persecuted by the masters throughout the country that they had no employment for weeks and months after; and some of them were obliged to leave the country for America, in consequence of giving evidence."⁴

The Cotton Factories Regulation Act was finally passed into law in July 1819. Under it no child under the age of nine was to

¹H.O., 42.180. As quoted in Hammond, B. & J.L., op cit., p.167.

²Hutchins, B.L. & Harrison, A., op.cit., p.25.

³Lord's Sessional Papers, 1818, XL, p.150, as quoted, Ibid., p.26.

⁴Committee on Artisans and Machinery, 1824, p.412.

be employed. From the age of 9 to 16 years the hours spent in the factory were limited to thirteen and a half of which an hour and a half was to be let off for meals thus leaving twelve hours for actual work.¹ Night work was forbidden. The greatest shortcoming of the Act was that it left the old defective means of inspection of the 1802 Act in force.

The Act was defective and indeed a dead letter. "The Bill... lost its teeth during years of Parliamentary processing",² it did however establish the principle of interference of the state into the hitherto closed field of free labour. Smelser comments that in so far as the Act left the current industrial practices uninhibited it was a victory for the mill-owners and in any case the evasion of it rendered it entirely ineffective.³ The door was at least open for other more ambitious reforms.

In December 1819 Peel brought in a Bill that soon passed into law (60 Geo.111.c.5) which made provision for a mill-owner whose mill had been destroyed by fire to use the persons employed in that mill elsewhere at night work not exceeding ten hours.

¹59.Geo.111.c.66. "...That from and after the First Day of January One thousand eight hundred and twenty, no child shall be employed in any Description of work, for the spinning of Cotton Wool into Yarn, or in any other Preparation of Such Wool, until he or she shall have attained the full age of Nine Years. And be it further enacted, that no Person, being under the age of Sixteen Years, shall be employed in any Description of Work whatever, in spinning Cotton Wool into Yarn, or in the previous preparation of such Wool, or in the cleaning or preparing of any Mill...for more than Twelve Hours in any one day, exclusive of the necessary time for meals;..."

For offences against the Act fines were not to exceed £20 and not to be less than £10.

²Smelser, N.J., op.cit., p.271.

³Ibid., p.271.

CHAPTER III

The years from the passing of the Factory Act of 1819 to the beginning of the 1830's forms a period of comparative lull in the struggle for factory reform. It is, perhaps, a watershed between the period when the pressure for reform came from humanitarians and persons of influence and the period characterised by mass working class movements. The 1820's saw the introduction of two Acts to amend that of 1819 in order to make its provisions more effective.

In the Hundred of Leyland the Committee that had been appointed made its report to the Quarter Sessions at Preston that, "they have not found any instance whatsoever in which the Acts...have been observed either as respects the employment of children being less than nine years of age, or as to whitewashing or ventilating the said manufactories."¹ Elsewhere at the Parish of Winwick it was stated that the visitors were ashamed to submit their report as it was "replete with equivocation and deceit."² It was also reported that children under age were hidden away from the visitors when they were making their inspection. In 1825 John Cam Hobhouse³ stated that the better mills worked 12 and a half hours a day, while in others the hours of work were often extended to 16. In spite of this there had only been two convictions for infringements of the 1819 Act.

¹H.O. 52.3. Quoted in Hammond, J.L. & B., op.cit., p.169.

²H.O. 44.14. Ibid., p.169.

³Sir John Cam Hobhouse, later Lord Broughton (1786-1869), a Whig radical M.P. friend of Lord Byron. M.P. for Westminster 1820. He was Sec. for War under Earl Grey in 1832, served in the Ministries of Melbourne and Russell as Pres. of the Board of Control (1835-41).

The intention of the Bill of 1825 in its original form was to reduce the working day to eleven hours instead of twelve. This had been Peel's original proposal in 1818. In the debate on Hobhouse's Bill it was claimed by a member of Parliament, Hornby, that the reduction of the working day by an hour was equal to a reduction in the value of goods produced annually of £2,500,000. Hobhouse responded to this assertion by stating that it would be "better to give up the cotton trade altogether than to draw such a sum out of the blood, and bones, and sinews of these unfortunate children."¹ In the face of lukewarm support from Peel and others, Hobhouse withdrew his plan to limit the hours of labour during the week. Peel even wanted a commission to investigate Hobhouse's alternative suggestion that the hours of work on Saturdays be reduced from twelve to nine. He was supported by Sir Francis Burdett who stated that he believed that there was no justification for children to be sacrificed to the greed of unfeeling parents and employers.²

The Act of 1825, when it was finally passed, made only a slight advance on the Act of 1819.³ Under it the period of night when work was forbidden was taken from 8.00pm to 5.00am. On Saturdays the maximum working hours were nine and work was not allowed after 4.30pm. Labour was forbidden during the half hour allowed for dinner. Hobhouse believed that children were being kept at work cleaning

¹Hansard, May 16th 1825.

²Sir Francis Burdett wanted to have Hobhouse as a colleague in the House of Commons in 1818 and put up £1,000 for him to contest the Borough of Westminster. On this occasion Hobhouse was beaten by George Lamb, brother of Lord Melbourne.

³"The Act to Make further Provisions for the Regulation of Cotton Mills and Factories, and for the Better Preservation of the Health of Young Persons therein." (6 Geo.IV.c.63).

machines during this time. Breakfast had to be taken between the hours of 6.30am and 10.00am and it was required that the main meal had to be taken between 11.00am and 3.00pm. In the case of water-powered mills the time made up in the case of machinery being stopped through lack of water might not exceed half an hour a day. It was provided that those employing persons under 16 years of age were to keep a time book. The parents were to sign a declaration that their child was over the age of 9. It was provided that magistrates who were owners of mills, or the father or son of a mill-owner could not adjudicate in respect of the Act. Penalties for the breach of the Act were the same as 1819 but it was provided that in the case of a number of its provisions being broken the fine could not exceed £100. As with the Act of 1819 a copy of the Act was required to be hung in a conspicuous place in the mill. It is interesting to note that this provision was omitted in the Act of 1831, indeed it is significant that in the Act of 1825 Parliament was not even prepared to provide as much protection for children as the better employers were already giving. An Act of 1829 slightly improved this measure.

In the 1830's the agitation for factory reform spread rapidly to the working classes. In 1825 some spinners had supported the amendments to the Act of 1819 but their interest was weak and scattered. In 1829 delegates of spinners met on the Isle of Man to try to unite the spinners of England, Ireland and Scotland. A major issue in the discussion was the growing use of "piecers"¹ as spinners. The Manchester spinners were particularly alarmed at this new threat. It was resolved that only the relations of spinners should be taught the trade. Smelser suggests that the growth of

¹They were usually children who were employed in rejoining broken threads in the spinning process.

interest in hours of work is closely connected with the breakdown of the traditional family unit in the mill. In 1833 it is interesting to note that it was the spinners who came under particular attention of the Royal Commission for providing the bulk of the support for the 10 hours movement.¹

By 1825 the country mills had lost their predominance and the expansion of steam power became rapid.² A significant development of the 1820's was that of the self-acting mule for spinning. In 1824 during a long strike by spinners in the region round Stalybridge a number of manufacturers approached Richard Roberts, a well known engineer in Manchester, to make them more independent of the spinners. The self-acting mule was patented in 1825 and again, with improvements, in 1830. The effect was a great increase in productivity and independence from spinners, because the larger mules displaced spinners and increased the number of assistants. The 1820's also saw the rapid extension of power-loom weaving and its impact was beginning to be felt. In 1823 a Committee of Manchester hand-loom weavers sent a letter to the government.³ "We are sending a petition to Parliament; praying for a regulating Committee, such as mentioned above. We also pray for a tax to be laid on power-looms, which are now transferring labour from men to children and girls, and from cottages to factories. This by depriving parents of sufficient employ, makes them dependent on their children for support..." In the factory the effect was to bring in many young persons and

¹See supra, pp.83-84.

²Taylor, A.J., 'Concentration and Specialisation in the Lancashire Cotton Industry, 1825-50', Economic History Review, 1949, Vol. 1-2, p.114.

³H.O. 40.18, quoted in Hammond, J.L. & B., op.cit., p.287.

females and likewise threaten the traditional family group that had existed in the mills. For the proprietors the effect of these changes was a great increase in the scale of production. From the middle of the 1820's there was a steady expansion of combined spinning and weaving factories. This expansion continued through the 1830's and 40's. By the 1850's they were the most important productive units in the Lancashire Cotton Industry.

The effect both in spinning and in weaving was for less adult males to be employed and for women and children to supervise greater productive capacity. There was however a major difference between weaving and spinning in recruitment of labour. In weaving the recruitment of children and young persons was undertaken by the master, not the operative; in spinning however, although the master made inroads, the majority of those recruited under the age of 18 were engaged by the operatives. This would indicate that in power-loom weaving kinship and community ties had been superseded to a much greater extent than in spinning. The family was spread through the mill which broke down traditional solidarity in the family. The recruitment of greater numbers of women and children deprived the parents of the chance of supervising the rearing of their children. As the opportunities of the father to find work were limited it weakened his ability as family bread-winner. In the weaving sheds dressers were so few that it was all but impossible for young persons to move up into adult occupations in the factory. All that was required was one overseer to supervise a section of the mill. One dresser complained "the sufferings of the children in the weaving department are as great as in any department in the factory; they are under the control of inconsiderate young people, who are themselves spurred to exertion both by the necessity of doing a certain quantity of work and by the

expectation of getting money, and, as such, are indifferent to the conditions or feelings of the children, who suffer very severely."¹ It would therefore seem that it was the impersonalisation of harsh treatment and discipline that caused resentment more than the actual conditions themselves.

Rising against the background of technical advance was the Ten Hours Movement which Smelser believed was more than a demand for shorter hours.² It was a many sided attack on the factory system, the factories and the owners. On the physical side they concentrated on the long hours, early age at which the children started, bad health, cruelty and physical hardships. On the moral side they attacked the break-up of family ties, the immorality of masters and employees, drunkenness and lack of religious and secular education. It would seem however that with the expansion of the steam driven factory the hours of work had in fact gradually been reduced.³ In Manchester the hours of labour in 1833 were generally 12. The Factory Commissioners in 1833 commented that in every case the more modern factories were cleaner, better ventilated, and more pleasing to work in.⁴ Smelser also pointed out that the claim that the children were smaller and less healthy than those who did not work in factories there was also no answer. On one hand children were chosen for their smallness so that they could get under the machines, and on the other hand many

¹Parliamentary Papers, 1831-32, XV, p.279.

²Smelser, N.J., op.cit., pp.271-274.

³Hammond, J.L. & B., op.cit., pp.146-50. Parl.Papers, 1816, Peel's Committee, op.cit., pp.242, 286, 416-7. Parl.Papers, 1833, First Report of the Factory Commissioners, p.11.

⁴First Report of the Factory Commissioners, 1833, op.cit., pp.16-21.

of the children who flocked to the mills were the children of impoverished hand-loom weavers who probably often suffered from illness as a result of poor diet and insanitary home conditions.¹ Labour in other occupations was often much harsher than in cotton mills as was revealed by the Commission of 1842. "Uttered in the 1830's, therefore, the colourful atrocity stories were exaggerated. The brutal and long hours had perhaps characterised the manufactories twenty to fifty years earlier. Such mills were dwindling in proportion in the 1830's, and the apprenticeship mills - the worst of all offenders - were virtually dead. The passionate concern with long hours is even more curious when we observe that in other industries such as calico-printing and hand-loom weaving, children and young persons worked even longer hours."² It is not suggested however that there was no cause for complaint in respect of working conditions in many factories but it does suggest that there were more complex reasons than those offered by the supporters of reform.

As the Westminster Review pointed out the start of the great surge of support for the Ten Hours Movement came after the publication of the letter by Richard Oastler in the Leeds Mercury on 29th September 1830.³ Richard Oastler⁴ was, perhaps, the real founder of the factory movement. Though his parents were Methodist he became a dedicated member of the Church of England and a high Tory. He proved unsuccessful in business in Leeds but took over his father's post as steward to the Thornhill family at Fixby Hall near Huddersfield.

¹ Smelser, N.J., op.cit., p.277.

² Ibid., p.274.

³ Westminster Review, Vol. 26, 1836, op.cit., pp.174-215.

⁴ 1789-1861.

He is believed to have taken up the cause of factory reform after John Wood of Bradford had convinced him of its need. His letter to the Leeds Mercury, a liberal newspaper with a large circulation, provoked a succession of widely read letters. His own letter, entitled "Yorkshire Slavery", challenged: "It is the pride of Britain that a slave cannot exist on her soil; and if I read the genius of her constitution aright, I find that slavery is most abhorrent to it - that the air which Britains breathe is free - the ground on which they tread is sacred to liberty." (Rev. R.W. Hamilton's speech at the meeting held in Cloth-Hall yard, September 22nd 1830): "Gentlemen, - No heart responded with truer accents to the sounds of liberty which were heard in the Leeds Cloth-Hall Yard, on the 22nd instance, than mine did...that slavery might only be known to Britain in the pages of her history. One shade alone obscured my pleasure...the want of application of the general principle to the whole empire. The pious and able champions of negro liberty...should, at least for a moment, have sojourned in our immediate neighbourhood, and have directed the attention of the meeting to scenes of misery, acts of oppression, and victims of slavery, even on the threshold of our homes.

"Let truth speak out, appalling as the statement may appear. The fact is truth. Thousands of our fellow creatures and fellow subjects, both male and female, the miserable inhabitants of a Yorkshire town, (Yorkshire now represented in Parliament by the giant of anti-slavery principles) are this very moment existing in a state of slavery, more horrid than are the victims of that hellish system 'colonial slavery'."

Oastler was joined by Sadler,¹ likewise a high Tory and devout

¹ Michael Thomas Sadler (1780-1835), a Leeds linen merchant. He condemned the views of Malthus and later the new Poor Law. See also Appendix B.

follower of the Church of England. As a member of Parliament since 1829 he had represented Newark and Aldborough a constituency of the high Tory Duke of Newcastle. The men who rallied behind Oastler and Sadler were often high Tories, radicals and either Church of England or Primitive Methodists in religion.¹ Another early follower was William Ferrand a landowner and Tory member of Parliament for Knaresborough. In 1831 this Tory Radical alliance started to form local Short-Time Committees in the textile areas and a campaign was started to support Hobhouse's Bill in Parliament.

On 17th February 1831 Hobhouse stated that he intended to put forward another Bill to regulate the labour in Cotton factories. In its original form the Bill would have reduced the hours of actual labour to 11 and a half for all textile industry mills. He met considerable opposition and his opponents claimed that the effect of the Bill would be to increase the price of cloth, lead to children being dismissed and to restrict the labour of adults. When the measure finally passed into law on 15th October 1831 its scope had been greatly limited.² The Act repealed all previous factory Acts except that of 1802. It noted that it was the practice to employ children and young persons in night work, and it therefore provided that it was against the law to employ persons under the age of 21 between the hours of 8.30pm and 5.30am. This was no advance on the Act of 1825. The hours of labour for those under the age of 12 years were not to exceed 12 a day. Though no time was stipulated for the meal breaks it was specified that an hour and a half was to be allowed for meals. Time lost through lack of water or break-

¹ See Appendix B.

² 1 & 2 Will.IV.c.39.

down of machinery was allowed to be made up at the rate of one hour a day. Time lost had to be made up in six months. The minimum age at which a child might start work was retained at nine, and the manufacturer was relieved of the need to keep a register of the children whose age was doubtful. If the parents certified that the age of a child was over nine the manufacturer could then employ it, though the penalty to the parent for signing a false certificate was £5.

This Act was unscientific and limited in its approach and there were no effective provisions for its enforcement and for providing education. All seem to have agreed that the Act was quite ineffective. At a meeting of clergy and gentry in Manchester it was noted that the law would not be observed at all but for the formation of a committee to lay information against those who broke it.¹ Even this does not seem to have worked. In the Second Report of the Factories Inquiry Commission of 1833 Tufnell comments that a Committee of Manchester masters had been formed to prosecute those who broke the law.² He comments that many cases were tried and that only about one in twenty succeeded. It was soon found that it became completely impossible to get any convictions at all as the perjury of the witnesses put an effective barrier in the way of ensuring the application of the Act. He stated that within about three weeks of the Act being applied it had become totally ineffective.

The dilemma that faced the working man was clearly illustrated by Aaron Jackson.³ He had a large family that worked in the mills

¹Manchester Guardian, March 10th 1832, quoted in Thomas, M.W., op.cit., p.47.

²Second Report, 1833, pp.214-220.

³First Report of the Factories Inquiry Commission, 1833, op.cit., p.25.

and to him the Hobhouse Act meant that he either had to sign false certificates or to starve. Ure commented on this point: "This bill was soon found to be ineffectual towards protecting children from being worked over-hours under greedy operatives and needy parents: for it held out mutual temptation to collusion and perjury with respect to the ages of the children...by leading the former to commit perjury, and the latter to become habitual liars. In fact, the perjury of the witnesses placed an effectual barrier against conviction..."¹

As the Factory Commissioners pointed out in 1833, under the law the parents were required to provide a certificate of the age of the child and this was the main means of ensuring that the Act was not evaded. In the circumstances the masters had no particular urge to enforce the law, and in order to get a conviction for a breach of the Act it was necessary to prove that the child was under age, and to get the testimony of someone who had worked near the child and noted the hours that it worked. From the point of view of the master all that was required was for the manager or overseer to state that he had been given orders from the master not to work in excess of the legal hours. In this case even if it was proved that the child had been working hours in excess of those laid down by the law the case would be dropped.² Kirkman Finlay, the influential cotton spinner, pointed out that the master was powerless to enforce the law and those who attempted to do so were exposed to unfair competition of less scrupulous rivals. "It is, I am confident, not the wish or interest of the owners to have young children in their works,

¹Ure, A., op.cit. (1835), p.289.

²First Report of the Factories Inquiry Commission, 1833, op.cit., pp.64-66.

but they do not and cannot possess the means of really knowing, whether every one they employ is truly arrived at the age prescribed by law or not."¹ Charles Hindley stated that the mistake was that Parliament had attempted to legislate for children without including adults, they had ignored the fact that the labour in the mills was family labour; it was no longer the case that the parents supported their children.² This was the last attempt at a factory law before the passing of the Reform Act in 1832.

Oastler, who had been pressing for a 58 hour week, was furious when Hobhouse accepted a compromise measure. Samuel Kydd, Oastler's secretary recorded the correspondence between them that followed. On the 16th November 1831 Hobhouse wrote to Oastler, "My principle opponents are the Scotch flax-factors, and the West of England Woollen-factors. The latter I think I might have managed to conciliate. The former gave me no hopes of a compromise, and they sent down so numerous and influential a body of members to the House against me, that resistance was hopeless; at least, as I before said, at that period of the session, and in the then state of public business. If I should be induced to make an attempt to bring back my bill to its original shape, I shall have to encounter the same difficulties, and without appointing a select committee to examine evidence, I fear that even the very introduction of the measure would be opposed with success. Should Mr Sadler make the effort which he seems to contemplate, of limiting the hours of labour to ten, you may depend upon it he will not be allowed to proceed a single stage with any

¹Finlay, K., letter to the Right Hon. Lord Ashley on the Cotton Factory System (1833), p.6, quoted in Thomas, M.W., op.cit., p.122.

