BOOK TWO

BARRISTER INTO CIVIL SERVANT

CHAPTER I

THE GENESIS OF THE POOR LAW AMENDMENT ACT

I

THE Royal Commission of Enquiry is a legislative device barely met with before 1832. By 1849 more than 100 had been set up, and every major piece of social legislation between 1832 and 1871 was ushered in by this type of investigation.

The first occasion on which it was used and which, by its overwhelming success set the fashion, was in February 1832 when Earl Grey's government announced a *Royal Commission for inquiring into the administration and practical operation of the Poor Laws.* The suggestion, first sketched out by Hyde Villiers, then Secretary of the Board of Control, in a private letter to Lord Howick was suddenly taken up by Lord Brougham. A Central Board of Commissioners was appointed with power to appoint Assistant Commissioners to undertake field studies in the provinces.

This fact was immediately noted by Chadwick whose interest in the Poor Laws was of long standing. He also remarked that one of the Central Board of Commissioners was his friend Nassau Senior.

Senior, in fact, approached him within a few days of his appointment, asking him to investigate the operation of the law in the Metropolis. He brushed aside Chadwick's plea that the assistant commissionerships were honorary and that he must therefore decline, by offering him £100 as a retaining fee. Unwittingly Chadwick's true career had begun.[1]

II

The Poor Laws affected the entire administrative and economic fabric of the State. They cared for orphans, the aged, and the infirm. They provided work for the unemployed and assistance to the under-paid.

[1] MSS. Fragment, 1839, 'The Part played by E. Chadwick in the Poor Law Amendment Act, 1834'.

They regulated the migration of labour. Altogether there was dispensed under these laws one-fifth of the total national expenditure.

They were administered by 15,000 parishes, which to all intents and purposes were autonomous. There was no 'system'—and indeed the most important single fact about them was their lack of any clear objective.

For example, in respect to the able-bodied poor, the master statute, the 43 *Eliz.*, spoke in such confused accents that succeeding generations had never concluded whether to make the conditions of relief so painful as to be deterrent, or whether to make rehabilitation the main object of the law. In 1832, therefore, the mode of dispensing relief varied with the parish under review. Some parishes administered it with the most deterrent rigour. In other places might be found the laxer principle of 'setting the poor to work'. Some parishes took this to mean getting rid of their paupers with the least trouble and the greatest immediate economy to the rates, and here they would pay out rent or doles without expecting any return. Others, however, insisted that work was done in return, usually digging in the gravel pits or resurfacing the roads. Such labour, however, was not deterrent, nor was it, compared with the free market, either efficient or economical. A third approach was the 'Speenhamland System', so called after the meeting of the Berkshire J.P.s at the Pelican Inn at Speenhamland in 1795, where they decided to supplement wages according to a sliding scale varying with the applicant's wage, the size of his family, and the price of bread. It 'made up' wages to what was regarded as a subsistence level; and so, in one sense, it was a variant on putting the poor to work—in this case they were set to work on private farms instead of on the parish gravel pits. In some parishes the distance between setting the poor to work on parish works and setting them to work in private industry was bridged by the *Labour Rate* and the *Roundsman systems*. In the first, the ratepayer agreed to employ and pay wages to a number of labourers, the number being assessed according to his rental, or real property. In the Roundsman system the parish paid the employers to employ paupers at rates fixed by the parish as appropriate to the pauper's needs. Either arrangement meant that the frontier between private economy and public works was obliterated. The parish was in business! Naturally, this was anathema to the political economists.

Another example of the purposelessness of the Poor Laws is afforded by the Laws of Settlement. These exaggerated the effects of the Poor Laws on the structure of industry and the labour market. Since every parish was obliged to relieve its own poor and only its own poor, it

tried to exclude other people's paupers. According to the law it might deport all newcomers back to their parish of origin. From 1760, when the enclosure of commons and small farms was creating an extensive class of landless labourers, the laws of settlement began to create throughout the southern counties so many stagnant pools of redundant labour. In 1795 the law was so amended that henceforth interlopers might be removed to their parish of origin only after they had become chargeable. As the Speenhamland system made nearly all labourers in the south chargeable to some extent throughout the year, the amended law left matters as they were. Labour continued immobile. The more pauperized the parish, the more was it forced to turn to the bread-scales or the Roundsman and Labour Rate systems. This arbitrary interference with the supply and demand of labour had been attacked by the economists since the days of Adam Smith.

A final example of aimlessness might be found in the treatment of the non-able-bodied poor who cannot have been much less than half of the total pauper population in 1832. Many of them were relieved in their homes, but a proportion were maintained in workhouses or almshouses. In all but a fraction of cases the parishes were too small to maintain classified establishments. Hence the 'General mixed workhouse'—in which were immured, indiscriminately, perhaps a dozen orphans, twenty or thirty able-bodied paupers of both sexes, a similar number of aged and impotent persons, and here and there a blind person, or an idiot. In these dwellings the sick poor were often shut up also. Such treatment implied a mechanical observance of imperfectly enunciated enactments, without any corrective, deterrent or regenerative impulses whatsoever.

Matters were made worse by a corrupt and amateurish administration. The Poor Laws provided for the highest degree of self-administration that the history of institutions can record. Here were 15,000 units entirely independent of one another and of the central authorities, which raised and spent their poor rates under the authority of an assembly of all ratepayers, and whose will was executed by each ratepayer in turn giving unpaid obligatory service.

The Vestry was the ruling authority: 'a sort of council of government of which the overseers are members, and generally the most influential members, but voting among the others and submitting to be controlled by the majority.'[1] It was not obliged to render accounts, and so the only check on its expenditure was the self-interest of its members. Since the larger landowners did not usually pay rates (this being the

[1] Poor Law Report, 1834, p. 107.

responsibility of the occupiers), and since the richer ratepayers could be voted down, most vestries fell into the clutch of farmers, publicans, and such like, who manipulated the poor rates for their own advantage. The Select Vestry Act of 1819 was the rich man's reaction to democracy. Under the Act the parish was governed by twenty or twenty-five representatives elected by a franchise weighted according to the amount of rates one paid. The Act was permissive and about one-fifth of the parishes adopted it. But despite the weighted franchise, village democracy would keep breaking through, and where it did the Select Vestry was as self-interested as the Open type. By the Act also, the Overseers were assisted by paid professional 'Assistant Overseers'. Since their superiors were dependent on the Vestry, and this, despite the provisions of the Act, often fell back into the clutch of the 'sinister interests', the innovation did not markedly increase the efficiency of administration.

The only exterior check upon the parish was that exercised by the magistrates. Theoretically the magistrate appointed the overseer, but in practice it was the Vestry who elected him, the magistrate merely giving formal sanction. The overseer was also bound to present his accounts to the bench of magistrates, but this was not taken very seriously, and in any case there was no specified method prescribed for keeping the accounts. There must have been many instances similar to the one where the accounts contained the desperate phrase, 'Mumbled away—£50'.[1] The only serious interference of the magistrates lay in the provisions which enabled a pauper to appeal from the overseer to any single magistrate in the county; and of this provision many a magistrate, either from sympathy to the poor or from a wish to cut a figure, made frequent and injudicious use.

III

In 1832 this complex body of law and administration affected everybody, pleased few, and was understood by nobody. The Royal Commission was appointed to still a raging controversy. The poor rate was increasing by leaps and bounds and threatening to engulf the whole landed property of the country. From £1,500,000 in 1775 it had climbed to £8,000,000 in 1818. It was still £7,000,000 in 1832, although since 1818 the price of bread had come down by a third. Where was this to end? Could no stop be put to pouring beef and beer down labourers' throats? As if in answer came the Labourers' Revolt of 1830,

[1] E. Pilkington to E. Chadwick, N.D., 1835.

ringing London with burning hayricks, and put down at last at the price of hangings and 600 deportees. Although Chadwick ascribed this largely to 'monomanias induced by want of education', most people were more impressed by Gibbon Wakefield's conundrum: 'What is that defective being with calfless legs and stooping shoulders, weak in body and mind, inert, pusillanimous and stupid, whose premature wrinkles and furtive glance tell of misery and degradation. That is an English peasant or pauper; for the two words are synonymous'.[1] A desperate public turned to the Committees of Enquiry which had punctuated the last fifteen years. A Select Committee of 1817 had investigated, but reached no firm conclusion. A Select Committee of 1824 had reported, but no government dared to endorse its conclusions. Meanwhile there arose a spate of warnings, nostrums, and reclamations. These revealed the existence of three great schools of opinion each with innumerable and self-divided sects. These were the alternatives before Chadwick as he began his investigation.

One powerful body of thought generally favoured the old Poor Law and criticized it only because it did not give the paupers enough. This was the popular-Radical school typified by Cobbett, or John Walter of *The Times*. The weakest part of this school's doctrine was its lack of any constructive proposals. Cobbett naturally thought that paper money would set the whole matter to rights, while Gaskell favoured allotments. John Walter thought the system demanded better magistrates.

A second school, a band of most dissimilar spirits, took the view that under proper management pauper labour could be made profitable and the pauper problem self-effacing. This view had a great vogue in the eighteenth century, leading to the constitution of Incorporated Guardians of the Poor who received parliamentary sanction to set up Houses of Industry. Thus Suffolk and Norfolk were almost entirely covered by fourteen huge incorporations. But by 1824 the famous House of Industry of Shrewsbury was in decay, despite its corn mill, its factory, and its farm; and the East Anglian Incorporations had gone the same way some ten years earlier. By the 1830's the aim of setting the poor to work took the agricultural application of the Labour Rate. Indeed, this device was so popular that it was expressly recommended by the Select Committee of 1824, and actually received legislative sanction in 1831, though as a temporary statute only.[2]

[1] E. Gibbon Wakefield, *Swing Unmasked*, 1831.

[2] It would be scarcely necessary to point out that Bentham's 'Plan for pauper management' differed little from these schemes save in scale and ingenious detail, but for the persistence of a tradition, recently revived by Mr Zagday in his contribution to *Bentham and the Law* (Stevens, 1948), that Chadwick took over Bentham's views on poor relief and

More influential than either of the preceding views was that which stridently denied that the poor had any right to relief at all, and disposed of all plans for amendment by showing that they must all have the effect of making the population outrun the means of subsistence. Thereby it reached the uncompromising conclusion that the Poor Laws must be entirely abolished. This was the position taken by Malthus and it rapidly permeated the bulk of the governing classes. It was the solution reached by the Committee of 1817, and the Royal Commission seemed only too likely to follow suit. The two churchmen on the Commission had both adopted this view, Sumner, the Bishop of Chester, in the *Encyclopædia Britannica* in 1824, and Blomfield, Bishop of London, before the Emigration Committee in 1827. Sturges Bourne (another member) had been the Chairman of the Malthusian Committee of 1817. Nassau Senior, the demiurge of the Commission, had only one year previously advocated the total abolition of relief to the able-bodied in his *Letter to Lord Howick on a Legal Provision for the Irish Poor.* That the Commission did not report in the Malthusian sense was due largely to Chadwick.

IV

The area assigned him for report was the same where his articles on Police and Medical Charities showed he had a wide and first-hand experience—the North and East of London. It offered a field for extensive induction. Very soon, to test the hypotheses he had formed there, Chadwick moved into Berkshire, an extremely pauperized rural county. The conclusions he reached differed from all the current views.

Clearly, as a political economist, he was not going to be attracted by the neo-agrarianism of the Cobbett brand of Radicals. Neither was there any good reason for him to accept the Malthusian view, for the 'productivity' school of economists to which Chadwick belonged was arguing that the pressure of population might be indefinitely postponed so long as the productivity of each worker could be expanded.

Furthermore, his preliminary observations entirely contradicted Malthus. Malthus said the Poor Laws were harmful in principle, because they automatically increased the pressure of population. This, Chadwick found, was theory: it was not a fact. The Poor Laws were harmful,

incorporated them in his Poor Law Report. The essence of Bentham's plan is a Joint Stock Company to maintain 250 workhouses throughout the country. This company was to be economically self-supporting. Chadwick unhesitatingly rejected this approach and took from the 'Plan' nothing but a few minor and inconsequential gadgets. On the other hand, his debt to *Panopticon* (which Mr Zagday does not even mention) was profound. See below, p. 75.

granted: but harmful not in principle but because of the way in which they were administered.

Their effect was to decrease the productivity of labour. They did this by making pauper labour, subsidized out of the rates, compete with independent labour. In the face of this competition all the free labourer's skill, diligence, and good conduct became valueless. The sources of this confusion between the public and the private sectors of industry were the allowance system in all its forms, the laws of settlement which tied the labourer to his parish and forced him into the allowance system, the misguided philanthropy of ignorant magistrates, and, finally, the basic misconception that the pauper should be rendered profitable.

Thus he had redefined the problem. It was not one of moral right as Cobbett claimed, or of population as Malthus claimed. The evil was the increase in able-bodied pauperism, and its root cause was the allowance system. If in some way the pauper could be forced back on to the labour market by the operation of the Poor Laws, instead of being attracted *from* it (as he was by the allowance system), the problem could be solved. Once forced into the free labour market the worker would have to rely entirely on his own industry and forethought for his wages. The labour market would once again be open to the free play of supply and demand.

Here was the first sketch of what was to become the less-eligibility principle. Even in its first guarded shape its economic potentialities stood out. It was not necessary to abolish public relief, merely to make it so unattractive that most paupers would decline to accept it. If any did still choose to accept it, they would, by the same token, be separated by so wide a margin from the rewards of independent work as no longer to compete with it on equal terms. The tendency of the allowance system to extend itself would not merely be stopped, but reversed.

This was the cardinal feature of the plan. The rest was administrative apparatus. Relief could be made less attractive not only by cutting down pauper rations but by demanding in return 'adequate labour' or confinement in a 'well regulated' workhouse. The supporting evidence left no doubt as to the unpleasantness he associated with all three methods. Furthermore, since such harshness could hardly be expected of elective and intimidated overseers the plan would never be adopted willingly by any but a fraction of the parishes. The plan, therefore, must be carried out by paid officials acting under the superintendence of a central agency armed with the widest powers.[1]

[1] *Extracts of Evidence*, published by H.M. Government, 1833, pp. 338–9.

