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# A study of the arguments for and against the Factory Act of 1833 used by members of Parliament in the House of Commons

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AN ABSTRACT OF THE THESIS OF

Peter D. Grundfossen for the Master of Science in Teaching

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Title: A Study Of The Arguments For And Against The  
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During the eighteenth century England underwent vast changes in her methods of production. As a consequence the factory posed a new experience for the workers. Although conditions and hours of work were better in textile factories than in most contemporary occupations, worker discontent was great because of the stricter regimen which the factory imposed. Conditions for children, generally the same as for the adults, were no worse than they had always been.

Although none of the early factory legislation was enforced, the Factory Act of 1833 and those that followed are differentiated from previous efforts by their organized support, among which was that given by a group of Tory evangelicals.

The evangelicals intended to limit hours to ten for all factory workers by restricting to that limit hours for persons up to eighteen years. The work of children and adults was so interrelated as to require them to work together.

Legislation was introduced into commons in 1832 by Michael Sadler and in 1833 by Lord Ashley. Sadler's bill never got out of committee but the committee's report served as a valuable source of propaganda. Ashley's bill was sent to a royal commission controlled by Benthamites who so altered the bill's form as to cause Ashley to give it up.

Acceptable to parliament in its new form, the bill clearly differentiated between child labor, which hours it limited to eight, and adult labor, which was left to protect itself. The Benthamite bill also required the manufacturers to provide education for their children; and inspectors were to attempt enforcement of the regulations.

Although parliamentary reform and an election had occurred in 1832, this revolution had no effect on the 1833 bill's passage. Factory legislation was the product of public demand and organized support rather than political upheaval. Furthermore, this was not a contest between Tories and Whigs, Establishment and evangelicals, or middle class and aristocracy. The simple motivation behind the bill was Christian humanitarianism.

The debate arguments, themselves, fell into several categories and were repeated in volume and embellishment according to assumed value. The proponents of legislation emphasized the deleterious effect of the long hours; the inequities of the existing employment problem; and "the system" of competition and machinery which produced such conditions.

The opponents threatened that family income would necessarily be reduced; that there would be massive unemployment due to collapse

of the industry; and that such legislation would be contrary to natural laws of economics demanding free enterprise.

Of course each side offered rebuttal to the other; conditions were really quite good; mortality rates were lower in the cities than elsewhere; the natural laws of economy would have to suffer rather than the children; there was no foreign competition, only British; and so forth.

The Benthamite Factory Act was a disappointment to Ashley and his colleagues. They had failed in their effort to achieve a ten hour work-day. The effect was to spur them on to greater efforts. Ashley spent a successful lifetime in developing reform legislation.

As with earlier legislation, this Act was poorly enforced: manufacturers and parents conspired to keep children at the mills; the education provisions were evaded or poorly employed.

Of great value for the future, however, were the reports compiled by the parliamentary committee, the royal commission and the factory inspectors. These reports aided the reform effort later in the century.

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For the Graduate Council

Date thesis is presented: July 30, 1965

**A STUDY OF THE ARGUMENTS FOR AND AGAINST  
THE FACTORY ACT OF 1833 USED  
BY MEMBERS OF PARLIAMENT IN  
THE HOUSE OF COMMONS**

by

**PETER D. GRUNDFOSSEN**

**A THESIS**

**Presented to the Department of History  
and the Graduate Council of Portland State College**

**in partial fulfillment**

**of the requirements for the degree of**

**Master of Science in Teaching**

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## INTRODUCTION

The purpose of this paper is to study the arguments delivered in the British House of Commons pertaining to the Factory Act of 1833. The arguments, for and against, will be categorized by their subject matter and inspected in groups. For instance, the proponents' position on the bill as it might affect contemporary employment problems will be viewed together, in the light of evidence available to the author; similar treatment will be accorded the opponents' position in regard to industrial finance, and so forth. Where meaningful, arguments pro and con on each subject will also be compared. Arguments of less importance to the historian will be recounted without detailed comment.

Behind the political struggle to obtain factory legislation in 1832 and 1833 there was a contest to determine whether adults as well as children would be protected. This particular question, as such, was never discussed in parliament. The bill's original sponsors, a group of Tory evangelical Yorkshiremen, proposed the bill in an effort to gain a ten hours work limitation for all persons working in factories through the method of seeking a ten hours limitation for all persons under eighteen years.

The chicanery was detected and corrected by the Benthamites who captured the bill and altered it to insure true child labor legislation.

Because the aspirations of the bill's proponents were varied, it will be necessary to review not only the condition of children in the factories, the so-called "infant man," in 1830, but rather, the condition of the textile worker generally. To do this adequately some comparison must be made with workers' conditions in other occupations.



The reader should be reminded that when reading either direct quotations or this author's paraphrasing from the debates, he is actually reading Hansard's Parliamentary Debates, third series, rather than the member of parliament quoted. Hansard has undoubtedly paraphrased the original language to some extent out of necessity, and verb tenses have occasionally been changed to fit the observer's frame of reference.

## CHAPTER I

### THE RISE OF MODERN INDUSTRY AND THE CONDITIONS OF FACTORY LABOR

During the eighteenth century, England's system of production underwent a metamorphosis. What has since been recognized as a revolution in methods of production involved great changes in agriculture, population distribution, transportation, mechanical production and foreign trade. A review of the elements of this industrial revolution and its effects on the British working class is essential to an understanding of the factory reform movement.

The eighteenth century improvement in agricultural methods served a two-fold purpose. In the first place, it allowed progressively fewer people to feed larger and larger non-agricultural populations. This was extremely important, of course, as increasingly greater numbers of persons became involved in the business of producing goods other than foodstuffs. At the same time, erstwhile farmers were released to industrial centers where hands were needed in increasing numbers for the rising industrial plant. The result of the ensuing migration effectively shifted the English population.

In 1700 the five most populous counties in England are believed to have been Middlesex, Somerset, Gloucester, Wiltshire and Northamptonshire [one manufacturing and four agricultural shires]. In 1800 they were Middlesex, Lancashire, the West Riding, Staffordshire, and Warwickshire [all five were manufacturing shires]. The iron industry had gone from Sussex to the coal fields of the Midlands; the worsted industry had grown faster in the West Riding than in the Southwest; The great new textile industry, cotton, was strongest in Lancashire and Cheshire.<sup>1</sup>

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<sup>1</sup>J. L. & B. Hammond, The Rise of Modern Industry (seventh ed.; London: Methuen & Co., Ltd., 1947), p. 80. For purposes of this paper, this book by the Hammonds

Those events most often referred to when speaking of the industrial revolution, of course, are the inventions and innovations which increased man's productive capacity. The developments in machinery which could multiply man's singular efforts were startling and, of course, the vortex of the revolution in production. The most marked of these changes was in textile production and especially in cotton, the industry of greatest interest to this paper. Textile production underwent the most dramatic increase as a result of automatic spinning and weaving devices which had been effectively coupled to steam power by 1785, and the invention of a device in the United States in 1793 for quickly separating the seed from raw cotton.

The following series of statistics illustrates the enormous increase in production which followed the development of the spinning jenny, the cotton gin and the steam engine. The power loom was satisfactorily perfected in 1803, and by 1813 there were 2400 power looms in Great Britain. By 1820 there were 14,500; by 1829 there were 55,000; by 1833 there were 100,000.<sup>2</sup> Perhaps the clearest indicator of the increase in cotton manufacture is the increase of raw cotton consumption in the United Kingdom from 1764 to 1833. In 1764 England imported 4,000,000 pounds of cotton; in 1800 this figure had risen to 52,000,000 pounds; in 1811, 89,000,000; 1820, 120,000,000; 1830, 248,000,000; 1833, 287,000,000 pounds.<sup>3</sup> Internationally there was no effective competition. In 1835 Britain produced five-eighths of the world's total cotton products, abstracted as follows:

Great Britain	150 Million Kilograms
France	40 Million Kilograms

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serves the best explanation of the development of modern industry during the eighteenth century.

<sup>2</sup> *Ibid.* pp. 82-83.

<sup>3</sup> The 1764 figure is from Hammond, p. 183. The remaining figures are from B. R. Mitchell, *Abstract of British Historical Statistics* (Cambridge: Cambridge University Press, 1962), p. 179.

United States of America	18 Million Kilograms
China and India	15 Million Kilograms
Switzerland, Saxony, Prussia, and Belgium	<u>17</u> Million Kilograms
Total	240 Million Kilograms <sup>4</sup>

Volume production necessitated large markets. As the nineteenth century opened, England found herself in an enviable position, commanding a foreign market unlike any in her previous history.

Gibraltar gave access to the Mediterranean. The Methuen Treaty of 1703... opened up Brazil. The Treaty of Utrecht partly opened up the Spanish market of Central and South America. There was also the Indian market, and the markets of North America, and access to the German market through Hanover and Bremen. England never had such a market, and all through the century there was no competitor.<sup>5</sup>

England's foreign trade was the envy of her neighbors for it meant supreme wealth and prestige. An example of the fruit of this new trade was the cotton export to India, a country which had previously claimed to be self-sufficient in the production of cotton goods. In 1815 very little yarn was exported to India; in 1829, 3,000,000 pounds were exported. In 1815, 800,000 yards of cloth were shipped to India from Great Britain; in 1830, 45,000,000 yards were shipped.<sup>6</sup>

Britain's new commercial wealth demanded easy transport to markets within the island; furthermore, a complex, industrial economy necessitated an increasingly mobile population. In harmony with other aspects of the revolution, road surfaces had been vastly improved and, more important, 3,000 miles of canals linking important waterways had been constructed by the end of the eighteenth century. As a

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<sup>4</sup>Hammond, p. 188.

<sup>5</sup>N. J. Smelser, Social Change in the Industrial Revolution (Chicago: The University of Chicago Press, 1959), p. 63.

<sup>6</sup>Hammond, p. 186.

consequence "Stevenson ran his first train in an England that had already established its chief factory industry, made Liverpool more important than Bristol, redistributed its population, thrown up a new type of town and dissolved the peasant village."<sup>7</sup>

As British manufacture became increasingly mechanized, production shifted from cottage to factory, from countryside to city. This paper is primarily concerned with the debates in parliament over the new conditions of work and what the English people thought and felt about those conditions. George Townsend Warner, an Englishman writing only eighty years after the Factory Act of 1833, perhaps enables us a clear view of the mode of labor; his is the perspective of fifty years ago.

To use power and machinery artisans gathered in factories, and these factories might become oppressive almost beyond description. They might be virtual prisons where men and children toiled long hours and snatched a scanty sleep amid bad air and foul smells, working till the unending work developed disease and deformity. Gain prompted the manufacturer to begin early and stop late; if the artisan would not work, then it was not difficult to fill his place; to idle was to starve; to wander from one mill to another meant a change of employer, but not necessarily a change in conditions. To overdrive labor thus was both easy and tempting; and the only checks that might have been effective, current opinion and law, did nothing to interfere. At first indeed they both inclined to favor the strong against the weak. Hence, as we shall see, the evils which we have imagined possible became actuals; nay more, the reality went in some respects even beyond the imagination.<sup>8</sup>

By twentieth century standards Warner's insight is a massive indictment against the factory system. Interestingly enough the indictment is very similar in character to the one served by the Tory evangelicals which culminated in the Factory Act of 1833. It serves the purpose of this paper to investigate more fully the conditions under which the working class labored in the early part of the nineteenth century. Particularly appropo is the question of conditions in the textile industry,

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<sup>7</sup> *Ibid.*, p. 80.

<sup>8</sup> G. T. Warner, *Landmarks in English Industrial History*, (seventh ed., London: Blackie and Son, Ltd., 1912), p. 311.

the only industry to which the Factory Act of 1833 ultimately applied.

The central plea of the proposed factory bill was for reduced hours of labor in the working day. Statistical information in regard to hours of labor in all branches of industry during this period of English history is very meager, nearly non-existent. There were reports widely circulated by the agitators for reform that the factories operated twelve, fourteen, sixteen and even twenty-four hours a day, but investigation reveals that perhaps the real figure was closer to twelve than sixteen. "In 1825 the hours around Manchester were said [emphasis added] to be twelve, twelve and one-half, thirteen and fourteen, plus bits stolen from meal times and the end of the day." However, hours had shortened a bit with the advent of steam power, and by 1833 average hours were "probably close to twelve per day."<sup>9</sup>

The cotton industry enjoyed better conditions and hours than did most other occupations. Various of the crafts and semi-skilled workers and agricultural laborers worked while daylight lasted. "Craftsmen in their homes had always worked a full day, and so had their children, often in conditions worse than the overcharged air of cotton mills."<sup>10</sup>

The advent of the power loom posed insuperable competition to the hand loom weavers who remained at their cottage work seeking to maintain the life which they regarded as free and independent. As a consequence their wages fell by about one-half or two-thirds between 1815 and 1835.<sup>11</sup> One writer has suggested that the unusual smallness of the factory children might have been attributable to the poor wages and consequent family diet provided by the father who was, or had been, a hand loom weaver.<sup>12</sup>

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<sup>9</sup>Smelser, p. 274.

<sup>10</sup>Sir Llewellyn Woodward, The Age of Reform (second ed.; London: Oxford University Press, 1962), p. 12.

<sup>11</sup>*Ibid.*, p. 6. <sup>12</sup>Smelser, p. 279.

Widespread societal concern for conditions of employment in other major industries did not occur until later in the century. Comparison is often rendered difficult because official records have consequently been variously kept. Nonetheless, it serves the purpose of this paper to show those comparisons that are possible. John and Barbara Hammond, writing in The Rise of Modern Industry about the iron works during the same period as that of our concern with textiles, offer fragmentary evidence of a startling nature. They say that "of the social conditions in the district of South Wales and Monmouthshire, iron producing centers, records have been left in official Reports as terrible as anything written in the English language."<sup>13</sup>

Conditions in the coal mines were perhaps the most atrocious of any of the industries in England. No thorough investigation was done there until Lord Ashley sat at the head of a commission on coal mines in 1842 (motivated by the factory investigations of the previous decade). Commission findings showed "a state of affairs still worse than in the factories...."<sup>14</sup> Dietz says that some of the labor conditions in the coal mines "can scarcely be described for their sheer heartbreak."<sup>15</sup> In some of the districts girls were made to lift baskets of coal up steep ladders. "It was as much as a man could do to lift the baskets onto the girls' backs...."<sup>16</sup> Pauper apprentices were "made to go where other men will not let their own children go. If they will not do it, they take them to the Magistrates, who commit them to prison."<sup>17</sup> Such conditions were entirely contemporary with the period under

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<sup>13</sup>J. L. and B. Hammond, p. 156. <sup>14</sup>Warner, p. 347.