²Quoted in Hutchins, B.L. & Harrison, A., op.cit., p.47.

enactment, and, so far from producing any beneficial effects, he will only throw an air of ridicule and extravagance over the whole of this kind of legislation."¹ Oastler in his reply of 19th November stated that none of the opposition to the Bill came from manufacturers, indeed, some manufacturers of Huddersfield, Halifax and Bradford had sent petitions in its favour.²

The outcome of the failure of the Hobhouse Bill, in its original form was that a new Parliamentary leader, Sadler, was chosen. By this stage the Ten Hours agitation had reached the proportions of a mass movement, "which brought the masses into industrial and political action on a scale not hitherto seen in the north."³ The main leaders were the Rev. G.S. Bull who was to give evidence before Sadler's Committee, John Doherty, recently a trades union leader, who had joined the Ten Hours Movement when the strike in Ashton-under-Lyne was collapsing, George Condy, and Philip Grant. The parliamentary agitation was in the hands of Sadler, Lord Ashley, John Fielden, Charles Hindley, Lord John Manners and Joseph Brotherton. In the General Election of the autumn of 1831 Sadler had been elected for Aldborough.

The motives of the Ten Hours Movement began to emerge in the last months of 1831. A resolution was published in the Leeds Intelligencer,⁴ "That a restrictive Act would tend materially to equalise and extend labour, by calling into employment many adult males, who are a burden on the public, who, though willing and ready

¹Quoted in Ward, J.L., The Factory System, Vol. II, pp.92-94.

²Ibid., p.95.

³Westminster Review, Vol. 26, 1836, op.cit., p.175.

⁴October 29th, 1831, quoted in Hutchins, B.L. & Harrison, A., op.cit., p.48.

to work, are obliged, under the existing calamitous system, to spend their time in idleness, whilst female children are compelled to labour from twelve to sixteen hours per day." Another motive that emerges makes it clear that it was believed that by limiting the hours of children to ten it would effectively prevent anyone working in excess of those hours. "If they could obtain the restriction of the labour of all young persons under 18, to ten hours daily, their object would be gained, for...such a restriction would be tantamount to one on the machinery itself."¹ It was also believed that they would receive the same pay for the reduced hours, though it seemed that at this stage thinking was very muddled on this point. This is clear at a meeting of operatives in January 1831 at the Mixed Cloth Hall Yard in Leeds where some 10,000 people gathered to demand the Ten Hours Act. One of the speakers, Rev. R.W. Hamilton, warned the supporters that "There may be a diminution in your immediate wages in consequence...it is for you to say that you are willing to incur the risk that right may be done." In response to this there were cries of "We are! We will!". The same point raised by a speaker later on in the meeting received a very different reception. "Brother Operatives, I think that the idea which has gone abroad that the manufacturers will pay the same wages for ten hours' labour a day, as they do now for twelve is quite erroneous. (No, no, ten

¹Greg, R.H., The Factory Question (1837), p.20. Dr James Philip Kay likewise commented "whilst the engine runs the people must work - men, women, and children are yoked together with iron and steel. The animal machine - breakable in the best case, subject to a thousand sources of suffering - is chained fast to the iron machine, which knows no suffering and no weariness." Moral and Physical Condition of the Operatives Employed in the Cotton Manufacture in Manchester (1832), p.24.

hours is plenty to work), I know that; I know that ten hours is plenty for infants; but it is well known to many of you that if we turn out the infants at ten hours the adults cannot proceed with their business. Therefore I mean to say that the masters, at this day, cannot give six days' wages for five days' labour. (They must! Down him!)"¹ Ure also warned that a drop in hours would lead to a fall in wages.²

Smelser maintains that the supporters of the movement looked back to an age of parental responsibility of master and church and states that Oastler was himself the victim of this negative utopian view.³ He warned in 1831 that the masters would never be content until they had all production under one roof. Rev. Bull also stated that he would like to see a return to domestic production. Tufnell, one of the Commissioners of 1833 said that one fact that had struck him very strongly during his investigation was the different grounds on which those inside and outside Parliament advocated the Ten Hours Bill. "The cruelty of employing young children during the long hours of factory labour, and the ill-usage to which they have been subjected in keeping them to their work, are the Parliamentary and public grounds for supporting the bill, - the grounds on which the philanthropists take their stand. Now, not a single witness that came before me to give evidence in favour of the Ten Hours Bill, - and I made it a rule never to turn away any of this class...of whatever trade or station he may have been, supported it on the above

¹Thomas, M.W., op.cit., p.36.

²Ure, A., op.cit., p.304; see also Annual Register 1833, p.205.

³Smelser, N.J., op.cit., p.288.

grounds. This reason was, of course, mentioned to me by some of them as influencing their determinations; but by cross-questioning them, and by means of circumstances which came to my knowledge, I am perfectly satisfied that motives of humanity have not the smallest weight in inducing them to uphold the Ten Hours Bill."¹ Tufnell also stated that "the desire for the Ten Hours Bill existed almost wholly among the working spinners, who are the chief supporters of the cry about inhumanity of employing young children in factories and the narrators of the cruelties practiced upon them, which cruelties, it appears, if practiced at all, are only practiced by themselves."²

During the years 1831 and 1832 the Ten Hours agitation became highly charged with emotions. The Yorkshire followers of Oastler named him the "factory king" or "King Richard". Alfred gives an account of a meeting in Manchester that illustrates this. "At Manchester, Mr Sadler and Mr Oastler were welcomed by a public procession and dinner. The reporter for the Leeds Intelligencer thus described the scene he witnessed: 'Soon after five in the afternoon of Saturday the 23rd of August, 1832 Mr Sadler and Mr Oastler left

¹Second Report of the Factories Inquiry Commission. Supple. Report (1834), p.195. He quoted an example from the minutes of evidence. "Do you know the reason why some operatives advocate the Ten Hour Bill? - I believe it is principally owing to the want of due consideration in them. I think they indulge an idea that articles manufactured will get up to a better price in the market, so that in a short time they will be able to demand their present wages; but we think that it is not likely to be the case at all. Did you ever hear any other reason for their advocating it? - I don't know that they have any other reason, but I believe not. There is a man from Manchester, who came into our meeting, an advocate of the Ten Hour Bill, and he told us that we should receive no less wages in 12 months' time than we do now, provided it was dropped to ten." (Evidence of the deputation from the Rochdale workmen), First Report Factories Inquiry Commission (1833), op.cit., p.71.

²Ibid., p.194.

the Shakespeare, and entered an open carriage prepared for them by the Committee, amidst the most enthusiastic cheering, the band saluting and the flags waving. They were accompanied by Mr John Wood of Bradford, the Rev. Bull and Mr Perring. Amidst this almost hurricane of applause the word was given to move forward for the place of meeting - Camp Field.

"The procession was headed by two men, bearing a flag with the representation of a deformed man, inscribed - 'Am I not a man and a brother?' underneath, 'No White Slavery'. Then came a band of music; then the Committee and their friends; then a long line of Factory Children bearing a great variety of banners, decorated mops, brushes, and other utensils connected with their employment, singing, 'Sadler for ever, Oastler for ever; six in the morning, six in the evening.' One of the children carried a whip, and a strap made into thongs, with the inscription, 'Behold and Weep' ..."¹

The years from 1828 to 1832 saw the economy moving from stagnant trade to depression, by 1833 many factories in the north were working a four-day week. The same period was characterised by overlapping disturbances, Parliamentary reform crisis, co-operatives, trade unions and strikes. The failure of the latter saw the growth of interest in the Ten Hours Movement. In the spring and summer of 1829 during the strike in Manchester, Doherty reported a number of employers for working children excessive hours. It was with the failure of the strikes that Doherty and many of his followers joined the Ten Hours Movement.

The attitude of the government to interference with the hours of work by adults was quite clear. It could be pointed out that the

¹Alfred (Samuel Kydd), The History of the Factory Movement (1857). Vol. I, pp.254-6.

Factory Acts interfered with the contract between employer and workman. If the workman did not accept these terms he was quite at liberty to leave the job, and if he thought necessary, the industry. For those who disagreed with interference one of the strongest arguments was that the Factory Acts interfered with the independence of the worker, not only with the contract he might enter into with this employer but also in that of the adult and child. When all had been considered with regards to health and other matters Kirkman Finlay "put it to the House, whether, with the contradictory testimony before it, it was prepared to legislate upon the subject - to regulate free labour, and to interpose between the father and his child?"¹ In reference to the Bill of 1818 Frederick Robinson replied, "If the bill went directly to interfere with the labour of adults, he thought it would be objectionable, but it would be going too far to say, that by protecting the children the adults might be incidentally interfered with and that therefore the children should be left as they were."² The view that restrictions should be extended to adults was quite unacceptable in the thinking of that time. Gaskell, a moderate and independent thinker thought it questionable how far government interference in labour matters might be beneficial and "whether the parties, the masters on one hand, and the workmen on the other, might not act most wisely by saying as the merchants of France once said to Colbert, when it was proposed to take measures to protect their interests - 'Laissez nous faire'".³

¹Parliamentary Debates, First Series, XXXVIII, 1818, col.369.

²Ibid., col.371.

³Gaskell, P., The Manufacturing Population of England (1833), p.12.

The government did not believe that it should interfere with the private contracts between individuals. A contract that was of the greatest advantage to an individual would be of greatest advantage, ultimately, to all the parties involved. In turn the collection of such contracts would be of greatest benefit to the nation. Fully realising this, the operatives knew that it would be of no use to appeal directly for the easing of their conditions but they would have to work through their children. Parliament accepted the view that the children should have protection but totally rejected the view that the labour of adults should likewise be reduced. Legislation was drawn up with this view in mind. It has to be remembered that factory legislation was exploration in a totally new direction and the legislature was in a sense feeling its way in the dark. In addition to this, "In the House of Commons legislation, general principles are held in absolute distrust: nothing is deemed certain but what is individual and specific. Every motive had therefore equal weight; every trifling inconvenience takes rank as an insuperable objection, and the question is carried by some side-wind - by some contingent inducement that has nothing, necessarily, to do with the merits of the case. This is the field in which every indirect manoeuvre can be practiced, if not without detection, without inconvenient exposure."¹ In these circumstances it is not surprising that the fight for factory legislation was long and bitter and its evolution slow and piece-meal.

Sadler tried to introduce his Bill into the Commons on 15th December 1831 but it only came up for detailed consideration in March 1832. In the preamble he stated that it had become necessary that

¹Quoted L. Horner, 'On the Employment of Children in Factories' (1840), Thomas, M.W., op.cit., p.159.

the hours of labour of Children and Young Persons¹ employed in mills and factories should be regulated. It stated that it had become the practice to employ them excessive hours and late into the night, and sometimes all night. This had greatly injured their health and morals. It was provided in the Bill that no child under the age of 9 might be employed and those under the age of 18 years might not work in excess of 10 hours. No person under the age of 21 was allowed to work at night which was taken to be from 7pm to 6am. It was provided that an hour and a half was to be taken for lunch though no times were given during which these meals were to be taken. In mills powered by water it was provided that time might be made up, when lost through lack of water, between the hours of 5am to 8pm. The mill-owner was to keep a time book in which was to be recorded the time that the machinery worked and the time that the Young Persons and Children started work and what time they finished at night. As with the previous Act the parents were to sign declarations as to the age of the children.

In introducing the second reading on 16th March 1832, Sadler made a brilliant and emotional speech. He admitted that legislative interference was an evil, but so was all legislation. It was only to be sanctioned to prevent some greater evil. "The Bill which I now implore the House to sanction with its authority, has for its object the liberation of children and other young persons employed in the mills and factories of the United Kingdom from that over-exertion and long confinement which common sense, as well as experience, has shown to be utterly inconsistent with the improvement of their minds, the preservation of their morals, and the maintenance of their health -

¹Children were those from 9 to 13 years of age, and Young Persons from 13 to 18 years of age.

in a word, to rescue them from a state of suffering and degradation, which it is conceived the children of the industrious classes in hardly any other country has ever endured..."¹ He went on to reject utterly the contention that the children were free agents. On one hand there were parents who sent their children to the factories out of need and poverty and they did so with bitter regret. They had no other option open to them as the Poor Law overseer refused to give relief if the pauper had children capable of working in the mills. On the other hand there was a far smaller group who sent their children to the mills out of greed. Referring to those who sent their children to work out of necessity he stated, "It is a mockery to contend that these parents have a choice...Free agents! To suppose that parents are free agents while dooming their own flesh and blood to this fate, is to believe them monsters."²

The measure was in many respects retrogressive as the single intention of the Bill was to limit work to ten hours. The problems of education and inspection were totally ignored, and it was therefore not surprising that it was considered by many to be a piece of hypocrisy.³ There were many protests from employers and the comments of Joseph Birley is representative of the more balanced view taken by them. He pointed out that every station in life has abuses to a greater or lesser extent and the cotton industry was no exception. Isolated cases, some of which are true, others totally untrue and some highly coloured, were not proof of general suffering. He pointed out that it cannot be in the interest of employers to injure

¹Speech to the House of Commons, 16th March 1832.

²Ibid.

³See Appendix A.

those who work for them, in fact it would surely be more to their benefit to ensure that they were fit and alert.¹

The Bill had a cautious reception in the House of Commons and it was referred to a Select Committee. Deflection of proposed legislation in this was an effective safety valve for emotionally charged issues and allowed time for reflection and the collecting of information. If we may judge from the composition of the Committee, Sadler the Chairman, had considerable influence in the selection of the members. It represented many who were sympathetic to the Ten Hours movement, including besides Sadler, Hobhouse, Perceval, Attwood, Strickland and Sir Robert Inglis.

Sadler's Committee sat on 43 days and examined 89 witnesses and asked 11,618 questions. The Committee made no report as Parliament was prorogued in the Reform Bill crisis before it had finished its work. The views of recent commentators and contemporary ones are greatly divided in their opinions of the evidence of the Committee. It is perhaps significant that Sadler caused the evidence in favour of the Bill to be published before the masters had been heard, and that he chose to interview the groups in that order. Indeed, as it turned out, the opinions of the masters were never heard before the Committee.

J.L. and B. Hammond accept the evidence at face value and comment, "Before this committee there files a long procession of workers, men and women, girls and boys. Stunted, diseased, deformed, degraded, each with the tale of his wronged life, they pass across

¹ Joseph Birley (1782-1847), the greatest cotton manufacturer in Manchester. Sadler's Bill: Cotton Branch, 6, 7, (1832), quoted in Ward, J.L., op.cit., p.140.

the stage, a living picture of man's cruelty to man, a pitiless indictment of those rulers who in their days of unabated power had abandoned the weak to the rapacity of the strong."¹ B.L. Hutchins and A. Harrison, describe the Committee's evidence as one of the most valuable collections of evidence on industrial conditions that we possess and states that Sadler referred to all parts of the country to collect evidence.² J.L. Ward states that though the evidence was attacked, opponents of it never successfully refuted it.³

On the other hand, N.J. Smelser is more critical of the evidence. That Sadler headed the Committee at all he believed was very irregular. He points out that the witnesses were all friends of the cause of the Ten Hours Movement, and it was also strange that out of the 89 witnesses called only eight came from the Lancashire and Cheshire cotton mills who had the largest number of operatives. No evidence was given under oath and several of the witnesses later refused to give evidence before the Commission of 1833, when required to do so under oath. Smelser referred to the claim of the Annual Register of 1833 that showed that at least one injury was later proved to be inflicted by other causes than factory labour.⁴ M.W. Thomas comments, "Amidst this welter of conflicting statements it is very hard to arrive at the truth. It would seem that conditions varied greatly from mill to mill."⁵ He commented that by publishing the evidence he laid himself open to criticism for being biased and

¹Hammond, J.L. & B., op.cit., p.171.

²Hutchins, B.L. & Harrison, A., op.cit., p.34.

³Ward, J.L., op.cit., p.86.

⁴Smelser, N.J., op.cit., p.290.

⁵Thomas, M.W., op.cit., p.42.

one-sided. It was claimed that much of the evidence described a state of affairs that had long since passed.¹

Even Engels agreed that this was the case. Sadler "betrayed by his noble enthusiasm into the most distorted and erroneous statements, drew from his witnesses by the very form of his questions, answers which contained the truth, but truth in a perverted form."²

Contemporary comment against the Committee was loud in its condemnation. Baines described it as "A mass of ex-parte evidence... received which was full of the grossest exaggerations and misstatements."³ The comment of Robert Greg,⁴ a strong opponent to factory legislation was equally outspoken in his condemnation: "...In defiance of justice, and, we should think, of strict Parliamentary usage, Mr Sadler immediately published the evidence, and gave to the world such a mass of ex-parte statements and of gross falsehoods and calumnies, as they are now generally admitted to be, as probably never found their way into any public document."⁵ The Westminster Review was also critical of the evidence of the Committee and commented that "the evidence taken by this Committee having been manifestly exparte (for witnesses were examined only on one side of the question) and an objection to its trust-worthiness, that it was not taken on oath, having been strongly urged, the House of Commons refused to entertain the Bill founded upon it..."⁶

¹Ibid., p.40.

²Engels, F., The Condition of the Working Classes in England in 1844 (1892), p.170.

³Baines, E., op.cit., p.451.

⁴Robert Hyde Greg (1795-1875), economist and industrialist. He was Liberal Member of Parliament for Manchester from 1839-41.

⁵Greg, R.H., The Factory Question, considered... (1837), op.cit.

⁶Westminster Review, Vol. 26, 1836, op.cit., p.180.

John Fielden accepted the evidence of the Committee and described it as very valuable and commented that it was quite clear that the attempts to improve the conditions had completely failed. Children were worked beyond their strength and this demanded protection.¹

The evidence of Abraham Whitehead, one of the three Yorkshire witnesses, gives an account of the working conditions of children in his experience. He stated that he had seen children during the winter of 1831 returning home from work on cold dark nights at 10 and 11 o'clock. He said that though trade was bad and some of the mills had no work others were working seventeen hours a day. He heard from a neighbour six weeks before that the wife of Jonas Barrowcliffe had to get her child up ready for work at 2 o'clock in the morning as he had to travel two miles on foot to get to the mill. He told of children being beaten with an iron rod called a 'billy-roller', though it is interesting to note that the beatings were administered by the 'Billy-spinners'. They were beaten on their faces, head and other parts of their bodies. These spinners were paid by the pound of yarn produced, while the children (the piecers) were paid by the week. The spinners he stated employed their own piecers. He believed that the longer the hours worked the less the wages were in proportion. He commented, "I do believe, and I know it is the general impression of the inhabitants of Holmfirth, that wages would rather rise than fall if the hours of labour were limited."²

David Bywater in his evidence stated that the overseer had threatened him that he would be turned away from his job and neither

¹Fielden, J., op.cit., p.13.