V

This analysis and solution finally prevailed in the Royal Commission and on it the New Poor Law was erected. A very large part of Chadwick's success was due to his early conversion of Nassau Senior.

Unfortunately, it is not possible to say with any certainty how far their views interacted until after January 1833, that is, six months after Chadwick began his enquiry. Chadwick has left no statement of his views during this period. Senior, who has done so, had by January thrown over the Malthusian suggestion that the Poor Laws should be entirely abolished. He had also drawn the conclusion that the self-interest of the vestries was pandering to the allowance system rather than checking it. He suggested at this stage that the unpaid overseers must be replaced by paid officials and that these themselves must be kept under control by government inspectors. Furthermore, the inspector should have the power to unite sets of parishes for administrative purposes. The sting lay in the tail. If the vestries had no interest in keeping the rates down, what was the point of retaining them? Why not allow a central organization to raise a 'national rate'? After arguing for and against, he concluded in perplexity that though he could not venture to say it was inexpedient, 'still less could he venture to recommend it'.[1]

But, although it is certain that Senior had discussed his own plan with Chadwick, there is nothing to show that he had any inkling of the less-eligibility principle. A meeting of the Political Economy Club in December 1832 shows both men arguing entirely on administrative, not on economic lines. But within a month Senior had abandoned his own plan and enthusiastically supported Chadwick's. The matter came about thus. Although the Commission had been set up in February 1832 the December of that year had come round without it reaching any conclusions. It was supposed to read and find upon the reports of its Assistant Commissioners, but these were only beginning to appear, were all in manuscript, and of the most unfeeling length. The Commissioners themselves were at cross purposes except on one point—that they could not report for many months. But Melbourne, the Home Secretary, was dunning the wretched men to report and the public began to follow suit. In these circumstances the irrepressible Brougham, who had taken it on himself to supervise the Commission and was apprised week by week of its progress, hit on one of those happy ideas that made him so disliked by his slower Whig colleagues. He suggested that to give the Cabinet preliminary data each Assistant

[1] N. Senior, Second Letter to Lord Brougham, January 1833.

Commissioner should select his most representative findings; and that to prepare public opinion for the huge changes which Senior assured him were necessary, these Extracts of Information should be published, widely advertised, and circulated free to all the influential.[1] Melbourne concurred, and on 4th December the Commission instructed its Assistant Commissioners accordingly. Chadwick's contribution was late; nor is this surprising. It was no Selection of Extracts but a complete Report, very long (one-third of the entire volume was his), brilliantly executed, and working up to six clearly formulated and practical conclusions:

'1. That the existing system of Poor Laws in England is destructive of the industry, forethought and honesty of the labourers; to the wealth and the morality of the employers of labour and of the owners of property; and to the mutual goodwill and happiness of all; that it collects and chains down the labourers in masses without any reference to the demand for labour; that while it increases their numbers it impairs the means by which the fund for their subsistence is to be reproduced and impairs the motives for using those means which it suffers to exist; and that every year and every day these evils are becoming more overwhelming in their magnitude and less susceptible of cure.

'2. That of these evils that which consists merely in the amount of the rates—an evil great when considered in itself, but trifling when compared with the moral effects which I am deploring—might be diminished by the combination of workhouses and by substituting a rigid administration and contract management for the existing scenes of neglect, extravagance, jobbing and fraud.

'3. That by an alteration, or even, according to the suggestion of many witnesses an abolition of the laws of settlement, a great part, or according to the latter suggestion, the whole of the enormous sums now spent in litigation and removals might be saved; the labourers might be distributed according to the demand for labour; the immigration from Ireland of labourers of inferior habits might be checked; and the oppression and cruelty to which the unmarried labourers and those who have acquired any property are now subjected might according to the extent of the alteration be diminished or utterly put an end to.

'4. That if no relief were allowed to be given to the able-bodied or to their families except in return for adequate labour, or in a well-regulated workhouse the worst of the existing sources of evil, the allowance system, would immediately disappear; a broad line would be drawn between the independent labourers and the paupers; the number of paupers would be immediately diminished in consequence of the reluctance to accept relief on such terms; and would be still further diminished in consequence of the increased fund for the payment of wages occasioned by the diminution of rates; and would ultimately, instead of forming a continually increasing proportion of the whole population, become a small, well-defined part of it, capable of being provided for at an expense less than one-half of the present Poor Rates.

[1] Cf. *Principles and Progress of The Poor Law Amendment Act* (*Edinburgh Review*, vol. xliii, 1836), by E. Chadwick.

'5. That the proposed change would tend powerfully to promote providence and forethought, not only in the daily concerns of life but in the most important of all points—marriage.

'6. That it is essential to the working of every one of these improvements that the administration of the Poor Laws should be entrusted as to their general superintendence, to one central authority with extensive powers and as to their details to paid officers acting under the consciousness of constant superintendence and strict responsibility. . . .'[1]

From this point all the evidence shows Chadwick as the innovator and Senior as his eager and loyal collaborator. He accepted these conclusions in full, and the Royal Commission was itself impressed. At its request Chadwick elaborated the proposals in a legal form and the document, entitled *Notes of the Heads of a Bill*,[2] in which the executive arrangements were more fully worked out, was circulated to the members of the Commission as the basis of a draft Report.[3]

Simultaneously, the *Extracts of Information* was published, and had an instant and prodigious success. Over 15,000 copies were disposed of. It created a sort of panic among the possessing classes. They were led to believe that the rates were eating up all the property of the country and that unless the tendency were instantly reversed, farmers and landowners would abandon their fields and turn them over to the sole remaining inhabitants, the gaunt paupers. From the *Morning Chronicle*, the *Globe*, and especially from *The Times*, there came a chorus of applause, and, significantly, Chadwick's contribution was singled out for especial praise.

Its style was vivid, its illustrations entertaining, and, above all, it terminated in a practical plan which hit off the prevalent temper to a nicety. The Malthusian remedy was discredited, and with it the fear of provoking the poor into revolt. The Cobbett Radicals were outbidden by Chadwick's fancy picture of the golden age of plenty, to be brought about by drastic changes in administration and a workhouse test. Such shrewd play with public opinion was to be repeated a few months later on the Factory Enquiry.

'The evidence of Mr. Chadwick', wrote Lytton in *The New Monthly Magazine*, 'is worthy of the great powers of thought and singular felicity in exemplifying principles by detail which characterize that gentleman.'[4]

'Most of the Commissioners I knew before,' Lord Brougham was to say in the House of Lords, 'but Mr Chadwick I never had seen, nor have I

[1] Conclusions to Edwin Chadwick's report in *The Extracts*, 1833 (pp. 338–9).
[2] *Notes of the Heads of a Bill*; MSS., 1833.
[3] Remonstrance to Lord Althorp, 30th July 1834.
[4] *The New Monthly Magazine*, April 1833.

now more than once or twice; but I confess I have risen from a perusal of his papers, admirable in all respects for excellence of composition, strength of reasoning, soundness of judgment, and all that indicates the possessing of every species of talent, I say, I have risen from the perusal with a degree of admiration that I find it difficult either to suppress or to describe.'[1]

Endorsed as it seemed by public opinion, Chadwick's *Notes of the Heads of a Bill* carried the day in the Commission. Apart from the suggestions of Sturges Bourne, who now favoured the Labour Rate principle, the other Commissioners' suggestions were, in Chadwick's words, 'confused and contradictory'. 'I found it', he said, 'more easy to satisfy the Board than to satisfy myself'.[2] He was now asked to draw up the 'draft outline of the measure proposed to be embodied in the General Report'. At this Senior urged that this would be most unfair unless the Commissioners were prepared to recommend that he be appointed full Commissioner, a sentiment with which they all agreed heartily. 'They could not in honour invest themselves in his plumes', they told the Lord Chancellor, 'or avail themselves of his labour as Commissioner unless he was one of themselves.' Thereupon his name was added, by 'cold seal', to the Royal Commission. Together with Senior he began to draw up the General Report. Individually he prepared, at the request of his new colleagues, a Cabinet Memorandum on the proposed remedies, entitled *Measures submitted to H.M. Ministers*.[3]

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From this work he was hastily snatched away. At that moment, in April 1833, the Cabinet was facing a very immediate threat. Strikes were sweeping the country, and in Lancashire and the West Riding the agitation for the ten hours' working day had reached its height. The Cabinet, caught between the factory operatives on the one hand and the master manufacturers on the other, had played for time by suggesting another Royal Commission, this time on Child Labour. Time pressed, for the operatives were in an ugly mood, and Melbourne insisted that some factory measure must be passed that session. On 17th April, Chadwick was summoned away from the draft Report and received his credentials as one of the three Royal Commissioners on the State of the Children in Factories.

[1] *Hansard*, Parliamentary Debates, 22nd July 1834.
[2] MSS. 1839. 'Part played by Mr. Chadwick in the Poor Law Amendment Act.'
[3] Ibid.

CHAPTER II

THE FACTORY ACT

UNLIKE the Royal Commission on the Poor Laws, the new Royal Commission was first intended as a temporizing expedient and little else. The evils of child labour in the textile factories had been neither prevented nor mitigated by Peel's Act of 1802 and Hobhouse's of 1831. The issue had now, since 1830 when Richard Oastler published his famous 'Child Slavery' letter in the *Leeds Mercury*, become the paramount political issue in the North of England. It was taken up by the trade unions which were menacing, bellicose, and widespread. It was supported by a host of 'Short-time Committees' which agitated, organized, and petitioned for regulation of the children's working day. Finally, Sadler, the movement's representative at Westminster, succeeded in introducing his Ten Hours Bill. The textile interest side-tracked it and allowed Sadler only to achieve the appointment of a Select Committee on Child Labour. This Committee continued to hear evidence right through the political struggle for the Reform Bill. When it reported in August 1832 it revealed such shocking inhumanities that the master manufacturers' plan completely misfired. An Act to regulate child labour appeared politically indispensable if only to quiet public opinion. Since Sadler was defeated in the general election of 1832, Ashley agreed to act in his stead.

His proposals were: that in all textile mills no children under nine years old should work at all, while those between nine and eighteen years of age should work only ten hours a day and eight on Saturdays. Nobody less than twenty-one years old should do any night work. These provisions were to be enforced by compelling all factory managers to maintain a 'time-book'.

This reflected a genuine humanitarianism on the part of the factory operatives. It did not, however, exclude a more self-interested calculation. If the children under eighteen years of age worked only ten hours, then the mills must, after these ten hours, close down entirely. They could not operate without child labour. Thus adult hours would also and automatically be limited. The trade unions found this desirable. It would spread employment more evenly; and generally speaking the factory operatives preferred, at this date, to work shorter hours even if it meant less wages.

Such was the intention of the Ten Hours Bill, and so moved was Press and public over the wrongs of the factory children that when Ashley reintroduced it in February 1833, the House welcomed it with a cheer. It seemed as if the Cabinet would have to accept the Bill willy-nilly; but this it was most reluctant to do. Grey, Melbourne, Althorp, were not 'political economists' and had no strong feelings either way. They disliked agitators, they also disliked manufacturers. Their colleagues were both better informed and more partisan. Graham, Russell, Brougham, and Durham were fanatical opponents of regulation of the hours of adult labour; and they were under severe pressure from the manufacturers. These, no sooner than Ashley introduced his Bill, formed the 'Association of Master Manufacturers' with the express intention of defeating it. The Association claimed that Sadler's Committee had been wildly partisan; that the Ten Hours Bill would prove 'a death blow to British industry'; that it was a 'relapse into the Dark Ages'. Under their influence the Cabinet was drawn into opposing Ashley's Bill.

The Association was convinced that it could, as in 1818, side-track the issue by appointing a counter-enquiry to traverse and discredit Sadler's findings. On the day that Ashley moved the second reading of the Ten Hours Bill, Wilson Patton, the spokesman for the Manufacturers' Association moved an amendment, calling for a Royal Commission to investigate the whole subject afresh. He was supported by the Cabinet. The vote was put to the House and Ashley was defeated by a single vote.

So there was to be a new enquiry! *The Times* raged furiously against this temporization. Its sentiments were echoed more grimly, more menacingly, more universally in the shout of rage and despair that arose from the Short-time Committees. This was no time for the Government to trifle with the organized masses. The strike wave was at its peak. Ideas of 'The Trades Union' were abroad, aiming to unite all workingmen into one nation-wide association. Ashley, no friend of disorder and social war, wrote to Althorp explaining that the operatives were only holding their hand because they felt they had something to hope from parliamentary action. 'I assure you', he said, 'the people are desperate'.[1] It was Melbourne who took the decisive step. As Home Secretary he was responsible for law and order and was not going to see it jeopardized to curry favour with a pack of top-hatted manufacturers whom he despised. The House had decided to have a Royal Commission. *Tant pis.* In that case it must report quickly, very quickly,

[1] E. Hodder, *Life and Works of the Earl of Shaftesbury*, vol. i, pp. 162–3.

within six weeks. And whatever happened, before the session ended, *some* kind of child labour Act must be put upon the Statute Book.

Even so, despite this need for haste, it took three weeks to appoint the Royal Commissioners. Like the Poor Law Commission of Enquiry, there were to be Central Commissioners aided by itinerant Assistant Commissioners who were to prepare the field reports. Chadwick was appointed the Chief Central Commissioner. With him were appointed Thomas Tooke, an old friend of the Benthamite circle, and Southwood Smith, Chadwick's intimate for wellnigh ten years. All three were confirmed Benthamites. They held the same view on the social role of capital, and the dependence of the workman upon that role. Furthermore, there was some truth in what *Fraser's Magazine* wrote of them:

'Those Commissioners have been appointed because of their supposed indifference to the questions of infant suffering, and their great capacity for political calculation, without any liability to any misgivings on the score of human kindness; and that the dry question which they are to decide, is whether the merchant's gain does not more than compensate for the unparalleled wrongs and injuries due to the children.'[1]

As far as Chadwick went, the description is almost perfect. He tempered humanity with prudence and believed if an evil could not be excised without damage to the economic fabric, then it could not properly be called evil. Political and economic calculation was indeed the watchword of all three.