<sup>15</sup>F. C. Dietz, An Economic History of England (New York: Henry Holt and Co., 1942), p. 404.

<sup>16</sup>C. R. Fay, Great Britain from Adam Smith to the Present Day (London: Longmans, Green and Co., 1948), p. 356.

<sup>17</sup>Ibid., p. 355.

discussion, despite their late disclosure. "'I have wrought,' said a Scotsman aged forty, 'in the bowls of the earth 33 years....'"<sup>18</sup>

Stories such as these multiply in the history of the period because, for the laborer, conditions were universally all but unbearable.

When we read the description of the terrible life endured by the knitters of Nottingham and Leicester--the weekly procession to the pawn shop, the appeasement of hunger by opium and laudanum, the squalor of the abodes--it seems impossible that there could be a worse. [And again the] historian of the Industry [William Felkin] tells us that a frame mender tried the country districts as a relief from the towns, but found the conditions still more deplorable and the air of the country cottages so foul that for weeks after he was ill.<sup>19</sup>

Smelser concludes a comparison of various branches of industry by flatly stating that conditions were undoubtedly worse in dock labor, hand loom weaving, coal mining, pin heading, iron works, and agriculture, than generally in the cotton factories at the time of the Factory Act of 1833<sup>20</sup>

Industrial wage comparisons also find cotton operatives in a relatively favorable position. Whereas not the best, they were certainly not the worst. Table #1 on the next page illustrates the relative position of the various trades.

Within the cotton industry itself conditions of work were improving. Accidents in the cotton mills, although a source of concern, were much more common in the small watermills than in the steam mills between 1819 and 1833. And they were decreasing, relatively, in the industry during that period. At any case, by 1833 conditions were better than they had been during the preceding quarter century.<sup>21</sup>

Warner makes very clear the point that as the factory system matured conditions became better for the cotton operatives.

The fact that the most oppression occurred in the small mills where the master usually worked himself and might therefore have been expected to have felt some sympathy with fellow-workers, suggests what has indeed been demonstrated again in later experiences, that industries carried on at home

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<sup>18</sup> *Ibid.*, p. 356    <sup>19</sup> *Ibid.*, p. 350    <sup>20</sup> Smelser, p. 279.    <sup>21</sup> Smelser, p. 275.



TABLE I

## COMPARATIVE WAGES

Year	Mill Mechanics	Mill Spinners	Power Weavers	Throstle Spinners	Hand Weavers	Carpenters	Builders' Labourers	Engineers	Iron Moulders	Agricultural Labourers
1790						18s	136d			
1800	21s							21s		11s
1805		24s		20s	20s					11s6d
1810										
1815										
1820		29s			9s6d	25s	15s9d	25s	31s	14s6d
1825				9s						11s
1830		27s	10s9d	7s	9s	24s	12s	26s	29s	9s6d
1835		24s	11s	9s6d		24s	15s	30s	31s	11s
1840			Men & Women	Women	7s Men					10s6d

G. D. H. Cole, *A Short History of the British Working Class Movement - 1789 to 1947* (third ed., London: George Allen and Unwin, Ltd., 1952), pp. 133-34. Since statistical accuracy was not well developed until later in the nineteenth century, these statistics can only be used for generalizations.

are liable to the worst abuses, the longest hours, the most insanitary conditions, and the lowest pay--a fact that should place us on our guard against regarding the large capitalist as the tyrant of industry.<sup>22</sup>

If, relatively, then, hours were not longer, pay not shorter, and conditions no more unbearable in cotton manufacture than in other occupations of labor, the question arises whether there were any real grievances that might spark resentment. The answer is yes, and the irritation arose from the startling change in environment. The Englishman prized his independence above all else, and the factory system promised to divest him of it. The revolt against the factories was a revolt against a new regimen and discipline which was too demanding of men who had been, or whose immediate forebears had been, free artisans or farm laborers. The Belfast weavers called factories "lock-ups".<sup>23</sup>

When a factory began a shift, each worker had to tend to his business until that shift was completed. Since there was no double shifting the single shift was worked as long as possible. There was no possibility of the family stopping for a break when it felt the need or inclination, as had been the case with the cottage industry.

The new factory introduced into the lives of the workers who entered it a new rigidity. Though hours were not longer than in the days of domestic work, there seemed to be no freedom anymore. The 'hand' was summoned by the factory bell, his daily life arranged by factory hours, and he worked under the constant eye of the foreman. A writer of the time, Bamford, in his Early Days, tells how in the times before the factory his uncle used to retire into his house every morning and afternoon to smoke a pipe. Felkin in his History of Machine Wrought Hosiery tells how a Nottingham stocking-maker used to take every other Saturday off for gardening. The pamphlet literature of the Eighteenth Century is full of laments over the inclination of the workers to work only four or five days a week and spend the rest of the time getting drunk.

In contrast with this liberty of the past was the new factory discipline which inflicted fines for lateness, for absence from work, for burning the gas lights too long in the morning, for opening the window, and even for being heard whistling while at work. Working for 12½ to 14 hours a day under this regimen was a strain upon a generation unused to it. To the feeling of being

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<sup>22</sup> Warner, pp. 318-19. <sup>23</sup> Woodward, p. 12.

shut up in the factory was added the exhausting sense that the machine never tired. 'Whilst the machine runs,' said a contemporary pamphlet 'people must work--men, women, and children are yoked together with iron and steam. The animal machine...is chained fast to the iron machine which knows no suffering and no weariness.'<sup>24</sup>

Nor did the better wages necessarily provide financial security, for although in the long run factories brought greater regularity of work, the new industries were subject to periods of unemployment against which the worker had no protection.<sup>25</sup> The growing and teeming cities had no place for a cow or pig on the common, or for turnips in a spare plot of ground. The worker was totally dependent upon the factory master and the machinery. It must have been terribly demoralizing to the first generation of factory workers to recognize their impotence by comparison with the machines which could outwork the men or cause the men not to work at all.

For the first time, also, men had to compete with women and children for wages in a land which had had a traditionally well defined division of labor.<sup>26</sup> The idea of women and children earning wages was not new but never before had they offered such severe competition. Porter, in the 1851 edition of Progress of the Nation, says that in the year 1839 there were employed in cotton manufacture 7,106 males and 5,221 females under thirteen years of age; 41,286 males and 56,810 females thirteen to eighteen years of age; and 65,548 males and 84,364 females over eighteen years of age.<sup>27</sup>

This paper has an especial interest in the question of child labor, since the Factory Act of 1833 purported to regulate conditions for factory children. As has been seen above, large numbers of children were employed in the factories, although this was not a startling development. The children of the poor had been regarded as

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<sup>24</sup>Dietz, pp. 369-70. <sup>25</sup>Woodward, pp. 11-12. <sup>26</sup>Dietz, p. 428.

<sup>27</sup>Hammond, p. 188. Figures for the years just prior to 1833 are not available. The effect of the Factory Act being what it was, not too many children fewer would have been employed in 1839 than 1833.

workers long before the industrial revolution. Locke had suggested that they begin work at three, and Defoe rejoiced to see them at industry "scarce anything above four years old."<sup>28</sup> As has been previously noted, craftsmen in their homes had always worked a full day and their children along with them.

When parents moved to the factories in the early years of the industrial revolution it was natural for children to move along with them. All that is known of the period indicates there were large numbers of children, some very young, employed in the factories right from the beginning. Hammond says that "infant man" became, with the onset of the industrial revolution the basis of the new complicated economy.<sup>29</sup>

When cotton manufacture was in the water power stage of development, large numbers of children were transported, literally by the wagonload, from the London parishes to work in the manufacturing districts. When a London parish gave poor relief it generally claimed the right of disposing of all the children of the person receiving the relief. When these children became available and when demand for their labor developed, contracts were signed by manufacturers for large numbers of them.<sup>30</sup> These were the apprentice children. By 1815, however, the power loom, using steam as a basis of power, had come into vogue and was rapidly increasing. The mills were moving to centers already populated. From that time on the parish children were no longer needed, for the factory owners could rely upon the existing population for a work force. When the hand loom weaver, for instance, unable to compete with factory machinery, sunk deeper into poverty, he was unable to maintain himself and his family, so he sent his children to the mill or he went to the mill himself. Sometimes the adult was given work only on condition that the child, or children, work too.<sup>31</sup>

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<sup>28</sup> ibid., p. 197. <sup>29</sup> ibid., p. 198. <sup>30</sup> ibid., p. 199. <sup>31</sup> ibid., pp. 200-201.

The conditions of the children were essentially the same as those of the adults. Work hours were identical: when the adults went to work, the children went to work also. Therefore, children suffered generally the same grievances from which the adults suffered: a new, stricter discipline, a more unrelenting regimen, unremitting toil. "A child...who wished to stop at eight in the course of a sixteen and one-half hours day was compelled to go on under threat of dismissal."<sup>32</sup> Nonetheless, the conditions of work for the factory children were not especially harsh by the standards of the time. As has been noted above, conditions in other occupations were undoubtedly worse than in cotton manufacture and this applies to children as to adults.

Since the politics of factory reform legislation involves economic questions, including the personal and family income of the operatives, it is important at this point to review the wages and cost of living of the factory workers.

"Although there were fluctuations from year to year, the general trend of prices in the period from 1821 to 1852 was downward. The cost of living in 1850 was only 83% as high as it had been in 1790" and less than half what it had been in 1800. "At the same time some of the wage gains made during the war [had been]... retained."<sup>33</sup> Consequently, "'real' wages rose by as much as 50% from 1790 to 1852."<sup>34</sup> G. D. H. Cole in his History of the Working Class Movement substantiates these generalizations with some interesting statistics seen in Tables #2 and #3 shown on page 15.

Smelser reinforces this argument of a general rise in prosperity with the comment that "the inadequate remuneration to labor did not precipitate the factory laws; indeed, the real earning power of the operatives rose significantly with the with the improved technology."<sup>35</sup> It could hardly be said that acute economic

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<sup>32</sup> Warner, p. 317. <sup>33</sup> Dietz, p. 399. <sup>34</sup> Ibid. <sup>35</sup> Smelser, p. 295.

deprivation was responsible for the development of the public pressure that resulted in the Factory Act of 1833 after considering the information that there was generally a prosperous period from 1830 to 1837. The years 1832 to 1836 constituted an actual "boom" period.<sup>36</sup>

TABLE 2

REAL WAGES; APPROXIMATE PURCHASING POWER 1815=100

	Manchester Spinners	Agricultural Labourers
1800	64	67
1805	81	78
1810	88	--
1815	100	100
1820	114	87
1825	113	77
1830	130	106
1835	125	110

Cole, p. 135

TABLE 3

COST OF LIVING (SILBERLING INDEX) 1790=100

1800	170
1805	154
1810	176
1815	150
1820	132
1825	128
1830	108
1835	99

Cole, p. 135

<sup>36</sup>Fay, p. 397-98.

## CHAPTER II

### A SYNOPSIS OF FACTORY LEGISLATION: THE FIRST LAWS; THE TORY EVANGELICALS; THE BENTHAMITES

Beginning very early in the nineteenth century attempts were made to reform conditions relating to factory employment for children. Parliament passed laws bearing on the question in 1802, 1816, 1819, 1825 and 1831. These laws were products of the efforts of several individuals, none of whom enjoyed the support of large organized groups or of public opinion. On the other hand factory legislation enacted in 1833, 1844, 1847, 1850 and 1853 was sponsored by a group of Tory evangelicals who agitated in the factory districts and led the ten hours movement. The Factory Act of 1833, with which this paper is principally concerned, though proposed by the evangelicals was given form acceptable to parliament by the Benthamites.

In 1802 Sir Robert Peel, the elder, urged by the Manchester physician Percival, introduced an act which passed through parliament limiting hours for apprenticed children to twelve. This act forbade night work and provided for visits to the mills by parsons and magistrates. The act was a dead letter from the first; it carried no provision for regulation, inspection, or enforcement.<sup>1</sup>

In 1816 parliament passed a law introduced by Wilbraham Bootle which forbade London parish children to be apprenticed more than forty miles away from their parish. This act, again, had no effect whatsoever since by that time parish children were no longer necessary; the factories were being staffed by populations indige-

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<sup>1</sup>Hammond, p. 201.

nous to larger population centers such as that at Manchester.<sup>2</sup>

In 1818 the elder Peel again pushed a bill through commons which would have limited hours for children generally to eleven. "Robert Owen had shown that it was possible to make a fortune out of cotton-spinning without employing any children under ten, but the House of Lords thought otherwise, and postponed the bill."<sup>3</sup> A bill was passed the following year, however, with the stipulation that no child be employed under nine years of age, and that hours be limited to twelve for children from nine to sixteen. This act applied to cotton mills only and was important insofar as it affirmed the right of parliament to interfere with the discretion of parents.<sup>4</sup> But this law was as ineffective as the one that had been passed in 1802, as it did not call for inspection nor enforcement.

In 1825 John Hobhouse got an act passed that repeated the rulings of 1819, added penalties for breaches of the law, and shortened the hours of work on Saturdays.<sup>5</sup>

Hobhouse introduced another bill in 1831, this time asking parliament to forbid night work for persons under twenty-one years. He also asked that hours be limited to twelve for those persons under eighteen years and that these provisions be extended to all textile manufacture.<sup>6</sup> As finally passed, Hobhouse's act of 1831 reduced the week's work for those under eighteen years from seventy-two hours to sixty-nine and prohibited night work for that age group, but this again applied only to cotton mills.<sup>7</sup> As finally passed, the bill had the net effect of consolidating previous measures applying to the hours of work for children in the cotton factories.

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<sup>2</sup> *Ibid.*, p. 200.    <sup>3</sup> Woodward, p. 13.    <sup>4</sup> *Ibid.*    <sup>5</sup> Warner, p. 344.

<sup>6</sup> Elie Halevy, *The Triumph of Reform*, trans. E. I. Watkins (2nd. edition; *A History of the English People in the Nineteenth Century*; London: Ernest Benn, Ltd., 1950), III, 108.