²Sadler's Committee, Minutes of Evidence. Vol. 11, Session 6th December 1831 - 16th August 1832, pp.19-23.

he nor his brother would be able to get another job if they gave evidence before the Committee. He likewise gave an account of excessive hours, which, in his case, had led to deformity. He stated that though the overseer could beat the children, correction was generally left to the slubbers. He thought that employment was very uneven with some working very long hours while others were unemployed. He thought that if the hours were limited more might get work.¹

Two other boys, William Kershaw and Samuel Cooke both stated that they were beaten by the slubbers, and the 'Billy-roller' was often used.² The evidence of David Brook illustrates another line of argument commonly accepted by the Ten Hours Movement, and it may be suggested that Robert Owen had first recorded it before the Committee of 1816 as a system that he had found effective.³ David Brook stated that he believed that if the Ten Hours Bill was passed the manufacturers would get proportionately more work done than by working 12 or 13 hours. If each man could produce proportionately more, the master would not need to reduce the wages. In addition to this he thought that the Act would have the effect of reducing the competition of labour for employment. "If, then, the Factory Bill was passed, and our regular hours reduced to ten instead of eleven, we should be more in demand; and as we were more in demand, and our labour more called for, the master, instead of being able to say he would make us work at such and such a price, we should be able to say, 'We will not come except you give us regular wages for regular hours'; that is the view that I take of it."⁴ He went on to state that there were

¹ Ibid., pp. 28, 43-44.

² Ibid., pp. 46, 49, 55-56.

³ See supra, p. 45

⁴ Sadler's Committee, op.cit., p.67.

times that the manufacturer had to fulfil large orders and the manufacturer might lose it if he did not do the work quickly. In these cases the manufacturer could not increase production by using his labour force for longer hours, instead he would have to employ more machinery.¹

This line of thought is developed and expanded elsewhere in an article published in 1831. "The duration of labour is the opprobriousness rather of our manufacturing system than of the individual. The masters with whom I have conversed are men of humanity, and willing, I believe, to adopt any practical proposal to amend the health and improve the state of their work-people....The diminution of the intervals of work has been a gradual encroachment. Formerly an hour was allowed for dinner; but one great manufacturer, pressed by his engagements, wished his work-people to return five minutes earlier. This abridgement was promptly adopted at other mills. Five minutes led to ten. It was found also that breakfast and drinking (afternoon meal) might be taken while the people were at work. Time was thus saved; more work was done; and the manufactured article could be offered at a less price. If one house offered it at a lower rate, all other houses, to compete in the market, were obliged to use similar means. Thus what was at first partial and temporary has become general and permanent. And the unfortunate artisan, working before in excess, have now to carry labour to a still greater and more destructive extent...so established are the hours of work, that no individual master can, without loss, liberate his people at an earlier period. A legislative enactment is the only remedy for this."²

¹Ibid., pp.68-9.

²Effect of Trades on Health (1831), p.46, quoted in Hutchins, B.L. and Harrison, A., op.cit., pp.35-36.

David Brook went on to admit that the effect of the Ten Hour Act, if it was passed, would be to reduce the hours of labour for adults as well as children. It was necessary that children and adults work together. At that time he thought that children were being employed in jobs that had formerly been done by adults as they were cheaper to employ.¹ It is interesting to note that after the passing of the Factory Act of 1833 the proportion of children employed in cotton mills dropped radically from 13.2 to 4.75 percent and the proportion of young persons employed rose correspondingly.²

W. Swithenbank in his evidence before Sadler's Committee testified that he would not be allowed to continue work unless he agreed to work overtime. His eldest son had been caught in a machine and had had his right arm mutilated, he had seen another boy killed by the same machine. He believed that it could be effectively fenced. He stated that he would be happy with less pay so long as the hours of work were reduced. Others before the Committee testified in the same way. He did however think that they would get proportionately more money for the reduced hours worked.³ He likewise thought that the Bill would reduce the hours of adults. Daniel Kenworthy had developed a slightly different argument in support of the idea that wages would not fall with a reduction of hours. A reduction of goods produced would lead to scarcity in relation to demand. As a result prices would rise and the masters would get better profits. In the outcome wages would be little affected. Two facts emerge in the

¹Sadler's Committee, op.cit., pp.69-71.

²Children are taken as those from 9-13 years and young persons those from 13-18. Victoria County History, Vol. 11, p.390, quoted Smelser, N.J., op.cit., p.202.

³Sadler's Committee, op.cit., pp.76-77.

evidence of Alonzo Hargraves and John Goodyear, the first stated that the master had nothing to do with the employment of labour which was in the hands of the overseers. The second stated that conditions were worse in the factories than when he was a boy.¹

Where evidence had been given to the effect that the harsh treatment was given out by the slubbers, the opinion of one of them is of particular interest. Thomas Bennett stated that he was compelled to beat the children in order to keep them at work. He admitted that in the cases where the children were not his own he beat them harder, using a strap and sometimes the 'Billy-roller'. Sometimes when they were getting behind with the work he had to beat them very hard. It was general practice to beat the children as they would have lost their place in the mill if they had not done so. He also noted that the children had to spend the mealtimes cleaning the machinery. It emerges that as the slubbers and overseers were paid by the amount of work turned out they were compelled to be slave drivers as their wages depended upon it.²

Mr John Hall, an overseer stated that when the children arrived they were in good health. In his mill they had medical attention and washing facilities, yet in spite of this the long hours of work (from 6am to 7pm) soon made them weak and pale. He thought that if the owner knew how much the children were beaten at the end of the day he would stop it. To stop the children working more than ten hours would effectively stop the mill, it would be nearly impossible to get two sets of hands to work in relays and if it was possible the hands would be paid much less.

¹Ibid., pp.87-90.

²Ibid., pp.102-109.

Like others he thought that the reduction in hours would make the owners buy more machinery. The goods would be better finished and the work better done, unemployment would only be a problem in the short term as after a short time the increased use of machinery would lead to an expansion of employment. He did not believe that night work was to the advantage of the employer as it was more costly. Gas had to be paid for and the poorer light led to the work being done less efficiently.¹

The point raised by Engels in respect of hostile questioning is well illustrated in those put by John Hall.² The way in which the questions are framed clearly puts words into the mouth of the witness:

"Your food was often spoiled by having no opportunity to eat it at the regular time, was it not? - Yes.

• You could not help your food being exposed to the dust and dirt in the mill, could you? - No."³

It is also questionable whether the high proportion of deformed persons interviewed was proportionately representative of the manufacturing population. Another hostile question that blatantly puts ideas into the mind of the witness is question 3467:

"Is their language often grossly indecent, as well as their conduct immoral, do you think? - Yes, very much so."⁴

It should be pointed out that none of the previous questions to this witness had revealed a suggestion of the above opinion that might be followed up justifiably by the questioner.

¹Ibid., pp.114-121.

²See supra, p. 92.

³Sadler's Committee, op.cit., p.126.

⁴Ibid., p.131.

The question of the textile industry being adversely affected by the Ten Hours Bill was raised with James McNish. He stated that he thought that even if the hours were reduced there would be little effect on foreign trade, he referred here to French competition in particular. He stated that from his observations the French did not work at all on Mondays. He noted that there was about the same proportion of water to steam factories as there was in Britain, but he had heard that the price of coal was much higher and of very poor quality, such that many imported British coal. The price of machinery was double that of Britain and he thought that they were 35 years behind the British in the design of machines. He thought that they lacked enterprise and capital. The result was that the French coarse yarn was from 40 to 50 percent more expensive than the British.¹

Richard Oastler, who gave evidence before the Committee showed his hopes for manufacturing industry in Britain. "I have, since I have been in London, seen some machinery with Mr Sadler, at No. 127, Praed Street, Edgeware-Road, which quite satisfied me that domestic manufacture will be very soon the manufacture of this country; and a handloom, which worked by a pendulum, which will beat a powerloom...which will, I am sure, bring manufacture into the cottage."²

Before the Committee the Flax mills around Dundee were shown in general to treat their labour particularly badly. Evidence was taken mainly from the rural mills which were older and smaller but were in fact rapidly declining in importance. It was commented that Hobhouse's Act was violated in the rural areas and it was in these rural, small mills that the hours of labour were longest.³

¹ Ibid., pp.260-262.

² Ibid., p.459.

³ Ibid., pp.316-322.

From the evidence it appears that nearly all these mills were water-powered and were in this period being rapidly replaced by steam factories. Thus even if the evidence of harsh conditions in these mills is accepted it is clear that these type of mills were a dark legacy, in terms of labour conditions, of an age that was passing. Checkland suggests that the relative competitive failure of the smaller firms did not necessarily lead to them going out of business but tempted them "to play outside the rules". This was true of manufacturers who could not reap the benefits of large-scale production and low unit costs. They fell on their labour force, requiring longer hours for scant remuneration.¹ It was the larger owners of the day that received praise for the way they treated their labour, and they appeared to show in the most practical way that scale was the best cure for squalor.² "The reformers, Fielden, Oastler, and Ashley and the Commissioners and Inspectors, sought their evidence in the smaller, and usually more degraded units."³ But it was also clear that those who were against factory legislation, Ure, Cooke, Taylor and Charles Babbage, sought evidence in the large well-managed mills.

Working conditions in the new factory town were also often very bad. Dr Kay's work published in 1832 illustrated that conditions in Manchester left much to be desired. "The vast deterioration in personal form which has been brought about in the manufacturing population, during the last thirty years, a period not extending over one generation,

¹Checkland, S.G., The Rise of the Industrial Society in England, pp.121-2.

²They included: Horrocks, Miller & Co.(Preston), Richard Arkwright (Cromford), Ashton Brothers (Hyde), Grant Brothers (Ramsbottom), Ashworths of Egerton, Strutts of Derby, Orrells of Stockport, Greg and Son (Manchester), and James Kinlay & Co. (Scotland).

³Checkland, S.G., op.cit., p.120.

is singularly impressive, and fills the mind with contemplation of a very painful character." He gives an account of deformed children, and the insanitary houses built back to back in gloomy rows.¹ Charles Thackrah published the first edition of his well-known book in 1831 and he also commented on conditions in Manchester. "I stood in Oxford-row, Manchester, and observed the streams of operatives as they left the mills, at 12 o'clock. The children were almost universally ill-looking, small, sickly, barefoot, and ill-clad. Many appeared to be no older than seven...and in reference to all classes, I was struck with the marked contrast between this and the turn-out from a manufactory of cloth....Here I saw, or thought I saw, a degenerate race, - human beings stunted, enfeebled, and depraved, - men and women that were not to be aged - children that were never to be healthy adults....I feel convinced that independently of moral and domestic vice, the long confinement in mills, the want of rest, the shameful reduction of the intervals for meals and especially the premature working of children, greatly reduced health and vigour, and account for the wretched appearance of the operatives."²

On 16th August Parliament was dissolved for the General Election for the Reformed Parliament, the Bill having been passed and given the Royal Assent on 7th June 1832. The factory agitation, which had become highly charged emotionally combined with the final reform rallies in the north. In Leeds Marshall and Macaulay were hostile to the Ten Hours Bill. The factory agitation joined more and more with Tory-Radicals in the election campaign. The campaign was characterised by riots, mass meetings and impassioned speeches.

¹Kay, James Phillips, op.cit., pp.6-11.

²Thackrah, Charles Turner (1795-1833), The Effects of Arts, Trades and Professions...on Health and Longevity, pp.145-6.

Macaulay described Sadler "a convenient philanthropist, the hyena who, when it wishes to decoy the unwary into its den, has a singular knack of imitating the cries of little children."¹ Marshall was himself a mill-owner and in the campaign cases of the terrible conditions in his mills were cited. In the election Marshall had 2011 votes, Macaulay 1983, and Sadler just 1587 and the Ten Hours Movement had lost its Parliamentary leader.

¹Ward, J.T., The Factory Movement, 1830-55, op.cit., p.71.

CHAPTER IV

The election of 1832 was a resounding defeat for the Tory Radical alliance supporting factory reform. Not only had Sadler lost his seat but Cobbett had failed to secure election in Manchester, Wood had lost at Huddersfield, and Hindley was defeated at Ashton. For the Tory party as a whole the General Election had been a bitter blow,¹ yet in spite of this Brotherton and Fielden, at least, were to sit in the first reformed Parliament. Early in 1833 the Reverend Bull journeyed to London to find a new parliamentary leader for the Ten Hours Movement, in due course Ashley was approached and in February 1833 he accepted the offer.

Ashley, born in 1801, was educated at Harrow and Christ Church, Oxford. He had entered Parliament in 1826, representing Woodstock and was returned again for the county of Dorsetshire in 1831. He was to represent the county until 1846 when he resigned over the repeal of the Corn Laws. After the King's speech in February 1832 Ashley gave notice that he would reintroduce Sadler's Bill with only a few minor changes. The most important change was a great increase in the severity of penalties which was intended to ensure that the law was obeyed. Ashley intended under clauses 29 and 30, that if an operative was killed as a result of an accident caused by unfenced machinery, a coroner should call a jury to inspect the machine. If they found that the owner had been negligent, in that the machinery could have been properly fenced, he would be charged with manslaughter. On the other hand if the operative was not killed but received injury only he could appeal to the magistrate at the Petty Sessions and

¹ See Appendix B.

the owner was liable for a fine of up to £200. These provisions, however, succeeded only in highlighting the complete lack of means for the enforcement of the Bill. One manufacturer stated, "I have no hesitation in saying that, if passed into law, it would be utterly impracticable for any man to conduct an establishment where machinery is used. To think that a proprietor or occupier of a mill, for an accident over which he has no control, should be at the mercy of a jury who would be utterly incompetent to determine which of the machinery should or should not have been fenced in, is an invidious, harsh, and unwarrantable proposition....The title of the Bill had better be altered at once to, 'A Bill for Annihilating the Manufacturers of Great Britain'."¹

Opponents of the Bill claimed that the evidence of the Committee was biased and argued that a Royal Commission should be appointed to investigate thoroughly the working conditions of children on the spot. On March 14th the spokesman of those in favour of a commission, Wilson Patten, pointed out that the intention was not to delay legislation but in fact, "for the purpose of clearing the character of the masters from those imputations which seemed to be cast upon them by the friends of this measure, but which further evidence would prove to be utterly unjustifiable."² This recommendation was opposed by Ashley on the grounds that it was, indeed, purely a delaying tactic.

After the publication of the minutes of evidence of Sadler's Committee it is clear that there was a broad based feeling of revulsion against factories. On 3rd April, Patten moved for a Commission to be set up, and the motion was carried by a majority of

¹Letter on the Factory Bill (1833), pp. 8, 11.

²Hansard, 1833, XVI, p.640.

only one.¹ The Commission, "to collect information in the manufacturing districts with respect to the employment of children in factories and to devise the best means for the curtailment of their labour,"² was issued on 19th April 1833.

The Westminster Review wrote "During the first reformed Parliament the Whigs relied so entirely upon their majorities, that it was most difficult for any of those who opposed them, who were not leaders among the Tories, to gain the slightest attention to any proposition, however sound or excellent it might be."³ In this Parliament the factory owners might have expected to have a sympathetic hearing. Yet it may be suggested that the reaction against the factories' employment of children was so strong that even in spite of the Whig majority the motion for a Commission was only just carried. One of the most outspoken manufacturers admitted that Sadler's Committee had horrified "the public at large, whose humane feelings have been much excited by the tales of hardship..."⁴

The issuing of the Commission led to bitter protests in the manufacturing districts. A petition was sent to the King requesting that he withdraw the Commission but this was of no avail. At the depth of the depression in 1833 many factories were working a four-day week. In the midst of this hardship, militancy for the Ten Hours Bill reached new heights, particularly in the summer of 1833.

In many newspaper and pamphlet comments of the time the Commission was condemned out of hand; "...without circumlocution, I

¹ 74 votes to 73 in a poorly attended House.

² Hansard, 1833, XVII, p.84.

³ Westminster Review, The Factories, 1836; op.cit., pp.174-215.

⁴ Greg, Robert Hyde, The Factory Question, considered..., op.cit., p.3.

am certain that the Factory Commission is an appointment against law, and I am quite certain that if the law of England is to prevail, the proceedings must be quashed for their illegality....In clamouring for Reform we asked for a fish - we have got something very like a serpent....Sleek men, with purses well filled, and portly paunches, both swelled by honest industry, are very well in their way; they do credit to the presiding genius of the state, by proving to the world how securely people of the dullest faculties may eat and sleep. But if they have nothing besides these...we look in vain for the wisdom to frame good laws, or the virtue to correct bad ones..."¹

The Short Time Committees all over the north of England decided to withhold co-operation from the Commissioners. At a conference of delegates in Manchester on 26th April 1833 instructions were drawn up for the manner in which the Commission was to be dealt with.

"1. That on the arrival of the Royal Commissioners in every Town and District, a written protest shall be presented by the Short-Time Committee...in a body or by their secretary, protesting against the proceedings of the Commission as unnecessary partial, and delusive,...

2. That each Short-Time Committee shall select two or more intelligent, and discreet, and inflexible men of good character, to watch the proceedings of the said Commissioners, from their arrival in, to their departure from, any place...

6. That the said Select Committee shall ascertain as far as possible, any alteration which shall have been made in the ages of the children employed in Mills and Factories, their time of refreshment, hours of labour, or wages, or whether any extra painting, whitewashing,

¹Crabtree, Geoffrey, Factory Commission: The Legality of its Appointment Questioned... (1833), pp. 5, 10-11.

fencing of machinery, or other improvements in the management of the said mills or factories...

7. That the said Committee shall, if possible, inform themselves whether the infants, infirm, crippled or maimed hands shall have been removed, or the condition and the temperature of the mills, or the speed of the engine, or the dress and condition of the said children altered and improved previous to the inspection of the said Commissioners."¹

In preparation for the undertaking the Commissioners drew up a detailed list of questions and these were circulated to the manufacturers. They were lightly discarded by The Times as "such a mass of insolent and stupid verbiage."² Referring to the Commission Llewellyn comments that, "it was...hastily thrown together...to forestall an embarrassing bill supported mainly by the opposition. It was to work against the clock, for the second reading of the bill (Ashley's) was due in mid June."³

The Commission consisted of ten Civil Commissioners and five medical. They included, besides the central board, such men as Edward Carleton Tufnell, an Assistant Poor Law Commissioner, a man who was later to play an important part in the development of national education. Leonard Horner, later the most prominent of the Factory Inspectors was also a Commissioner. To the four main areas chosen for investigation two civil Commissioners and one medical were sent. They, in turn, were to make their reports to the central board which

¹Driver, C., Tory Radical: The Life of Richard Oastler, Appendix C, pp.553-555.