Unlike their colleagues on the Poor Law Commission, the Factory Commissioners were *not* allowed to choose their assistants. These were chosen for them, in a riot of jobbery. They were a great trial to Chadwick. He had only six weeks to complete the enquiry and make his report, and from the outset, the personnel began to make trouble.

'When I was asked, with Mr. Tooke, to act as one of the Central Board of the Factory Commission, on speaking to the several persons whom we found joined with us in the Commission, there was one who appeared old and to be so feeble in intellect, that I could not, as I well remember asking, "Who is he; who *can* have recommended him." The reply was that his name was Spencer; that he had been put on by Lord Althorp and it was *believed* that there was some sort of relationship or family connection.

'I was most anxious to have the medical points well examined on that enquiry. There was one medical man, whose fitness I particularly doubted.

[1] Article, 'The Commission for perpetuating Factory Infanticide', *Fraser's Magazine*, une 1833.

He himself avowed his utter want of preparation for such a task. "Then how came you to enter upon it?" was my question. "Why, I know Lord Althorp, from having attended some of his family at Leamington. I was passing down the street accidentally the other day, when who should accost me but Lord Althorp, with 'Hallo, Loudon, would you like to be on a Commission?' Thinking it might lead to something good, I said 'Yes', and his Lordship put me on."

'Myself and Tooke were exceedingly embarrassed by these and one or two other appointments and we were compelled to let the Commissioners who had to enquire in the districts to proceed jointly instead of singly and separately, for we could not trust them singly. Having but little acquaintance with our colleagues, this led to the coupling of one or two ill-assorted spirits: they quarrelled violently, first between each other, and were near sending challenges, then with us when we attempted to interfere, and for not consulting them in our report. The embarrassment which this occasioned the occupation of the short time of six weeks during which we were to complete the investigation and make our report, was most grievous to ourselves and hazardous to the very large interests involved in the investigation. . . .'[1]

The preliminary was to draft the instructions to these troublesome assistants—what questions they were to ask and how they were to ask them and of whom. The medical queries Chadwick left to Southwood Smith. The remainder—the large bulk—Chadwick drafted himself.[2] Running to several pages, these questions covered all sorts of ground—seemingly irrelevant. In fact, they were very cunningly framed in such a way that the enquiry must have been conducted to meet or corroborate the allegations of the Sadler Committee at all its most contested points, and secondly so that witnesses who had appeared before the Sadler Committee should be examined last of all, still another means of meeting their former evidence. In addition, some of the questions bade fair to be the germs of the new Bill which the manufacturers were demanding.[3]

The 'irrelevance' and alleged indecency of some of Chadwick's questions called forth a brash outburst from *The Times*:

'We are bound', it wrote, 'to acknowledge that they have puzzled us as completely as they could have done those for whose especial embarrassment they were no doubt intended. Such a mass of impotent and stupid verbiage it has seldom been our fortune to face, or so much pomp and pretension combined with such vagueness and apparent insincerity of purpose. The whole composition is on stilts; it is, besides, enveloped in innumerable folds of slip-slop phraseology. . . .

[1] E. Chadwick to Bishop Blomfield, 16th December 1844.
[2] Remonstrance to Lord Althorp, 30th July 1834. [3] See below, pp. 56–7.

'The instructions contain a diversity of plans for enquiring into questions but remotely connected with that from which the establishment of the Commission had arisen, and indeed not entirely compatible with that wholesome dread of ridicule, and anxious love of decency, which ought to characterize the proceedings of such a body. We subjoin, as a curiosity, some of the queries to be made of married women :

'Was your first child born within one year of your marriage ?
'How many children have you had still born ?
'How many miscarriages, etc. etc. . . .'[1]

If this had been the only criticism levelled against the instructions, affairs might not have gone so badly. Unfortunately, in his desire to gather his information pure from the source, and to prevent any terrorism of man against master or master against man, Chadwick had instructed his subordinates to take their evidence in their own handwriting, behind closed doors, and on no account to make it public. This was the last straw for the Northerners.[2] Already, on the 22nd, a meeting of delegates of the short-time committees had resolved on a plan to sabotage the enquiry. No operatives were to give evidence before the itinerant Assistant Commissioners ; whenever these arrived in a town, a written memorial of protest was to be handed to them ; every evening after work, the factory children accompanied by their parents, were to besiege their lodging-places ; and picked men were to trail them everywhere and report their most insignificant actions.[3] When the Commissioners declined to alter their arrangements for taking evidence, the whole of this plan went into operation. The Commission was denounced as one-sided, as a 'mill-owners' Commission'. 'See your country languishing', ran one appeal to the operatives, 'drooping its head under the chilly blasts of political economy—of grasping monopolies—of heartless calculations which have blighted its fairest prospects'.[4] 'A set of briefless barristers and fee-less doctors,'[5] growled Oastler. The Commission was held to be a mere instrument of the mill owners, an unnecessary instrument if it was to go about its business honestly, a pernicious one if it obeyed its supposed 'master'.

The prevailing excitement organized itself in a number of demonstrations in favour of the Ten Hours Bill. On 4th May the Manchester Committee organized a march of the factory children before the Commissioners' hotel[1] Advancing in the number of many thousands, the children's leader presented the Commissioners with a petition of which the pith was contained in the words, 'We do not think it right that we should know nothing but work and suffering from Monday morning to Saturday night, to make others rich'—put in this way, their case, of course, was unanswerable. A similar procession was held at Leeds, where the children demonstrated before the Commissioners and sang their 'Ten Hours Song' :

'We will have the Ten Hours Bill
That we will, that we will,
Or the land shall ne'er be still
We will have the Ten Hours Bill.'[2]

Everywhere protests were levelled at this 'Tribunal, adverse to the Ten Hours Bill in origin, adverse in spirit, adverse in object, adverse probably, in instruction . . .',[3] and the ugly temper of the operatives scowled from between the lines of the Leeds Manifesto, that 'We are at a loss for words to express our disgust and indignation at having been threatened with a visit from an inquisitorial itinerant to enquire whether our children shall be worked more than ten hours a day ; we are at once and for all determined that they shall not . . .'.[4]

It may well be imagined how difficult it proved for the Central Commissioners and Chadwick to draft a report in six weeks when their assistants were so unreliable and when the operatives impeded at every step the taking of the evidence. The Report should have been drafted by the 5th of June, but at that date nothing was ready. Yet Ashley's Ten Hours Bill was due for its second reading on the 17th July and it was imperative for the Cabinet to have its alternative ready. Melbourne, who was determined to legislate that session and who in any case had none of Chadwick's desire to plumb a subject to its depths, insisted that the Central Board should do as it had been told. On the 5th he issued orders to them telling them categorically to call in the results collected so far, and to give him the amplest information they could before the 14th of the month.[5] On 20th June, when this was still not done, Melbourne flatly demanded the evidence instantly and commanded the Central Board to put their recommendations before him.[6]

Chadwick had to hurry : but he had started his enquiries with a plan already in his head, and had used the enquiry chiefly to see if it were a

[1] *The Times*, 3rd June 1833.
[2] Cf. Manifesto of Manchester Committee, 25th April 1833 ; quoted Hodder, *Life and Works of the 7th Earl of Shaftesbury*, vol. i, pp. 160–1.
[3] Ibid.
[4] Speech at Huddersfield, 18th June 1833.
[5] Hodder, op. cit., vol. i, pp. 160–1.

[1] P. Grant, *The Ten Hours Movement*, p. 44.
[2] Ibid., p. 45.
[3] Quoted Hutchins & Harrison, *History of Factory Legislation*, p. 55.
[4] Ibid., p. 54.
[5] G. Phillips to Edwin Chadwick, 5th June 1833.
[6] Idem., 14th June 1833.

practicable one. Believing as he did that only greater productivity per head could ward off the threat to the living-standard which the rapidly increasing population must otherwise cause; identifying productivity per head with capital-equipment per head; assuming—as in those years he was correct in doing—that capital-equipment per head only increased as the masters' profits increased; and, finally, believing that only free contract between master and servant could increase the profits of the masters fast enough; believing this argument as firmly as he did, Chadwick was necessarily against any regulation of the adult working day. On the other hand, as the operatives pointed out, even the most rudimentary medical knowledge would show that ten hours was too much for little children to work. The operatives reconciled one with the other through the Ten Hours Bill, for they, at any rate, had no aversion from the regulation of their own hours. Chadwick seemed to be squaring a circle. His administrative problem was, to use the state power to intervene where the subjects were helpless to help themselves. His economic problem was to maximize the national income—which, he was told by his Assistant Commissioners, and by his friends, the master spinners, could only be done by the employment of child labour. Always the administrative gadgeteer, his solution was boldly simple. Why not reduce the hours of children even more drastically than the ten hours' limitation suggested by the operatives—so drastically that two sets of children could be used to work against the normal adult day? In this way child labour would be used, but not overworked: and at the same time no reduction in the adult hours would need take place!

Now, judging by a question among the instructions, it appears that this relay system was already in Chadwick's ingenious mind before the Assistant Commissioners went to their posts.

Certainly, long before the Central Board had put its propositions before the Cabinet, it was already rumoured that such would be its conclusion. The attitude of the working classes towards the Commission changed; instead of asserting that the Commission would rebut the evidence in Sadler's Report, they now alleged that it would bring forward a relay system. Oastler's intelligence service served him well, for already on 5th June he accused Drinkwater and Power of having these intentions.[1]

The plan which Chadwick adopted was in fact the so-called 'alternative plan' of the very largest cotton spinners. They were faced with the Ten Hours Bill, which would limit to ten hours per day the labour of all

[1] Oastler, *Reply to Mr Drinkwater and Mr Power*, 1833, pp. 16–18.

children aged between nine and eighteen years. They urged that Parliament should reject this proposal, but extend to all textile mills the principles of the Hobhouse Act (1831) which applied only to cottons; the effect would be that children from nine to eighteen years old would work twelve hours a day. If, however, this proved impossible to carry through Parliament, the largest spinners were prepared, as an alternative, to fall back on the 'relay system'. Children aged between nine and perhaps twelve or thirteen years old would work short hours but might be worked in double shifts against an *unregulated* working day for those aged more than twelve or thirteen years. Furthermore, it was a plan which suited only the larger, highly capitalized, steam-driven factories of the towns. In the country districts, where children were hard to come by, and where water power was used (an erratic source of power) the relay system would probably prove impracticable. But the Association of Master Manufacturers was composed for the most part of the kings of the trade, and it was they who had the ear of government, and especially of Chadwick, a man who, in any case, believed that the supplanting of small-scale by large-scale enterprise was the guarantee of social progress.[1]

Accordingly, the plan featured as the core of Chadwick's Report. This itself was short, containing a very brief outline of the problem, and the proposed remedies; attached to it was a mass of minutes of evidence.[2] England's first reaction to this dropsical volume was a shout of mingled laughter and relief. . . .

> 'It is certainly the most preposterous production that was ever offered to human contemplation', wrote *The Times*. 'We surveyed it with surprise and indignation and then could not resist an involuntary fit of laughter. We wish all our readers could now see this immense parallelopipedon of a work. It is as thick and as large every way as a Scapula's Lexicon. And all this to ascertain whether children, almost infants, can bear confinement at work for ten, twelve or fourteen hours. . . .'[3]

The Ten Hours Committees also laughed. 'If', said G. S. Bull, displaying to his uproarious audience of operatives an enormous folio volume about eight inches thick, 'if, instead of making us pay these men and for the printing of these books, they had appointed a Committee of old washerwomen and promised them a tea-drinking, and left them to decide whether children should work more than ten hours a day,

[1] See chapter IV.
[2] Report of the Royal Commission on the Employment of Children in Factories, Parliamentary Papers, 1833, xx.
[3] *The Times*, 2nd July 1833.

there would have been some credit due to them (laughter). But, however . . . instead of disapproving by their evidence the necessity of a Ten Hours Bill, they had more firmly confirmed it. . . .'[1]

This was the general attitude of the Northerners—that the evidence left the matter where it had been, and merely showed the necessity for the Ten Hours Bill. But, in fact, Chadwick had drawn up his report to make the master manufacturers' relay plan effective. The crux of the matter was that in contradistinction to the Ten Hours Bill, he declined to legislate at all for those children aged more than thirteen years. On the other hand, as regarded the children under thirteen years of age, he completely *outbid* the Ten Hours Bill. This, he alleged, did not protect the children, for these could no more work ten hours than twelve or fourteen; it made no provision for the use of their enforced leisure, and it restricted adult labour (i.e. workers up to eighteen years) as well as the children to ten hours a day.[2] In place of this he suggested that children under nine should not be employed at all, that those from nine to thirteen should, by intervals, come down to only an eight-hour day without night work, and that in order to keep the machines going they should be worked double sets. Since they would now have leisure, he proposed that they should have three hours' compulsory schooling a day. This was the essence of the scheme, and Chadwick hedged it around with important administrative safeguards such as the Ten Hours Committee had never thought of.

The Report is typical of Chadwick. His belief in free competition and the social benefits of large-scale industrial capital, induced him to take over, not the Ten Hours Bill, but the master manufacturers' scheme of relays. On the other hand, his training in the penal law, and his Benthamite philosophy of the artificial identification of interests, led him to construct stringent safeguards to ensure the full execution of the Act. The idea of government inspectors who should invade a private possession (viz. a factory) in order to intervene between master and servant was utterly new.