<sup>7</sup> Warner, p. 346.



But it was as ineffective as each of the previous bills had been because it still did not provide for inspection nor enforcement.<sup>8</sup>

Up to that time there had been no organized, concerted drive made to alter the conditions of the factory workers by law. These bills cited represent, rather, sporadic attempts without a great deal of popular backing or support. By 1830, however, a small core of humanitarians, mostly Yorkshiremen, mostly Tory, and mostly evangelical, had formed short-time committees for the purpose of getting bills passed through parliament which were to have the effect of shortening hours for the factory workers. The evangelicals supported the Hobhouse bill in 1831, but only because Hobhouse had the initiative; they were not satisfied with his proposals. These men selected as their leader at the outset Richard Oastler, who led a hard-driving, unrelenting struggle for the next several years to insure that enforceable legislation be passed. The most fervent agitators for factory reform all through the 1830's and 1840's were these Tory evangelicals.<sup>9</sup>

There were variations in individual beliefs and political desires among these men, but generally speaking the leaders of the short-time movement, the leaders in the agitation for factory reform, were Methodists and they took literally Christ's command to clothe the naked, feed the poor, and minister to the sick. They favored the abolition of slavery<sup>10</sup> and the general alleviation of conditions of the poor.<sup>11</sup> "A historian of the movement which produced the Factory Acts must not forget the many tributaries that swelled the stream. But the source of the river was the piety and Christian sentiment of the Evangelicals."<sup>12</sup> And surely this was the case, for as shall be seen, the politics of the movement make little or no sense whatsoever.

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<sup>8</sup>Halevy, p. 108. <sup>9</sup>Smelser, p. 273.

<sup>10</sup>R. G. Cowherd, The Politics of English Dissent (New York: New York University Press, 1956), p. 142.

<sup>11</sup>Ibid., p. 101. <sup>12</sup>Halevy, p. 110.

The argument for factory legislation was carried almost purely through an appeal to sympathy.

The evangelicals were somewhat active in support of the Hobhouse bill of 1831. However, they were not satisfied with the Hobhouse effort, since neither his original provisions nor the final legislation were broad enough in scope. As shall be seen, the evangelicals had every intention of legislating for all the factories of the kingdom, not just those of the cotton manufacturers.

The reformers had worked with Hobhouse because he had been at the task throughout the twenties, and they found him to be a willing ally. But John Hobhouse was not one of their own; he was a political radical, rather than a Tory evangelical, and was unwilling to submit a ten hours bill which they suggested that he do next. At that point the short time committees turned to Michael T. Sadler to represent their case in parliament.<sup>13</sup> Michael Sadler was "almost a caricature of an evangelical preacher" "His voice was full and distinct, but it had a species of twang about it very much resembling that which is so often heard in the pulpit."<sup>14</sup>

Perhaps the following dramatic excerpt from a speech in parliament will serve to illustrate Sadler's style.

Sir, our ancestors could not have supposed it possible - posterity will not believe it true - It will be placed among the historic doubts of some future antiquary - that a generation of Englishmen could exist, and had existed, that would task hisping infancy, of a few summers old regardless alike of its smiles or tears, and unmoved by its unresisting weakness, eleven, twelve, thirteen, fourteen, sixteen hours a-day, and through the weary night also, till, in the dewy morn of existence, the bud of youth faded, and fell ere it was unfolded. 'Oh, cursed lust of gold!' Oh the guilt England was contracting in the kindling eye of Heaven, when nothing but exultations were heard about the perfection of her machinery, the march of her manufactures, and the rapid increase of her wealth and prosperity!<sup>15</sup>

<sup>13</sup>Cowherd, p. 134. <sup>14</sup>Halevy, p. 110.

<sup>15</sup>Great Britain, Hansard's Parliamentary Debates (third series; XI; March 16, 1832), p. 349.

On December 15, 1831 "Mr. Sadler rose [in parliament] for leave to bring in a Bill which should have for its object to regulate the labour of children employed in Mills and Factories in this kingdom."<sup>16</sup> The major provisions of the bill, as it was introduced by Sadler, called for persons under nine years of age not to be employed at all; asked that persons under eighteen years of age be employed no more than ten hours a day; asked that persons under twenty-one years not work nights;<sup>17</sup> proposed certain safeguards for the health and safety of the young people working around the machinery in the mills; and provided penalties for any breach of the proposed statute. That he asked that these provisions be applied to every "branch of manufacture in the kingdom,"<sup>18</sup> later became one of Sadler's major political stumbling blocks.

The opposition immediately requested that the bill be heard by a select committee before parliament be requested to finalize its decision on the matter.<sup>19</sup> Sadler resisted this move, heatedly saying that no select committee was necessary at all, that "the House had frequently inquired on the subject, by Committee, during the past thirty years," and noted that there was ample evidence already in store from a variety of previous parliamentary committees for passage of such a bill. He asked instead that the house take the matter "openly and boldly into its own hands."<sup>20</sup> Sadler furthermore expressed concern that if the bill were sent to committee, it would at a minimum be delayed and possibly not come to a conclusion during that session at all.<sup>21</sup>

On March 16, 1832 Sadler delivered an eloquent speech of some duration,<sup>22</sup>

<sup>16</sup> Hansard (IX; Dec. 15, 1831), p. 255.

<sup>17</sup> Hansard (X; February 10, 1832), p. 195. Reveals a proposed twenty-one years limitation for night work, whereas Malevy says the limitation was eighteen years.

<sup>18</sup> Malevy, p. 110. <sup>19</sup> Hansard (IX; December 15, 1831), p. 255.

<sup>20</sup> Hansard (X; February 9, 1832), p. 106. <sup>21</sup> Hansard (XI; March 14, 1832), p. 205.

asked that the bill be read a second time, and it was.<sup>23</sup> Lord Morpeth, a partisan on behalf of the bill, saw that it was not going to pass, however, and advised friends of the bill to save their strength "until it should be necessary to exert themselves in support of it."<sup>24</sup> The bill was not voted upon at that time and instead a select committee was appointed by Lord Althorp, the ministry's representative in commons, and Sadler had failed to clear the first hurdle.<sup>25</sup>

Sadler was named chairman of the select committee,<sup>26</sup> and he weighted all testimony heard before the committee in favor of his position on the bill. Only proponents were asked to give testimony; no opponents were heard whatsoever. The information gathered in this manner was put into print and widely circulated.<sup>27</sup> The finished product was a devastating attack on the factory system. As can be imagined, the opponents of Sadler's bill were up in arms about his handling of the committee, and their wrath came to light time after time in the debates over Ashley's bill the following year.<sup>28</sup> For reasons that remain partially obscure, Sadler withdrew his bill on July 31.<sup>29</sup> He apparently felt that chances of passage in the remainder of that session were dim, and therefore, chose to withdraw the bill rather than suffer the demoralizing effect of a loss in a requested vote. Sadler passed a bitter remark at the time he withdrew the bill that it was too bad that members of parliament were absent in such great numbers when they knew full well that this important measure was coming up for discussion on this particular day.<sup>30</sup>

<sup>23</sup> *ibid.*, p. 385. <sup>24</sup> *ibid.*, p. 393. <sup>25</sup> *ibid.*, p. 398.

<sup>26</sup> G. H. Knoles and R. K. Snyder, Readings in Western Civilization (third ed.; New York: J. B. Lippincott Co., 1960), p. 565.

<sup>27</sup> Smelser, p. 290.

<sup>28</sup> Hansard (XV; February 26, 1833), 1164; (XVI; March 14, 1833), 640; (XVI; March 22, 1833), pp. 970-2; (XVI; March 25, 1833), pp. 1001-1003; (XVII; April 3, 1833), pp. 79-113.

<sup>29</sup> Hansard (XIV; July 31, 1832), p. 965. <sup>30</sup> *ibid.*

A tenable reason for such abbreviated attendance might be that the members of parliament suffered a severe letdown at the conclusion of debates on the parliamentary Reform Bill. That Bill, which had consumed the passions of parliament for nearly two years, had passed commons on March 23 and Lords on June 7, and yet, the session continued on until prorogued on August 16.<sup>31</sup> The parliament of 1832 was dissolved for the express purpose of electing new representation under the terms of the Reform Bill passed in June. The last previous election, held in April, 1831, can be viewed as the election of a constituent assembly whose purpose it was to reform parliamentary constituencies and the franchise. Its mandate surely went no further. That election had seen the Whigs win a majority of some 140 seats on the cry of "the bill, the whole bill and nothing but the bill."<sup>32</sup> As could be expected, the Tories suffered devastation at the polls in December. Of 658 seats, the Whigs captured better than 500, leaving the Tories with 150.<sup>33</sup>

Among the casualties was Michael T. Sadler, Leeds banker, Sunday school superintendent, and erstwhile member from Aldborough, who had been successfully challenged by MacCauley. The casual observer might think Sadler's failure to pass a bill in 1832 and Ashley's subsequent success in 1833 attributable to the new distribution of party members in commons wrought by the election of the Reform Parliament that December. Such, however, was not the case. Surely, the parliamentary reform, as such, was a tremendous victory for the middle class merchants, but the composition of the house remained nearly unchanged. The number of businessmen remaining after 1832 was "practically the same as before."<sup>34</sup> Not only that, but whereas the newly enfranchised were largely from the evangelical sects and whereas the nonconformists were probably the majority of the Liberal party in every consti-

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<sup>31</sup> Annual Register... 1832 (London: Baldwin and Cradock, 1833), p. 302.

<sup>32</sup> Halevy, p. 33. <sup>33</sup> ibid., p. 61. <sup>34</sup> ibid., p. 62.

tuency, and in some places the majority of the electorate, only two nonconformists sat in the 1833 commons.<sup>35</sup>

That is to say, the first Reform Parliament, returned by a middle-class electorate, was, like its predecessors, a parliament the overwhelming majority of whose members were country gentlemen and members of the aristocracy. On the morrow of the election the Conservative press called attention to the fact not without sarcasm.<sup>36</sup>

Cole and Postgate, in their History of the British Common People, perhaps put the extent of the revolution most succinctly. "The middle classes were still for the most part prepared to accept aristocrats as governors; but they insisted on their right to settle which set of aristocrats should govern."<sup>37</sup> But there was no question that "The 1832 Revolution, consequently, had handed political power over to the middle class from the aristocracy. The new rulers indeed contrived for many years to act through members of the upper class."<sup>38</sup> But the newly elected Whigs "were directly responsive to middle class opinions and needs."<sup>39</sup>

The Factory Act was passed in 1833 despite the shift in power from the aristocracy to the middle class. The reason for this is now fairly obvious; public opinion demanded the Factory Act just as it had demanded parliamentary reform.<sup>40</sup> The ten hours movement became most active simultaneously with the reform movement in 1829 and 1830 and was initiated and carried to fruition not by the Whig reformers, but rather by Tory evangelicals and philosophic radicals. In fact, the Tory pietists had little interest in parliamentary reform and worked for a factory act out of a spirit of Christian humanitarianism, as has already been seen. Lord Ashley was one of the relatively few Tories to survive the first Reform election. "This Act...

<sup>35</sup> Halevy, p. 63. <sup>36</sup> Ibid.

<sup>37</sup> G. D. H. Cole and Raymond Postgate, The British Common People, 1746-1938 (1st American edition; New York: A. A. Knopf, 1939), p. 223.

<sup>38</sup> Ibid., p. 234. <sup>39</sup> Ibid.

<sup>40</sup> The author estimates that petitions bearing between 200,000 and 300,000 signatures were introduced into parliament during the course of debates on the question.

was really a carry-over from the days before Reform, and would probably have passed in much the same shape whether there had been Reform or not."<sup>41</sup> The movement can hardly be viewed as a case of Tory versus Whig. Despite the fact that the Whigs bitterly resented the sustained Tory opposition to parliamentary reform, they ultimately gave a sufficient number of votes for factory act passage in a reformed parliament through which nothing could pass without lively Whig interest; the Whig majority was better than three to one. Parliamentary reform was a Whig political victory; factory reform was not a victory of party at all. It was a victory for the humanitarians (and the Benthamites) just as had been the abolition of slavery a few weeks earlier in the same session. In the final analysis, Lord Althorp, Whig Chancellor of the Exchequer, representing the government, took the bill from Ashley and carried it to passage.

Nor do we find the Church at loggerheads with the evangelicals on this issue. Both the Bishop of London and the Archbishop of Canterbury spoke favorably on the bill, and in language very similar to that used by Sadler and Ashley.<sup>42</sup>

In further refutation of arguments that the aristocracy may have been attempting to apply pressure to the manufacturing interests that were, in turn, pressuring for parliamentary reform, we must consider that the move that this element of the Tory aristocracy was making was on behalf of the factory laborer. In the early stages of the struggle for parliamentary reform, the laboring classes were very much on the side of the middle class because they felt that there was a possibility that they would be included in the franchise and that their interests, too, would be represented in reformed parliament. This, of course, did not turn out to be the case,<sup>43</sup> but it would have been foolhardy for the aristocracy to join with

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<sup>41</sup> Cole, History of the Working Class, p. 92.

<sup>42</sup> Hansard (X; March 1, 1832), 985 and (XI; March 13, 1832), pp. 109-10.

<sup>43</sup> Halevy, p. 109.

the working classes on behalf of factory legislation in an attempt to deliver revenge on the manufacturing interests for their efforts for parliamentary reform.

The struggle from 1829 was, in its simplest form, between those who thought it so important to rescue the children and adults from the labors of extended working hours that they were ready to limit the working hours of the mill, and between those who were concerned only with mill production, even if children had to be sacrificed.<sup>44</sup> But the opposing factions represented none of the normal and long-standing antagonisms such as Tory and Whig, aristocrat and manufacturer, Establishment and evangelical. Yet, Halevy says that:

The country was in the midst of a political crisis. The gentry who had long been at mortal enmity with the parvenues of the factory were alarmed to see them making use of the Reform Bill to raise their political and social status, and as though [emphasis added] to take their revenge for the agitation which had carried reform through themselves heart and soul into the agitation against the factory system.<sup>45</sup>

And Warner says that "the land-owners and the Tory party began to take up the workman's cause, perhaps a little [emphasis added] out of revenge for their defeat over the Reform Bill."<sup>46</sup>

The "as though" and "perhaps a little" provide Halevy and Warner very narrow escapes because these arguments are fallacious. As a matter of fact, the drive for a factory act, the ten hours movement, was begun before the Reform Bill was passed, before the Whigs thought reform had a chance of passage. Interestingly enough, although some of the evangelicals were very much in favor of a factory act, not all of the dissenters felt similarly. Oastler had expected the dissenter abolitionists of Leeds to join his cause,

but in this expectation he was keenly disappointed, for the dissenters were then fully occupied with political reform. Moreover, their doctrine of

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<sup>44</sup>Hammond, Rise of Modern Industry, p. 202.