²The Times, 3rd June 1833, quoted in Ward, J.T., The Factory Movement, 1830-1855, op.cit., p.94.

³Llewellyn, Alexander, The Decade of Reform, the 1830's, p.113.

consisted of three Commissioners; one of these, Southwood Smith, was also a doctor. The central board consisting of Edwin Chadwick, a civil servant, Thomas Tooke, an economist, and Thomas Southwood Smith, had the task of drawing up the joint report on the findings of the Commission. In spite of the contemporary ferocious criticism surrounding the formation of the inquiry, modern commentators are unanimous in praising the report as a most impressive piece of work. It is quite clear that their ability was greatly underestimated at the time.

The central board consisted of dedicated Benthamites, "who regarded the business of law-making as a scientific process, logical in its inception and grounded on sound principles."¹ Ward describes them as, "disinterested men, cool, analytical and unsentimental, they were model social scientists, strongly approved of by J.S. Mill." In spite of the need to have the report ready for the second reading of Ashley's bill it "was a comprehensive and well-argued document."² Thomas describes the report as a masterly review of the whole question,³ and the contemporary criticism was quite unjustified,⁴ while Smelser believes that the findings of the Commission was a trustworthy piece of work.⁵ Hutchins and Harrison likewise think that the Commission's work was praiseworthy especially in view of the fact that they had only three months to conduct their enquiries.⁶

¹Ward, J.T., The Factory Movement, op.cit., p.94.

²Ibid., p.101.

³Thomas, M.W., op.cit., p.51.

⁴Ibid., p.49.

⁵Smelser, N.J., op.cit., p.276.

⁶Hutchins, B.L. & Harrison, A., op.cit., pp.35-36.

As had been promised, the Commissioners faced continual protest and harassment as they collected their information, though they succeeded in rising above the storm of protest. When Sadler bitterly attacked the Commission and demanded that all its proceedings be made public he was publicly and coldly rebuked for meddling in a constitutional inquiry.¹ On another occasion a mass demonstration was prepared in Manchester to greet the Commissioners as they entered the town. They made it clear that they would not be the slightest bit influenced by such a demonstration but would only take note of the testimony of children. The Short-Time Committee's intention of meeting the Commissioners as they entered each town in the north worked smoothly. In many northern towns such as Leeds, Bradford, Preston and Manchester protests against the Commission were submitted and the Short-Time Committees then refused to assist them in their inquiry. This attitude of refusing to co-operate reflected no credit on the committees and served only to cast doubt upon the testimonies of many who had submitted evidence to Sadler's Committee. In Scotland, however, there was much more co-operation with them, particularly in Dundee and Glasgow.

Sadler's Committee had taken much of its evidence of the abuse of children from the area around Dundee in Scotland. Stuart's report from Scotland in general and Dundee in particular is therefore of great interest. Speaking generally of Scotland he recommended that the hours of labour of children should be limited to eleven per day. He thought that employment of children under the age of nine damaged their health, while generally he thought that health could be improved with better ventilation. He noted the lack of education

¹Sadler, M.T., Protest against the Secret Proceedings of the Factory Commission, Leeds, 1833. Drinkwater, J.E., and Power, A., Replies to Mr M.T. Sadler's Protest, Leeds, 1833.

even in Scotland and thought that under the present system after long hours of work in the factory they were incapable of learning to read and write.¹ Stuart went on to refute the evidence before the Sadler Committee. "At Dundee, where instances of improper treatment had, in 1832, been specified by witnesses examined before the Committee of the House of Commons, the operatives, before and while the Commissioners were there, by public advertisement invited all those who had been ill-used to come forward and state their complaint to us, but not one case of that description, of recent date, was brought forward; and all the respectable witnesses throughout Scotland agree in declaring, that whatever may have happened in the beginning of the factory system, at a period when coercion was far more resorted to even in public schools than now, they are ignorant of any recent instance of punishment attended with severity..."² He went on to note the favourable work conditions in the mills of Stanley, Deanston, Catrine and New Lanark. Besides the expense undertaken to ensure health education and religious instruction, he noted that the machinery was properly fenced off.

Stuart did however note cases where abuse was extremely severe. The mill of Mr John Gilchrist in Kincardineshire, "seemed more to resemble a receptacle of demons than the workhouse of industrious human beings. We saw the workers, it must be admitted, at a moment not propitious for them, when they were only regaining their senses after the bacchanalian orgies of the former evening and night....The appearance and language of the workers, both men and women, proved the state of demoralization which existed here.

¹Factories Inquiry Commission, 1833, First Report, A.1, pp.121-122.

²Ibid., p.128.

The house of Gilchrist, the mill-owner, presented a picture of filth and want of comfort of every kind, such as I have rarely seen anywhere else...." ¹

In another report Stuart gives more exact details of the appalling conditions of work that existed in some mills at that time. "The name of the persons to whom the mill belongs is Braid, and they both appear to be persons of violent ungovernable temper and of habits very unlike those of the mill-owners whom we have seen here: in short, the management of this mill is an exception almost to any thing which we, or at least I, have seen elsewhere. The apartments in the spinning mills are, as it appeared to me, the dirtiest and most low-roofed we have yet seen; several of them very damp, windows so constructed that they cannot be opened, and the smell of whale-oil and tar very disagreeable. I complained to Mr Wilson (junior) of the bad air and smell, as being to me almost intolerable, and he treated my opinion very lightly, telling me that the smell of oil was particularly healthful, and that he preferred it to that of the carnation." ² It is clear that from the opinions expressed by Stuart that it was only in a few instances that this kind of abuse existed, and then only in the older mills. He pointed out that even in 99 out of 100 cases of these the owners were paternalistic and considerate to their workers.

Stuart's evidence suggests the reason for the apparent conflict of opinions, as expressed in the evidence of Sadler's Committee and the Factory Commission of 1833. While many accusations have been levelled against Sadler's Committee it cannot be accused of

¹Ibid., p.19.

²Ibid., pp.20-21.

intentional dishonesty. It is probable that nearly all the cases of abuse had in fact occurred though it is doubtful whether they occurred at the time of the Committee. Many of the cases of abuse that are of 1832 took place in a small and shrinking number of mills that were steadily being driven out of business by the larger steam-powered urban factories. In order to reduce their unit cost these small water-powered mills preyed upon their labour and disregarded even the most menial comforts for their workers.¹ Thus the story of horror that fills the pages of Sadler's Committee is more an indictment to the very earliest years of industrialisation carefully selected to give the impression that they represented the textile industry as a whole.

Stuart's evidence in which abuse is found shows the basis for agreement between the Committee of 1832 and the Commission of 1833 that protection was needed as there still existed cases of great abuse. At the other end of the scale it was no more representative of the industry as a whole to cite the examples of the textile 'palaces' where working conditions were exceptionally good. It is as much a criticism of the supporters of laissez-faire that they cited the examples of the comparatively luxurious working conditions experienced by those who worked for the Ashworth's at Egerton.²

¹"It is of the old and small mills that the report uniformly is - 'dirty; low-roofed; ill-ventilated; ill-drained; no conveniences for washing or dressing; no contrivance for carrying off dust and other effluvia; machinery not boxed in; passages so narrow that they can hardly be defined; some of the flats so low that it is scarcely possible to stand upright in the centre of the rooms; ..." Ibid., p.16.

See also supra, pp. 99-100.

²Cooke Taylor, William, A Tour in the Manufacturing Districts of Lancashire (1842), pp.21-27.

In their report the Commissioners stated "that the time for education is in general too short; that were it longer, fatigue renders the scholars capable of learning but little; that these observations apply principally to the manufactories in populous cities and their neighbourhood."¹ They went on to state that one of the greatest evils in the factories was the risk of injury from the machines. They noted that it was impossible to remove the problem altogether but in the factories where many precautions were taken the number of accidents had been greatly reduced. There were however a large number of small factories where injuries were continually happening. The more careless the owners were the greater the number of accidents. They noted with disapproval that in many cases in the event of an accident the worker had his wages stopped and was provided with no medical assistance or compensation.²

From the evidence presented to them the Commissioners found that in all the main branches of manufacture children were employed for the same number of hours as adults. They noted that the effect of this extended labour was damaging to their health and often resulted in disease. They also noted that while the children suffered in this way they were not free agents, indeed in most cases the wages they received went straight to the parents.³ They believed that the effects of these circumstances on language and behaviour was very bad, and that the only cure was proper education.

¹Factories Inquiry Commission, op.cit., p.31.

²Ibid., p.31.

³Ibid., pp.31-32.

The Commissioners commented on the application of the Factory Acts in respect to their ability to protect children. They noted that in the rural areas there was seldom any attempt to apply the existing laws, whilst in the large manufacturing towns the laws were openly disregarded. Even in Manchester, where committees of manufacturers had been set up to try to ensure that the Acts were applied, their success had been only partial.

The Commissioners considered in detail the effects of Ashley's Bill and they noted "That this bill does not accomplish the object at which it purports to aim. Its professed object is the protection of children; but it does not protect children. For the same evidence which shows that the legislative protection of children is necessary shows that the restriction of the labour of children to ten hours a day is not an adequate protection."¹ They went on to show that the medical evidence before the Committee of 1832 was contradictory, whilst there was no provision for the participation of the children in any form of education. The effect of the bill would be to reduce the labour of the adults to ten hours a day. A number of evils would result from such a general restriction, wages would fall with serious consequences for the families concerned. Another consequence that would follow the passing of the Act would be that, as far as possible, masters would turn away all those under the age of eighteen to avoid a general limitation on the hours worked in the factory.

The operatives had a different view of the effects of the Bill if it was passed. In general the operatives admitted that at first there might be a fall in wages. This, however, would only

¹Ibid., p.33.

be a temporary situation as the artificial scarcity would push up the price of commodities, and the increase in profits to the manufacturers would lead to an increase in wages. In addition, the manufacturers would wish to increase productive capacity and would expand plant and machinery and this in turn would lead to an expansion of employment to all those who might initially have lost their jobs with the introduction of the bill.¹

The Commissioners supported the view that while there were grounds for believing the above view, the longer term effect would be an increase in foreign competition. Factories would be extended abroad and foreign goods at competitive prices would come into the country and would drive the small manufacturers out of business. The end result would be that many operatives would be thrown out of employment.

Observations on the ill-treatment of children are of interest, as it was noted that much of the abuse of children occurred at the hands of the operatives, particularly the spinners and slubbers. Leonard Horner, one of the Commissioners, was to make this point most forcibly in his report of 1839. "In a visit to a mill near Bury...I noticed a girl who was working, as I was informed, 12 hours a day, and had been doing so for more than two years, who appeared to me to be too young to have a certificate of thirteen; on examining her father, by whom she was employed as a piecer, he admitted that she was between 11 and 12 years of age. On calling for her certificate, I found that it was dated the 17th August 1836. Here, then, was a father, in the receipt of good wages and in regular employment, who had been knowingly working his own child 12 hours

¹Ibid., p.35. Also see supra, pp. 94-95.

a day, and that too, from the time when she was little more than 9 years old. It is not at all improbable that he was one of those who sent up petitions on Parliament to interfere for the protection of the poor factory children, 'the white slaves', who were so cruelly overworked by 'the hard-hearted avaricious masters'."¹

Further to this the Commissioners stated that the men who were involved in the agitation for the Ten Hours Bill are also involved in other agitations and strikes. It was believed that they were professional agitators whose living was solely derived in this way. This claim, however, was never substantiated.

As early as 1833 it was recognised that children who worked in other occupations often suffered much more than was generally the case in textile factories. It was noted that children who worked in collieries suffered greatly in their work from the long hours. Accidents and deformities were far more common than in textiles. These comments were to be supported by the findings of the Commission of 1842. The Commissioners of 1833 noted that handloom weavers, frame-work knitters, lace-runners and others involved in domestic industries started work at an earlier age, and they worked for longer hours for less pay than those in the textile factories. All these views were to be borne out in the following decade.² It was noted that the problem of child labour involved a considerable proportion of the children of the country. They recommended that labour should be supervised up to the fourteenth year on the grounds that at that age the body was capable of enduring longer hours of work, also about that age the boy was no longer regarded as a child

¹Parl. Papers, 1839, Vol. XIX, p.447.

²Ibid., p.51.

and rarely received corporal punishment. They also kept a higher proportion of their pay and indeed often paid for their clothing, board and lodging.

Perhaps the most controversial and important recommendation of the Commission was the support they gave for the use of relays. They were determined not to limit the hours of work of adults, "which would in our opinion create an evil greater than that which is sought to be remedied..."¹ They admitted that even at this stage it seemed that this suggestion pleased no one. From the operatives' point of view it involved greater expense in hiring children and greater trouble in teaching them the job. They thought that it would be unpopular because the operatives had, in general, hoped to be paid the wage for twelve hours while, in fact, their hours would be restricted to ten. In addition to these points they admitted that one of the effects of the relay system would be to reduce the earnings of families. The testimony of Joseph Grout is typical of the attitude of many of the employers. "The main objection would be, the difficulty of obtaining a sufficient stock of hands. The extent of our works at Norwich, Yarmouth, Millinghall, and Ditchingham was limited by the number of hands whom we could find." The effect of the relay system would be to increase the problem of getting hands.² Other manufacturers used such terms as "impossible" and "impractical" but these comments were disregarded by the Commissioners.

Before legislation was passed for the compulsory registration of births it was all but impossible to prevent the traffic in forged

¹Ibid., p.58.

²Ibid., pp.60-61.

certificates of age.¹ At this time the responsibility rested with the parents for ensuring that the certificates were correct. As the master was not responsible he took little interest to see that the children he employed were over the minimum age required by the law. It was therefore suggested that it be provided that a certificate of age had to be verified by the local magistrate or surgeon, both of whom should counter-sign the certificate. It was recommended that before the child started the full period of work the certificate should be signed by the inspector after an examination by him to see whether the candidate had received an elementary education.

The greatest advance on previous legislation was the adoption of the recommendation that a qualified inspectorate be appointed. Whilst they thought that the inspectors should be resident, it was admitted that this might be rejected on account of the expense involved. On the other hand if the magistrates were given power of jurisdiction in respect of complaints of breach of the act only a small inspectorate would be required. This suggestion was eventually to be included in the law." The necessity of the appointment of inspectors has been most urgently stated by those manufacturers who have had chiefly in view the restriction of the hours of labour in other factories to the level of their own. The greater necessity of the appointment of some special agency for the enforcement of the measures we have recommended must be admitted, when it is recollected

¹Second Report, Factories Inquiry Commission, Dr Hawkins, D.I., p.6. "In conclusion, I must express my belief that every law for the protection of children will remain comparatively ineffectual so long as the present imperfect mode of registering births continues in this Empire. A parent may at present place his child in a cotton factory at the age of eight, by means of a false declaration that he had attained the legal age of nine;..."

that they relate solely to the children, and are not directly conducive to the immediate interests either of the master manufacturers, or of the operatives, or of any powerful class, and are not therefore likely to receive continuous voluntary support."¹ In the light of subsequent events these words were to be prophetic as all the interests mentioned by the Commission indeed conspired to defeat the application of the Act. It was recommended that three inspectors be appointed whose job it would be to visit the main manufacturing districts. They should have the right to enter all factories where children were employed, the right to demand that machinery be fenced off, that sanitary improvements be made where necessary and that the recommendations for education be followed. He would be empowered with the right to fine and prosecute offenders.

It was recommended that the inspectors should meet periodically to report to the government as this would have the advantage of ensuring that the law was uniformly applied as well as keeping the government regularly informed.

Another area of bold innovation was in the field of education. It emerged again and again through the evidence taken by the Commissioners that a very small proportion of those involved in manufacture could write, while only a very few more could read. Even in Scotland, where the spread of education was generally regarded to be more advanced than in England, a very substantial proportion of the working population lacked education. It was only the large companies such as New Lanark and Catrine and those run by humanitarian mill-owners who took any interest in providing education. "Since the whole of our recommendations have for their object the care and benefit of the children, we have been desirous of devising means

¹Ibid., p.68.

for securing the occupation of a portion of the time abridged from their hours of labour to their own advantage. We think that the best mode of accomplishing this object will be the occupation, suppose of three (or four) hours of every day in education; and we are the more disposed to recommend this, since it will secure two ulterior objects of considerable importance: first, it will be the best means of preventing the employment of the same child in two different factories on the same day, or in any other kind of labour likely to be injurious to its health; and secondly, it will better qualify the persons so educated to adapt themselves to other employments, if in after life the vicissitudes of trade or other causes should render it desirable that they should find other means of support."¹

The recommendation was that the child on entering the factory to work should produce a ticket that he had been to school for the time allocated. This plan to provide education for the factory children was bold in its conception but in many instances it was impossible to apply in practice.

In numerous instances the findings of the Commission provided direct refutations of those of the Committee of 1832. There were many occasions where questions had been clearly misleading,² where the choice of witnesses was more than a little unusual, and where mistakes had occurred in the recording of answers.³ Yet in spite

¹Ibid., p.71.

²See supra, p. 98.

³First Report, Factories Inquiry Commission, op.cit., p.22, Stuart's Report from Perth, pp. 23, 51., Supplementary Report, Factories Inquiry Commission (1834). Tufnell, p.209. Noted that only three witnesses came from Manchester, none of whom were manufacturers, doctors or clergymen. One of the witnesses was a dresser of yarn and was in 1834 one of the Ten Hour's delegates in London. The second refused to attend, while the third, an atheist, refused to take the oath. It was later found that most of his allegations

of this there was agreement that there was a need for immediate reforms. Considering the conditions of work of children they believed that there should be legislative protection for them not on the grounds that they were in general cruelly treated but because they suffered from disease and deformity from over-work and had no opportunity to receive even elementary education. The Commissioners had thus struck a balance between unrestricted laissez-faire and complete protection.

The supporters of the Ten Hours Bill were general in their condemnation of the Report. The Quarterly Review described it as a "volume of the most repulsive magnitude",¹ while it was described by the Leeds Times as "One of the most stupid, blundering, contradictory, malignant and dangerous compositions ever presented to the abhorrence of the British Empire." The Morning Post commented that it was "at once the most ridiculous and inhuman production that ever emanated from men professing to be actuated by any feeling of benevolence."²

had referred to abuses that had taken place 30-40 years before, whilst other witnesses completely refuted other charges he had made against cotton mills. Drinkwater, First Report, C.I., pp.157-159, states that many witnesses were led into answers they did not intend to make. He wrote, "I am particularly anxious that it should appear that I throw almost the entire blame of the false impression conveyed, as to the experience of each witness, on the manner in which they were examined....I will cite an instance of my meaning from some of the notes which are still in my own possession. It is in the evidence of Joseph Hebergram, where, in his answer to question 4290, the witness stated that he could not be admitted as an in-patient to the Huddersfield Infirmary, 'because there were so many accidents they were obliged to take in.' The following question and answer are in these words: Q. So that there was no room for you on account of the accidents from the factories, to which they must pay instant attention? - Yes." Drinkwater went on to re-examine the person and he stated, "You know, Sir, there would be accidents from the roads, such as carts driving over people....All that I meant to say was, that the infirmary took in bad accidents wherever they happened."