Chadwick's own view of the Report was as follows:

'When enquiring with Mr. Tooke under the Central Board of the Factory Commission of Enquiry we found that there was no definite principle of legislation on the subject and we furnished one, which appears on a review to be as sound and as new and applicable to the present time as then; namely, that the legislature was justified in interfering for the protection of those who could not protect themselves, of those who had not arrived at the age o discretion to make their own bargain. On enquiring at what age young persons engaged themselves in the manufactures without the assent of parents or guardians being thought necessary, we found it to be about the age of puberty. We, upon this evidence, fixed the age of legislative interference at 13 years of age. Beyond this we found that the facts negatived any allegations of cruelty of this severity of adult labour in cotton or other mills; as compared with other branches of employment we said it was higher. We alleged the impolicy of such a length of employment in very young children as would preclude education and we proposed the certificates of daily attendance in schools as a condition of employment for the sake of the education itself and as a security against the overwork by which the children would be physically deteriorated in after life. . . .'[1]

[1] G. S. Bull—at Huddersfield, 24th August 1833.
[2] Parliamentary Papers, 1833, xx.

It scored instant success with the Cabinet, with the big manufacturers, but most especially with those Members of Parliament who sympathized with the factory children but feared the loudly bruited 'impending collapse' of the cotton industry. The Ten Hours Bill had seemed the only way out, and they had voted for it from humanitarianism. Now they were offered Chadwick's clever alternative, which 'saved' the industry and did more for the children than Sadler's Bill had even attempted. They rejoiced that, after all, the noisy Ten Hours agitation was not a cry for decency from the operatives, nor an appeal for help, but an unscrupulous, even brutal, manœuvre of mercenary ringleaders to better their own condition. Chadwick certainly served them a sympathetic dish when he played upon their general fear and dislike of the trade unions which were, at that moment engaged in strikes and agitation all over the country. Like Tufnell, he saw a menace in trade union action, not only to industry but to the working people themselves. He assured the public that the interest of the children was not really the root of their agitation, except 'among benevolent individuals in a higher sphere'. It was always, he alleged, put forward in appeals to the public but never or hardly ever mentioned in meetings of the operatives themselves, or if at all, only in connexion with the limitation of adult hours.

This was very unjudicial. The speeches delivered at the Northern meetings were full of the impassioned appeals for the fate of their children. But to Chadwick, 'The men who have placed themselves at the head of the agitation are the same men who in every instance of rash and headlong strikes have assumed the command of the discontented members of the operative body and who have used the grossest means of intimidation to subjugate the quiet and contented part of the work-people'. Remarking on the success of the manufacturers in breaking

[1] Undated memo., *c.* 1844.

these strikes or smashing the unions, Chadwick, by a singular hysteron-proteron professed to prove that such continuous failure afforded a 'presumption', that the leaders had other objects than what they professed—that their agitation was in fact their *trade* and, since they had to live by it, they had to foster a permanent discontent. Even the manufacturers like Fielden were tarred with the same brush of self-interest. 'The desire for limitation of hours', Chadwick averred, was 'mischievously sanctioned by some persons engaged in manufactures and by gentlemen connected with them who may be served by popularity'. They wanted the time to be reduced, he suggested, to the exact times that they worked their own mills![1]

By throwing such doubts upon the sincerity of the ten hours agitation, Chadwick's report hit off to a nicety the prevailing temper of Parliament, but satisfied neither the mill hands nor a fair proportion of the manufacturers. The operatives declared that if two relays of children were used, the adult hours would have to be extended to keep up with them, and that they might therefore have to work sixteen hours a day; on the other hand, certain manufacturers like Ashworth declared even Chadwick's concessions to be ruinous, and alleged that all profits were made in the 'last hour of factory' time.

'One objection strongly stated against the employment of double sets of children working 8 hours per diem was "If you do that you will drive the adults to work 16 hours: the temptation to do so will be so great."

'Our reply was that there must be restraining tendencies to the indefinite extension of long hours otherwise there would have been universal night work.

'Mr Senior entered the field with a pamphlet[2] against all interference and grounded his objections to interference on his allegation that the hours of daily labour by Machinery might be indefinitely extended, that the profit increased with every extra hour the machines were kept working, that interference with factory labour which cut off any hour of labour might cut off an hour which gave the whole profit on which the application of capital depended, that any one shop boy might at once be converted into an operative cotton spinner. In respect to the inducement, Mr Ashworth said "when a man puts down a spade he puts down what costs only three shillings, but when an operative cotton spinner leaves his work he quits what cost £100, every hour's interest of which is of importance when large numbers are employed".

'Still the reply to these various allegations was "If the tendency to the indefinite extension of daily labour be as you state it, why is there not universal night work in other trades where there is as much capital invested and as great a motive to universal night and day work as in your own? How happens it

[1] Parliamentary Papers, 1833, xx.
[2] This pamphlet was published later (in 1836).

that we find the longest hours worked in the poorest mills, those where there is the least capital, and the shortest hours (and an increasing tendency to their voluntary reduction) in those mills where there is the largest capital invested and the highest skill and most extensive subdivision of labour."

'No answers were given to these questions.'[1]

Only three days after publication of the Report, Althorp prepared to act. No Bill had yet been prepared, but he announced its projected principles. The Cabinet had already dropped an important recommendation of the Report, namely, the employer's liability for accidents.[2] This principle recurs again and again in Chadwick's reports and writings. Chadwick argued that, especially in the case of children, accidents 'just happened'. They were not the employer's doing, and he could not be held responsible. For this reason he earnestly urged the prevention of such accidents, by what seems to us the very simple expedient of empowering the inspector to order the machinery to be boxed off. Nevertheless this did not solve the whole problem for some machinery could not be boxed off. He therefore urged, characteristically, that the matter was best prevented by allowing free play to self-interest—the self-interest of the employer—for only the proprietor, in his view, had the means of preventing the mischief. The workman could not decline to work because the machinery was dangerous; but the proprietors could take the necessary steps and moreover could best foresee all the possible consequences of the unfenced machinery. Therefore, urged Chadwick, let *him* bear the pecuniary responsibility, and thus interest and duty will be combined. Accordingly he drew up a scheme for half-pay sick benefit for adults and a sort of sick pay and medical expenses for all accidents whatsoever for children under fourteen.

This important omission gave great offence in the North, especially after Poulett Thomson had persuaded the House not to replace it on the grounds that the matter was covered by the common law. . . . 'There are no provisions for *boxing off the machinery*', said Bull at a gigantic meeting at Hebden Bridge '. . . but Mr Poulett Thomson says there is a remedy for this in the "common law"! So that when you have got a hand, an arm, or a leg torn off, you must go to the "common law" to get it set on again. . . .'[3]

For the rest, Althorp merely outlined the central provisions of Chadwick's Report. His speech was mechanical, as if he had been painfully coached in it the night before.[4] A curious feature was his

[1] Memo., *c.* 1844, cited above.
[2] Parliamentary Papers, 1833, xx.
[3] G. S. Bull, speech at Huddersfield, 24th August 1833.
[4] See the speech in *Hansard*, 5th July 1833.

statement that children from nine to eleven would be 'protected', while those from eleven to fourteen would work only eight hours a day. The meaning of 'protected' we do not know; for the moment it seemed a departure from the text of the Report. Otherwise the identity was complete. Above the age of fourteen there would be no regulation of the working day. Below the age of nine no work would be permitted. Between nine and fourteen years the hours would be restricted to eight per day, there must be no night work, the children must attend school two hours each day, the provisions of the Bill would extend to all textile factories, and would be enforced by a corps of government inspectors.

The Government obviously thought it would have an easy time; but it had reckoned without its host. Ashley refused to give way. He urged the inclusion of the accident clause, and demanded protection for women at least up to the age of eighteen. Then he left the parliamentary struggle in abeyance, until the second reading of his own Ten Hours Bill on the 17th and 18th. On that date the struggle would come between the Government Bill, based upon the Report, and Ashley's Bill, based on the Sadler Report.

In this interval, however, events occurred to make the Government somewhat change its mind. The Ten Hours committees were not keeping still, nor was the Association of Master Manufacturers silent. In the event the Government surrendered to right and to left. In the manufacturing districts, it was being said that the Bill 'was full of confusion; it was impracticable. . . .'[1] It was a Bill to enable the factory masters to do just as they please. . . .'[2] The inspectorships were a lumbering affair and would turn out in practice, they suspected, a nullity; their chief recommendation with their projectors was probably the patronage they afforded. . . .'[3] Meetings enthusiastically applauded their leaders when they demanded protection for women over the age of thirteen. The Government was ready to yield to the clamour, but they were at the same time beset by the master manufacturers at Palace Yard. The shape of the Bill had still to be discussed with them, and on 16th July the Commissioners,[4] Chadwick, and some of the Government, apparently, began the consultations. The Central Board reached agreement with them on the relay system, when it heard that the Government had decided to yield to the clamour in the North. It had grafted into Chadwick's clear-cut scheme a provision of the Hobhouse Act of 1831.

[1] G. S. Bull, speech at Huddersfield, 24th August 1833. [2] Ibid.
[3] Quoted Hutchins and Harrison, op. cit., p. 56.
[4] *Correspondence between James Stuart and John Wilson* (vol. iii, Oastler's *Tracts on White Slavery*.)

By virtue of this, all those aged between fourteen and eighteen years were limited to a twelve-hour day. Thus the principle of limiting the 'adult' working day was admitted. To Tooke and to Chadwick this was monstrous. It admitted the principle of legislating for adults!

'You will do well to show these letters to Mr Poulett Thomson,' wrote Tooke to Chadwick. 'It is indeed much to be lamented that it should enter into the views of government to sanction so great a violation of sound principle as will be involved in the extension of the provisions of Lord J. Hobhouse's Bill to other than cotton factories.'[1]

But Thomson failed, and the 'violation of sound principle' was decided upon. The manufacturers went about predicting ruin, until they were soundly told off by Lord Melbourne. 'The Home Secretary was not to be moved by deputations of millowners who foretold impeding ruin, each to their own particular trade and all to an unhappy country. He told them that he thought the country was not so unhappy; and (as Macaulay said of the Constitution), "that it took a good deal of ruining". If the experiment of limiting hours of labour threatened to fail, it could be discontinued; but he was resolved that it should be tried.'[2] This settled the matter, and when on the 18th of July the House debated the second reading of the Ten Hours Bill, Althorp announced his concession to the House. Arguing that it was impossible to limit the hours of those under eighteen years to ten per day because this would stop the mills and ruin English industry, and thus recoil ten-fold on the heads of the unhappy working classes, Althorp finally carried the day against Ashley and the Ten Hours Bill by a majority of 283 to 93. For the moment, it was the end of the Ten Hours Bill. 'He found that the noble lord had defeated him; he would therefore surrender the Bill into the hands of the noble lord, but having taken it up with a view to do good to the class intended, he would only say, into whatever hands it passed, God prosper it. . . .'[3] From now on, with the glaring exception of the Hobhouse extension clause, it was Chadwick's Bill that was before the House.

The most that has been said for this unhappy Bill is that it was the first which set up an inspectorate and got itself enforced. All the rest—the relay system, the educational clauses, and the constant evasions which were practised under it, are held up to contumely. This was not because of Chadwick but in spite of him. The Bill, as he drafted it, was satisfactory on nearly all the points upon which the criticism of

[1] T. Tooke to Edwin Chadwick, N.D., 1833.
[2] W. T. M. Torrens, *Memoirs of Viscount Melbourne*, p. 272.
[3] Hodder, op. cit., vol. i, p. 166.

later observers fastened. Three topics stand out, the question of the relay system, the inspectorate, and the educational provisions.

As we saw, the relay system was a *pis aller*, a plan of the Master Manufacturers' Association to do the best they could for themselves when they saw that the only alternative would be the Ten Hours Bill. It is primarily a town manufacturers' measure. As Chadwick pointed out on a later occasion,[1] the improvements in machinery gave the town mills an advantage over the country mills. The country mills had the advantage of cheap labour and cheap motive power, the town mills had nearer markets, readier shipments, better workers, and greater pools of labour. The country mills could close for a time because they paid no interest upon their water power; the town mills were forced to work to capacity to pay off the debt on their fixed capital. It mattered a great deal to the country mills if their cheap labour was to work a maximum day, for it was hard to get extra labour; it did not matter at all to the town mills who had labour enough to work the double sets. Thus the relay system operated to the great disadvantage of the country districts. This point was very forcibly put by the Assistant Commissioner, Stuart,[2] who had investigated the Scottish country districts, where he alleged, the relay system had been declared by all to be entirely impracticable; and he angrily demanded from John Wilson, the secretary of the Commission, why the Central Board had, as he alleged, suppressed his evidence. Wilson replied that notwithstanding his evidence the Central Board had decided, and that 'with regard to the practicability of their plan, they deem it sufficient to have received the acquiescence of the principal manufacturers now in town, as deputies from their respective districts'. At this Stuart flew into a temper—'If you are to be influenced', he wrote back, 'by the opinion of the master spinners assembled at Palace Yard, you should, I apprehend, give fair notice of your intention, so that the population of the factories, and especially the younger population, may have their representatives at this bit of a Parliament to whose wishes you are now paying so much deference. Many of the great master spinners are said to be anxious to put down the small establishments in the country. Your recommendations, if carried into effect, would of course be attended with this, to them beneficial, result. . . .' Chadwick was not unaware of this fact, nor of the likely results of his relay system. Years afterwards he confessed to the Political Economy Club, when it was discussing the 1844 Factory Act, that 'the great friends of the reduction of

[1] See the '*Correspondence*'. Letters of 30th July and 31st July. (Vol. iii, Oastler's *Tracts on White Slavery*.) [2] Ibid.

hours at Manchester are the great cotton magnates, and those who face the competition of the water-power mills . . .'.[1] It was, therefore, with his eyes open to its consequences that he recommended this system.