<sup>45</sup>Halevy, p. 109. <sup>46</sup>Warner, p. 345.



religious freedom predisposed them to favor the individualism of free trade and to oppose the paternalism of factory reform, resolved to abolish all monopolies in politics, religion, and trade. They feared legislative interference with factory workers as an extension of Tory control.<sup>47</sup>

The ten hours movement cut across political parties.

Hobhouse was a radical, Oastler a Tory; Sadler... was also a Tory, and a strong opponent of Catholic emancipation. Ashley, who succeeded Sadler, had been anti-Catholic until 1829. On the other hand Hume, and for many years Roebuck, two prominent radicals, fought every measure of restrictive legislation [until this one].<sup>48</sup>

The political complications multiplied after 1833.

Bright opposed Ashley with great harshness, and voted against the Ten Hours Bill in 1847; Brougham, whose best work was done in support of working-class education, made long and sarcastic speeches against the enforcement of a maximum number of hours for the work of grown men. The cross divisions were multiplied during the years after 1840 because the land owning class found in the support of factory laws a convenient way of answering the manufacturer's attacks upon the Corn Laws. But there were always a number of enlightened manufacturers among the leaders of the movement for shorter hours.<sup>49</sup>

A discussion of the politics of the factory question bears a further look into the Tory reformers' motivation for sponsoring legislation to limit the hours of child labor. The piety, the Christian humanitarianism of these reformers has been seen, but their charity was not limited to children.

It was for the children that Oastler sought to awaken the pity of the English middle class, but his aim was the legal protection of the adult worker.

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The operatives, it is true, were seeking a restriction of working hours for themselves, not for the children who were very often the victims of their brutality rather than of the employer's tyranny.<sup>50</sup>

Both the factory operatives and the crusaders knew that the work of the children and that of the adults was so closely connected that it was impossible to protect the children without passing a bill for the protection of all.<sup>51</sup> But the plot to gain a ten hours bill for all workers would not go undetected for long. After all, the

<sup>47</sup> Cowherd, p. 144. <sup>48</sup> Woodward, p. 148. <sup>49</sup> *ibid.*, pp. 148-9.

<sup>50</sup> Halevy, p. 109. <sup>51</sup> Hammond, p. 202.

movement was a very public one; there was a good deal of agitation for the ten hour day for all workers, and the subterfuge of seeking ten hours regulation for children in an attempt to bring the adult workers in through the back door, so to speak, did not meet much success. Fielden, himself a factory owner, writing in a pamphlet, Curse of the Factory System, in 1836, said that

any Factory Bill to be effective, must restrict the labour, not only of children, but of those older hands with whom they worked; for that the work of both was so connected, that it could not be carried on by the adult hands without the assistance of the younger. But this factor our adversaries always attempt to turn against us.<sup>52</sup>

And well his adversaries might attempt to turn the argument against him for the Englishman had a strong and long heritage of independence and that virtue was praised above all other moral attributes of Englishmen. Parliament during this period refused to legislate interference between any operative--a free agent--and his employer. As late as 1849 we hear from commons:

...and if it were to be proposed in the house of commons to pass an act to protect adult males in factories, it would be answered that it was an invasion of the rights of an Englishman to prevent him from working as long as he pleased...<sup>53</sup>

Indeed, the drive to limit children's hours concealed several diverse aims: to limit adults' hours and spread the total employment over greater numbers, to keep children's and adults' wages high, and to limit the flood of children into the factories by limiting the legal age of entry.<sup>54</sup> Most of these aims were spoken to in the parliamentary debates on the question and shall be discussed in greater detail later in this paper.

With Sadler's defeat, it was left to Lord Ashley in the 1833 session to carry on where Sadler had been forced to leave off. It is interesting to note that Oastler and the crusaders for factory reform did not turn to John Fielden who was a candidate

<sup>52</sup>Halevy, p. 109. <sup>53</sup>Smelser, pp. 266-67. <sup>54</sup>ibid., pp. 239-40.

for the responsibility. Fielden, as has been noted, was a very wealthy cotton manufacturer of broad acquaintance with the industry. He had been a member of parliament in 1832 and he had been more interested in Sadler's proceedings than had Ashley been. But Fielden was a radical, and whether that be the reason or not, Oastler and the Tories decided to select another Tory--another evangelical--Lord Ashley. Ashley, who was in 1851 to become Lord Shaftesbury, was no democrat: socialism and chartism were to him "the two great demons in morals and politics." Nonetheless, "his immense kindness and undefeated persistence in relieving misery" caused Cole and Postgate in their History of the British Common People to say that "perhaps he was the noblest figure of the nineteenth century...."<sup>55</sup> Surely, any historian of Britain's nineteenth century reform movement cannot help but recognize Shaftesbury's driving energy and ceaseless efforts, to alter for the better the conditions of the poor laboring classes.

Ashley introduced his Ten Hours Bill on February 8, 1833.<sup>56</sup> The bill, with a few trifling modifications, was a copy of Sadler's. The major provision, of course, was to limit the hours of work to ten for persons under eighteen years of age. It also asked that no one under nine years be permitted to work at all. Like Sadler's bill, it would also invoke penalties against those who did not properly safeguard their workers from injury by machinery. It also sought to eliminate night work for young people.<sup>57</sup>

The manufacturing interests countered by stalling for time. On a motion by Wilson Patten, the bill was sent to a royal commission for the purpose of collecting

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<sup>55</sup> Cole and Postgate, p. 284.

<sup>56</sup> Hansard (XV, Feb. 8, 1833), p. 391.

<sup>57</sup> Halevy, p. 111.

"evidence in the manufacturing districts as to the employment of children in factories; and as to the propriety of curtailing the hours of labour...." The motion passed after extensive debate by a vote of seventy-four to seventy-three on April 3, 1833, a day in which the House of Commons was more than three-fourths empty.<sup>58</sup> The bill was read for a second time on June 17.<sup>59</sup> The report of the royal commissioners was in by July 5. The commission had worked with utmost efficiency and although the report had not been distributed at that time, Lord Althorp began commenting from it on that day and he recommended that the bill then go to a select committee. It was so moved.<sup>60</sup> Although Althorp was the Chancellor of the Exchequer, and although this was not a government bill, the government was beginning to show concern over the struggle between the manufacturers and the crusaders of the ten hour movement. Althorp's motion to send the bill to select committee was defeated by a vote of 141 to 164 on July 5.<sup>61</sup> On July 18 the house resolved itself into a committee of the whole on the bill, and every time it met thereafter to discuss the Factory Act it met as a committee of the whole for the discussion of the individual clauses.<sup>62</sup> The second clause was the most critical as far as the ten hours advocates were concerned. It called for a limit of ten hours labor for persons under eighteen years. On July 18 Lord Althorp defeated Ashley on this key clause by a vote of ninety-three to 238.<sup>63</sup> Ashley at that point admitted defeat and "therefore surrendered the Bill into the hands of the Noble Lord Althorp ...."<sup>64</sup>

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<sup>58</sup>Hansard (XVII; April 3, 1833), p. 113.

<sup>59</sup>Hansard (XVIII; June 17, 1833), p. 915.

<sup>60</sup>Hansard (XIX; July 5, 1833), p. 223. <sup>61</sup>ibid., p. 253.

<sup>62</sup>Hansard (XIX; July 18, 1833), p. 885.

<sup>63</sup>ibid., p. 912. <sup>64</sup>ibid.

This meant then that the bill for limitation of child labor in factories had at that point become a government sponsored bill, and it is commonly referred to thereafter as the Althorp Bill, rather than the Ashley Bill. After a clause by clause discussion of the measure, the bill was ordered up to the House of Lords on August 13.<sup>65</sup> The Factory Act of 1833 passed Lords without debate.<sup>66</sup>

If Christian piety provided the motive force, the driving effort toward an achievement of factory reform, Benthamism gave it substance and form, provided its bounds and insured its immediate adherence.

The disciples of Jeremy Bentham sought to make practicable the things that would increase man's happiness. Once they had determined that the factory children were being treated unjustly they went about remedying the situation.

Bentham's philosophy was revealed in his voluminous writings, especially Fragment on Government (1776), Introduction to the Principles of Morals and Legislation (1789), A Defence of Usury (1787), A Theory of Punishments and Rewards (1811), A Treatise on Judicial Evidence (1813), Papers upon Codification and Public Instruction (1817), The Book of Fallacies (1824); he also founded the Westminster Review (1824), which became the organ of the philosophic radicals, as the Benthamite activists were called.<sup>67</sup> His chief adherents were James Mill and, later, Mill's son John Stuart. The latter went well beyond Bentham's original outline, but together the three formulated the school which came to be known as "Utilitarian".

<sup>65</sup>Hansard (XX; Aug. 13, (1833), p. 586.

<sup>66</sup>Hansard's Debates show absolutely no discussion on this measure in Lords.

W. L. Davidson, Political Thought in England: The Utilitarians from Bentham to J. S. Mill (New York: Henry Holt and Co., no publication date), pp. 33-4. Davidson gives a good short account of the Utilitarian movement. For greater detail see Elie Halevy, The Growth of Philosophic Radicalism (trans. Mary Morris; Boston: The Beacon Press, 1928).

Bentham was greatly influenced by the leading political economists of the day, Smith and Ricardo. This meant that he and James Mill followed the doctrine of laissez faire. And by this they were largely in step with the liberals of the day-- all legislation was viewed as evil and should be entered into only when it seemed clear that the legislation's object was even more evil and needed to be remedied.

But Bentham tempered the expressed attitudes of the popular political economists by adding a positive embellishment: Government should be strong when necessary and should move to protect the welfare of the individual. The doctrine of "the greatest good of the greatest number" reduced simply enough to a formula (for Bentham) of government by the majority of the representatives of people enjoying universal manhood suffrage, a secret ballot and annual parliaments.

Benthamism was so widely accepted that "In 1832 Benthamite Radicalism was the term, possibly unattainable, to which every professed reformer in his measure approached."<sup>68</sup> While the mood of reform was strongest, liberals and even Whigs were obliged to approximate the programme of the Benthamites if they desired to show themselves good reformers.<sup>69</sup>

Since Benthamism was a "doctrine of authority which looked to the deliberate, and in a sense, the scientific interference of Government to produce a harmony of interests,"<sup>70</sup> the question of factory reform presented a natural testing ground and show case for the Benthamites.

It is difficult to say what Lord Althorp had in mind when he appointed the royal commission for the investigation of the question of factory legislation. The Whig cabinet was distinctly moderate by comparison with the Benthamite or radical factions. But the historian's credulity would be strained if asked to believe that the Benthamite composition of the commission was a matter of happenstance.

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<sup>68</sup> Halevy. Triumph of Reform, p. 69. <sup>69</sup> ibid. <sup>70</sup> ibid., p. 100.

Edwin Chadwick, particularly, and Southwood Smith were more than casual adherents to the Bentham philosophy—they were ardent disciples. Chadwick's particular interest was strong government through administrative centralization. The third member and secretary of the central board of commissioners, John Wilson, was also a friend of Bentham.<sup>71</sup> The advocates of factory legislation, the followers of Sadler and Oastler, were not concerned with the nuances of the commission's composition. They were thrown into a blind fury against the appointment of any commission at all. "Everyone regarded the commission as a mere device to shelve the question, and thus postpone indefinitely a reform the workmen regarded as urgent."<sup>72</sup> There was violent protest; the commissioners were met everywhere with organized obstruction.<sup>73</sup>

The central board sent teams of commissioners into the manufacturing districts, evaluated the data returned, and presented its report to parliament within three months. The measures they recommended bore little resemblance to those that Lord Ashley had proposed; they were in many ways even further reaching. As with the Ashley Bill, it was proposed that the state be imposed into the private relationship between employers and employees for "although in many respects the disciples of Bentham were also disciples of Adam Smith and Ricardo, they were very far, . . . from professing that systematic dislike of any and every form of state interference . . . ."<sup>74</sup>

But the commission's bill was not "merely a mutilated version of the evangelical proposal. It was a completely different measure,"<sup>75</sup> based on Benthamite principles.

The commissioners detected the attempt of the ten hours advocates to shorten

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<sup>71</sup> ibid., p. 112.    <sup>72</sup> ibid.    <sup>73</sup> ibid.

<sup>74</sup> ibid., p. 115.    <sup>75</sup> ibid.

the work of adults by reducing the hours to ten for all persons under eighteen. As explained previously, the adults and children in a factory had a necessarily symbiotic relationship; reducing the hours of the latter meant inevitably reducing equally the hours of the former--or so it was thought until that time. The Benthamite commissioners agreed with the radicals that it was impracticable or mischievous to restrict the adults' working day; therefore, they proposed to limit hours for children up to thirteen years.<sup>76</sup> And since even ten hours work was deemed by the medical men to be too much for ten and eleven year olds, the maximum was set at eight hours for children nine to thirteen years.<sup>77</sup> This proposed legislation was deemed perfectly proper because Bentham taught that the state had the right to protect those who could not be considered free agents capable of making a contract.<sup>78</sup>

Consistent with Benthamite principles that sought universal education, the commissioners proposed that every child employed in a factory be given two hours schooling per working day. Under this proposal, however, the state would provide no funds and the manufacturers were left to their own methods for complying. Another disciple of Benthamism--John Roebuck--had just failed to get a compulsory education bill passed in commons when Chadwick and Smith succeeded under cover of the factory bill.<sup>79</sup>

The education recommendation was also a fine political ploy for it gathered votes from ultra-radicals such as Joseph Hume and Poulett Thomson who, on grounds of governmental interference, would not otherwise have supported factory legislation. One radical supporter was convinced that the bill "had no more claim to be called a factory bill than an education bill."<sup>80</sup>

The final and perhaps most significant proposal by the Benthamite commis-

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<sup>76</sup> *ibid.*, p. 112. <sup>77</sup> *ibid.*, p. 113. <sup>78</sup> *ibid.* <sup>79</sup> *ibid.*, p. 114. <sup>80</sup> *ibid.*



sioners acceptable to parliament was the establishment of a professional inspectorate. The country was to be divided into four areas and the inspectors were to tour regularly, write reports, and make recommendations. Factory owners could be prosecuted for breaches of the law. "It was the victory of one of the fundamental principles of Bentham's political philosophy, the principle of administrative centralization."<sup>81</sup>

The act would have gone further, had parliament accepted other suggestions by Chadwick and Smith. "The inspectors would have received more extensive powers to control the hygiene of the factories, and the employer's liability for accidents which befell his employees in the course of their work would as early as 1833 have been legally enacted."<sup>82</sup>

Ultimately the Factory Act of 1833 was a triumph of Benthamism: the enacted bill conceived a state, authoritatively establishing and maintaining social justice.