¹Quarterly Review (1836), Vol. 57, p.412.

²As quoted in Ward, J.T., The Factory Movement, op.cit., p.103.

As had been expected Ashley's Bill came up for its second reading on 17th June 1833. In spite of the fact that the Commission had worked with great speed in compiling the report it was not ready until a week later. Althorp, therefore, offered no opposition to the Bill at that stage as he wished to see the Report which was published on 25th June. He then came out strongly against the Bill that Ashley was supporting mainly on the point that it limited the labourer in his ability to dispose of the only asset he had, his labour. It was agreed that protection should be provided for the children and that the law should be provided with a mechanism to ensure that it was obeyed. It was quite clear that this had not previously been the case. Thus when Ashley's Bill was put to the vote it was defeated by 238-93.

The government Bill applied to cotton, hemp, silk, flax, tow, woollen and worsted factories. In the debate an amendment to withdraw its application from lace mills was accepted. Under the Act¹ it was provided that night work was forbidden for all those under the age of 18, night work was taken to mean from 8.30pm to 5.30am. No child was to be employed before the age of nine (ten in silk mills) and no children under the age of 18 years were to work more than 9 hours a day. To work for more than 12 hours was forbidden. All persons under the age of 13 years were to have certificates from a surgeon stating that they were over the age of 9 and this certificate had to be counter-signed by the magistrate within three months. The recommendations of the Commissioners as regards education were adopted in the provision that the children up to the age of 13 were to have 48 hours schooling each month. The school-

¹ 3 & 4 Wm IV, c.103.

master was to provide the child with a certificate that stated that he had attended school for at least 2 hours a day for the last 6 days. As had been recommended 4 inspectors were appointed who were given powers to visit mills and collect evidence under oath; they were to report to the government at least twice a year. The old provisions that the mills had to be whitewashed at least once a year and that the Act had to be hung in a conspicuous place in the mill were retained. The clause under the previous acts that forbade relations of millowners or millowners who were magistrates from dealing with cases involving the act was inexplicably left out.

The Act only breached the doctrine of laissez-faire where it allowed for the defence of the defenceless, and in this regard the Act was provided with teeth in the form of a salaried inspectorate.¹ "They broke entirely fresh ground with the medical test, an intelligent and courageous experiment which destined as it was, in many cases, to fail through the combined efforts of greedy manufacturers and selfish, thoughtless or needy parents, nevertheless produced a result unforeseen by its authors - the close identification of the medical profession with the system of factory control."² This genuine effort to correct abuse within the factory system was condemned by Oastler, "finding himself very much annoyed by the innumerable petitions presented by the people to Parliament, he

¹"This Act has three great objects in view: first, to prevent children and young persons from being worked a greater number of hours than is believed to be safe for their health; secondly, to give time for the children to receive a suitable education, and to insist that it shall not be neglected; and thirdly, to accomplish these ends without interfering with the generally established number of hours of daily work of adults." The Factories Regulation Act Explained (1834), Horner, Leonard.

²Thomas, M.W., op.cit., p.123.

[Lord Althorp] told the millowners, that the question could not be allowed to sleep, and that an Act of some sort must be passed in order to satisfy the demands of the people, and to put down the agitation, which was so annoying the Government. After a good deal of 'back-stair intriguing', the Millowners and the Government concocted a Bill and...we are informed that it was supported by the Millowners because they knew it to be impracticable."¹ The Leeds Intelligencer was scathing in its attack on the inspectors. "The inspectorships are a lumbering affair, and will turn out in practice, we suspect, a nullity; their chief recommendation with their projectors is probably the patronage they afford."² Robert Greg expressed the disappointment of many of the manufacturers when he wrote that the Commission had made its report before all the evidence had been collected, (the Second and Supplementary Reports) indeed much of the evidence did not appear until 7 months after Althorp's Act was passed.³

In general the supporters of the Ten Hours Bill were dissatisfied with the Act. According to Smelser its effect was quite

¹Oastler, 'The Rejected Letter' (1836), as quoted in British Working Class Movements. Select Documents 1789-1875, Cole & Filson, op.cit., p.326. Other similar claims were made. "This Act, from the moment of its birth in the Chambers of the Central Board of the Factory Commissioners (at which Mr Poulett Thompson assisted) to that of its passing the Houses of Parliament, has been entirely under the care and direction of a few great Mill Owners." Address to the Friends of Justice and Humanity (1833), p.6. Blackwood's Edinburgh Magazine commented, "The measure was concocted in the vilest spirit of hypocrisy and evasion, vicious in its origin, and designedly inefficient for practical working." No.CCKLIX, Vol. XL, p.116.

²10th August 1833, quoted in Hutchins, B.L. & Harrison, A., op.cit., p.56.

³Greg, Robert Hyde, The Factory Question Considered, op.cit., p.10. A Scottish spinner described the Act as "indefensible in principle; invidious, oppressive, and absurd in its provisions; in its penalties harsh, ruinous, and tyrannical in the extreme." Letter to the Right Hon. Lord Althorp on the Factory Bill (1833), p.12.

opposite to that which they wished to achieve. The intention of the Ten Hours Movement was to reduce all operatives to a ten hours working day in order that the whole family, adults and children, worked and rested at the same time. The new Act, by providing the relay system, worked directly against this goal by firmly separating the parents from their families. Not only did it separate their economic roles but took education out of the family as well, for if the child worked in a factory he was obliged to receive 48 hours of schooling each month outside the family. This he believed was the reason why the agitation for the Ten Hours Bill continued with hardly a hesitation.¹

The London and Westminster Review, expressed the Benthamite view of the Act. "We repeat, without watchfulness and exertion... the present law...will become a dead letter. For there are arrayed against it powerful interests which must defeat it, unless an agency be created adequate to enforce it. There is the interest of the parent, who, it is proved, cares only for the wages of his child, and who will do everything in his power to evade any provisions made for its physical and moral improvement, if that improvement costs any portion, however small, of the child's wages. There is the interest of the workman on whom the care required by the law, of the health and morals of the child imposes considerable trouble and some expense. There is the interest of the master to whom the strict observance of the regulations necessary to insure the proper instruction of the child must cause still more trouble and expense. There is the interest of the advocate for imposing the restrictions on adult labour who, in order to demonstrate that there is no true

¹Smelser, N.J., op.cit., pp. 238-241, 293-297. The same view is expressed by Perkins, Harold, op.cit., p.156.

remedy for the evils of the factory system but the Ten-hour Bill, will do anything in his power to counteract the working of a measure, the direct and immediate object is limited to the regulation of labour, the protection of the health, and the security of the education of the young....There is the interest of the ally, the chief active promoter of the Ten-hour project, the operative agitator...who avoids the necessity of labour by taking on himself the more easy employment of declaiming."¹

The Inspectors were the component of the Act of 1833 that was to ensure that the terms were obeyed; the full responsibility for the Act fell on them. The best known of the Inspectors was Leonard Horner (1785-1864), a graduate of Edinburgh University where he had qualified as a geologist. He subsequently became a member of the Royal Society. He was a partner in his father's linen business and therefore had a knowledge of industrial conditions. In 1833 he was allocated a huge area to supervise in terms of the Factory Act. He was made inspector for the whole of Scotland, Northern Ireland, Cumberland, Westmorland, Durham and Northumberland. In 1836 he replaced Rickards as Inspector for Yorkshire, Lancashire, Staffordshire, North Derbyshire and part of Wales, though this huge area was reduced in 1837. After that date he worked mainly in Lancashire until he retired in 1858. He was described by Thomas as a competent even ruthless administrator who was dour, purposeful and often domineering.²

The other Inspectors included Saunders, an intelligent and determined man, and Howell, who was both methodical and efficient.

¹London and Westminster Review, October 1836, p.206.

²Thomas, M.W., op.cit., p.258.

The last of the inspectors, Stuart was the most controversial, as he was suspected of being a supporter of the manufacturers against the operatives. "There is indeed a report, we do not know how far it may be true, that in the present instance Mr Stuart has been forced in on the Home Office on the shoulders of the Scotch Members. It is pretty certain that the Scotch Members have exerted themselves very earnestly in his behalf."¹ Two years later he was accused by O'Connell of neglecting his duty in his efforts to support the manufacturers. "It appears that in Glasgow the Factories Act is totally neglected; it is observed by nobody, and violated by everybody. They there find it too inconvenient to work with, and have in practice repealed it."² He hotly denied this and stated that the Act was in full operation, and there are grounds for believing that this was indeed the case.³

An effect that was very soon reported by the Inspectors was that the claim by the manufacturers that they would dismiss children up to the age of thirteen was becoming a reality. Howell wrote in the summer of 1834 that "I have now found, as I then anticipated, that, in the majority of instances, children under the age of eleven years have been discharged from their employment for the reasons stated in that report."⁴ In the spring of the same year Rickards reported from the north of England that the same trend was developing.

¹The London and Westminster Review, October 1836, op.cit., p.212.

²Hansard (1838), XLIII, p.978.

³Stuart completely rejected these allegations and said that the Act was enforced in his area. He examined 186 witnesses, clerks, overseers, doctors, spinners, piecers and mill-owners and they all testified that the Act was operative. Thomas, M.W., op.cit., p.258.

⁴Report of the Inspectors of Factories, T.J. Howell, 28th July 1834, p.23.

"...in cases where working by relays has been resorted to from necessity, great numbers of children under eleven years of age, have been discharged in various parts of the country, and great distress has in many instances been the unavoidable result. The children thus discharged, if unable to find other employment, are left to wander about the streets in idleness. In addition to their loss of weekly wages, the benefits of that education which the Act proposed to extend to them is thus also completely lost; and parish relief must necessarily, in this case, be sought as their only alternative..."¹

His report in February of that year had also been very gloomy.

"...the necessity for the schooling prescribed by the Act is superseded, I regret to say, by the mill owners having already very generally dismissed all their working hands under eleven years of age, and many of these cases, with pain I relate it, are truly distressed. Both Masters and operatives have represented to me, in strong colours, the suffering thus endured..."² As early as December 1833 manufacturers of Dundee informed Horner that they intended to dismiss all their hands who were under the age of eleven years,³ while Saunders noted in 1835 that the effect in his area was "practically to exclude from factory employment all children under eleven years of age."⁴

It would seem that the educational clause of the Act had caused the greatest inconvenience for both the masters and the operatives. Smelser comments that while some masters provided education

¹ Ibid., R. Rickards, 15th April 1834, p.36.

² Ibid., 10th February 1834.

³ Ibid., 8th December, 1833, p.425.

⁴ Ibid., 5th February, 1835, p.691.

or ensured that it was available outside the factory, "the majority dismissed children between 9 and 13 and thus avoided the educational provision. The operatives too were often indifferent or opposed to education on general grounds or because it deprived them of the earnings of the children."¹ In the joint Report of 28th July 1834 the Inspectors thought that the matter should be urgently reviewed as the educational provisions were hurting both the masters and the operatives.² It was later found that many of these children dismissed as a result of the provisions of the Factory Act of 1833 were to be found working in the appalling conditions of the mines and collieries and small unrestricted industries. The Edinburgh Review commenting in 1844 on the "suffering and degradation of our working population" in mines and manufacturing industries, "that, in consequence of confining our interference to factories alone", it had driven "children out of them into less desirable employments."³ Nassau Senior questioned children working in collieries near Hyde why they worked in such an unpleasant occupation and he received the answer, "Working down here till I am old enough to go into the factory."⁴ The Westminster Review wrote in 1842 that the Factory Act "caused more children to be immured in mines than were employed there before. The exclusion of children from cotton mills depreciates the labour of children employed in silk mills, and sent swarms of children, not to school, but to close confinement at other occupations, equally and perhaps more unfavourable to the development of their

¹ Smelser, N.J., op.cit., p.297.

² Parliamentary Papers (1834), XLIII, p.492.

³ Edinburgh Review, 1844, Vol. 79, pp.130-132.

⁴ Senior, Nassau, Letters on the Factory Act (1837).

moral and physical faculties."¹

Besides the inconvenience of the educational clause of the Act there were also very practical considerations which made its implementation often impossible. Many mills were situated away from any schools, while those that were near schools found that they were not open to pupils very early in the morning or late in the evening. It was often impossible to obtain suitable teachers as was pointed out by Horner when he "had to reject the school voucher of the fireman, the children having been schooled in the coal-hole."² Saunders in his report of 1838 also had something to say about the poor standard of many of the teachers. "I do not think that, among the 500 mills under my superintendence in the West Riding of Yorkshire, I should be able to name a dozen schools where the education is systematically good...some...certificates I beg to put in, in proof of the miserable capacity of teachers, only regretting that I am unable at the same time to give a fac-simile of the handwriting...this to certify that 1838 thomas cordingley as attend martha insep school tow hours per day january 6.' ... 'The above named Children has been twelve Hours in this School after the Manner of Scollers in the past week - Mary Collins.'"³

The problem of isolated mills is illustrated by an example given by Stuart. The owner of a small mill at Culroy in Ayrshire had been repeatedly requested to produce school vouchers by a superintendent. The mill-owner wrote to Stuart, "Mr James has

¹ Westminster Review, 1842, Vol. 38, p.138.

² 'Reports on the Effects of the Educational Provisions of the Factories Act', Parl. Papers, 1838, XLII, pp.412-13, as quoted in Ward, J.T., The Factory System, Vol. II, op.cit., p.146.

³ Ibid., p.146.

visited my factory this day, and has found fault with me for want of school vouchers. I am sorry for this, but we have no school in the neighbourhood. I will continue to teach them myself, and with a clear conscience certify I have done so each succeeding Monday from this date in terms of the Act of Parliament, and the new rules and regulations."¹

The regulation was evaded both by the parents, pupils and the masters. The former objected to the waste of time when the children could be earning money but also because of "the worthlessness of the education which...effectively deters the parents of such children from co-operating to carry into effect the scheme..."² The masters found the scheme a great nuisance in checking certificates and in the great loss of working time. The children, for their part, were reluctant to spend two hours in school after they had been working in the factories all day.

The age provisions of the Act were also evaded successfully. In some cases the parents did not know the age of the child, while in others they made false declarations in this regard. It was not until the passing of the Act in 1837 which made it compulsory to register births that the true age of the child could be properly verified. The Inspectors had to rely on clause 13 which provided that the child had to appear to be of the age and physical strength and appearance of more than nine years. Many of the surgeons and doctors were not capable of making such assessments and magistrates adopted the habit of signing certificates in piles without seeing the children involved. A popular fraudulent practice was the use

¹Report, 31st March 1837, Parl. Papers (1838), XXVIII, p.93.

²Ibid., p.86.

of the same age certificate by a number of children. Rickards reported that certificates were often lent or sold and were used in this way to gain access to the mills of many hundreds of children who were legally not allowed to work.¹ Indeed it seemed that in a great many cases children were working in the mills without any certificate at all, having been smuggled in by their parents.

Sections 3 and 5 which dealt with time lost in the case of mills driven by water-power were impossible to control. In application this was used as an excuse to work the children for longer hours than the law provided, with no possibility for the Inspectors to detect abuse. The ability of the Inspectors to prosecute offenders who broke the terms of the Act was made much harder than with previous Acts. The clause in Hobhouse's Act that made it impossible for magistrates who were mill-owners or near relations of mill-owners to try offences in terms of the Act was, for no apparent reason, omitted in 1833. Thus cases arose where magistrate mill-owners signed age certificates for children who worked in their own factories.

The fact that mill-owner magistrates could judge on cases in respect of the Act did nothing to give people faith that the law would be enforced. In the event there is reason to believe that in a number of instances powers were abused in this way.² Horner reported that in 458 cases, the smallest penalty had been imposed,

¹Report, January, 1835, Parl. Papers, XL, p.695.

²"I am strongly impressed with the belief that the continued violation of the law is, in no small degree, to be ascribed to what appears to me a very mistaken course on the part of many of the magistrates who, to an extraordinary extent, have availed themselves of the power given to them by the Act to mitigate the penalties." Report, 18th January, 1837, Parl. Papers (1837), XXXI, p.100.

a fine of 20s, in 345 of them. The Leeds Intelligencer gives a case where a carpet manufacturer was charged with having worked a boy of under thirteen years of age, for more than the legal nine hours a day. Mr Howard, the manufacturer, "acquitted himself of any liability in the matter, by showing that he had several times given orders for the Act to be strictly observed in his works, and left the execution of it to his workmen. The information was discharged as to Mr Howard, but the slubber who employed the boy and who paid his wages and had power to discharge him was fined five shillings and costs..."¹ Thus, as with other sections in the Act, it was both the operatives and the masters who were instrumental in breaking the law. As the wages were considerably higher for children over the age of 13, for a piecer a child over 13 would earn in the region of 6s per week while one under that age would only get about 3s 6d, the incentive to both parent and child was strong.² Horner also stated that he thought that a child over the age of 13 held more prestige in the mill, "they hold their heads higher in the factory, as being no longer in a state of pupilage."³ In the same year, 1840, Horner advocated that the children should be employed in relays starting and ending at a specific time, one before the midday meal and the other after. In this way it would be made much easier to see whether children were being overworked.⁴

¹15th Dec., 1838. Quoted in Ward, J.T., The Factory System, op.cit., p.162.

²Horner, Leonard, On the Employment of Children in Factories (1840), p.33.

³Ibid., p.33.

⁴As quoted in Hutchins, B.L. & Harrison, A., op.cit., p.76. Saunders gave an instance of unscrupulous overworking where a mill was visited and he "cast his eye round the room, and observed some person very busy about a bag of wool; he went up and found a boy who had been wrongly employed, in the act of being concealed therein." Report, 30th September 1838, Parl. Papers (1839), XIX, p.445.

Horner commented that on balance "the Act of 1833 has been productive of much good; it has put an end to a large proportion of the evils which made the interference of the legislature then necessary."¹ The inspectors tried as far as they could to enforce the Act. It was revealed in Parliament that in Rickards' area between December 1834 and December 1835, 54 persons had been successfully prosecuted and fined a total of £249.12s.6d. In the same period of time there had been 85 convictions in Leeds alone for which fines had totalled £272.5s.6d. In Huddersfield in just six months from June to December 1835, convictions had brought in a total of £268.

The agitation for the Ten Hours Movement was given great stimulation by the introduction of Poulett Thomson's Bill in 1836. In that year the Act of 1833 came into full effect. It was Poulett Thomson's intention to secure an amendment permitting children of twelve years of age to work the full time instead of the thirteen provided in the Act. Petitions were sent to Parliament and agitation in the north grew rapidly, while in the House of Commons it passed a division by only 178 votes to 176. In the circumstances it was thought wise to withdraw the measure. The only positive measure that emerged from this was a promise by the Prime Minister, Melbourne, that he would enforce Althorp's Act more strictly. In the event the promise was not kept.