A second important point relates to education. In Chadwick's original draft the educational clauses were well thought out and rigorous. The inspector was to have the final word in the choice of school. He might test the children's progress by conducting examinations. Where no school existed he might set one up, levying a local rate for such purpose. The measure as enacted tore these clauses to pieces. By Clause 20 the parents or guardians of the children were to choose the schools, so that many opted for the cheaper and least effective schools, even where perfectly good ones were functioning at the factory. The inspector's right to examine the children's abilities was omitted. Above all, the rating clause was dropped, so that the inspector's power to set up schools was rendered completely ineffective. The educational provisions as enacted were for a long time evaded with ease, and nobody deplored their uselessness more than Chadwick himself. 'The . . . Bill was ruined by the Lords in the education clauses', he said. 'The education clauses which might then have passed were given up to an obscure opposition. Instead of giving the reduced hours of labour to efficient schools, the reduction has in fact turned the children in many places out into the streets and swollen the ranks of juvenile delinquents, and the school tickets, from the absence of the devised securities, have become frauds and forgeries.'[2]

Finally, a third and a most important particular of the Bill was that for which it is most justly praised to-day—its executive provisions, by means of a Board of Inspectors. To the usually jaundiced eyes of *The Times* this was a matter for wonder and admiration. The Ten Hours Bill had been most defective in its executive arrangements, relying upon a personal imprisonment for the offender on the third offence. The Lancashiremen, who had had some experience of former Factory Acts demanded instead that the machinery be stopped by law after a certain number of hours. They knew what evasions would be practised. But there the matter ended. *The Times*, once it had made its discovery, published it to the world in a naïve and rather excited leader:

'But the most important distinction (i.e. between the two Bills) lies in two circumstances which would be great measures in themselves and contain the seeds of mighty changes in our domestic policy, independently of the regulation

[1] Cf. Centenary Volume of Political Economy Club (1921). [2] Memo., *c.* 1844, cited above.

of the hours of labour in our factories. . . . Their measure (the Ten Hours Bill), was nearly destitute of *executory machinery* (if we may be allowed the expression) and would soon have been forgotten or abandoned like the previous Bill for regulating cotton factories. . . . The Ministerial Act, on the contrary, provides an important class of new officers, called "inspectors", who shall have the authority of magistrates for enforcing its execution. . . .'[1]

Chadwick had given much thought to this problem of inspectors in his Report. Throughout his career he was faced with the same difficulty—on the one hand the necessity of supervision, on the other hand the problem of expense. At first the idea of resident inspectors occurred to him. But the factories were scattered all over the country and the expense would have been prohibitive. On the other hand, the J.P.s were frequently factory owners or the friends of factory owners, feared and suspected by the working classes. Hence Chadwick hit upon the very clever device of concurrent jurisdiction—both J.P.s and resident inspectors to be factory inspectors. In this way, if the J.P. were respected and considered unbiased, the work-people would go to him with their complaints. If on the other hand they suspected him, then they could reserve their complaints until the inspector came round. In addition, Chadwick suggested the appointment of subordinate officials, nominated by the inspectors and under the control of the Home Office. The chief inspectors were to have a wide range of powers—they might enter factories where children were employed, inspect their age, see that they had been to school, and examine them in their school work. They must also supervise the sanitary arrangements, order machinery to be boxed off, and fine for neglect. Each inspector had to present a periodical report to Parliament, and all of them would meet jointly at certain periods, to act as a Board.

No sooner was the Act passed, on 29th August, than the Government ceased to communicate with Chadwick. He had drawn up the Report and had drawn up the Bill, and had charge of its amendments; as soon as it was passed, he was ignored. The Cabinet, having surrendered to the right the education clauses and the ten hours' principle, and having surrendered to the left by extending Hobhouse's Act to all textile factories, now began to surrender to its own supporters and friends. Chadwick had suggested three inspectors as a preliminary, so that Government should find out how many were really needed. Government decided that four would be enough.

'When the inspectors came to examine their districts allotted to them, it was found that, if one of them only visited each mill within his district once a

[1] *The Times*, 21st September 1833.

year and drove past, he might conclude his visits at the last day of the year, just in time to re-enter the post chaise to recommence his succeeding journey; in short, he would be all his life in a post chaise. . . .'

Moreover, the Whig Government had its own ideas about the appointments. The 'Cousinhood' were never at a loss when it was a question of patronage. Three of the appointments were Party ones. Sanders's was a reward for his work on the Boundary Commission. Leonard Horner, who had completely disobeyed his instructions as Assistant Commissioner and had turned in a useless report, was appointed because he was brother to the long-dead Francis Horner. In point of fact, as Chadwick admitted, both of these appointments turned out to be excellent. Still, that did not destroy his contention that they were 'jobs'. The most flagrant 'job', however, was the appointment of Stuart, who, as we saw, had accused Chadwick of suppressing his evidence, and who in his newspaper *The Courier* assailed the plan as impracticable. 'This', said Chadwick, 'was a Party appointment of an unjustifiable character.'[1] But then, Chadwick, when he made this remark, bore some animosity towards Stuart.

The jobbery of the Whigs did not stop at this point. The sub-inspectors were yet to be appointed. In the hands of the Whig Governments this patronage was exercised to placate what Chadwick described as 'the lowest order of political partizans'. In fact these 'superintendents', as they were called, caused serious opposition to the administration of the Act. The chief inspectors did not appoint them (as Chadwick had suggested), nor were they responsible for them; and the mill owners professed to find the characters of the superintendents unsuitable. 'Respectable mill owners', wrote Chadwick, who had by then married into the family of one of the largest of them, 'say that they do not object to inspection by men of the characters of the inspectors, but they do object to the inspection of their mills by men of the station of the inferiors who are called the superintendents and who serve at salaries of £250 per annum.'[2] 'Ill appointed, undisciplined, ill paid, and practically irresponsible subordinates' was Chadwick's final judgement upon this unhappy class.

At its adoption Chadwick had high hopes for the success of his Act. The inclusion of the Hobhouse Act clause spoiled his plan, but did not damn it. It was, he alleged, the House of Lords and the Government who had ruined it. 'Exclusion from the Mill without provision for education, if the child is left to itself in its home, is simply exclusion',

[1] For all the above, Edwin Chadwick's memo. of 1841 on *Combination of Services*.
[2] Ibid.

he wrote, 'from easy yet productive industry, and intrusion of them into the streets in a state of idleness and demoralization.' The interference of Government in the appointment of the inspectors left him in an even more angry frame; everywhere he saw evasions practised with impunity, and enmity arising between those town mills which were easily inspected and the country mills which escaped. It was the first time that Chadwick had submitted a Bill to a government and the first time that he had seen it mangled by ignorant or interested parties. It was not to be the last. His experience of Whig governments was to be always the same—'from want of forethought, from everything being done *ad hoc* to meet the want or the cry of the day with such an appearance as would satisfy the cry, and often with no care beyond that. . . '. It was with such thoughts that Chadwick turned his back upon the Factory Commission and the new Act which he had prepared, and returned to his work upon the Poor Law Commission.[1]

[1] MSS. paper on *Combination of Services*, 1841.

CHAPTER III

THE POOR LAW REPORT OF 1834

I

DISILLUSIONED by the factory enquiry, Chadwick resolved to make the Poor Law enquiry the model for all future investigations. This hope also was to be disappointed; yet he could characterize the New Poor Law as 'the first great piece of legislation based upon scientific or economical principles'. 'The preparation of the new measure by labourious inductions from a large mass of facts specially examined may be recommended for imitation', he maintained, 'where safe legislation is required for large subjects.'[1]

A 'large mass of facts' was already grown so vast as to choke the government presses. (Printed, it filled fifteen folio volumes.) Yet this did not suffice! While his draft plan (the *Notes*) was circulating among a set of witnesses for comment, he undertook to investigate Buckinghamshire, Sussex, and Hampshire. When his *Evidence* was published[2] it filled a whole folio volume, equalled in quantity all the Assistant Commissioners' reports put together—and was endorsed 'the remainder of Mr Chadwick's evidence will follow shortly'!

It never did. Like Tristram Shandy's autobiography it was written at such length that the older he got the more remained to do, and at last it was left to moulder in a tin trunk. Its non-appearance has played a large part in creating the legend of Chadwick as a black-hearted enemy of the poor. The published *Evidence* was devoted almost exclusively to what Chadwick himself called 'repressive measures'—the steps which must be taken to destroy the allowance system. Now, from the start, he meant these to be accompanied by 'collateral aids', 'measures to make the law more popular'. The unpublished parts of the *Evidence* show a much deeper sense of the causes of pauperism than the General Report of 1834 would lead one to infer. He was the only investigator in the enquiry to look into the health of the pauper population; showing the relationship between insanitary housing and excessive sickness and mortality he suggested that to spend money on the improvement of

[1] Foreword by E. Chadwick to J. Bentham's *Observations on the Poor Bill*, 1838, *Works of Jeremy Bentham* (Bowring ed.), vol. viii, p. 440.
[2] In 1835 (Appendix A, iii, to the Report of the Royal Commission).

such dwellings might prove an economy. He also analysed the connexion between pauperism and intemperance. Most of this evidence was made public in 1834 before Buckingham's *Select Committee on Drunkenness*, but the public disregarded his optimistic view that liquor consumption might fall if town populations possessed 'public parks and zoos, museums and theatres'. He drew attention to the fact that high earnings and skill went together with education, and with the lack of it went poverty, crime, and the workhouse.

These matters received scant attention in the Poor Law Report of 1834. Chadwick believed that the essential was to smash the allowance system—the rest was ancillary. He was certain that the New Poor Law measure would be entrusted to him for execution; there was therefore no need to press the 'collateral aids' into the Report, and, indeed, he would have a freer hand in determining how and when to introduce them if they were *not* so recommended. Finally, in drafting the Report, he was, in the last resort, bound to obey the directions of his colleagues. The second of his three reasons turned out to be a miscalculation, for the finished Poor Law Amendment Act was executed by others,[1] and the third reason turned out to be more compelling than he had expected, for he met difficulties in carrying through even the limited range of the 'repressive' measures.

The exact extent of Chadwick's authorship of the Report has hitherto been disputed, since in their old age both he and Senior made incompatible claims.[2] This problem can now be solved. Senior wrote 'the exposition of the evils of the old system', the sections on Vagrancy, Bastardy, and Settlement, and all others coming after the conclusion of the parts relating to the administrative machinery.[3] This leaves Chadwick as the author of the *Remedial Measures* down to page 340 of the Report: 'I may claim', he wrote, 'to having devised the machinery by which the principle (i.e. less eligibility) could be carried into operation, i.e. the Central Board and its peculiar powers and duties and modes of operation by regulations, the constitution of local boards and their functions and practical modes of operation'.[4] These statements are borne out by a letter of Senior's in which he

[1] Chadwick's quarrels with them turned largely on the differences between the narrow terms of the Poor Law Report and his own unexpressed vision of what he had intended.

[2] See Mackay, *History of Poor Law*, vol. iii, p. 56; S. and B. Webb, *English Poor Law History*, Part II, *The New Poor Law*, vol. i, pp. 56–7; and M. Bowley, *Nassau Senior*.

[3] (*a*) Remonstrance to Spencer, 8th July 1838; (*b*) MSS. fragment, *c.* 1839, 'Part played by E. Chadwick in the Poor Law Amendment Act.'

[4] Remonstrance to Spencer, 8th July 1838. Cf. also Remonstrance to Lord Althorp, 30th July 1834.

vainly tried to check the ever expanding 'exemplifications' of his colleague.

'MY DEAR CHADWICK', he wrote humorously, 'I have gone through your report and return it, having struck out all that belongs to the former part. It appears to me quite clear that for all purposes of arrangement we must keep the two parts, the statement of the evils, and the remedies, quite distinct. Much of what I have struck out here will come in the former part—but we must not tell our story twice over like a Bill in Chancery and this part states the complaint and then repeats it in a different place. Your part must state nothing but good efforts and propose remedies.—Ever yours,

N. S.'[1]

Since Part II of the Report was the operational one on which the future measure must be founded, Chadwick had good reason to hope that he would be the first statesman 'to investigate to definite legislative conclusions'; he wanted the Commissioners to let him 'embody the proposed measure . . . in the General Report'.[2] Herein arose his first disillusionment.

'It was my plan', he wrote, 'to arrange the facts and instances of the evils requiring remedy which Mr Bentham would have termed *exemplificative*, and the matter which he designated as *ratiocinative* or *expositive* as premises to the conclusions on the enactive matter. I intended to conclude in the precise terms of the intended bill. The traces of this intention (are), in p. 261–2, the paragraphs in capitals. But the Report, like everything else, was hurried: Lord Melbourne was continually sending over word that *he* could not understand why it was so delayed. He thought a month or so sufficient time for a report which was to expand the principles of a revolution in the largest branch of public administration. Neither was it easy with all general confidence to work such a plan through a Board of Commissioners who could not be got to give time to master it and who had many propositions of their own which were somehow or other to be introduced. . . .'[3]

While writing it Chadwick also framed a memorandum for the Cabinet. Its basis was the *Notes* of 1833, expanded by references to the *Remedial Measures* of the Report, and qualified by the evidence which Charles Mott, Wm. Day, John Meadows White and other of his correspondents had submitted. It was called *Measures submitted to H.M. Government*. It was put before the Cabinet towards the end of February. Almost simultaneously the Report was published and its success was instantaneous.

[1] N. Senior to E. Chadwick, N.D., 1834.

[2] E. Chadwick to John Hill Burton, 3rd June 1844. MSS., 1839, 'Part played by Edwin Chadwick in the Poor Law Amendment Act'.

[3] E. Chadwick to J. H. Burton, 3rd June 1844.

II

The Report reached a diagnosis quickly and crudely. Attention was concentrated on agricultural pauperism.[1] From this the non-able-bodied element was quickly dismissed, for allowances to the aged and infirm were alleged to be 'moderate' and medical attendance to be 'adequate and economical'.[2] The problem was thus reduced to that of the able-bodied in the rural areas. In diagnosing the reasons for its prevalence and progress, the Report significantly departed from Chadwick's 1833 Report and from his draft proposals both of 1833 and 1834. It treated the Laws of Settlement as a side issue. The allowance system was 'the great source of abuse'; the remainder of the Report was devoted to describing its evils and devising its extirpation.