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<sup>81</sup> ibid.    <sup>82</sup> ibid., p. 116.

## CHAPTER III

### THE DEBATES

The debates in the House of Commons in 1832 and 1833 on the subject of factory legislation followed no particular pattern. The members argued at whim in regard to what affect the proposed legislation would have on health, morals, education, family income, employment, industrial finance, and a number of other categories of concern to either the proponents or opponents. For purposes of this paper the various arguments have been extracted from the chronology of the debates and categorized as an aid to study.

Michael Sadler proposed the 1832 bill and was its chief advocate. In a tour de force on March 16, he either established or reiterated most of the arguments to be heard in two years of discussion on the matter. As a consequence Sadler is quoted and referred to more often than are his colleagues.

The first line of attack by the proponents of legislation was a play on the natural sympathies. The existing system was declared unhealthy--physically, mentally and morally. This theme was played over and over in all its nuances.

Perhaps the following comment by Sadler opens on an appropriate key. The system actually produced orphans, he claimed, since "very few adult spinners...as I shall prove," live to "age forty" in many instances, therefore, leaving their children fatherless at a very early period of life."<sup>1</sup> Later on Sadler offered as evidence nothing directly involving cotton spinners. Rather he attempted from

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<sup>1</sup> Hansard (X); March 16, 1832), p. 348.

scant sources to sway his audience with generalizations and references to other statistical areas. For instance, he related that for every 100,000 interments under age forty in London there were 63,666 above that age; in Paris there were 65,109; but in Manchester there were only 47,291 interments over age forty for every 100,000 under age forty.<sup>2</sup> He then went to great length to explain that the population age-group above forty in the city of Carlisle, a manufacturing center, was dwindling because of the increasing number of interments below that age since the latter part of the eighteenth century.<sup>3</sup> In further support of his allegation that few spinners live to age forty he quoted from a physician, Thackrah, on conditions in the flax mills: "On inquiry at one of the largest establishments in the neighborhood, we found that, of 1,079 persons employed, there were only nine who had attained the age of fifty, and besides these only twenty-two who had reached forty."<sup>4</sup>

John Hope, in opposition, quoted figures from the 1816 House of Commons select committee report indicating that mortality rates were actually considerably lower in spinning factory populations than in others. In Holywell, for instance, factory workers died at a rate of one in 217 while the parish average was one in fifty-eight.<sup>5</sup> He further claimed that the Lords' report of 1819 showed a lower infant mortality among factory workers than among others.<sup>6</sup>

Obviously both Sadler and Hope are open to attack on this subject. Neither took an adequate sample for a data base, Sadler did not refer specifically to spinners and Hope's information was hopelessly out of date, in view of the rapid growth of the industry in the following decade.

In further support of his argument that long hours were damaging to the physique Sadler pointed out that the "stunted degenerates" being raised in the manu-

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<sup>2</sup> *Ibid.*, pp. 371-2.    <sup>3</sup> *Ibid.*, p. 373.    <sup>4</sup> *Ibid.*, p. 354.

<sup>5</sup> *Ibid.*, p. 390.    <sup>6</sup> *Ibid.*

facturing districts could not pass recruit in time of war and that it was therefore becoming more difficult to defend the country.<sup>7</sup>

In rebuttal Hope cited a report on the height of the militia "from a Return given in to the Adjutant General's office, with respect to the growth of persons engaged in these factories" which showed that people from the factory districts were in fact taller than people from other districts.<sup>8</sup>

Smelser points out that the factory children may very well have been smaller than the average for two very good reasons: many of them had come from families of hand loom weavers who were financially and therefore dietarily deprived; and they may have been deliberately chosen for small stature so that they could easily climb under the machinery.<sup>9</sup>

Sadler, quoting from a medical authority, Mr. Robinson, in regard to the health of the factory workers, said "that in several respects they [the industrial population] are in a less healthy and worse condition than at any period within the last two centuries."<sup>10</sup> To heighten the effect of this pronouncement Sadler also ran down a catalogue of ills that might result from factory toil: "languor, debility, sickness, loss of appetite; pulmonary complaints, . . . coughs, asthmas and consumptions; . . . Deformity was also a common and distressing result . . ."<sup>11</sup>

Hope pointed out that the average number of sick children at Holywell mills was six out of 610, whereas the average number of sick in a regiment of soldiers was twenty to twenty-five out of 600. He furthermore went on to state that comparatively few children were ever sick and that few employees in Manchester were in the hospitals.<sup>12</sup>

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<sup>7</sup> *Ibid.*, p. 374.    <sup>8</sup> *Ibid.*, p. 391.    <sup>9</sup> Smelser, pp. 275-79.

<sup>10</sup> Hansard (XI; March 16, 1832), p. 92.

<sup>11</sup> *Ibid.*, p. 364    <sup>12</sup> *Ibid.*, p. 389.

The creative diversity of the Sadler attack was such that the opponents of the factory bill did not attempt to answer, specifically, all of the charges that were made. Sadler, for instance, reported that the number of hours worked was so deadening as to have the effect of reducing the children's concern for their own safety. The result was that there were many cases of mangled limbs, having gotten caught in the machinery.<sup>13</sup> Later he went on to explain the increased difficulties women had in child bearing as a consequence of standing long hours while children.<sup>14</sup> Physical deformity was also laid at the feet of factory labor when Sadler pointed out that "the books of the infirmaries, in any manufacturing district, will show the number" and also the cost of "buying irons to support the bending legs of the young children who become crippled by long standing in the mills."<sup>15</sup>

Naturally the advocates of the ten hours legislation charged that factories currently constituted breeding grounds of immorality. Conditions were such as to induce bad habits which were "inirradicable."<sup>16</sup> It was claimed that crime was greater in manufacturing districts than elsewhere and Sadler cited figures on criminal committals: in London the average number of criminal committals in 1805, 1806 and 1807 was 1,192 while in Lancashire for the same period the number was 369. Twenty-four years later in 1829, 1830 and 1831 London averaged 3,491 committals while Lancashire averaged 2,088. England, as a whole, Sadler claimed, averaged one committal in 1,255 while Lancashire averaged one committal in 550 population annually.<sup>17</sup> Excessive drinking by women and children was also attributed to the system<sup>18</sup> as was sexual promiscuity. "The mills, at least those in which night-working is pursued, are in this respect, so many brothels."<sup>19</sup> Sadler also took a swing at resultant early marriages which were considered "in every point

<sup>13</sup> ibid., p. 358. <sup>14</sup> ibid., p. 366. <sup>15</sup> ibid., p. 364.

<sup>16</sup> Hansard (X), Feb. 7, 1832), p. 21.

<sup>17</sup> Hansard (XI), March 16, 1832), p. 368. <sup>18</sup> ibid., p. 369. <sup>19</sup> ibid.

of view indecent and disgraceful."<sup>20</sup>

In addition "the system" was accused of producing perverted parents who would "purchase idleness by the sweat of their infants, and spend the price of their happiness, health, and life, in the haunts of profligacy and corruption."<sup>21</sup>

Pauperism was also considered a moral problem and since "4,562 poor married women" have their children "delivered by the lying-in charity of Manchester... nearly three-fifths of the children of that town are thus branded with the stigma of pauperism at their very birth."<sup>22</sup>

Of course no plea to the sympathies of Englishmen would be complete without the one that Lord Ashley pulled out late in the 1833 debates. He recalled testimony by a Dr. Loudon that under the present circumstances of long hours, home life was not possible for the workers.<sup>23</sup> If the industrial revolution had changed any single thing in English life it was the differentiation of roles played by the family members. The "togetherness" of the cottage manufacturer's family or the peasant's family was not possible for the factory workers and they resented it bitterly.<sup>24</sup>

If not the bitterest, one of the most frequent complaints heard from the proponents of legislation was that the children, under present conditions, could not learn anything in Sunday school because they were always so tired. Daniel O'Connell, leader of the Irish delegation in the first Reformed Parliament, said so, for one, in a short speech on March 14, 1833.<sup>25</sup> The corollaries to this position were stated by Sadler when he decried keeping the children captive in their

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<sup>20</sup> *ibid.* <sup>21</sup> *ibid.*, p. 346. <sup>22</sup> *ibid.*, p. 371.

<sup>23</sup> Hansard (XIX; July 18, 1833), p. 888.

<sup>24</sup> N. J. Smelser's Social Change in the Industrial Revolution is entirely devoted to this theme and its effect.

<sup>25</sup> Hansard (XVI; March 14, 1833), p. 641.

youth when they should be out enjoying recreation and freedom. He went on to claim that the mental burden which the young workers were forced to carry was the worst of all the cruelties.<sup>26</sup>

There was little that could be done with the proponents' charges that the factory workers' morality and education were lacking except deny them. They did, but seemingly only as a matter of form. Not too much time was spent by the opposition in detailing a case. John Hope claimed he had certificates "from several clergymen residing... in the county of Fife, who certified, that the children and adults employed there in those mills were as well conducted, in a moral point of view, as the agricultural population."<sup>27</sup> Hope cited further testimony given to the Lords' committee in 1819 that in certain parishes and towns, the cotton operatives exhibited better moral conduct and were better educated than other folk.<sup>28</sup> Mr. Blamire added later the same day that he thought the population of agricultural districts was more immoral than that of the manufacturing centers, "at least insofar as the number of illegitimate births was concerned."<sup>29</sup>

Some charges the opponents of legislation made no attempt whatsoever to answer directly.

Sadler cited laws limiting convict labor to ten hours per day with breaks for meals: "I ask whether it is right thus to give a premium to crime, and to punish innocence by labouring children longer than the law permits adult criminals and felons, whose labour constitutes their punishment."<sup>30</sup> He also cited orders in council regulating the hours of labor for the slaves of the crown colonies. Slaves could be worked only between 6:00 a.m. and 6:00 p.m. and no slave under fourteen or over sixty years could be worked more than six hours per day.<sup>31</sup>

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<sup>26</sup> Hansard (X); March 16, 1832), p. 366. <sup>27</sup> *Ibid.*, p. 388.  
<sup>28</sup> *Ibid.* <sup>29</sup> *Ibid.*, p. 398. <sup>30</sup> *Ibid.*, p. 380. <sup>31</sup> *Ibid.*

Later John Farre, who had practiced medicine in the West Indies, testified before Sadler's select committee that the slaves were better treated than the factory children.<sup>32</sup> A West Indian slave master in the company of Richard Oastler and three Bradford spinners, upon hearing what the children's hours were, declared: "I have always thought myself disgraced by being the owner of slaves, but we never in the West Indies thought it possible for any human being to be so cruel as to require a child of nine years old to work twelve and a half hours a day."<sup>33</sup>

Perhaps those who would practice the laws of "political economy" considered these charges to be begging the question. After all slaves and felons were not free agents capable of making a contract as were the factory workers or their children. No doubt they categorized animals along with slaves and felons because no one answered Henry Hunt's charge that the children were subjected to constant temperatures of from eighty to ninety degrees,

and were kept in a state of perpetual perspiration and exhaustion. In short, they were treated worse than dogs; for, if any gentleman were to find his servant treating his pigs or his dogs as these miserable children were treated, he would punish him most severely.<sup>34</sup>

In extension of the detailing of bad conditions Sir Charles Burrell said he had been assured the children in some woolen mills worked fourteen out of twenty-four hours and that watchers were employed to keep them alert lest they should fall into the machinery.<sup>35</sup> Sadler expanded on that theme by producing in the house some thongs and sticks which were purported to have been used on the children. He added that "the females of this country, no matter whether children or grown up... are beaten upon their face, arms, and bosoms--beaten in your free market of

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<sup>32</sup> Knoles and Snyder, pp. 581-82.

<sup>33</sup> Hammond, Rise of Modern Industry, p. 201.

<sup>34</sup> Hansard (X; March 7, 1832), p. 1224.

<sup>35</sup> Hansard (X; February 20, 1832), p. 531.



labour, as you term it, like slaves."<sup>36</sup>

Smelser argues that cruelty was not as great as some would have us believe.

"Again, such descriptions applied to smaller mills, especially in Scotland, rather than to the more modern ones. When, however, witnesses spoke before the royal commission of 1833 of cruelty and beating in general, they usually added that it was parents--spinners or overlookers--who beat their own children."<sup>37</sup>

Occasional suggestions that the whole problem of conditions was deliberately perpetrated by the avarice of the masters,<sup>38</sup> caused a stampede of denials. Instead, whatever the conditions were, they were attributable to anything but the masters: corn laws or other taxes, "the system," foreign competition, etc. as shall be seen. And of course there were simple denials that there was any problem. Mr. Morison observed that the manufacturers of Scotland treated these employees in a very humane way and "such a Bill would be superfluous."<sup>39</sup> "Mr. Robert Ferguson had reason to believe that some of the statements in the petitions on these subjects were much exaggerated."<sup>40</sup> Mr. Sanford said that the charge of overworking children did not apply to manufacturers of the west of England so the bill was all right with them. They did "object to some of the more strenuous details, however."<sup>41</sup> Mr. Gisborne alleged that evidence collected in Sadler's committee pertained only to particular factories for "in the neighborhood of Manchester... the operatives never had so large a command of the comforts of life...."<sup>42</sup>

Mr. Gisborne, speaking on April 3, 1833, well summarized the arguments

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<sup>36</sup>Hansard (XI; March 16, 1832), p. 367. <sup>37</sup>Smelser, p. 275.