The remaining years of the 1830's were quiet years for the movement to improve conditions in factories. Hindley and Ashley attempted to introduce Ten Hours Bills but were persuaded to withdraw them.² The conditions of trade got progressively worse from 1837

¹Horner, Leonard, On the Employment of Children..., op.cit., p.37.

²In respectively, 1836 and April 1837.

and the Short-Time Committees were hard put to it to keep going at all. During this period the country was swept by the agitation against the Poor Laws which merged into the Chartist agitation. Gaskell wrote his book, Artisans and Machinery in 1836, a year of comparative prosperity. He gives a valuable picture of the conditions of life in the new industrial cities which provides a clear impression of the current standard of life in them from which those who made claims of good and poor working conditions drew their base.

The picture he gives of child mortality in these industrial towns is grim. A surgeon informed Gaskell that to his knowledge the death rate among children under the age of five was 54 out of 100,¹ the majority of children delivered in Manchester were brought into the world by public charities. Soon after birth they were abandoned by the parents who returned to work. "Quite possibly the majority of child murders were perpetrated through baby farms. Though the term 'baby farming' hardly antedates Gilbert and Sullivan's H.M.S. Pinafore, the institution itself was doubtless of long standing. Women in the factory towns, working outside the home and in no position to care for the child, entrusted their infants to hired nurses - baby farmers - who usually cared for their charges by putting them to sleep with narcotics. Many of them never re-awakened. Godfrey's Cordial, a concoction of opium, treacle and sassafras, was a great favourite. In Coventry it sold at the rate of 10 gallons a week - enough for 12,000 doses. In 1870 two baby farmers were brought to trial after 16 of their charges had been found dead."²

¹Gaskell, P., Artisans and Machinery, op.cit., p.173.

²Scientific American, February 1972, Vol. 226, No. 2. Checks on Population Growth 1750-1850, by Langer, William L.

Besides this single problem they were badly fed, cold, and often filled with gin. From 1821 to 1831 the death rate for the total population of Manchester was 1 in 35,22.¹ Apart from occupational diseases Gaskell believed that the population suffered from what he termed sub-acute diseases. He saw the lack of education as one of the greatest problems and commented, "The ignorant man, indeed, is improvident in proportion to his ignorance."² Where conditions in Manchester had been bad at the end of the 18th century they were much worse in the 1830's. As there were no regulations for the construction of houses they were built back to back by cut-rate speculators.³ There was no interest at all in even the most basic provisions for health and sanitation. These two-roomed houses looked out onto unpaved streets full of rubbish, made even worse by open cess-pools. These conditions could hardly be expected to provide the basis for the improvement of the working classes. It was only in the 1840's that Edwin Chadwick drew attention to the appalling sanitary conditions of many of the industrial towns. The houses built by manufacturers were generally better in almost every respect to those built by avaricious speculators. The cottages built by the Ashworth's at Top Bank and Egerton are examples that still exist today of what philanthropic manufacturers could achieve for their employees.⁴

¹Gaskell, P., op.cit., p.213.

²Ibid., p.238.

³See p. 138. This photograph was taken in the 1860's though houses of this nondescript design were built from the 1820's onwards. In the 1830's and 1840's the alley would probably have been unpaved and without drainage and the houses often of even poorer construction. The arch over the doors dates these from not earlier than 1850.

Best, Geoffrey, Mid-Victorian Britain, 1851-1875, p.143.

⁴See illustrations on p.139. Taken from Boyson, Rhodes, The Ashworth Cotton Factories and the Life of Henry Ashworth (1794-1880), Unpub. Ph.D. thesis, University of London, p.259.

In the 1840's effective legislation was to be passed to curb the excesses of the more unscrupulous speculators and manufacturers and the general living conditions of operatives and their families were gradually to improve.

Henry Place, Southwark.



EGERTON COTTAGES



CHAPTER V

In the last years of the 1830's the Whig Government of Lord Melbourne made its last half-hearted attempt to improve the working conditions of children in factories. The attempt was stimulated by a fear that its honesty would be doubted if the Factory Act of 1833 was not properly enforced. The Inspectors, after consulting with Fox Maule, the Home Secretary, made a number of recommendations to the Government to improve the administrative machinery of the existing law. After much consultation between Inspectors and Government the Bill was finally introduced in February 1839. It made no provision for the extension of the factory acts to other industries. Its most telling advance over the Act of 1833 was in the provision of greater powers to superintendents and inspectors. They were now given complete access to any part of the mill and the right to demand documents. Ashley was successful in having an amendment passed which extended the law to all other branches of the textile industry. In these circumstances the Government decided that they were not prepared to accept this extension and withdrew the Bill on 27th July.

Horner was disappointed and wrote after the failure of this measure, "It is hoped that Parliament, during the present Session (1840), will be again called upon to legislate on behalf of the children employed in factories; and, for the sake of the many who are unprotected in consequence of the defects in the existing law....Judging from the Government bill of last year, it is not very probable that any material extension of the principles of the present Act will be made, except in the case of silk mills...."

There never was any sound reason for these exceptions in favour of silk-mill owners and there is none now."¹ Even in this regard his hopes were to be dashed. The Quarterly Review, which had always looked with distaste on the activities of the new and growing business class, took up Horner's call for more reforms. They noted that the factory acts had been in general a success as "mercy by statute" and that the dire warnings of the manufacturers that they would be ruined, people would starve and Britain impoverished as a result of the acts had come to naught.² The Quarterly Review warned that many more persons worked in small industries and workshops in terrible conditions. They listed earthenware, pin-making, hosiery, porcelain, iron-works, needle-making, silk, lace, and paper mills, as industries where this was the case.³ Indeed within three years these claims were thoroughly vindicated. They pointed out that the two great evils of Socialism and Chartism had their roots in the misery and oppression in many of these industries. "Let your laws, we say to Parliament, assume the proper functions of law, protect those for whom neither wealth, nor station, nor age, have raised a bulwark against tyranny..."⁴

Meanwhile discussion on factory reform continued the following year. Ashley's suggestion that a Select Committee be appointed to investigate fully the application of the Factory Act was accepted. The Committee's Report was completed in 1841. It was a well reasoned

¹Horner, L., On the Employment of Children in Factories, op.cit., pp.33-35.

²Quarterly Review, Vol. 67, 1840, p.171.

³Ibid., p.175.

⁴Ibid., pp.180-181.

document; many of its recommendations were, in due course, to be implemented in the Factory Act of 1844. They noted that it was impossible to control the making up of lost time and virtually any excuse had to be accepted by the Inspectors to show why extra hours had been worked. They recommended that the hours of meals should be more carefully defined. They noted, as had the Commission of 1833 and Leonard Horner in 1839,¹ that one of the greatest problems was "a very great disposition on the part of the parents to encourage the working of their children under the prescribed age."² In this regard one of the greatest problems was the presentation of false certificates, even the use of baptismal certificates had led to abuse as "they are christening their children, and getting the day of their birth dated back."³

Time was running out for Melbourne's Ministry and a series of defeats was followed on 4th July 1841 by Peel's motion of no confidence. The motion was passed by a majority of one and the Government resigned. The General Election in the north of England was bitterly fought. In a number of the manufacturing centres and in the West Riding of Yorkshire the Election issue was almost entirely that of factory reform.⁴ Many Chartists and those in favour of factory hours being limited supported the Tories in the belief, mistaken as it turned out, that they would be sympathetic to their cause. In due course the Tories were returned with a large majority. Hutchins

¹See supra, pp.115-116

²Parl. Papers (1840), Qn.424. As quoted in Thomas, M.W., op.cit., p.178.

³Parl. Papers (1840), X, Qn.2692. As quoted ibid., p.184.

⁴Hutchings, B.L. & Harrison, A., op.cit., p.61.

and Harrison comment that "in Parliament the factory question from this time down to 1847 was part of a bigger struggle between the agricultural landlords and the manufacturers over the repeal of the Corn Laws."¹ The Whigs would refer the Tories to the poor working conditions of the agricultural labourers and the latter would point to the harsh conditions in many factories.

In terms of unemployment 1841-1842 were years of, perhaps, the most severe depression of the 19th Century.² Not only did many mills close or work reduced hours but a great many companies were forced into liquidation by technological changes that rendered them unable to compete. As a result whole families were left without employment. Hobsbawm paints a grim picture of the conditions in these years. Thirty-three percent of the population of Paisley in Scotland depended on charity, between 15-20 percent of the population of Leeds had an income of less than a shilling a week. In Ancoat and Newtown, suburbs of Manchester, 2000 families of 8866 persons held 22,417 pawn tickets in 1842, while the average value of their incomes was just £1.8s a week. In spite of the fact that the worst of the depression was over by 1843 it took many families as long as 18 months to clear their debts. Even in London in October 1841 two-thirds of the city's tailors were out of work.³

Though no new legislation was to be passed in the last years of the Melbourne Ministry the appointment of the Child Employment Commission proved to be of very great importance. Ashley in 1840 had asked for a commission to investigate the working conditions of

¹ Ibid., pp.62-63. Also see below, Appendix B and C.

² Smelser, N.J., op.cit., p.218.

³ Hobsbawm, E.J., Labouring Men, Studies in the History of Labour. The British Standard of Living, 1790-1850, pp.76-78.

women and children in mines and collieries. His request was accepted and on 20th October 1841 the Commissioners were appointed. The central board consisted of intelligent and experienced men, namely Leonard Horner, Thomas Southwood, Robert Saunders and Thomas Tooke. They were given the job of supervising and co-ordinating the work of the sub-Commissioners and making the report. Besides mines and collieries they were instructed to investigate many of the small industries which had hitherto escaped the pen of legislators. They investigated metal manufacture, earthenware, porcelain, glass, fire-bricks, lace, hosiery, calico-printing, bleaching, dyeing, paper-making, tobacco, rope and twine making, dress making, book-binding and printing. The First Report, which covered the employment of women and children in mines and collieries, was published in 1842. It was clear, detailed, well researched and a well written document. In order to avoid long descriptions of technical details in mines, illustrations were provided. This also had the immediate effect of stimulating public interest and indignation in their findings.

The First Report of the Commission revealed, in some instances, conditions of work that were appalling, particularly in the coal mines. This was particularly true in cases where the seams of coal were thin, often only 18 to 24 inches thick. In these instances children had to crawl on their hands and knees down the low tunnels pulling carts of coal behind them. In the early days of factory labour the parish apprentices had been badly abused. In many coal mines the system of apprentices still lingered on and orphan and pauper apprentices were badly treated. As had been the case in the early mills, little in the way of skill was required and yet the apprentice system often bound children from the age of 9 to 21 years. The unfortunate apprentice was often subjected to brutal treatment

and was made to do the most unpleasant and dangerous jobs.

The Report shocked the Government into action. Within a month of the publication of the Commission's findings, Ashley introduced a Bill that was to prohibit the employment of women and also children under ten years of age in mines. This was indeed a drastic measure when it is considered that to this date there were no restrictions, whatsoever, on the hours of work of factory women. It may be suggested that as a result of the inclusion of women in this Act they were also included in the Factory Act of 1844.

In the meantime the Commission continued its investigation into industries and trades and their Report was submitted to both Houses on 30th January 1843. For the first time this revealed in detail the conditions of work in industries other than textiles and it showed quite clearly that protection needed to be extended in this direction.

Nail-making was a typical example of such a small industry. The workshops were described as "filthy-dirty, and in looking in upon one of them when the fire was not lighted, it presents the appearance of a dilapidated coal-hole....In this dirty den there are commonly at work a man and his wife and daughter, with a boy and girl hired by the year."¹ In these circumstances the treatment of children was savage. An account is given of a boy aged 12 who worked for 3s.6d or 4s a week. If he made bad nails, so called 'scraps', he was forced to put his head down on the iron counter and he had a nail hammered through his ear. On other occasions he was wound up to the ceiling on a pulley with a hook through his

¹Second Report of the Commissioners on the Employment of Children. Trades and Manufacturers. Parl. Papers (1843), Vol. XV, Q.76. Report of Mr R.H. Horne.

trousers and hung upside down.¹ Mr Horne commented that among the numerous foundries and workshops in the area around Wolverhampton there were comparatively few accidents.

There was however one factory where more accidents happened than in nearly all the other workshops put together. At this factory of Hemingsley & Company, on Friday evening, March 19th, part of the upper floor of the factory fell and a small boy was killed when he was buried under a pile of iron tips, four others were injured. "The rooms are all crowded with dangerous machinery; so close that you can hardly pass at all; indeed some operations have to be stopped in order that you may pass at all....Not any of this machinery is boxed off, or guarded in any way. It is a frightful place, turn which way you will. There is a constant hammering roar of wheels, so that you could not possibly hear any warning voice. You have but only to stumble on your passage from one place to another; or to think of something else, and you are certain to be punished with the loss of a limb.

Little boys and girls are here seen at work at the tip punching machines (all acting by steam power) with their fingers in constant danger of being punched off once in every second while at the same time they have their heads between the whirling wheels a few inches distant from each ear. 'They seldom lose the hand,' said one of the proprietors to me, in explanation; 'it only takes off a finger at the first or second joint. Sheer carelessness - looking about them - sheer carelessness.'²

Other trades investigated had their own peculiar occupational

¹Ibid., p.57.

²Ibid., Mr Horne's Report, Vol. XIII, pp.90-91.

diseases which rendered them quite as dangerous as the above. The Sheffield Knife Grinders are a case in point where the disease associated with the occupation was particularly severe. A doctor in Sheffield, Dr Knight, gives an account. "Those who are to be brought up as grinders usually begin work when they are about 14 years old... Grinders who have good constitutions seldom experience such inconvenience from their trade until they arrive at about 20 years of age; about that time the symptoms of their peculiar complaint begins to steal upon them; their breathing becomes more than usually embarrassed on slight exertions, particularly in going upstairs or ascending a hill; their shoulders are elevated...they stoop forward, and appear to breathe most comfortably in that position. Their complexion assumes a dirty, muddy appearance. Their countenance indicates anxiety; they complain of a sense of tightness across the chest." As the condition gets worse they suffer from an "inability to lie down, night sweats...diarrhoera, extreme emaciation, together with all the usual symptoms of pulmonary consumption, at length carries them off, but not until they have lingered through months and even years of suffering, incapable of working so as to support either themselves or their families."¹

The Commissioners noted that in the lace industry children as young as 2 and 3 years old were put to work. In many instances, when trade was good, they worked from 6 or 7 a.m. to 10 at night. During this time they sat constantly except for a short interval allowed for meals.² Conditions of work in match factories was also often extremely bad. Here children from the ages of 10 to 13 were

¹ Ibid., Mr J.C. Symon's Report, Vol. XIV, E.3-5.

² Ibid., Vol. XIII, p.10.

employed receiving from 5s to 7s a week in wages. "It was stated that the children, in many instances, took their meals in the work-rooms. It was impossible to hear this without the most painful feeling. If ever a breathing of the pure air of heaven was needful, it must be so to children employed in rooms which, if we may judge from the sensations experienced, are not only disagreeable but most noxious to health."¹ It was discovered in 1846 that match manufacture was indeed extremely unhealthy. At that time a surgeon in Vienna discovered that there was a particular disease associated with work in match factories, necrosis of the jaw. This industry had only started in the 1830's and by the 1840's about 2650 persons were employed in it, the majority being young persons and children. The mixing of the materials used was not only dangerous because of the unpleasant fumes but there was also a risk of explosions. The children stirred the mixture and, unavoidably, they breathed in the fumes and the mixture splashed onto them. The result was the disease which led to the loss of part of the jaw.²

An account is given by a girl of 12 years old who worked in a brick-field for 4s a week. She worked from 6 in the morning to 8 or 9 at night and had to carry lots of 4 to 6 bricks. She found that her legs used to swell and she was stunted in growth.³ From Kidderminster came a report of the abuse of child labour in carpet making. "The weaver, in most instances, employs a drawer, which is usually either a young boy or girl. This drawer has to perform the most laborious part of the work, and is kept for many hours employed -

¹Ibid., Vol. XIV, pp. 251-252.

²Quarterly Review, Vol. 119, pp.368-375. (1866).

³Parl. Papers (1843), op.cit. Mr. Horne's Report, Vol. XV, Q., p.76.

too many for a growing person, and not only is he obliged regularly to work, but when either idleness, dissipation, or any other cause prevents the weaver attending to his work at the beginning of the week, the drawer, whether boy or girl, is obliged to wait his time, and frequently to work 15 or 18 hours incessantly, to get the piece finished....Nor is this all; for, from the constant opportunity in the workshops, great immorality takes place, even at a very early age, between the drawers, and frequent instances of seduction on the part of married men and fathers of families takes place, from the facility afforded by the solitary night-working, with the drawer girls."¹

These gloomy and often horrifying pictures of working conditions in many small industries and trades are however only part of the story. In many industries and workshops working conditions were good, for example in the potteries in the west of England. Here it was remarked that the children were seldom badly treated and indeed were, on the whole, treated kindly. Corporal punishment was very rarely inflicted, if they worked well they received bonuses in the form of periodical additional payments. In the event of the occasional cases of assault they were referred to the magistrate and the offender was punished.²

The findings of the Commission clearly show the extent of abuse of child labour and ample proof was provided to show that reform was necessary and that the existing factory legislation was quite inadequate. The Commissioners divided their findings into the moral and physical conditions of the children.³ In their review of

¹Ibid., Vol. XIV, C. p.27.

²Ibid., Vol. XIII, pp.85-86.

³Ibid., Vol. XIII, pp.195-199.

the physical conditions under which the children worked the Commissioners found that children sometimes started work at 3 years of age, not infrequently between 5 and 6. Most of the children investigated started work between 7 and 9 years of age. They noted that the very young infants that worked were, almost without exception, employed by their parents. The Commissioners found that girls started work at the same age as boys, and they noted that there were industries where more girls than boys were employed. As with the Commission of 1833 they noted that in most trades and industries the young persons were totally under the control of the workmen themselves and that their wages were paid by the workmen. The employers had no control over them and often knew nothing about them. One of the greatest areas of abuse was in apprenticeship. Whilst children were legally apprenticed in trades that required great skill by far the greatest number were bound at whatever age they commenced work up to the age of 21 years. In many cases the work involved required very little skill, thus there was little justification for such long apprenticeships for these orphan or pauper children.