The allowance system was alleged to have created a tied market for labour. The remedy proposed was to free it for the play of economic self-interest. 'The rate of wages was regulated not by the economic value of workers to employers, but by the parish.'[3] This penalized the thrifty workers. They were competing against labourers subsidized according to their needs and not their productivity; those who deferred marriage received less than married workers, who were subsidized according to the size of their families; and they were relieved if they had no savings and could not be relieved if they had. The allowance system therefore contained elements of indefinite self-extension. Once a pauper always a pauper. 'As his subsistence does not depend on his exertions he loses all that sweetens labour, its association with reward, and gets through his work, such as it is, with the reluctance of a slave.'[4] It was, wrote Chadwick very many years after, 'practically a system of serfage or slave labour'.[5] The system also destroyed the farmer's discretion as to his labour supply. Where Roundsman or Labour Rate Systems operated he was forced to employ labourers for whom he had no economic need. Even under the simpler allowance system he never really got rid of surplus labour, since what he saved on their wages he had to pay out in increased rates.

[1] The counties North of Trent were instanced only 18 times, the Southern and agricultural counties no less than 343.
[2] Poor Law Report, p. 43.
[3] Report of the Royal Commission on the Poor Laws, Cmd. 4499 of 1909, p. 63.
[4] Poor Law Report, p. 87.
[5] *The Health of Nations*, p. 365.

The remedy was to create a free labour market. The Report reached this conclusion rapidly and brutally. The remedies made current by the neo-agrarians like Cobbett, the Malthusians, and those who wanted to 'set the poor to work', were quickly dismissed. The Malthusians were told that the evils described in the Report were '*not necessarily* incidental to compulsory relief of the able-bodied', and that, provided it were set about the right way, 'such relief may be afforded safely and even *beneficially*.'[1] The proposals to set the poor to work in competition with the regular market were precisely what the Report diagnosed as the master evil. 'A manufactory worked by paupers is a rival with which one paying ordinary wages, of course, cannot compete.[2] 'Whole branches of manufacture may thus follow the course not of coal mines or of streams, but of pauperism; may flourish like the funguses that spring from corruption, in consequences of the abuses which are ruining all the other interests of the places in which they are established.'[3]

The neo-agrarian suggestions of allotments, minimum wages, and the Labour Rate were all set aside in the name of *laissez-faire*: the first because 'a practice which is beneficial to both parties, and is known to be so, may be left to the care of their own self-interest'[4]; the second for reasons implicit throughout the whole Report; the third because 'the line between the pauper and the independent labourer would be, *pro tanto*, obliterated; and we do not believe that a country in which that distinction has been completely effaced, and every man, whatever be his conduct or his character, ensured a *comfortable* existence, can retain its prosperity or even its civilization'.[5]

To re-create a free labour market, pauper labour must be segregated from the regular market—and it must be treated less attractively than in

[1] Poor Law Report, p. 227; my italics. Since the New Poor Law was denounced as Malthusian by Chadwick's contemporaries and since this cry is still repeated in some quarters to-day, a letter which Chadwick wrote to Dr Alison (5th August 1840) has much significance. He says that to have followed the Malthusian hypothesis would have led to different and 'highly erroneous' conclusions. One large fallacy was that the pressure of population had already filled up the field of production, that there was full employment, and that the fact that able-bodied paupers were increasing showed that they were surplus. The conclusion drawn was that it was folly to think of workhouses; emigration was the only solution.

'If' (he continued, paraphrasing the Malthusians), 'if by refusing outdoor relief, or driving able-bodied paupers by any other means to seek their own subsistence and compete in the labour market; since the labour market is already full, what other effect can the competition have than to depress much more the condition of the independent labouring class? By good fortune the power was obtained; wages did not fall but *increased*. The rationale of this proof (concludes Chadwick) is on p. 239 of the Report and p. 46, section 24 of the First Annual Report of the Poor Law Commission.'

[2] Poor Law Report, p. 74.
[3] Ibid, p. 76.
[4] Ibid, p. 194.
[5] Ibid, p. 226.

that market. Segregation was attainable by the 'workhouse test'. To treat it 'less attractively' was the *less-eligibility principle*. This now appeared as an exact formula, and it possessed all the deceptive charm of an infinite simplicity. Of its discovery Chadwick never ceased to boast.

'I may lay claim', he cried, 'to having been the first to demonstrate by irrefragible evidence that which had not been seen by Mr Ricardo, Dr Malthus, or any other political economists, and which governs the question of a compulsory system of relief—that the condition of the recipient should not on the whole be more eligible than that of any labourer living on the fruits of his own industry . . . the master principle of administering relief.' [1]

Now this was not a discovery at all. It was a very ingenious adaptation of the Benthamite calculus of pleasure and pain. It was ingenious because it seemed to be an automatic device. Reduce the attractiveness of relief until it fell below the lowest paid independent labour in the locality, and, by the pleasure-pain principle, the pauper would certainly opt for independent labour. With all labourers employed in the regular market and dependent for their earnings exclusively on their industry and skill, they would have every incentive to exert themselves; while their employers, now saved the burden of keeping them on the rates, would be able to extend the capital equipment of their farms. Wages, incentives, and productivity would depend—as they always should have depended—on the free play of economic self-interest

Moreover, the very turn of phrase was Bentham's, and comes from a context which shows very clearly the work which—contrary to general opinion [2]—most influenced Chadwick in the Poor Law reform. This was the 'Panopticon'. For its domestic economy, Bentham had laid down three rules. *Lenity*, the first, laid down that the convict inmate must not suffer in health, a principle Chadwick followed in his insistence on proper ventilation, hygiene, and hospital provision. *Economy*, the third rule, was implied throughout his insistence on strict discipline, low workhouse dietaries, and a large-scale public contracting for supplies. But the *second* principle states in as many words the very master principle he was claiming as his own !

[1] E. Chadwick to Spencer, 28th April 1838.

[2] One had to be chary of quoting Jeremy Bentham. He was too much of a theorist. 'I am quite aware,' wrote John Hill Burton to Chadwick (25th January 1841), 'of the danger of giving a clue to Bentham as a source of information when the attention of the vulgar whether great or little is appealed to and I often wonder at your courage in infusing Benthamism so strongly into public proceedings and at your escaping with it.'

		Chadwick
Panopticon	*The Poor Law Report* p. 228.	*Letter to Althorp* 28th April 1838
The ordinary condition of a convict	His situation	The condition of the recipient
Saving the regard due to life, health, and bodily ease ought not	on the whole shall not	should not on the whole
Be made more eligible than that of	be made really or apparently so eligible as the	be more eligible than that of
The poorest class of subjects living in a state of innocence and liberty.[1]	situation of the independent labourer of the lowest class.	any labourer living on the fruits of his own industry.

Here is the measure of Edwin Chadwick's indebtedness to Bentham in respect of the Poor Laws. He wrenched from an obscure context a highly qualified principle and with a questionable genius turned it into the fulcrum of a gigantic social lever.

In devising a method to prevent pauper competition with independent labour, the Report abandoned all devices but the 'workhouse test'. The alternative of 'a well regulated workhouse or adequate labour', contained in Chadwick's 1833 Report and in *Notes of Heads of a Bill*, was now closed. The Report explains why: 'Nothing is necessary to arrest the progress of pauperism, except that all who receive relief from the parish should work for the parish exclusively, as hard and for

[1] *Panopticon* (Works, Bowring ed., vol. iv), pp. 122–3. For a general comparison between Chadwick's workhouse and Bentham's '*Panopticon*', cf. *Panopticon*, especially Part II, Section I, especially the fourteen 'ends proper' on p. 122 and the three 'Rules', pp. 122–3. The remarks on the importance of diet, p. 123, perhaps explain why Chadwick deemed this to be the chief means of enforcing less-eligibility. Section III, 'Separation between the Sexes', is important; sections VII, VIII, IX, and X on airing, exercise, health, etc., may be compared with the workhouse regulations. And, above all, section VI, 'Diet', is plainly the direct ancestor of Chadwick's views. I take leave to quote the following; it will be noticed that Chadwick was harsher than his master as regards (i) and (vii):

'On the important head of diet, the principles already established leave little here to add.

(i) Quantity—unlimited; that is, as much as each man choose to eat.
(ii) Price—the cheapest.
(iii) Savour—the least palatable of any in common use.
(iv) Mixture—none.
(v) Change—none, unless for cheapness.
(vi) Drink—water.
(vii) Liberty to any man to purchase more palatable diet out of his share of earnings.
(viii) Fermented liquors excepted, of which even small beer ought never to be allowed on any terms.

In a footnote Bentham comments on (vii) in terms identical with those Chadwick used when discussing the use of beer in workhouses:

'How many thousands of the honest and industrious poor are incapable, unless at the expense of food and nourishment, of giving themselves this unnecessary indulgence.'

less wages than independent labourers work for individual employers' : Chadwick feared that such work would not always be available : 'by negligence, connivance or otherwise (it) may be made merely formal'.[1] He concluded that 'a well regulated workhouse meets *all* cases and appears to be the *only* means by which the intention of the Statute of Elizabeth that all able-bodied shall be set to work, can be carried into execution'. Just as less-eligibility was a self-adjusting and fool-proof device to drive paupers into the regular labour market, so the workhouse test was a self-adjusting and fool-proof device to sift the deserving from the non-deserving. The Report illustrated its mechanism. First it operated 'as a self-acting test of the claim of the applicant'. If the applicant did not comply with the invitation to enter the workhouse, 'he gets nothing', and if he did comply, then that proved the truth of his claim—namely, his destitution![2] Secondly, it automatically drew the required line of separation between pauper and independent labour. Thirdly, it excluded any personal equation ; no overseer need henceforth be deceived or intimidated while investigating the circumstances of the applicants.[3]

The singularity of these two twin principles, less-eligibility and the workhouse test, is their extreme and obvious ingenuity. Both Senior and Chadwick thought of them as self-acting, and Chadwick's complete trust in them explains his desperate attachment in later years to the full rigour of the New Poor Law. If 'his measure' was not doing the things which by the strict logic of these two principles it ought to have done, then the principles themselves could not be at fault, but interference with them ; they were not being given a chance. Let Ninevah be destroyed, so long as his prophecy was fulfilled !

Once the twin remedy had been expounded, the Report drew the necessary consequences which must flow from the creation of the free labour market. 'First the labourer becomes more steady and diligent ; next, the more efficient labourer makes the return to the farmer's capital larger, and the consequent increase of the fund for the employment of labour enables and induces the capitalist to give better wages.'[4] The workman was free to earn as much or as little as he liked, the employer free to use him as often or as little as he liked. 'The labourer, emancipated from the thraldom of the parish pay table and from confinement by the laws of settlement to the parish and of parochial administration, has indeed, by the operation of the law, been made a free man.'[5]

. . . . . .

[1] Poor Law Report, p. 263. [2] Ibid, p. 264. [3] Ibid, p. 227.
[4] Ibid, p. 239. [5] *The Health o fNations*, p. 365.

The remainder of the *Remedial Measures* turned to the machinery of execution. The Report claimed the workhouse test as a return to Elizabethan practice ; but no such historical justification could be urged for the administrative machine which Chadwick devised. The autonomy of the local authorities was to be checked by a new central agency armed with the most extensive powers of coercion. The parish was to lose its identity in a Poor Law Union, the vestries were to be drastically remodelled, the J.P.s shorn of their power, the overseers and other officials replaced by a professional local bureaucracy.

He drove home these conclusions with three arguments, each proceeding from a different and independent premise. The existing machinery, even if efficient and impeccable, could not undertake the new remedies. Secondly, it was not efficient ; thirdly, it was grossly corrupt. Though the premises were independent, the arguments reinforced one another. The effect was one of rare cogency and power. Less-eligibility called for an *ad hoc* central and coercive agency ; central and coercive because the parishes would not adopt it voluntarily,[1] and *ad hoc* because, in view of the variety of local circumstances, this agency could not be Parliament itself.[2] The workhouse test demanded the union of parishes because they were too poor and too small to maintain the classified establishments needed.[3] Finally, such establishments could only be managed by professionals.[4] Thus a central agency, parish unions, and paid service were deduced from the new duties laid upon the administration.

A second argument proved that each of these innovations would provide service which would be more efficient because more scientific, more skilled, and more responsible. The proposed central authority would deal in large numbers of cases, make more extensive inductions, and be more experienced than local authorities.[5] Large local authorities, such as the proposed union of parishes, would possess similar advantages compared with individual parishes. They would have to deal with 'classes of cases and to that extent on principle',[6] not haphazardly ; the bigger they were the more obvious would abusive administration be[7] ; and the larger the area the better the skilled service it could afford. And, finally, professional service, being continuous and specialized, would also be skilled, scientific, and—since it was wage-labour—responsible.[8]

[1] Poor Law Report, pp. 283, 287–8. [2] '*Measures submitted to H.M. Ministers.*'
[3] Poor Law Report, pp. 303, 307–8. [4] Ibid., pp. 318–19.
[5] Ibid., p. 283 : Letter to Lord J. Russell on *Size of Unions*, N.D., 1840.
[6] First Annual Report P.L.C., pp. 315–16, 320–23.
[7] Select Committee on Highways, pp. 1837–8, xxiii.
[8] Poor Law Report, pp. 318–19 ; 'Principles and Progress of the Poor Law Amendment Act' (*Edinburgh Review*, pp. 487–537, 1836), by E. Chadwick.