<sup>38</sup>Hansard (XV; February 26, 1833), p. 1160.

<sup>39</sup>Hansard (IX; February 1, 1832), p. 1094.

<sup>40</sup>Hansard (X; February 9, 1832), p. 104. <sup>41</sup>Ibid., p. 105.

<sup>42</sup>Hansard (XV; Feb. 28, 1833), p. 1298.

claiming that conditions were really quite good. He also divulged his prejudice beforehand. He referred to a letter from a manufacturer who claimed that "if the Ten Hours Bill were carried, they must shut up their doors." Gisborne also claimed that he "had been [columniated] against by Mr. Oastler, at a public meeting in Leeds, who was, verily the Peter the Hermit who had preached up this crusade against the factories." Since 1819 the system at the mills, according to Gisborne, "had been entirely improved; they were now airy and commodious; and the dust "was all but eliminated." He went on to say that there was much confusion in medical ranks as to the effect of long hours on the health of the laborers, and, finally, that "there were benefit societies, and that the contributions of the members were greater, and the amount they received in case of illness... larger than those of almost any similar institution."<sup>43</sup>

Perhaps the attitude of those less convinced that factory conditions were cause for concern and therefore less interested in rushing into new legislation was best expressed by Lord Althorp, the Chancellor of the Exchequer, who, at the conclusion of Sadler's magnum opus on March 16, 1832, said, "without intending to impute to the hon. Member any disposition to misrepresent, he must say, that some of his statements appeared to be absolutely incredible."<sup>44</sup>

But the opponents of legislation did more than merely remain on the defensive on the question of hours. In the first place they pointed out that the number of children under nine years of age working in the factories was negligible. John Hope, referring to the Lords' committee report of 1819, showed that of 12,461 per-

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<sup>43</sup> Hansard (XVII; April 3, 1833), pp. 91-94. Cole's History of the British Working Class Movement has a short selection on "benefit" (friendly) societies in which it appears they were in a rather primitive state, yet, in 1833. See pp. 161-68.

<sup>44</sup> Hansard (XI; March 16, 1832), p. 385.

sons employed in cotton factories in England at that time, only 196 were under nine years of age. From other reports only one in seventeen was under twelve years in a manufactory at Kirkland and only one in four under fourteen years.<sup>45</sup> Of course these figures were thirteen years old and referred only to cotton, whereas Sadler's bill would limit hours in all the nation's factories.

All acts previous to the one passed in 1833 pertained strictly to cotton factories. Sadler's bill in 1832 was undoubtedly too ambitious for it sought to regulate every branch of manufacture. Hope, in his rebuttal of Sadler's major speech on behalf of the bill, gave clear notice that the manufacturing interests were not going to brook a total assault. Disregarding the wide coverage Sadler's bill demanded, Hope isolated cotton spinning for comparison with other industries, pointing out that workers in file-cutting, nail-making, forging, colliers, hosiery, lace, calico-printing, needle making, pin making and arms manufacture all worked from twelve to sixteen hours per day. Cotton workers' hours were favorable by these standards.<sup>46</sup>

Hope's information in this regard was accurate and it left members of parliament to wonder over the inconsistency of subjecting textiles to regulation while doing nothing about the more flagrant conditions in other industries.<sup>47</sup>

On the other hand the objectors to the bill claimed that all the types of manufacture could not be treated similarly. Sadler's bill was denounced for the defect of being too inclusive. "The various trades differed in their mode of employment, in their hours of labor, and in their relative healthiness."<sup>48</sup> Sir Robert Peel, the younger, added that he believed the smaller factories visited the greatest

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<sup>45</sup> *Ibid.*, p. 387. <sup>46</sup> *Ibid.*, p. 388.

<sup>47</sup> Hansard (XIX, July 5, 1833), p. 234.

<sup>48</sup> Hansard (X, February 9, 1832), p. 105.

abuse on the children.<sup>49</sup>

This general line of defense was probably the most responsible for moving the bill to a select committee. On the day Sadler introduced his bill a Mr. Labouchere expressed the hope that if the bill extended to the silk trade it could be heard by a select committee. When Sadler answered that "no objection could justly be made to it in respect to any particular trade," Labouchere patiently re-asserted that the silk trade was different from others and the representatives of the silk interests should be heard in committee before including silk in the bill.<sup>50</sup>

Sadler pressed for inclusiveness, however, insisting that "Arkwright's invention for spinning cotton" has since been adapted to "almost all our manufactures;" whereas earlier legislation for factory reform was limited to cotton manufacture, it now needed to be extended generally because of these adaptations.<sup>51</sup> Interestingly enough, Ashley, the following year did reduce the scope of the bill to include only textiles, and as finally passed, of all the branches of textile manufacture, silk was the only one excluded from its jurisdiction.<sup>52</sup>

The ten hours advocates used as their first offensive weapon the atrocity stories; their second weapon strongly reinforced the first. This was the employment question for, as has been seen, one of the chief aims in seeking to limit children's hours was to spread the work among the available men.

Early in the debates one member claimed that the reason children were forced to work was because of the excessive population, induced, according to him and all other regular adherents of Malthus, by the poor laws extant.<sup>53</sup> The

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<sup>49</sup>Hansard (IX; February 1, 1832), p. 1095.

<sup>50</sup>Hansard (IX; December 15, 1831), p. 255.

<sup>51</sup>Hansard (XI; March 16, 1832), p. 353. <sup>52</sup>Cowherd, p. 147.

<sup>53</sup>Hansard (IX; February 1, 1832), p. 1094.

Speenhamland laws, as they were often called from the place of origin of the principle, were bad for the economy, but they were not responsible for the increase in population. According to the Speenhamland system a man whose regular wages had fallen below a prescribed level based on the price of bread was subsidized commensurately with the wage-drop and the size of his family.<sup>54</sup> The Malthusian theory had wide acceptance that population tended to grow faster than the level of subsistence. Hence, the Speenhamland system could only insure a population increase until everyone was poor.<sup>55</sup> Realistically, there was no pressure on employers to raise wages nor worker incentive to earn more because the poor rate allowance went into effect where wages left off. "The competition of subsidized labour lowered the rate of wages in areas where the subsidy was not paid, and was therefore unjust to good employers and unsubsidized labourers."<sup>56</sup> Moreover the cost of the Speenhamland system went far beyond anything the English had known before it went into effect in 1795. In 1750 administration of the poor laws cost £619,000; in 1818 the cost had soared to nearly £8,000,000.<sup>57</sup> At the very time Sadler and Ashley were arguing their bills before parliament, pressure in the country was greatest to reform the poor laws. A royal commission was appointed by the government in February, 1832, and a new poor law act, the fruit of its labors, was passed in August, 1834.<sup>58</sup>

Sadler challenged the Malthusians vigorously. On February 1, 1832 he replied that if there were a superabundance of available labor, the work should not all be stacked on those least able to carry the burden.<sup>59</sup> On March 16 he declared that "labour is so imperfectly distributed, and so inadequately remunerated, that one part of the Community is overworked, while another is wholly without employ-

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<sup>54</sup>Hammond, p. 94. <sup>55</sup>Woodward, p. 449. <sup>56</sup>*ibid.*, p. 450.

<sup>57</sup>*ibid.*, p. 449. <sup>58</sup>Halevy, p. 119. <sup>59</sup>Hansard (IX; February 1, 1832), p. 1096.

ment" until "a country which might afford a sufficiency of moderate employment for all" rendered half its inhabitants "slaves by over-exertion" and the other half "paupers by involuntary idleness."<sup>60</sup> Later in the same speech, after citing Thackeray's statistics regarding the small number of men who reached the ages of forty and fifty, Sadler declared that if such a factory required few adults, then "we have another terrible abuse" wherein children are over-worked and adults unable to find gainful employment.<sup>61</sup>

In extension of his attack on the employment problem Sadler charged that it was immoral to use the young at an occupation until they were adults, then turn them out to relearn a trade on a glutted labor market.<sup>62</sup> He also questioned the morality of telling children there was no work at all one day and then working them an "unlimited" number of hours "whenever it pleases the master to do so." He asked about the possibility of averaging out the length of the work day and suggested that manufacturers might consider transferring some labor to the stock room and doing a better job of warehousing, thereby preparing in advance for special demands on production.<sup>63</sup>

The only answers the opposition had to the employment question were ideological. The adherents of Ricardian "political economy" were quite convinced that it was contrary to natural law to erect legislative interferences in the economy. The doctrine of *laissez faire* was extremely important to the industrialists of the day and it is significant that John Hope began his rebuttal of Sadler's argument by claiming that he "believed it was admitted on both sides of the House," that legislative interference between employer and employee "was unwarrantable." He said he could not see how the legislature could protect children if their parents could or

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<sup>60</sup> Hansard (XI), March 16, 1832), p. 343. <sup>61</sup> *Ibid.*, p. 354. <sup>62</sup> *Ibid.*, p. 355.

<sup>63</sup> *Ibid.*, p. 360.

would not.<sup>64</sup>

The antipathy for legislation was shown again when a member complained against altering the law regarding this question which had been established the previous year (referring to the Habhouse bill of 1831).<sup>65</sup>

A major task of the proponents was to break down the attitude that there could not be interference on philosophical grounds. On February 1, 1832, Strickland said "that all considerations of the Impolicy of interfering between masters and servants, must give way to the necessity of protecting these helpless objects who had no other protectors than the Legislature."<sup>66</sup> James MacIntosh said the same day he "would not allow even the principles of political economy to be accessory to the infliction of torture, or to set aside the rights of humanity."<sup>67</sup> On February 9, Mr. Schonswar, in speaking for the bill, said he could not "conceive a more desirable occupation for the Legislature than for It to interfere between these infants and their masters, and shield them from the oppression to which they were now subjected."<sup>68</sup>

The fusillade produced a crack in the opposition defense. Joseph Hume, a Benthamite and a Ricardian, an implacable foe of legislative interference,<sup>69</sup> followed Schonswar to the floor and agreed that the house must protect those who were unable to help themselves. But he asked for caution: "It was essential to the welfare of the country at large, that as little legislative interference as possible should take place between masters and servants."<sup>70</sup>

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<sup>64</sup> Ibid., p. 386. <sup>65</sup> Hansard (X; March 7, 1832), p. 1224.

<sup>66</sup> Hansard (IX; February 1, 1832), p. 1093. <sup>67</sup> Ibid.

<sup>68</sup> Hansard (X; February 9, 1832), p. 105. <sup>69</sup> Halevy, p. 114.

<sup>70</sup> Hansard (X; February 9, 1832), p. 105.

Sadler was undaunted and unrelenting: he delivered a frontal assault. He admitted that many would oppose the bill on grounds that it would interfere with the natural market of labor. Then, in an exposition remarkable for its advent in time, he took a Marxian stance. "Were that market supplied by free agents... I should fully participate in those objections." But "the boasted freedom of our labourers in many pursuits will... be found little more than nominal." He called short those who would argue on abstract principles, who forgot

the condition of society, the unequal division of property... Its total monopoly by a few, leaving the many nothing whatever but what they can obtain from their daily labour; which every labour cannot become available for daily subsistence, without the consent of those who own the property of the community, all the materials, elements... on which labour is to be bestowed, being in their possession. Hence, it is clear that, expecting in a state of things where the demand for labour fully equals the supply (which it would be absurdly false to say exists in this country), the employer and the employed do not meet on equal terms in the market of labour; on the contrary, the latter, ... is almost entirely at the mercy of the former; he would be wholly so were it not for the operation of the Poor-laws...<sup>71</sup>

The opposition died hard; as late as July 18, 1833, Robert Ferguson protested that if hours of labor for children were curtailed there would not be enough people to do all the work.<sup>72</sup>

Also under attack by the proponents of legislation was "the system". Usually, "the system" went unspecified but as debate unfolded the problem seemed to center around competition, machinery and the exploitation of labor in conjunction with it. Sadler said at one point that neither the parents nor the sufferers themselves could do anything about their condition, "but were the victims of an unjust and odious system."<sup>73</sup> Strickland said the situation was the result of machinery and competition and the legislature would have to take a hand.<sup>74</sup> In the next session

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<sup>71</sup>Hansard (XI; March 16, 1832), p. 343.

<sup>72</sup>Hansard (XIX; July 18, 1833), p. 883.

<sup>73</sup>Hansard, (X; Feb. 7, 1832), p. 23. <sup>74</sup>*Ibid.*, p. 24.



he said he could never be convinced that "such a system" was essential to the well being of the country.<sup>75</sup>

On March 14, 1833 both Robinson and Brotherton said it was not proposed that the house legislate against the manufacturers, the house needed to legislate against "the system".<sup>76</sup> Perhaps it was a general deepening of resentment toward the factory system, or the English System as it came to be known abroad,<sup>77</sup> that caused Sir Edward Sugden to seek legislation on the grounds that it would "operate towards improvement of a good understanding between the labouring classes in these factories and their employers...."<sup>78</sup> Strickland said that many master manufacturers wanted the bill passed. They regarded "the system" as due to the competition rather than an avaricious nature.<sup>79</sup> Henry Hunt thanked Mr. Strickland for that information for he had, he said, thought current conditions due to the cupidity of the masters.<sup>80</sup> Sadler assured the house "that manufacturers have often confessed, that this excessive labour of their people has been rarely profitable, though they have been urged on to such a course by the rivalry and competition which the system creates."<sup>81</sup>

Defense of "the system" was indirect. When opponents of legislation claimed, as they did, that factory workers were better educated, healthier and more moral than those living in the country or their city-dwelling predecessors, they were defending the system. The proponents, on the other hand, never advocated extinguishing the system, merely controlling it. Perhaps the increased standard of living for the

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<sup>75</sup> Hansard (XV; Feb. 28, 1833), p. 1294.

<sup>76</sup> Hansard (XVI; Mar. 14, 1833), pp. 641-42. <sup>77</sup> Hammond, p. 208.

<sup>78</sup> Hansard (IX; Feb. 1, 1832), p. 1094.

<sup>79</sup> Hansard (X; Feb. 28, 1832), p. 394. <sup>80</sup> ibid.

<sup>81</sup> Hansard (XI; March 16, 1832), p. 381.

nation as a whole, the increased power and prestige in the eyes of foreign powers was better understood by proponents than could be admitted readily in debate.