They noted that whilst there were some industries where a genuine effort was made to make the conditions of work as comfortable as possible in most cases there was bad ventilation, drainage and dirty work rooms. In cases where poisonous substances were used no attempt was made to protect the children involved. They noted that hours usually varied from 10 to 12 but in many cases work continued for 15, 16 and even 18 hours. They were particularly disturbed as in almost every case the children worked the same hours as the adults. They singled out dressmaking in London as being an example of an industry where excessive hours were worked. "During the busy season, occupying in London about 4 months of the year, the regular hours

of work are fifteen; but in emergencies, which frequently occur, these hours are extended to eighteen, and in many establishments the hours of work during the season are unlimited, the young women never getting more than six, often not more than four, sometimes only three, and occasionally not more than two hours rest and sleep out of the twenty-four, and very frequently they work all night...."¹

Turning once more to industry in general the Commissioners were of the opinion that in the cases where the master had no control over the treatment of children they were often badly abused. In the larger establishments where the master regulated the employment of the children the conditions of work were much better. They made a particular point of noting that conditions had improved generally since earlier days. Thus the Commissioners supported the claims of many of the manufacturers that the rise in interest in the conditions and hours of work of children often bore little relationship to the conditions themselves. This would seem to have been particularly true of the textile industry which was the main target for attack and also the main target for experiments by the government in factory legislation.

The Commissioners singled out particular industries where they noted that conditions were worse than those usually found. In nail-making, pin-making, hosiery and calico printing the children were badly fed, were stunted and sickly, "and they present altogether the appearance of a race which has suffered general physical deterioration."²

In their discussion of the moral condition of children the

¹Ibid., p.196.

²Ibid., p.197. No. 30-31.

Commissioners made a number of general comments. They noted that the parents of many of the factory children found it quite impossible to provide even general instruction, often because the parents themselves lacked even basic education. Thus the children received no religious or moral education and "their low moral condition, on the contrary, often [had] its very origin in the degradation of the parents."¹ They observed that in these circumstances the parents were little concerned with the risk of prolonged labour on the health of their children. The parents were even less worried by the fact that the children, as a result of the extended hours of work, were totally unable to receive any education. When they were questioned they very rarely showed any enthusiasm for the hours of labour of their children to be limited. Indeed the Commission noted that many showed great worry that a law might be passed to limit the hours of labour and so reduce their pay.² Whilst the Commission was, in this way, critical of the parents they were also critical of the employers. They noticed that the employers were often totally disinterested in the lives and conditions of work of many of their employees. They confined themselves to posting up notices, as legally required of them under the factory acts and a few rules of their own, for example, that children should not be ill-treated at work. They often believed, as was indeed legally correct, that once this had been done they had no further responsibility to their workers.

They found that after a child had started work all schooling ceased and it was very rare for a child to go to night school. It

¹Ibid., p.202. No. 3.

²Ibid., p.202. No. 4. This adds greater weight to the observations made in the Factories Inquiry Commission in 1833 and by Leonard Horner in his Report of 1839. The Select Committee in 1841 had also made particular mention of this problem. See supra, pp. 115-116, 141-142.

seemed clear to them that little was achieved by Sunday School as they noted that few who attended Sunday School could read and even fewer could write. Finally, they ended their report by stating that they believed that there were a great many improvements that could be made to the conditions of life under which the labouring young worked.

Meanwhile, in January 1842, Sir Robert Peel and Sir James Graham had finally made it clear to Ashley that they were not prepared to support the 10 Hours Bill. Ashley immediately informed his supporters and the tempo of agitation increased steadily throughout the year, and riots at the end of the year persuaded Graham that legislation should be speeded up. Graham, it seemed, was determined that more effective provisions be made for providing education for the labouring classes. In providing this he hoped that rivalries between the various sects of the churches had died down. Thus in March 1843 Graham introduced his Factory Bill which followed many of the findings of the Commission. The hours of work of children between the ages of 8 and 13 years were to be limited to six and a half a day. Young persons and children were to be prohibited from cleaning machinery when it was in motion, and all fly and mill wheels were to be fenced off. The Inspector was to be given the power to specify to manufacturers items of machinery which they thought needed to be fenced off. In the event of a person being injured after such a warning the manufacturer would be liable for a fine of up to £100 and the injured person could claim damages for his loss of earnings. In all other respects except in the field of education it was identical to Fox Maule's Bill.

The educational provisions of the Bill brought forth impassioned and often unreasonable cries of protest. Graham, a devout Anglican,

was shocked at the lack of education found by the Commission. He therefore wished to provide some form of religious education and in this he was supported by the leader of the opposition, Lord John Russell. Graham proposed in his Bill that children between the ages of 8 and 13 years should attend school for 3 hours each day for 5 days in the week. Schools to be established by the Bill were to be supervised by boards of trustees who were to ensure, among other things, that a satisfactory standard of teaching was maintained. The Bishop of the Diocese would choose a clerical trustee and he in turn would choose two others from amongst his church wardens. The magistrate of the district was to nominate two manufacturers to make up the total of seven. The board was entrusted with all the administrative details of the schools and they were to meet at least once a month. In order that liberty of conscience should prevail Graham was careful to put in a clause that no child should be forced to attend religious education if its parents disapproved for any reason.

Within a few weeks of its introduction 11,611 petitions signed by 1,757,297 nonconformists had been handed in at the House.¹

Edward Baines described the Bill as the "greatest outrage on civil and religious liberty attempted in modern times..."² John Hinton claimed that the children would have a "religious education forced upon them" and that the "schools will be converted into nurseries of the established church."³ By the beginning of May the number of petitions has risen to 13,369 containing 2,068,059 signatures and by

¹Ward, J.T., The Factory Movement, 1830-1855, op.cit., p.260.

²Baines, Edward, Letter to the Right Hon. Sir Robert Peel, Bart (1843), p.10.

³Hinton, John Howard, Why Not? Or Seven Objections to the Educational Clauses of the Factories Regulation Bill (1843).

the middle of June Graham reluctantly decided to withdraw the Bill. Thus "the establishment of a national education system, towards which Graham was reaching, was held back for nearly thirty years."¹

The matter was, however, not to be left here and interest in the labouring conditions of the young remained high. A number of pamphlets were published early in 1844 providing the results of private investigations into particular industries. A surgeon named Ralph Grindrod investigated the dress-making trade and confirmed much of what the Commissioners of 1843 had stated.² He noted that children were employed from a very young age for 13 hours a day. He commented that "the very early age at which children begin work, the sedentary nature of the occupation, the constrained and stooping position, and the crowded state of the workrooms, leads to serious constitutional debility and disease. These children are particularly subject to various scrofulous affections: diseases of the eyes, especially strumous inflammations are common; also swelling of the joints."³

In March 1844 a paper was read before the Royal Scottish Society of Arts by Robert Ritchie, a civil engineer from Edinburgh.⁴ He wrote, "when the tender age is considered at which so many are set to work - the lengthened hours the workers remain in close and noisy work-room - the air often loaded with floating dust from flax or cotton, and exhalations arising from gas, tallow, and oil used for the machinery, and the factory too often enveloped in the dense and smoky atmosphere

¹Ward, J.T., The Factory Movement, op.cit., pp.267-268.

²Grindrod, Dr Ralph Barnes, The Slaves of the Needle; an Exposure of the Distressed Condition, Moral and Physical of Dress-Makers,... (1844).

³Ibid., p.13.

⁴Ritchie, Robert, Observations on the Sanitary Arrangements of Factories,... (1844).

of a crowded city; it surely becomes obligatory that an employment having so many deprivations be rendered as salubrious as possible..."¹

In the face of a rising tide of popular agitation from the Short Time Committees the Government could not delay action for long. Thus early in February 1844 Graham introduced a new Bill that followed through very closely the provisions of the Bill of the previous year without the controversial educational clauses. The Bill, which included a clause that prevented women from working in excess of 12 hours, was also extended to silk mills. During the debate for the Second Reading, Ashley raised the point that young piecers in textile factories often walked up to 30 miles a day in the mill. This argument was of doubtful validity. At the Ashworth cotton factories mill boys were encouraged to read books and newspapers which were kept at the library. "Factory employment made such intermittent reading possible when the machines were running well and the argument that the long hours of factory employment were of attendance not work was one frequently used by employers with some justification."² In March Ashley attempted to graft a ten hours clause to Graham's Bill. The Short Time Committees had been active in London for some time in getting support in Parliament. Ashley's attempt was directed at amending the definition of night work. In the original Bill, 'night', during which time work for young persons was forbidden, was defined as being between the hours of 8.00pm and 6.00am. Ashley's amendment redefined 'night' as being between the hours of 6.00pm and 6.00am which allowed for ten hours work during the day when allowance had been made for meal times. In the division that followed

¹Ibid., pp.3-4.

²Boyson, R., op.cit., p.259.

Ashley's amendment was carried by a majority of nine to the embarrassment and annoyance of Peel and Graham.¹

In spite of this situation Graham did not withdraw the Bill but was determined instead to restore the Bill to its original form. Ashley's amendment had necessitated the alteration of a later clause in the Bill which dealt specifically with the length of the hours worked by women and children. A vote was taken on this issue and the House rejected Graham's suggestion of 12 hours labour but also rejected Ashley's suggestion for 10. After great excitement a maximum of 12 hours was accepted to be worked between the hours of 5.30am and 8.30pm. Thus the ten hour supporters had victory stolen from them though they now had a large mass of support which included such statesmen as Palmerston, Russell and Macaulay. The latter had completely changed his view towards the limitation of factory hours, for in 1832 he had successfully opposed Sadler in Leeds on that very question when he had condemned Sadler's Bill of that year.

This change of opinion was to work both ways in the case of another Member of Parliament, Roebuck. In 1838 he wrote to his wife that the sight of a cotton-mill near Glasgow "froze my blood." He found the mill full of women and children who were obliged to stand at their work for 12 hours. He found the heat oppressive and the smell most unpleasant. He ended by stating that he almost fainted.² Six years later in May 1844 he moved a resolution that there should be no interference with the labour of adults. He stated that they were neither ill-treated nor over-worked.³

¹179 votes to 171.

²Quoted in Hutchins, B.L. & Harrison, A., op.cit., p.91.

³Ibid., pp.91-92.

One of the most influential theorists who was often quoted in the debates of 1843 to 1844 was Nassau Senior. In the debate on the Bill of 1844 Milner Gibson quoted one of Senior's Letters on the Factory Acts and John Bright worked hard to rally support against the Ten Hours Movement on the basis of Senior's thesis.¹ In his letters Senior, referring to the limitation on hours imposed under the Act of 1833, attempted to prove that all the profits of the manufacturer were made in the last hour of work. He wrote, "I will suppose a manufacturer to invest £100,000, £80,000 in his mill and machinery and £20,000 in raw material and wages. The annual return of that mill, supposing the capital to be turned once a year and gross profits to be 15 percent, ought to be goods worth £115,000... Of this...each of the 23 half-hours produces one twenty-third. Of these twenty-three twenty-thirds, twenty, that is to say £100,000 out of the £115,000 makes up the deterioration of the mill and the machinery. The remaining two twenty-thirds...produce a net profit of 10 percent."² He went on to state that a reduction of one hour's work and the net profit would be completely removed. It was the supporters of this argument and those who supported the view of Adam Smith that industry should operate without restriction who provided the backbone of the resistance to the Factory Acts.

In due course the Bill of 1844 was passed and in its final form it had profited from experience gained in the last ten years. Children under the age of 13 years were not to work more than six and a half hours a day. The minimum age for starting work was reduced to 8. In its provisions for persons from the age of 13 to 18,

¹Hansard, March 15th 1844, Col. 1, p.110.

²Senior, Nassau, Letters on the Factory Acts, op.cit., p.12.

and for women over the age of 18 it was the same as the Act of 1833. No persons within these groups were to work more than 12 hours a day. In terms of the Act, time was recorded on a public clock that was to be available for inspection, a register was to be kept of young persons and children and the time for meals remained at an hour and a half. Time could only be made up in the case of water-mills and then at no more than an additional hour a day for not more than six months. The most important provision of the Act was the introduction of the half time system in terms of which a child had to attend school for 3 hours for half the day in order that he could work during the other half of the day. Finally, the Inspectors were given greater powers to ensure that the Act was effectively enforced. The major problem of the previous Act in respect of the ages of the children was avoided as more and more children fell under the Registration of Births Act.

Horner commented after the passing of the Act that it "has cut off many ways of evasion, has greatly increased the means of detection, and makes a heavy penalty so much more probable, that the profit of illegal working will not be so clear as it is at present."¹ Smelser suggests that for this very reason, "the Act of 1844 made the ultimate enactment of the 10 hours day more imperative than it had been before 1844, thus illustrating the self-propelling aspect of factory legislation."² He points out that the Act of 1833 had for the first time broken the labour of parents from their children. It was however possible to evade its provisions and this was done on a large scale. The Act of 1844 had reduced the time

¹Horner, Parliamentary Papers (1844), XXVIII, p.575.

²Smelser, N.J., op.cit., pp.302-303.

even further when parents and children worked together. At the same time evasion was now made much harder, while the child received more education and had more time outside the factory and outside direct parental control.

The Act of 1844 was to provide important provisions for the protection of workers by requiring minimum health standards and the fencing of machinery. It was made illegal for a child or young person to clean moving machinery. All wheels and gears were to be properly fenced off and the Inspector could specify machines that, in his opinion, should be fenced off. In addition to this children and young persons were no longer allowed to take part in wet spinning of flax, jute, hemp and tow. Finally, it was required that rooms should be re-painted every 14 months.

After the defeat of the 10 hours clause the reformers were bitter and considerable argument arose as to what they should now do. Many thought that the most advantageous course was to negotiate directly with the employers to try to achieve a ten hours day. Others thought that the battle in Parliament should continue, in spite of the coolness with which the Commission's findings of abuse had been greeted. The Commission had found harsh working conditions in many small industries and yet in spite of this these industries received no attention for another 20 or 30 years.¹ One exception was the Printing Works Act of 1845 which provided very limited protection to children. In terms of the Act no child under the age of 8 was allowed to be employed in the printing trade and no child under the

¹Boys were even used in the construction of railways to lead soil wagons and many died when they fell under the wheels. Edward Higham aged 5 was lucky when on 17th July 1845 he left Manchester Royal Infirmary after he had been cured of a fractured skull. Coleman, Terry, The Railway Navvies, p.66.

age of 13 or any women were allowed to work between the hours of 10pm and 6.00am. It was provided that all children under the age of 13 were to attend school for at least 30 days in each half year.

In general the Inspectors seem to have been well pleased with the Act of 1844. They had greater control over the educational and age clauses of the act and it would appear that many of the grosser cases of abuse were removed. Horner commented, "the amending Factory Act came into operation on the 1st of October last, and I have the satisfaction of being able to report very favourably on its operations. The object of the legislature in restricting and regulating the labour of children and young persons in factories, has unquestionably been more generally and effectively attained during the last seven months, than they have ever been since Parliament first began to correct the great moral evils that had taken root and extensively spread in these branches of industry."¹

In the same year an experiment was undertaken in a Preston factory to reduce the hours from 12 to 11 and to measure the drop in production. Mr Gardner, the owner of the mill found that production did not fall and far fewer costly mistakes were made in the last two hours of work. Both Horrocks and Jackson of Preston and Knowles of Bolton also achieved the same results.

Meanwhile the Ten Hours Movement was preparing to renew the battle for the Ten Hours Bill with the collection of funds and the choosing of delegates. The potato crop failure in Ireland had drawn many new supporters to call for the repeal of the Corn Laws and for the moment this crisis dominated the political scene. In spite of this Ashley introduced a new Ten Hours Bill in January 1846 stating

¹Report, 30th April 1845. Parl. Papers 1845, XXV, p.243.

the belief that the manufacturers would suffer no loss by it and the manufacturing population would gain much.¹ With the starvation in Ireland he believed that he could no longer support the Corn Laws which was one of the platforms on which he had originally been elected. Ashley thus resigned his seat in the House of Commons on 27th January 1846. John Fielden took up the leadership of the movement and moved for the second reading of the Bill on 29th April 1846. The Bill was rejected by 203 votes to 193. In May the Bill to repeal the Corn Laws passed the third reading with a majority of nearly 100 and within a month the Government had been defeated on the Irish Coercion Bill and it resigned.² Lord John Russell became the first Prime Minister who supported factory reform.

After the defeat of the 10 Hours Bill Ashley wrote to his supporters, "After three successive debates of great power of interest, a majority of ten, in a House of 400 members, rejected the Bill.... Although not a victory, it is the next thing to one; every person I have spoken to concurs in this opinion; and all seem to be convinced that zeal, judgement, and perseverance, among the operative class, cannot fail of eventual and speedy success."³ This Bill might have been successful but for a small section of Whig opinion, including Macaulay, which favoured an eleven hours law rather than a ten. Yet in spite of this, he had made a moving appeal for the protection of children in May 1846. He asked the House, "can any man who has read the evidence which is before us, can any man who has ever observed young people, can any man who remembers his own sensations when he

¹Hansard (1846), LXXXIII, p.378.

²See Appendix C.

³Ward, J.T., The Factory System, Vol. II, op.cit., p.135.

was young, doubt that twelve hours a day of labour in a factory is too much for a lad of 13?"¹ Macaulay went on to ask, "is there a single member in this House who will say that a wealthy minor of thirteen ought to be at perfect liberty to...give a bond of fifty thousand pounds?....The minors whom we wish to protect have not indeed large property to throw away, but they are none the less our wards. Their only inheritance, the only fund to which they must look for their subsistence through life, is the sound mind in the sound body. And is it not our duty to prevent them from wasting that most precious wealth before they know its value?" The stage was now set for the final struggle for the Ten Hours Bill.

There was great activity amongst the Ten Hours supporters in the early years of 1847. Throughout the north there were rallies addressed by Oastler and Ashley. Fielden prepared for the fight in Parliament and on 26th January he introduced his Ten Hours Bill. The trade depression deepened in 1847 and many hoped that a reduction of hours might lead to an increase in employment. The Bill was opposed by Peel and Hume. An amendment to change the Bill to an 11 Hour Bill was defeated by 195 to 87 and on 3rd May the Bill finally passed the Commons with a comfortable majority of 151 votes to 88. There was no delay in the House of Lords; the Bill received the Royal Assent on 8th June amidst great rejoicing from the supporters of it.² Ashley addressed the Short Time Committees in an open letter. "My Good Friends, - Although there is no longer any necessity to name you collectively...First we must give most humble

¹Speeches of the Rt.Honourable T.B. Macaulay, M.P., corrected by himself. As quoted in Ward, J.T., The Factory System, op.cit., pp.174-175.

²10 & 11 Vict. c.29.

and hearty thanks to Almighty God for the unexpected and wonderful success that has attended our efforts. We have won the great object of all our labours - the Ten Hours Bill has become the law of the land; and we may hope, nay, more, we believe that we shall find in its happy results, a full compensation of all our toils..."¹

In the year to 18 months following the passing of the Act the employers provided no pressure to work hours longer than ten. Inspectors reported that they had never seen such a bad depression and many manufacturers were only working half of the legal maximum number of hours. As trade improved pressure on the Act mounted and employers sought ways of evading its provisions. Even by the end of 1847 Saunders, one of the Inspectors noted, "There are some few instances in which total ruin is foretold,...and various expedients have been consequently suggested, and some of them practiced, in order to enable parties to keep their machinery at work for 12, or even 13 hours a day....The modes generally proposed to me for effecting this object have involved the employment of young persons and women, by relays - a system practiced with much injury to young persons, before the passing of the amended Factory Act of 1844."²

During the period 1846 to 1849 there was a real fall in wages, though it may be suggested that the fall was more due to reduced piece-rates and depressed trade than to the 10 Hours Act. Smelser maintains that there was a slight reduction in real wages that could be traced to the Act but "this reduction was only temporary."³

¹Shaftsbury's Letter to the Short Time Committees (1847). Quoted in Cole, G.D.H. & Filson, A.W. (eds.), op.cit., p.329.