The third line of argument made a more immediate appeal to public opinion by triumphantly establishing the corruption of the old system. The quality of mercy was twice strained ; it injured him who took and him who gave. The overseers were corrupted by terror,[1] the vestries by greed, and the J.P.s by popularity. The gist of the argument was a twin attack on vestries and magistrates, one not democratic enough, the other too democratic. His views were now becoming so hostile to all forms of popular self-determination that Fonblanque made him resign from the *Examiner*. 'If you have quarrelled with democracy the *Examiner* has not', he exclaimed, furious with Chadwick's 'partial arguments against the People', his 'insulting expressions applied to them', and his lavish use of 'agitator' as a description for working-class heroes.[2]

'Parishes' (retorted Chadwick to these 'vestrylizers' and exponents of 'democracy'), 'are generally to be found under the management of knots of obscure individuals often having no other place of meeting than at public houses'.[3] . . . 'Wanton profusion and jobbing are maintained in a state of notoriety to the whole of the ratepayers. [4] . . . "L'état c'est moi", said a French monarch ; the parish or the people are "we" say juntas of a dozen or two of individuals composed of pot-house clubs' not infrequently bands of robbers who distribute among each other the parochial funds . . . the bands form in truth petty oligarchies which we should call job-ocracies.[5] *To talk of this as the self-government characteristic, and the glory of Englishmen, is despicable cant.*'[6]

This attack was matched by an equal contempt for the J.P.s, but not by such plain speaking. The J.P.s were an 'Order', an economic interest, and a parliamentary bloc, while the Report was an official document. But Senior's language in 1841 may be taken as typical of Chadwick's attitude.

'To the magistrates', Senior wrote, 'the old poor laws gave power such as no aristocracy before ventured to assume. They sat as mediators between the employers and the employed, that is, between the middle classes and the lower classes, and decided what the one party should pay and the other receive. They could indulge their love of power without appeal and their benevolence without expense. An active county magistrate in a pauperized district, fond of business, influence, and popularity, the terror of the overseers, the idol of the labourer

[1] Poor Law Report, p. 288.
[2] A. Fonblanque to E. Chadwick, 27th October, 1st November, 26th November 1833.
[3] 'Principles and Progress of the Poor Law Amendment Act' (*Edinburgh Review*, 1836, vol. lxiii, p. 520).
[4] 'Principles and Progress of the Poor Law Amendment Act' (loc. cit.).
[5] Ibid., (*Edinburgh Review*, vol. lxiii, p. 524).
[6] Ibid, p. 520.

for twenty miles around, protected by the law from responsibility and by his own ignorance from doubt, enjoyed a field for the gratification of local ambition and vanity such as never was given before, and, we trust, will never be afforded again.'[1]

Chadwick would have abolished local administration altogether and adopted Senior's National Rate Scheme but for one drawback ;[2] this was, simply, that a fully centralized service would prove too expensive, since it would have to set up its own field agencies.

His attack upon the corruption of local authorities was therefore made to prove, once more, the need for a Central Board, reformed areas and local authorities, and paid professional service. If local or voluntary administration there must be, there must be an end to 'promiscuous assemblages in vestry', where voting was by show of hands and the richer ratepayers were terrorized. There must be an end also to the interference of magistrates. The new organ of local administration he dubbed the Poor Law *Guardians*.[3] But who would guard the 'Guardians'? Who, indeed, but the Central Board, which now made a curtain call, this time dressed up as *Impartiality*. 'The less the Central Board leave to subordinate legislation or of local regulation and discretionary authority in the administration of relief, the greater will be the security of the independent labourer and of the public at large against the warps of local interest and passion. Where, indeed, *no* discretionary regulations are left to be decided by a Board of Guardians there is still left, unavoidably almost, *too wide a range* of discretionary authority and exercise of skill in the application of the rules . . .'[4]

On this note—centralization—the third of Chadwick's arguments come to its end. In the Report, all three intertwined and reinforced one another, producing a plan so sweeping that his colleagues gasped. 'Surely', marvelled James Stephen,[5] 'such an accumulation of authority —judicial, legislative, administrative, and financial—with such an amount of patronage, uncontrolled by any specific checks, is a trust such as

[1] *Remarks on the Opposition to the Poor Law Amendment Act*, 1841, p. 11.
[2] The objections to this National Rate Scheme which Senior raised in the Report [pp. 178–81] could not have meant anything to Chadwick. That the Poor Rate would thereby become a political issue could be argued with equal justice against Chadwick's 'Central Board' ; that a National Rate was an 'untried' institution was a scruple he was quite incapable of. In any case, Senior's section on the National Rate was merely an expansion, often a direct quotation, of his Second Letter to Brougham in January 1833. It represented his view alone. Chadwick's own view is at p. 296 of the Poor Law Report.
[3] This reform does not appear in the Report. It is found, for the first time, in the 'Measures' submitted to the Cabinet.
[4] Cf. 'Principles and Progress of the Poor Law Amendment Act' (*Edinburgh Review*, vol. lxiii, 1836, p. 532.
[5] J. Stephen to N. Senior, 12th April 1834.

never yet was devolved on any British subjects, nor, in truth, on any British sovereign!'

The details of the completed proposals, as they were presented to the Cabinet, are contained in Chadwick's Cabinet Memorandum, the *Measures* of February–March 1834. They are more precise than the 'conclusions' of the Report, and sometimes fuller; but, for the rest, they follow and depend upon the remedial measures of the Report.

The new authority was to consist of three equal Commissioners with power to appoint their own itinerant Assistant Commissioners. He had originally suggested one Chief Commissioner and two subordinates. The proposals had therefore moved from 'single-seatedness' to Board management.

The punitive sanction behind its authority was a power to commit for contempt; it was to have the powers of a Court of Record.

Its range of duties was less extensive than those suggested in 1833, in two important respects. In 1833 his proposals gave the Central Board control over local officers and their *payment*, and control over local assessment and distrainments for rates. These powers were now restored to the new Boards of Guardians. But this move towards greater local discretion was partly offset by otherwise increased powers of the Central Board. Though the Central Board had lost its 'control over paid officers' it now received the power to dismiss them, to direct proceedings against them, and to determine their duties. Though it lost its power to assess and distrain for rates the Board might disallow illegal payments and was to prescribe the mode of keeping accounts. It might unite parishes for workhouse purposes for the appointment and payment of officers, and even for purposes of settlement. One most significant power granted by the 1833 notes was reaffirmed in the *Measures*: it might *compel* the Unions of parishes to build and classify workhouses. In addition the 1834 proposals gave the Board power to regulate the time, place, the quality and quantity of relief to the indigent; similar powers in respect to labour 'enforced on the able-bodied'; power to regulate the purchase of goods for these purposes, and power to frame and enforce general rules for workhouse management. None of these had been specified in the 1833 "Notes", which gave the Board only the power of 'classifying the workhouses'. A further power proposed in the *Measures* of 1834 for the first time was that of collecting information by compelling the attendance of witnesses and examining them on oath.

The duties and constitution of the new local Boards were first

elaborated in the *Measures*. The Report merely conceded, munificently but vaguely, that subject to the extensive control of the Central Board, and subject also to "increased securities against profusion and malversation", the management, collection, and expenditure of the rates should continue in "the officers appointed immediately by the ratepayers". It did not specify the 'increased securities'; the *Measures* did. The Poor Law Union was to be governed by a Board, elected by the provisions of the Select Vestry Act of 1819, i.e. by plural voting; to prevent physical violence against the rich, voting was no longer to be by show of hands but in writing. The J.P.s were to be *ex officio* guardians. Full publicity was to be given to their regulations and their balance-sheets.[1]

With this Chadwick's proposals came to an end. Their contents might be summarized thus. The source of a rapidly increasing pauperism was the cumulative effect of the allowance system; this could be eradicated only by rigid application of the less-eligibility principle and the workhouse test. The administrative demands made by these new functions as well as the inefficiency and corruption of the existing system of parochial self-administration called for its total supersession by a unitary administration, executed locally by new elective authorities, in new administrative areas, and acting through paid professional servants.

III

A Critique of the Report

(*a*) THE DIAGNOSIS

The Report described as *the* problem what was only *one* problem, ascribed as its cause what was only *one* cause, prescribed as *the* remedy what was only *one* remedy.

The increase in able-bodied pauperism was only one-half of the problem. The proportion of able-bodied paupers to the total number could not in 1834 have exceeded 60 per cent. It was more likely 50 per cent., and most probably 33 per cent.

The allowance system was only half the cause of this half a problem. It applied almost exclusively in the agricultural counties south of the Trent. North of the Trent agriculture was practically free from it, it was not yet widespread among the handloom industries, and was unheard of in the factory districts.

[1] Cf. 'Principles and Progress of the Poor Law Amendment Act' (*Edinburgh Review*, vol. lxiii, pp. 526–8).

The pauperism of the handloom weavers was a chronic state of underpayment caused by the competition of machinery, and punctuated at intervals by heavy and extensive unemployment. As the marginal producers in the textile industries they were the last to be employed when markets expanded and the first to be fired when markets shrank. To abolish the allowance system here was to mistake the symptoms of a malady for its causes. The pauperism of the factory districts was of quite a different order. In good times wages were high, but in slump no work or wages could be had whatsoever. Now, about one million souls depended on the handloom trades and another million upon the factories, so that nearly half the labouring population was rendered destitute by causes other than the allowance system.

The diagnosis was therefore largely beside the point. This later produced a paradoxical consequence. It called for a relaxation of the plan in the North of England; in the South, where it reduced able-bodied pauperism, it increased the proportions of non-able-bodied paupers among the residuum and therefore called for the very 'collateral aids' which Chadwick outlined in the suppressed parts of his Report. Chadwick would not relax his plan for the North and his official superiors would not countenance 'collateral aids' in the South. His humiliating experiences in administering the law were a commentary on this paradox.

(*b*) THE REMEDIES—SOCIAL

The remedy of less-eligibility and the workhouse test was inadequate to the extent that the diagnosis was lop-sided. In the depression of 1838–42, among the factory workers and handloom weavers no work was to be had at any wage. The remedy was irrelevant. It was designed to create a free labour market, but in the textile districts this already existed! The pauperism of the slump began where the pauperism of the allowance system ended.

The remedy only applied in the agricultural South. There, indeed, it finally achieved its object. It did crush out the allowance system, but at a frightful cost to the labourers' living standard, and in the end, only by heavy expense to the local Poor Law Guardians. Their reluctance to spend for an imperfectly understood principle, and the fact that many interpretations could be put upon the principle itself, also involved Chadwick in quarrels with his superiors.

One source of difficulty in applying the principle sprung from Chadwick's quite mistaken notion of the rural standard of living. The

condition of paupers might be made less eligible than the independent labourers' by artificially raising the wages of independent labour above pauper standards. This solution was not open to Chadwick who thought of the wages of the regular market as 'natural'. Accordingly he took the general level of independent labourers' wages as his fixed point below which pauper relief must be reduced. It is to his credit that he did not proceed on abstract politico-economic grounds, but did try—albeit vainly—to justify this procedure by empirically examining rural wages. This was the more necessary as the popular Radicals and many country magistrates were maintaining that such wages were far too low for subsistence and were even justifying the allowance system on these very grounds. Chadwick alleged first that the labourers had advanced in condition and that their real wages were greater than 'at any former period'. This might be just true north of Trent, but, in the southern counties on which his gaze was fixed, real wages were lower in 1834 than in 1780.[1] He turned next to investigating family budgets and drew the conclusion that 'so little has their situation been made a *standard* . . . that the diet of the workhouse almost always exceeds that of the cottage and the diet of the gaol is generally more profuse than that of the workhouse'. But a Cobbett could stand *this* argument on its head. 'Is not the state of the country, is not the hellishness of the system, all depicted in this one disgraceful and damning fact, that the magistrates, who settle on what the *labouring poor* ought to live on, ALLOW LESS THAN IS ALLOWED TO FELONS IN THE GAOLS, and allow them *nothing for clothing and house rent* . . . !'[2] Now a mere glance at the family budgets which Chadwick collected shows that it was impossible to reduce public relief scales below the average standards of independent labourers. He showed[3] that their family consumption consisted of 118 oz. of bread and 4 oz. of bacon per head per week. This would yield to the head of the family *at the very most* (i.e. assuming he ate twice as much as any other member of the family), a yield of 2252 calories per day. No less than 3500 are needed to maintain an active outdoor life. It was absurd to take this as a standard and so events proved later. The New Workhouse Dietary (No. 1) could not reduce its scale to below 129 oz. of solid food per head per week; and in 1841, E. C. Tufnell, one of Chadwick's most trusted Poor Law inspectors, had to confess: 'a family could not be maintained in a state of independence out of the workhouse with the same comforts they have in it at a less cost than 25s. per week

[1] J. H. Clapham, *An Economic History of Modern Britain*, vol. i, p. 129.
[2] *Rural Rides*, vol. i, p. 296.
[3] *Extracts of Information*, 1833, p. 261.

and this is more than double the general agricultural weekly wages in England.' [1]

The truth is that the less-eligibility principle was a political economist's abstraction. It resembled these perpetual motion machines which are designed to work in a vacuum and stop as soon as they are operated in the atmosphere. Once the principle was put into operation it had two quite unexpected results: it did its work at a formidable social cost to the labourers and it proved so expensive to maintain labourers in the workhouse that Boards of Guardians longed to return to outdoor relief. Now the middling and large farmers of the South never cared for the New Poor Law from the beginning. They had tended to benefit from the allowance system. They had paid out less in poor rates under the old Poor Law than they would otherwise have had to pay in rent and wages; in short, they had shifted the burden to the family farmers who paid rates but never used hired labourers, and to the landlords whose rents declined as rates increased. The opposition of the middling farmer put the new law under a continuous strain.

Another source of difficulty in applying the principle arose from its very vagueness. What types of parish labour or workhouse labour really were less eligible than that of independent work? How far must the principle give way to sudden emergencies? These questions were to lead to continuous disputes. The principle appears at first sight fool-proof and self-acting—and so Chadwick thought it. But it was a principle of relativity, of less and more—a principle, therefore, admitting infinite degrees of administrative discretion. There was no good reason why Chadwick's superiors should accept his *ipse dixit* unless it was also a *magister dixit*. As the author of the principle, that is precisely how Chadwick did conceive the matter.