The major offensive weapons of the proponents of legislation were the atrocity stories. The major defensive weapons of the opponents were scare stories of a different kind.

As early as the first day of debate following Sadler's introduction of the bill, Sir Robert Peel, the younger, betrayed his essentially conservative nature when he warned "the friends of humanity" to beware lest they go too far in their haste and legislate conditions that would put many people out of work.<sup>82</sup> John Wood,<sup>83</sup> a few days later made the article of attack a little clearer by saying he feared that the operatives held the erroneous opinion that they would be given wages for ten hours equal to that of a longer term.<sup>84</sup> On the following day Strickland reported that he had informed operatives that they could not expect the same wages if hours of labor were reduced and they had responded: "We submit to what may be proposed, only protect our children."<sup>85</sup> Sadler, following Strickland to the floor, agreed that total wages should not necessarily remain the same if hours were reduced, then attempted to mount a counter-attack by asking that members not jump to the conclusion that manufacturers' profits would be reduced if children's hours were limited. He claimed to believe that profits of manufacturers might be increased by such an enactment.<sup>86</sup>

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<sup>82</sup>Hansard (IX; Feb. 1, 1832), p. 1095.

<sup>83</sup>This was not the John Wood who worked with Oastler in organization of the short-time committees.

<sup>84</sup>Hansard (X; Feb. 9, 1832), p. 105.

<sup>85</sup>Hansard (X; Feb. 10, 1832), p. 192.

<sup>86</sup>ibid.

But by the early part of March, 1832 after the bill had been introduced in December, the workers were showing signs of concern over the possibility of income loss. On March 7 "Mr. Greene presented a petition from 420 operatives, at Manchester, praying in behalf of themselves and their children, that this Bill might not pass into a law." "...their children were not injuriously affected by their employment, and they declared...the Bill...would tend to deprive many persons of employment, who would be compelled to resort to their parishes for support."<sup>87</sup>

Capitalizing on the rising anxiety of the workers, Mr. James drew out the possible consequences in feigned sympathy and sordid detail. He could, he said, agree to the principle of preventing children from overwork in a "pestilential atmosphere" as could all others,

yet...It might so happen that those who would prevent the excessive labour of children might compel them to starve. They might commit greater cruelties than they attributed to the manufacturers, by preventing these children from obtaining any employment at all. The scale of wages working people obtained at present, including the earnings of their children, were barely sufficient to supply the family with food. If the value of the children's labour, therefore, was abstracted [sic], starvation must be the consequence."<sup>88</sup>

This threat that family income might be reduced was a realistic one. Mr. James was right when he claimed that families were being fed on a small margin; such had always been the case for the laboring classes. However, the goad of dissatisfaction with long hours, weighed against probable financial loss, was apparently sufficient to warrant families taking a chance. The number of children under nine years who would be thrown out of work altogether and thereby lose a substantial portion of a family's income was relatively small.<sup>89</sup> If the average hours of work were around twelve, as has been seen, then a reduction of two hours per day for children under eighteen years would conceivably result in a one-sixth

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<sup>87</sup> Hansard (X), March 7, 1832), p. 1222.

<sup>88</sup> ibid. <sup>89</sup> Smelser, p. 274.

reduction in their wages, not an overwhelming loss to most families. It must also be recalled that the British economy was in a "boom" period during the 1830's and this condition would have the effect of reducing family financial anxiety.

It was never specified how enactment of such legislation might result in depriving able and willing workers of employment, however, except through the possibility that the industry might have to close down altogether. In the course of debate an elaborate case was made of financial insecurity within the industry and possible collapse due to reduced profits.

Spring Rice summarized with remarkable candor the position of those who argued against legislation on grounds of industrial finance when he stated that "the interests of the manufacturers were by far too vast and important to be lightly dealt with, and they were entitled to the attention which they claimed."<sup>90</sup>

Mr. Sheppard wanted the bill modified so as not to interfere with the "fair profits" of the manufacturers.<sup>91</sup> Mark Phillips was sure the bill would ruin the cotton manufacturers, so perilously low was the present level of profit.<sup>92</sup> Colonel Torrens noted that some people were concerned lest the limitation on hours tend to increase operating expenses.<sup>93</sup> Several men registered concern about the possible loss of trade to foreign manufacturers.<sup>94</sup> Mr. Potter said that men would no longer invest their capital in the textile industry.<sup>95</sup> If the Althorp and Potter predictions were correct, James registered the next logical step. "If the provisions of the Bill were carried into execution, the only effect it would have, would be

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<sup>90</sup> Hansard (XVII; April 3, 1833), p. 107

<sup>91</sup> Hansard (XV; Feb. 26, 1833), p. 1164.

<sup>92</sup> Hansard (XVII; April 3, 1833), p. 104.

<sup>93</sup> Hansard (XV; Feb. 26, 1833), p. 1160.

<sup>94</sup> Hansard (XVI; March 25, 1833), p. 1001 and Hansard (XIX; July 5, 1833), p. 221.

<sup>95</sup> *Ibid.*, (March 25, 1833).

to drive English capital to foreign countries."<sup>96</sup> To some, the total ruin of the industry was imminent. Mr. Gisborne, quoting a letter from a manufacturer, said that "if the ten hours Bill were carried, they must shut up their doors."<sup>97</sup> Mark Phillips reemphasized this key position of the opponents by saying that if the Bill were to pass for two years, or even one, at the end of that time "the trade would be wholly gone from this country, and in the hands of foreigners."<sup>98</sup> If it were not dire enough that the textile industry should collapse, George Wood put on the capstone by claiming that if the bill were adopted the productive power of England would be diminished by one-sixth.<sup>99</sup>

Mr. Robinson "was at a loss to know" from what source Wood had discerned that the country would lose one-sixth of its productive power."<sup>100</sup> It might be asked from what source each of the members drew his fears for the future of Britain's manufacturing capacity, for they were entirely unfounded.

Cole, in his History of the British Working Class Movement, gives a fine exposition of facts concerning the state of capitalism in the early nineteenth century--and a remarkable misinterpretation of them.<sup>101</sup> Cole says, with justification, that until the middle of the nineteenth century capitalists were insecure because of the scarcity of capital. According to him banking was not put on a secure foundation until the Bank Charter Act of 1844, and the joint stock company was not securely established until limited liability was given to shareholders by Acts of 1855 and 1862. Dietz and Woodward have tended to support the Cole thesis, explaining that most factory owners found it necessary to reinvest large portions of

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<sup>96</sup>Hansard (XI; March 16, 1832), p. 393.

<sup>97</sup>Hansard (XVII; April 3, 1833), p. 91.

<sup>98</sup>Hansard (XVI; March 25, 1833), p. 1001.

<sup>99</sup>Hansard (XVII; April 3, 1833), p. 101. <sup>100</sup>ibid., p. 102. <sup>101</sup>Cole, p. 123.

their profits back into their plant.<sup>102</sup>

Unfortunately, Cole attributes the exploitation of the workers before mid-century to this insecurity of capital, and eventual economic reform to increased security later in the century. In this thesis, Cole is a captive of the capitalistic line preached so fervently in the factory legislation debates. But the Cole-capitalist thesis is not substantiated by the facts they disregard.

In the first place there were manufacturers who acquired great wealth early in the century without exploiting their work forces. John Fielden, John Wood and Robert Owen were three wealthy manufacturers who played prominent roles in the reform movement. Others such as the Ashtons, the Gregs and the Strutts in cotton, and Crowley in iron manufacture conceived policies of advanced enlightenment. Workmen were provided schools, libraries, churches, swimming pools, and dance halls. Sometimes these employers cooperated with their employees to maintain a physician and a contributory scheme of insurance against death, sickness and old age.<sup>103</sup> These men succeeded financially without unduly exploiting their personnel, while operating under the same restrictions of time and place as their competitors. Secondly, reform was well on its way prior to mid-century. Meaningful factory legislation was passed in 1833 and ten hours regulations were substantially in being by 1850. Thirdly, the leaders of the ten hour movement were the Tory evangelicals, Sadler, Oastler and Ashley, men noted for their Christian charity and singular concern for the poor. Finally, the reform movement began and was well entrenched before the capitalist manufacturing interests gained the security of political power in the 1832 reform of parliament. And in the process of advancing the factory reform movement on humanitarian grounds, the reformers were extremely critical of the capitalists, as witness the Sadler speech of March 16, 1832 in commons.

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<sup>102</sup>Dietz, p. 365 and Woodward, p. 11.

<sup>103</sup>Dietz, p. 370 and Hammond, p. 153.

Ultimately, "none of the terrible [economic] consequences foretold by the manufacturers resulted; for their hysterical forebodings were but the pathology of industrialism."<sup>104</sup> The insecurity of the manufacturers, their fear that the slightest change in the mode of production would bury them under the juggernaut of foreign competition, was totally unwarranted. Available data indicates that Great Britain produced five-eighths of the world's total cotton goods in 1835.<sup>105</sup> While Great Britain produced 150,000,000 kilograms of cotton goods in 1835 the United States produced 18,000,000 kilograms.<sup>106</sup>

And Britishers who had not succumbed to "the pathology of industrialism" knew there was nothing to fear. On two occasions the assertion by the opponents of legislation, that British industry would succumb to foreign competition, was directly challenged in commons.

On February 9, 1832 Mr. Weyland said that the proposed legislation would not render the "master less able to compete with the foreign manufacturer." The only competition was British, he claimed, and the master who chose to overwork children had to be equalized for the economic protection of those who treated their children with more care.<sup>107</sup> On February 26, 1833 "an Hon. Member" did not agree with Hume (Joseph, a member) "in attributing the distress of the manufacturers to any foreign competition." He went on to say that the competition was all right in the United Kingdom. "Let this competition be checked by an Act of Parliament limiting the hours of labour in factories."<sup>108</sup>

If, in fact, economic disaster was not imminent, it might fairly be asked what was responsible for the attitude of the manufacturers. Simply summarized,

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<sup>104</sup>Fay, p. 354. <sup>105</sup>Hammond, p. 188. <sup>106</sup>ibid.

<sup>107</sup>Hansard (X; Feb. 9, 1832), p. 106.

<sup>108</sup>Hansard (XV; Feb. 26, 1833), p. 1162.

the eighteenth century had seen the dawning of a new faith: Political freedom for the individual and economic freedom for the entrepreneur. Whereas man had been ruled in previous ages by king or church or lord, "the new master was a world force, for this economy could make its profits, so it was believed, where it chose, and when Englishmen rebelled against its rule it would seek its gains and bestow its blessings elsewhere."<sup>109</sup>

Sadler attempted to offset the economic arguments of his opponents by asserting that imperfect service was rendered under existing conditions, and that the employers could increase the quality of their products, and thereby, the quantity of their profits, if they would reduce the hours of tedious labor demanded of their workers.<sup>110</sup> Judging from the arguments of the manufacturers it can be safely assumed that this latter suggestion of Sadler's received less consideration than most others he preferred during the course of the debate. Neither did Sadler's allies waste any time in support of this particular position.

Another set of objections to the prospect of legislation centered around operational difficulties that might be erected by the Sadler bill. The factory owners wanted to operate their mills as many hours per day as possible. The machinery had to stop only for cleaning or repair—or if humans could not be present to attend it. Throughout the struggle for a ten hours bill the manufacturers fought to keep men at the machines as long as the machines would operate, or at least they sought to approach that goal as nearly as possible. Most considered the request for a limitation to ten hours to be too stringent. Phillip Howard, for instance, thought many of the provisions of the bill to be "minute and vexations". Eleven

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<sup>109</sup>Hammond, p. 204. For an excellent description of the genesis and evolution of industrial attitudes see Chapters XII and XIII.

<sup>110</sup>Hansard (X; Feb. 10, 1832), p. 192 and Hansard (XI; March 16, 1832), p. 381.



hours would be enough of a limitation, according to him.<sup>111</sup> Mr. MacKenzie saw no reason for altering the Hobhouse Bill which had passed the previous session limiting hours to twelve. " . . . he had yet to learn what had happened to children within a year, to make them not so competent to perform a given quantity of labour now as they were then."<sup>112</sup>

Possible elimination of night work for persons under twenty-one years was resisted for the same reason: the manufacturers wanted no limitation on the hours the plant might operate. Mr. Hope pointed out that it might be necessary for mills to make up for time lost by various reasons.<sup>113</sup> This necessity had special applicability to stream driven mills which often had to operate nights in order to make up for periods that the stream was dry.<sup>114</sup> It is interesting to note how the ideological plaint that prohibiting night work for persons under twenty-one years was an undue restriction on the individual and free choice of the older boys,<sup>115</sup> supported the argument that it would not be practical to deprive the mills of night-time operation.

As decreased hours for children approached reality, the manufacturers began to assess methods of manipulating personnel so as to insure the maximum operation of machinery. Everyone involved with the industry knew that the work of the children and the adults was so interrelated as to require them to work simultaneously. If the young persons under eighteen were to quit after ten hours, the adults would be forced to do likewise.<sup>116</sup> Such was precisely the intent of the Sadler-Ashley legislation.

<sup>111</sup>Hansard (XVIII; June 7, 1833), p. 447.

<sup>112</sup>Hansard (X; March 7, 1832), p. 1264.

<sup>113</sup>Hansard (XI; March 16, 1832), p. 392.

<sup>114</sup>Hansard (XVII; April 3, 1833), p. 113 and ibid.

<sup>115</sup>Hansard (X; Feb. 10, 1832), p. 195. <sup>116</sup>See Chapter II

For that reason the threat that the factories would be closed down after ten hours (with the implication that wages would be cut commensurately) was used only once,<sup>117</sup> for such a move would play into the hands of the evangelicals. Instead the opponents of legislation began inferring that children whose hours were reduced might have to be worked in "relays" -- shifts -- so that the machines could be assured full time operation. John Hope was of the opinion that manufacturers would employ two sets of children to work alternately -- each child at half the present wage.