²Report, 31st October 1847, Parl. Papers (1847-48), XXVI, p.132. As quoted in Thomas, M.W., op.cit., p.298.

³Smelser, N.J., op.cit., p.305.

James Myles writing in 1850 maintained that the Act did not reduce wages. "When I went to the mill, I was paid with 1s 6d per week, and my normal hours...were 13 hours per day. When the 12 Hours Act [1833] was in operation boys had from 3s up to 4s per week, and now since the 10 hours Act came into force, their wages vary from 3s 3d to 4s 3d. In short, as far as I can learn, their wages are as good under the 10 Hours Act as they were under the 12 Hours Act."¹

During 1848 the Inspectors were finding it increasingly difficult to enforce the Act as not only were many manufacturers determined to find loopholes in the legislation but many magistrates were also hostile towards it. On 10th June 1848 the Leeds Mercury made a report on such a case. Several woollen manufacturers from Bramley appeared in court for a breach of the Factory Act. One of the manufacturers, Mr Joseph Haley was charged with having worked children between the ages of 13 and 18 for more than 10 hours a day. It was claimed that under section 26 of the Act the time of working should be recorded from the time that the child entered the factory in the morning. Haley was accused of working his children in two relays, the first starting work at 5.30am and the second finishing at 8 30pm. The first set was worked in the morning and the second in the afternoon. The magistrate was sympathetic to the manufacturer and stated that the Act provided that Haley might employ adults for as long as he liked and children under the age of 13 in relays. The law however specifically prohibited the employment of persons from the age of 13 to 18 in relays.²

¹Myles, James, Chapters in the Life of a Dundee Factory Boy (1850), p.15. As quoted in Ward, J.T., The Factory System, op.cit., p.52.

²As quoted in Ward, J.T., The Factory System, op.cit., pp. 162-164.

The same article in the Leeds Mercury pointed out that the law was not consistent from one area to another. In the case of Messrs. Jones, Brothers & Co. of Manchester the magistrates agreed that they could not convict the owners for working a girl and a young person in relays and the case was dismissed. The problem in the false relay system was that it was virtually impossible to check on the total number of hours worked. The Inspectors fully understood that to allow this system to develop would render the Ten Hours Act a dead letter. Howell, one of the Inspectors wrote: "if this system must be carried out, the Ten Hours Bill will become a complete humbug."¹ The problem had arisen from the attempt to join two concepts that clashed with each other. On one hand there was the concept of limiting the hours of work of young persons in the interest of their health and on the other was the belief that the adult worker was a free individual to make his own contracts. In the factory economy it was quite impossible to separate the two, a point long acknowledged by the Ten Hours Movement.

The case of John Bright & Co. of Rochdale gives a typical example of the type of relay used. Adults were employed by the company from 6.00am to 7.30pm with an hour and a half for meals. These were the maximum hours legally allowed under the Act. Young persons and women were employed in two sets, the hours of which were displayed in the mill. The first set work from 6.00am to 8.00am, then from 8.30am to 12.30 pm, and finally, from 1.30pm to 5.30pm, making a total of 10 hours work. The other set started work at 6.00am and worked to 8.00am. They then worked from 8.30am to 11.30 am, and finally, from 1.30pm to 6.30pm.

¹Report, 30th April, 1848. Parl. Papers (1847-48), XXVI, p.171. As quoted in Thomas, M.W., op.cit., p.300.

Later in 1848 one of the Inspectors, Stuart, decided that the law was impossible to enforce and he would therefore not attempt to prosecute manufacturers who employed relays. The supporters of the Ten Hours Movement decided that satisfaction could only be achieved on the basis of a test case. A master who supported this cause, David Mills, was prosecuted by a sub-inspector, T.D. Ryder, for employing relays. Mills was convicted but appealed to the Court of the Exchequer. Mr Baron Parke delivered judgement on 8th February 1850. "The ground upon which we proceed is, that though the Act of Parliament...does distinctly forbid the employment of young persons, and therefore all females, for more than ten hours, and those to be taken between half-past five in the morning and half-past eight at night; though it distinctly required that the time of all is to begin to be computed from the beginning of the first to work, and that an hour and a half shall be allowed for meals, and for all at the same time, it has not imposed in sufficiently clear terms any other restriction on the employment of young persons, and they are therefore at liberty to agree together for working for less than the whole of that time within the limits before mentioned, ending at half-past eight, or any previous time they please, and with any interval of leisure that may be thought convenient."¹

Ashley who was once more in the House of Commons as Member of Parliament for Bath prepared to introduce a bill to remove these contradictions. He first asked the Home Secretary Grey whether he intended to provide effective legislation and received an unsatisfactory reply. Therefore, in March 1850, Ashley introduced his bill to prevent relays by ensuring that work had to be continuous from

¹The Champion, 9th March 1850. As quoted in Ward, J.T., The Factory System, op.cit., p.138.

the time that the person entered the mill except for time provided for meals. By way of compromise he was prepared to accept an additional two hours work to be added to the week. In the final Act, women and young persons could only be employed between the hours of 6.00am and 6.00pm but children were deliberately excluded from this provision on the grounds that they did not work continuously.¹ Thus it was still possible for a child to be employed in relays until 8.30pm. This Act however established a legal working day for a large section of the labouring population, but it was only in 1853 that all the opportunities for evasion were plugged and the normal working day finally established.

It had thus taken central government 50 years from the first inception of legislation in 1802 to recognise totally that it had responsibility to ensure a just contract between the manufacturer and his employees and to some degree to regulate conditions of work. It was, however, to be another twenty years before this precedence, established in the 1850's, could be spread to the numerous small industries, where conditions still were often very harsh.

In general it is clear that the Ten Hours Act had been well received by the operatives. In 1849 Horner conducted a private survey to sample opinions. He questioned only those who had received a drop in pay proportional to the fall in hours. He interviewed, in all, 1,153 operatives of which 61½ percent were well satisfied with ten hours work in spite of a fall in pay; 12½ percent said they would prefer eleven hours work, and 25½ percent said they wished the hours to remain at twelve. Thus 74½ percent of those interviewed preferred hours other than 12.² In respect of changes in working habits

¹13 & 14 Vict. c.54 (1850).

²Smelser, N.J., op.cit., p.305.

Checkland has cast words of warning of what could happen with, in particular, a rise in income though it was none the less true of extended leisure. "There was some justification for those employers in the early 19th Century who feared the effects of high wages. They were dealing with men and women whose consumption patterns had always been both narrow and conventionalised; too often an increase in wages served nothing but demoralisation. It could be applied, in part, to an extended consumption of customary articles, but thereafter it tended to run away in gin and dissipation, or cause the incentive to work to fail ...The boom of the seventies produced a frightening burst of debauchery even among classes that had enjoyed better incomes for a generation."¹

In health and happiness there seems to be little doubt that by the middle of the century the conditions of work of the young had greatly improved. It would seem that it was not only legislation that provided this improvement but better and healthier designs in plant and machinery also made a substantial contribution. "We seldom or never now see a case of in-knee or of flat-foot; occasionally of one slight curvature of the spine, arising more from labour with poor food than from labour specifically. The factory leg is no more amongst us, except as an old man or woman who limps by, to remind one of the fearful past, or of the more rational or social present. The faces of the people are ruddy, their forms are rounded, their very appearance is a joyous one ...It is extremely gratifying to find that an experiment which had many opponents when it was about to be tried, has been productive of such great benefit to the working classes, without, I believe, an atom of either personal, commercial, or national wrong."²

¹Checkland, S.G., op.cit., p.232.

²Baker, Robert, On the Physical Effects of Diminished Labour (1859). Translations of the National Association for the Promotion of Social Science, pp.558, 561. As quoted in Ward, J.T., The Factory System, op.cit., p.183.

APPENDIX A

In considering the substantial emotional support given to the Ten Hours Bill introduced by Sadler in March 1832 and presented again in nearly identical form by Ashley a year later it is of interest to speculate what the effects of it would have been had it passed into law. The Factories Inquiry Commission stated that "this bill does not accomplish the object at which it purports to aim. Its professed object is the protection of children; but it does not protect children. For the same evidence which shows that legislative protection is necessary shows that the restriction of the labour of children to ten hours is not an adequate protection."¹ Even The Times was critical of the Ten Hours Bill: "Their [Sadler's and Ashley's Bills] measures were nearly destitute of executory machinery...and would soon have been forgotten or abandoned like the previous bill for regulating cotton factories...The ministerial Act, on the contrary, provides an important class of new officers, called 'inspectors' who shall have the authority of magistrates for enforcing its execution..."²

Even if the Bill had been properly enforced it might well have had undesired effects. Under a system where payment was made by results, not only for the managers and overseers but also for the spinners and weavers a reduction of hours of labour could have led to an increase in abuse.³ A person whose pay depended on the

¹Factories Inquiry Commission, 1833, First Report, op.cit., p.33.

²Llewellyn, Alexander, The Decade of Reform. The 1830s, pp.115-116.

³Baines, Edward, op.cit., pp.369-375.

production of those under his control might have been tempted to speed up the machinery and provided sterner sanctions for any slackening of the pace of work so that he could get twelve hours work out of a ten hour working day. As the bill provided no effective means of inspection such abuse would probably have gone undetected.¹ Alternatively employers faced with a Ten Hours Act during the conditions of depressed trade of 1832-33 might have been tempted to discharge the children involved. The relay provision of the Act of 1833 allowed the adults to work on unhindered by the restriction on the hours of children. By 1847 inspection had reached a sufficiently advanced level to prevent most of the abuse that might have resulted from the passing of the Ten Hours Act.

¹The greatest weaknesses in the Factory Acts of 1802 and 1819 were the ineffective provisions for enforcement.

APPENDIX B

From the early 1830s throughout the factory agitation manufacturers, opposed to reform, made dark allegations that the attack on the mills was conducted by the Tories. There seems to be some grounds for believing that party affiliations did indeed affect the battle lines in the agitation to some degree.

The Reform Bill was supported by many Whig manufacturers including such men as Marshall, Ashton, Finlay, Vernon Royle and Baines. The government bowed to the irresistible pressure for the opening of the franchise to £10 fixed property holders. Oastler, however, realised that the Reform Bill would enfranchise his greatest enemies to factory reform. "The reform act to him was not the ending of old abuses and the representation of new interests; it was the overthrow in Yorkshire of Howards, Lascelleses and Fitzwilliams and their replacement by men like Baines of the Leeds Mercury - and he did not think this a good bargain."¹ He was indeed outspoken on this point, "I hate the Whigs, they are the great enemies of the Factory Bill, the great supporters of the factory system, which is fast destroying the landed interest and the labouring classes..."² Oastler was an anti-industrialist who looked back to a rustic paradise that had never existed. He had stated before the Committee of 1832 that he and Sadler had seen a hand-loom worked from a pendulum that would take work back to the cottages and rid the country of the mills.³

¹Llewellyn, Alexander, op.cit., p.108.

²Ibid., p.110.

³Sadler's Committee, op.cit., p.459.

Sadler also had a record of traditional high Toryism. He had become well known as an opponent of Catholic Emancipation and his speeches in this regard had reached the ears of the Fourth Duke of Newcastle, also an ultra Tory. Newcastle offered him a seat in the House of Commons for Newark. In 1829 and 1830 Sadler had published articles attacking the theories of Malthus. In the election of 1832 following the passing of the Reform Bill, in the contest in Leeds his political views had been exposed in an open letter addressed to him. "You have been the bitterest enemy of Parliamentary Reform. - You have been the decided opponent of the grant of the elective franchise to large towns. - You have been the bigoted opposer of religious liberty...You have been the strenuous advocate of the Corn Laws, which compel the operatives to eat dearer bread in England...In all these mischievous proceedings your party (Tory) have glorified, until you were driven out of your beloved Rottenboroughs, and compelled to ask the people for their vote."¹

While these general party trends were evident in the factory agitation it is also true that the connection with parties was to some degree blurred. The militant Radical Toryism born from the Poor Law agitation that spilled into the factory movement had much more in common with the sympathies of Disraeli than those of Peel.² The alliance of the Tories and the Radicals stemmed from a protest against the application of the theories of 'political economy' of

¹Peter the Pearker's Letter to Michael Thomas Sadler, Esq., M.P. (1832).

²Oastler on 15th September 1832 addressed a meeting in Blackburn in which he advocated sabotage of machinery if the Factory Acts were not applied. "...it becomes my duty, as the guardian of the factory children, to enquire whether, in the eyes of the law of England, their lives or your spindles are the most entitled to the law's protection." Quoted in Ward, J.T., The Factory Movement, op.cit., p.161.

Benthamites to pressing issues in society at that time.¹ This alliance was best symbolised in 1837 on the occasion when Oastler was chosen as candidate for Huddersfield, on which occasion the white rosette of the Radicals and the blue one of the Tories were pinned onto his jacket at the same time. On one hand the liberal manufacturers thought that the country would benefit the most if there was maximum industrial output and availability of labour. If hours fell so would production. On the other hand Oastler and his associates thought that the factory system was destroying the landed class and the working population. Whilst these were the trends in the composition of the two parties it is as well to remember that Hobhouse was both a humanitarian, a Whig and a Benthamite, while John Fielden was a humanitarian, a philanthropist, a Tory, a radical and a mill-owner. There were also many in the northern squirearchy who did not support Oastler and Sadler.

Thus there is some truth in the 'letter to Sir John Cam Hobhouse, Bart. M.P.' which was written in 1832 by an anonymous manufacturer. "Various causes have conspired to promote this piecemeal legislation, and none so powerfully as the delay of reform in the constitution of the House of Commons itself... Attention has been called to various evils in society, at sundry times, when they have reached the crisis of their fate, and in order to pacify, and in hopes to alleviate, and by way of getting rid of the subject, the approved practice has been...to bring in a bill,

¹The thinking of the Westminster Review clearly shows in 1824 the ruthless logic that was to be applied to the Poor Laws. "So long as population is excessive a certain number must be reduced to poverty, vice and misery; and must inevitably die prematurely. If, therefore, one disease be exterminated, another cannot fail to take its place. If we could exterminate all diseases, the same number which diseases, brought on by poverty, killed before, must now die of starvation." Vol. 2, p.110.

which is duly read and passed, and the subject is dropped pro-tempore, though the real cause of the evil is untouched by the bill provided, ...Thus we have 'Corn Law' after 'Corn Law'...approaching with reluctant step nearer than its predecessor to the point, which it ought to have started from....The factories bill is, in fact, a mere political tool...." Another pamphlet addressed to Sadler raised the same point. "Mr Sadler is an anti-reformer...and...he hopes that this bill (Ten Hours Bill) of his will set the master manufacturers and their men together by the ears, and so get quit of the Reform Bill: in this we can tell he will be mistaken, the manufacturers of Lancashire will have a change; they will have their own representatives in the national council; they think they ought to sell the labour of their hands for untaxed bread-corn...."¹

Modern commentators have noted the connection of the factory agitation with the Reform Bill and the attack on the Corn Laws. Referring to the Commission of 1833 Smelser comments, "the manufacturers angrily demanded a commission to investigate the manufacturing districts on the spot. Simultaneously the factory question was infected with the antagonism between the landed gentry and the capitalists. This hostility recently had reached boiling-point over the Reform Bill of 1832."² Smelser also supports the relationship between the Ten Hours Bill of 1847 and the repeal of the Corn Laws. "For a large body of Tories, the Ten Hours Bill of 1847 was an act of revenge on the Free Traders (dominated by industry and commerce) for repealing the Corn Laws in the preceding year."³ Checkland

¹"Mr Sadler, M.P. His Factory Time Bill, and his Party, Examined, Anonymous, 1832, pp.30-31.

²Smelser, N.J., op.cit., p.291.

³Ibid., p.303.

comments, "It was only when the industrial sector began to show aggression against the corn laws that the landed interest began to develop a sense of responsibility towards the industrial worker."¹

¹Checkland, S.G., op.cit., p.245.

APPENDIX C

VOTING PATTERNS IN THE HOUSE OF COMMONS IN THE 1840s¹

The period of Peel's ministry 1841-47 is one when a number of important political issues were voted on. Besides the Repeal of the Corn Laws there were important regulations concerning mines and factories. "Most members of Parliament did not vote consistently 'liberal' or consistently 'conservative' on all issues; only a small minority, those on the extreme left and the extreme right did this; the great majority approved of reform on some questions and disapproved of it on others. Nor were all men 'liberal' or 'conservative' in the same sense: some (though by no means all) of those liberal in the sense of supporting free trade were conservative in the sense of opposing factory legislation; some (though by no means all) of those conservative in the sense of opposing free trade were liberal in the sense of supporting factory legislation."²

	PARTY VOTES ON ISSUES ³				RESULT
	LIBERALS		CONSERVATIVES		
	+	-	+	-	
Chartist Petit. 3rd May 1842	51	68	0	221	Rejected 51 to 289
Corn Laws Bill to Repeal 1843	127	52	0	331	Rejected 127 to 383
Ten Hours Bill 1844	94	56	100	135	Rejected 191 to 194
Repeal of Corn Laws 1846	235	10	114	241	Passed 349 to 251
Ten Hours Bill 1847	77	55	120	34	Passed 197 to 89

¹Information from Aydelotte, W.O., Voting Patterns in the British House of Commons in the 1840s, in Comparative Studies in Social History, 1963, pp.134-163.

²Ibid., p.135.

³Ibid., p.152.

Total votes cast on Issues:

Chartist Petition	-	340
Corn Laws Bill	-	510
Ten Hours Bill	-	385
Corn Laws Hill	-	600
Ten Hours Bill	-	286

Only a few general conclusions can be drawn from this table. The Liberals strongly supported the repeal of the Corn Laws. In the first vote in 1843 the Conservatives were totally against repeal. In both of the votes the large numbers involved indicate considerable interest in the issue.

In the case of the Ten Hours Bills it is interesting to note that the votes were small, though the Bill of 1844 seems to have excited considerably more interest than that of 1847. In the latter case less than half the numbers of the vote on the Corn Laws were involved. The Liberals were proportionately better represented than the Tories in the Ten Hours vote of 1847. It is clear that the votes on the Ten Hours Bills cut across party loyalties more than the Corn Law issue did, and excited little interest in the House of Commons.¹

¹In 1841 the House of Commons consisted of 658 members. Of that number elected in 1841 only 513 were still sitting when Parliament was dissolved in 1847. The balance had been replaced in by-elections.

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