Moreover...the workmen who commonly hired their own piecers, would exchange the children from one mill to another so that they might by such means be constantly employed, and, of course, they could derive no benefit from the hon. Member's Bill.<sup>118</sup>

In the 1833 session the question of "relays of hands" was discussed at some length. Ashley opposed the system vigorously for fear it would have the effect of working the adults sixteen or eighteen hours a day.<sup>119</sup> Later the use of relays became one of the effective means of forestalling the implementation of a general Ten Hours Act.<sup>120</sup>

Opposition to the existing corn laws--the tariff on imported wheat--provided further argument against factory legislation. Early in the 1832 session Colonel Torrens said he thought Sadler was well intentioned in bringing the factory bill forward, however, he had failed to answer the real problem. The poor, he said, were overtaxed. The corn laws were such that a great amount of labor was needed to get a small quantity of food.<sup>121</sup> In response to Sadler's

<sup>117</sup>Hansard (XIX; July 18, 1833), p. 885.

<sup>118</sup>Hansard (XI; March 16, 1832), p. 393.

<sup>119</sup>Hansard (XIX; July 18, 1833), pp. 891-95.

<sup>120</sup>Woodward, pp. 154-55.

<sup>121</sup>Hansard (IX; Feb. 1, 1832), p. 1096.

major speech on March 16, Mr. James said he considered Sadler's efforts to be insufficient. They would only

patch up our overgrown system of taxation. It would be better to lessen the taxes, and particularly the tax on corn. The members might rest satisfied that if the workmen could obtain a sufficiency of food for their families, they would not allow their children to labour in these factories."<sup>122</sup>

The member of parliament most outspoken in regard to the corn laws' relation to the factory problem, Mr. Fryer, spoke to this subject on three different occasions. He "denied, that the avarice of the manufacturers had anything whatever to do with the question. The excessive labour of the children in factories was occasioned by the Corn-laws, and other such impositions on the labour of the people."<sup>123</sup> Fryer said he would gladly support a measure to reduce hours of labor once the corn taxes were repealed, but otherwise such a measure would merely add to the misery of the poor.<sup>124</sup> He added that it was not possible to bring relief to the poor while there was "a duty of twelve per cent on the raw material, and of twenty per cent on corn...."<sup>125</sup> In July, 1832, Fryer spoke again, favoring the elimination of the Corn laws, in order to take "the monopoly of food from the great landed proprietors."<sup>126</sup>

Arguments favoring the retention of the existing corn laws did not have a converse effect in support of factory legislation, however; they were merely arguments in favor of the wheat tariff. Mr. Howard, referring to what Mr. James had said, claimed "that a reduction in the price of corn would inevitably be accompanied by a decrease in wages...."<sup>127</sup> Charles Langdale reminded Mr. Fryer

<sup>122</sup>Hansard (XI; March 16, 1832), p. 393.

<sup>123</sup>Hansard (XV; Feb. 26, 1833), p. 1160. <sup>124</sup>*ibid.*

<sup>125</sup>Hansard (XVI; March 20, 1833), pp. 879-80.

<sup>126</sup>Hansard (XIX; July 18, 1833), p. 904.

<sup>127</sup>Hansard (XI; March 16, 1832), p. 397.

"that if the Corn-laws were repealed, many persons would be thrown out of employment, and the manufacturers would lose their very best customers."<sup>128</sup>

The arguments over the corn laws were brought to bear during the factory debates only because they constituted one of the great controversial issues of the century, not because they had a profound effect on the factory question. After 1815 the various wheat tariff arrangements satisfied practically no one.<sup>129</sup> Since wheat prices were generally depressed they rarely went up to a level where protection would not be in effect; therefore, cheap foreign wheat could not be brought to the English market. It was felt by the middle and laboring classes that if the tariff protection were dropped, cheap foreign grain could come to England and provide a source of cheap bread, allow the manufacturers to reduce wages, and give money to the wheat producing nations, who would then be enabled to purchase British textiles. Then, too, it was considered an injustice for the land owning class to receive, theoretically, an economic protection unavailable to the middle and lower classes. The farmers were not satisfied with the tariff because it failed to raise grain prices and keep people in farming.

The repeal of the protectionist tariff on grain in 1846 was a victory for the Ricardian free trade advocates who had made the corn laws their special challenge since early in the century. Ironically, the factory reform laws of 1833, 1844 and 1847 heralded the doom of the laissez faire system as conceived by Cobden and Bright, even before it had begun (with the corn law repeal).

Although the link between the two controversies--grain tariff and factory regulations--was tenuous, they did bear on one another. For the manufacturing interests became devoted to the cause of tariff repeal (it is significant that the

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<sup>128</sup>Hansard (XV; Feb. 26, 1833), p. 1164.

<sup>129</sup>See Woodward pp. 60-62 and 118-125 for a brief discussion of the corn laws controversy.

Anti-Corn Law League was begun in Manchester, a thriving cotton center),<sup>130</sup> while the workers remained suspicious at best. Woodward tells us that "at the first large open-air meeting addressed by Bright the chartists in the audience amended a motion against the corn laws to a motion in favor of franchise reform."<sup>131</sup> The struggle represented a further polarization of manufacturer-worker interests symptomatic of the age.

Interestingly enough the rather heated remarks about the corn laws by Fryer and the others during the factory debate came at a time when national concern over the tariff was at its lowest ebb. "The harvests between 1830 and 1835 were good; the price of corn was low, and the demand for repeal of the laws did not revive until the succession of bad harvests and bad years of trade after 1839."<sup>132</sup>

Some men objected to the bill out of sheer conservative inertia. Mr. James pointed out that previous laws that were meant to limit the hours of child labor had been evaded and it would not be good to continue enacting unenforceable laws.<sup>133</sup> Mr. Hyett added that the effect of an unenforceable law would be to drive the more respectable manufacturers out of business while the evaders made profit.<sup>134</sup>

This fact that previous laws had gone unenforced was one of the few that directly provided arguments both for and against further legislation. The proponents claimed that another law was necessary because previous ones were being ignored.<sup>135</sup>

Neither Sadler's nor Ashley's bill called for a system of enforcement; it remained for the Benthamites to experiment for the first time with making factory

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<sup>130</sup>Woodward, pp. 118-19. <sup>131</sup>ibid., p. 120. <sup>132</sup>ibid., p. 62.

<sup>133</sup>Hansard (X; March 7, 1832), p. 1222.

<sup>134</sup>Hansard (XIX; July 5, 1833), p. 238.

<sup>135</sup>Hansard (X; Feb. 7, 1832), p. 20.

legislation meaningful through inspection; and even their efforts were no more than experimentation at first. The concept of a strong central government, regulating the relationship between employers and employees, urging and establishing a social insurance, as it were, was entirely foreign to Britishers and not entirely acceptable by either class. Rather than accept the Factory Act of 1833 as the law of the land, both employers and employees evaded its regulations.<sup>136</sup>

Another attempt to defeat the bill took the form of a seemingly reasonable alternative. Mr. Baldwin argued that the house ought to attend to other matters such as ventilation in factories before it tried to protect health by abridging hours.<sup>137</sup> The debates reveal a good deal of concern over bad conditions, but the general attitude expressed by proponents of hours limitation was that existing conditions would be tolerable if persons did not have to be subjected to them for such long periods.

One provision of the Sadler-Ashley bill induced a strong negative reaction from moderates as well as opponents. Mr. Potter was in favor of a measure to limit hours but decidedly against one which would give "the power to Magistrates to commit the masters to prison for twelve months" or to give "Magistrates a power to levy a fine of 200 £. on the masters" for non-compliance.<sup>138</sup> The previous year Mr. Strickland had professed not to want penalties to be too great lest they should "diminish the efficacy of the Bill and tend to make it inoperative."<sup>139</sup> Henry Hunt, an inveterate rabble-rouser (he had played a large role in organizing the demonstration brought to a close in what came to be infamously known as the

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<sup>136</sup>See Chapter IV. <sup>137</sup>Hansard (XX; Aug. 9, 1833), pp. 450-51

<sup>138</sup>Hansard (XVI; March 20, 1833), p. 880.

<sup>139</sup>Hansard (XI; March 16, 1832), p. 398.

"Peterloo Massacre"), had a ready answer for opponents, moderates and all other apologists for the status quo. He hoped that penalties against manufacturers for hours limitation infractions would be "as severe as possible and that one-half would be given to the informer."<sup>140</sup> Ultimately, not without expectation, penalties thought desirable by both the evangelicals and the Benthamites were deleted from the bill or reduced.

An argument in favor of the bill illustrated the prevailing capitalist fear of workers' organizations. The French Revolution inspired in England's upper classes a pathological concern that Jacobinism would influence the British masses. Early workers' organizations were often involved in violence and Jacobin sloganeering. As a result Combination Acts were passed in 1799 and 1800 prohibiting, in effect, worker organization.<sup>141</sup> The laws were repealed in 1824 through the initiative of Francis Place and Joseph Hume, arch-radicals who wished to show that combinations would die naturally, the victims of the natural laws of political economy which, according to the doctrine of the time, could not be permanently influenced by social institutions.<sup>142</sup> Trade unions went into immediate action: there were strikes, violence, murder. Place barely succeeded in maintaining the repeal.<sup>143</sup> The revolutionary outbreaks that swept across Europe in 1830 added to the fears of those who grasped England's levers of power.

With this background it was not strange that Mr. Strickland should proffer as an argument for reform, that otherwise "combinations would be formed among the workmen for their own protection, and the most serious consequences would ensue to the peace and welfare of the manufacturing districts."<sup>144</sup>

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<sup>140</sup> *Ibid.* <sup>141</sup> Woodward, p. 72.

<sup>142</sup> *Ibid.*, p. 74. <sup>143</sup> *Ibid.*

<sup>144</sup> Hansard (X; Feb. 10, 1832), p. 190.

Both sides used the weight of authority to help establish their cases. As has been seen the opponents referred often to the laws of political economy, to the doctrines of Ricardo, Malthus and Smith. The proponents were no less richly endowed with influential personages, but perhaps the style of these sources was more appropriate to another age.

Sadler often referred to Sir Robert Peel, the elder, pointing out that he had favored ten hours legislation and had in fact sponsored the first of the factory reform bills in 1802.<sup>145</sup> Warning to the use of authority as an end-all, Sadler went on the same day to quote from the Bible, an act in itself quite in keeping with his character: "Are there not twelve hours in the day? The night cometh when no man can work."<sup>146</sup>

But political reality, rather than invocations, would carry the day. In each session the opposition asked for a further review of the facts, a further collection of information by special bodies.<sup>147</sup> They were given in the one case a select committee of parliament and in the other a royal commission.

As much as the proponents resisted sending the bills to committee for fear of the political consequences,<sup>148</sup> each hearing strengthened the hand of the proponents. Ultimately, erstwhile opponents began to argue for the bill in July and August of 1833 on grounds that the public demanded it. Poulett Thomson on August 12 reiterated his dislike of the whole bill, but thought it was necessary in view of "public pressure."<sup>149</sup> Mr. Robinson stated he was altogether averse to legislative interference between master and servant, but since the house had agreed on the prin-

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<sup>145</sup> Hansard (XI; March 16, 1832), p. 376. <sup>146</sup> *Ibid.*, p. 379.

<sup>147</sup> *Ibid.* p. 385 and Hansard (XVII; April 3, 1833), p. 79.

<sup>148</sup> Hansard (XI; March 14, 1832), p. 205 and Hansard (XVII; April 3, 1833), pp. 99-100.

<sup>149</sup> Hansard (XX; Aug. 12, 1833), p. 530.



ciple of legislation he would offer no further objection.<sup>150</sup>

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<sup>150</sup>Hansard (XX; Aug. 9, 1833), p. 451.

## CHAPTER IV

### QUALIFIED FAILURE

The Factory Act of 1833 stands as a qualified failure. "The Act. . . disappointed Ashley and his supporters. They did not secure a ten hours day for all persons under eighteen and, thereby, a ten hours day for adult workers."<sup>1</sup> Furthermore, as an evading tactic, the manufacturers began working the children in shifts so that the factories could work more nearly to the capacity of the machinery.<sup>2</sup>

The workers were infuriated at the failure of their hopes and redoubled their efforts to have additional legislation enacted,<sup>3</sup> specifically, a general ten hours act. Moreover, both masters and operatives violated the Act. "The connivance of the surgeon, the parent, and the employer" resulted in falsified birth certificates, lies, and shuffled relays.<sup>4</sup> There were many cases in which the masters discharged the children altogether in order to escape the educational provisions of the bill.<sup>5</sup> The education provisions of the Act suffered nearly total failure. In most cases manufacturers' efforts to comply were cursory and the Whigs were unable to enforce the institution of sectarian education: the Tories would not have it, preferring church-affiliated schools or nothing at all.<sup>6</sup>

Reaction to the accomplished Act created several new or refurbished movements. Ashley doggedly went on seeking a general ten hours limitation.<sup>7</sup>

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<sup>1</sup>Woodward, p. 151.    <sup>2</sup>Smelser, p. 241.    <sup>3</sup>*ibid.*    <sup>4</sup>*ibid.*, p. 244.

<sup>5</sup>*ibid.*, p. 297.    <sup>6</sup>Cowherd, p. 148.    <sup>7</sup>Cole and Postgate, p. 284.

He was instrumental in the passage of legislation in 1844, 1847, 1850 and 1853 which culminated in realization of the project on which he had worked for twenty years.

The Whigs, shocked at the immensity of the Act they had produced in the fever of the first reformed parliament, started a movement to cut back the provisions, but were unable to reverse what had been done.<sup>8</sup>

The reduction of children's hours of work to eight ignited in three reformers the prospect of even greater alteration. Fielden, Cobbett and Owen began the Society for National Regeneration in 1834, advocated a general eight hour day and a forty-eight hour week with wages maintained at the sixty-nine hour level. The movement collapsed the same year, a week after a short, violent strike at Manchester.<sup>9</sup>

The Act of 1833 began a demand for the government to keep medical records of its citizenry.

In view of the difficulty of determining the ages of children before the existence of a system of civil registration of births or compulsory education, the Government was forced to require in the Factory Acts from 1833 onwards that every child should be examined by a doctor, who should testify to the child's age as nearly as he could determine it.<sup>10</sup>

Of positive value to future reform efforts were the reports developed by the inspectors. Cole and Postgate point out that with the Reform Parliament and thereafter, parliamentary committees were used much more vigorously to compile that body of information that ultimately led to great social reform in the latter half of the nineteenth and early part of the twentieth century.

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<sup>8</sup>Cowherd, pp. 147-48.      <sup>9</sup>Smelser, p. 242.

<sup>10</sup>F. Keeling, Child Labour in the United Kingdom (London: P. S. King and Son, 1914), p. XI.

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