As 'less-eligibility' was continuously whittled down, the workhouse test was left as the sole monument of Chadwick's original self-acting plan. Here again so hastily knocked together was his original scheme that it proved possible to carry it out only at enormous expense; and here again Chadwick was faced by the familiar spectacle of a lop-sided realization of his early vision. The stipulations as to reduced workhouse

[1] Local Reports on the Sanitary Condition of the Population, July 1842, p. 37.
N.B.—A third argument in favour of taking the existing wage rates as the standard for computing relief was fatuous. This was the argument that since there were £14 millions in the savings banks, and since of the contributors some 29,000 were agricultural labourers, the English labourer might be considered prosperous. He did not say what proportion of the £14 millions was contributed by the thrifty 29,000, nor that 29,000 formed only 10 per cent. of the rural labouring population, nor did he point out how many labourers were in debt!

dietaries were carried out to the letter; the elaborate classification he envisaged was abandoned.

Chadwick, it must be stressed, never saw in the workhouse, as many of his contemporaries did, 'an object of wholesome horror'. Its food was to be nutritious, its ventilation and accommodation vastly superior to that of the independent labourer. It would deter by its stigma, its bleakness, its internal discipline, its task-work. Indeed, when one compares it with *Panopticon* one is struck by the many resemblances. His workhouse regulations proved a greater drawback to the success of the New Poor Law than he ever imagined, since the standards he had in mind were quite alien to those for whom he legislated. The wearing of workhouse dress, the rule of silence at meals, seemed to the unhappy inmates the penalization of poverty—prison discipline for the crime of being destitute. Tasks such as oakum-picking or bone-crushing were thought humiliating. Above all, the rule which separated families into different quarters of the building drove the northern counties into a frenzy.

Now these rules—certainly the last one—were drawn up in homage to the principle of *classification*. In his section of the Report, Chadwick had demanded that the future workhouses should be classified into at least four types, for the aged and infirm, for the children, for able-bodied women and the able-bodied men. He emphatically rejected the notion that this could be effected by any internal sub-division of one large building and called for the use of separate buildings for each group.[1] He was the more impressed with this arrangement because it appeared cheaper; there would be no need to build a new workhouse, for under this plan existing small workhouses could be converted to the new purposes.[2]

The object of the arrangement was so admirable as to be quite beyond the comprehension of most of his contemporaries. They merely sought for abatement of the poor rates. He was concerned with the social future of the non-able-bodied. 'For the children it would provide separate schools away from the influence of the depraved paupers; for the old and infirm institutions of the character of almshouses; for the sick, hospitals.' [3]

He would have found this easier to secure had the plan been as cheap as he had suggested. But as soon as existing workhouse accommodation was thoroughly surveyed it proved to be so insufficient that within five years of the passing of the Act, some 350 new buildings had been erected,[4]

[1] Poor Law Report, p. 307.
[2] Ibid, p. 307.
[3] *The Health of Nations*, p. 355.
[4] Cmd. 4499, 1909, p. 124.

and it was naturally found cheaper to erect one central building rather than several small ones. Later still it was found that it was also cheaper to manage one central workhouse than separate establishments.[1] Once its expensiveness had been proved the local Boards refused to adopt Chadwick's plan. For this the Cabinet was to blame. Chadwick's *Measures* gave the Central Board powers to 'compel the building of workhouses'. This stuck in the throats of the landed gentry. It was discussed four times in Cabinet, and at the fourth it became a casualty. The Board was finally permitted to compel the localities to spend only up to £50 a year (or one-tenth of the rates) on the extension of workhouses. In this the Duke of Richmond was the prime mover, and Althorp the spokesman. 'The landed interest', he said, 'was looking for nothing but immediate relief, and relief to be purchased through expenditure would be rejected at once'.[2]

(c) THE DISMISSAL OF ALTERNATIVES

The two supposedly 'self-acting' principles thus turned out to be very hit-or-miss affairs, even for their limited purpose of restoring or creating a free labour market. Perhaps, as already indicated, much more *would* have been prevented by Chadwick than *could* have been prevented by him. But in view of the harshness of the New Poor Law as it finally came to be administered, the question arises as to any possible alternatives.

In so far as the rural labourer was concerned, two measures might have softened the rigours of 'less-eligibility' without damaging its operation. The first, Chadwick rejected on totally inadequate grounds, and the second, which he himself proposed, was rejected by others.

The first was the much canvassed issue of allotments, where the Report ran against the evidence. This showed that the labourers overwhelmingly desired allotments [3] and that these raised the labourers' morale,[4] rendered them independent of their employers,[5] and finally kept them off the poor rates.[6] Of the Assistant Commissioners of the Enquiry, Power, Tweedle, Stuart, Maclean, and Lewis all testified to this effect. But their evidence was relegated to an obscure portion of the Report. The prepossessions of Chadwick and Senior ran in favour of large-scale, highly capitalized,

[1] Cmd. 4499, 1899, p. 124.
[2] N. Senior, MSS. Diary, no. 173, University of London Library, pp. 68–71.
[3] Poor Law Report, p. 151 (E. Chadwick's Report, App. Aiii, p. 15).
[4] Poor Law Report, p. 151. [5] Ibid.
[6] Ibid., pp. 153–5. Select Committee on Allotments, 1843, pp.117–18, 175, 295, 331, 362.

farming, not of the Irish peasant system. Besides, they wanted no interest to stand between the labourer and his wages. In private, Chadwick wrote that 'invariably the labourers who had common allotments were lower in condition than the labourers living in villages who had none', that anything to the contrary was a 'pernicious popular error' that 'the allotments are most mischievous to the labourers'.[1] In the open he spoke more guardedly, but, like Senior in the Report,[2] he shelved the issue with the phrase that 'such means . . . were scarcely within the province of legislation and ought to be left to private exertions'.[3] In fact, the matter could not be left to private exertions because the tenant-farmers strongly disliked leasing their land. They were jealous of any diminution of their holdings, they had to go farther for manure, and they bitterly resented the increased independence of the labourers. Consequently, since allotments were popular, they put every obstacle they could in the way of the holders, and raised rents to exorbitant heights.[4] Legislative action *was* necessary; and it ill became Chadwick of all people to suggest that any means were outside the province of legislation.[5]

The second of the two rejected alternatives was the abolition, or at least the abrogation, of the Law of Settlement; and here Chadwick was on the side of the angels. Senior wrote the section on Settlements in the Report and recommended that the means of obtaining a settlement should be simplified. His views fell considerably short of Chadwick's and in the event even his own suggestions were hamstrung by the Cabinet.[6] Chadwick prepared an extensive draft on the subject, and even included his suggestions for Cabinet consideration in the *Measures*. These proposals were simple in the extreme. He had noticed in his evidence that the greatest circulation of labour appeared to be within the compass of a day's journey. Out of 840 removals in St Paul's, only 45 were beyond 12 miles. Out of 882 removals elsewhere, only 91 were beyond 12 miles. The simple and direct solution was therefore to make the parish Union for workhouse purposes a union for settlement purposes also. This involved the principle of Union chargeability and hence Union rating. It did not stand a chance of success either in 1834, or even in 1846, when he again pressed his view before a Select

[1] E. Chadwick to Radnor, 19th November 1844.
[2] Poor Law Report, p. 193.
[3] J. S. Buckingham's Select Committee on Drunkenness, 1834 (Evidence of E. Chadwick).
[4] Poor Law Report, p. 153. Cobbett, *Rural Rides*, vol. ii, p. 82.
[5] Cf. the proposal to set up an Allotments Board in 1843, and Chateauvieux's evidence, App. F to the Poor Law Report, 1834 (Parliamentary Papers, 1834, xxviii, p. 21).
[6] Nassau Senior, MSS. Diary, pp. 121–2.

Committee on Settlements.[1] It seems cleart hat the operation of the New Poor Law would have been both more efficient and more humane if allotments and Union chargeability had figured side by side with the workhouse test.

IV

The Remedy—Administrative

Unlike the economic recommendations, the administrative proposals of the Report are worthy of the highest praise. They have proved the source of nearly all the important developments in English local government, viz. central supervision, central inspection, central audit, a professional local government service controlled by local elective bodies, and the adjustment of areas to administrative exigencies. This has not saved them from a storm of unhistorical and ill-considered reproof. So anxious are some contemporary critics about the survival of local self-government, and so critical of present-day centralization that they draw the wildest conclusions from what they allege to be the 'lesson' of the New Poor Law. They fasten upon two matters in particular: first, the ill-starred constitutional status of Chadwick's proposed central Board, and second, its 'excessive centralization'.

The Board set up by the Poor Law Amendment Act was completely separated from the legislature and this proved a fatal handicap; Bagehot's warning has become a *locus classicus* of administrative theory. The recent revival of 'independent Boards' and corporations has to-day reopened the problem. If the Board is independent of the legislature, how can it be accountable to the public? If it is made accountable, either through judicial review or ministerial responsibility, how can it be kept flexible and independent of political pressures?

Chadwick rejected both judicial review and ministerial control of administration. The courts could clog administration by defeating Regulations on verbal or technical grounds. They were ill-informed on the public policy of the law. They were concerned with the individual plaintiff and not with 'large classes of cases and general and often remote effects, which cannot be brought to the knowledge of judges'.[2] He wanted the Board to have unfettered discretion; therefore he declined to limit the proposed measure by a preamble and he disapproved a clause particularizing the time within which outdoor relief was to be abolished. On the other hand, ministerial responsibility to Parliament would open

[1] N.B.—The Union chargeability Act was not passed till 1865, and even then till 1909 the law recognized eight modes of acquiring a settlement!

[2] E. Chadwick to Lord J. Russell, 7th March 1840.

the way to nefarious political pressures, therefore he approved the clause prohibiting the Board members from sitting in Parliament and disapproved the clause which enacted that General Orders of the Board must be countersigned by the Home Secretary.[1] He also approved the limitation of the Board's life to five years on the rather inconsistent ground that Board members who 'flinched' from unpopularity could thereby be removed.[2] In the five-year intervals he wanted the Board to be, in Nicholl's phrase, 'enlightened and irremovable'.

In practice it turned out to be neither; but there is more to be said for the Board's independent political status than latter-day critics allow. In the first place, they tend to overrate the political morality of the 1830's. The new agency's patronage was enormous, and the Treasury would have seized on it immediately, avidly, and irrevocably—if indeed the proposal had not already suffered the fate of Fox's India Bill. Only owing to its isolation from Parliament was the new Board able to organize a staff so brilliant and so upright. In addition they ignore how easily the anti-Poor Law cry in the 1830's and 1840's was turned to Party advantage. If the political morality of 1934 was such that public assistance had to be 'taken out of politics', how much the more so in the days of the hustings?

Secondly, it is pointed out that the measure, as finally enacted, contained no directions as to how relief was to be regulated and thereby threw absolute power, both for good or for evil, into the hands of the new central agency.[3] This, which was to prove only too true, was due to the Cabinet and not to Chadwick. The *Measures* contained two operative clauses as to the mode of administering relief and these are almost identical with the passages in italics and capitals on pp. 261–2 of the Report. They gave the Board power to 'disallow . . . relief . . . in any other mode than in a workhouse . . . at any time after the passing of this Act'. Clause 52 of the Act, however, merely enabled the Board to '*regulate* outdoor relief'! 'Even the terms which were allowed to stand in the paragraphs[4] in small capitals', wrote Chadwick ten years later, 'would have been better operative words technically than those adopted by the separate draughtsmen. The omissions occasioned by this separation and by presumptuous meddling have since been attempted to be supplied during six sessions. They have occasioned irritation in the working of the law and the attempted amendments have occasioned the irritation to be brought to bear against the principle of the law itself and its original conception.'[5]

[1] Ibid. [2] Ibid. [3] Cmd. 4499, 1909, p. 73.
[4] Poor Law Report, pp. 261–2. [5] E. Chadwick to J. H. Burton, 3rd June 1844.

The real weakness of the Board's status, and the valid criticism of Chadwick, lay not in the *principle* of independent status, but in his underestimation of the vast unpopularity of the new law and of the attractive power a sovereign legislature will exercise over any agency of government. The regulation of Friendly Societies was carried out in 1834 on a principle identical with that of the New Poor Law, for which, in fact, it served Chadwick as a model.[1] It worked quite smoothly because Friendly Societies raised no excitement. The New Poor Law did and it was natural, as Chadwick had been the first to point out, that such a central agency as he proposed, with such powers and such discretion, should become the target of all the complaints and all the questions arising from its multiplex duties. It was natural also that such attacks or questions should be put in Parliament. Parliament is jealous of power, and by refusing appropriations, by public enquiries, by constant debate and legislative amendment—indeed by all those forcible-feeble methods with which a U.S.A. Congress also attempts to condemn what the constitution forbids it to control—Parliament kept up a constant, unremitting, and murderous crossfire upon the central agency. But Chadwick had devised no channel of communication between the two. Willy-nilly the burden of defending the agency fell upon the Home Secretary; but the enemies of the agency felt that he was but the mouthpiece of the Commissioners who went their own murderous ways in secret. A series of committees was called for to find the 'truth' about the Central Board. The result was a fatal weakness in its directive power. It was, said Chadwick, referring to the five crucial years between 1837 and 1841, 'in a greater state of paralysis and dependence on political movements than . . . any branch of the business of the Home Office'.

To the charge that Chadwick's proposals resulted in a highly centralized system and were the beginning of the end of local self-government the answers must be that far from ruining local government they created it, that far from there being too much centralization there was too little, and that here Chadwick was to blame for accepting the Cabinet's amendments with too much complaisance. The original plan (the *Measures*) contained two features which the Cabinet removed. The first gave the Central Board the power to commit for contempt. This was dropped after the second reading, and henceforth the Board was forced to rely on the wellnigh useless writ of *mandamus*. The power of coercion was thereby struck from its hands. The second feature was its power to compel local Boards to raise rates for building workhouses. Without this power the 'workhouse test' could not even begin to operate. The

[1] E. Chadwick to J. H. Burton, 3rd June 1844.

Cabinet first limited it to the expenditure of one year's rates (23rd March) and then made it dependent on the consent of a majority of ratepayers. Senior protested that with such a clause the measure might be 'entitled an Act to amend the laws for the relief of the poor in such parishes which shall consent thereto'. The Cabinet finally adopted a clause allowing the Board to levy a compulsory rate up to £50, or one-tenth of the annual rate. This figure was so low as to be useless; and thereby the Bill became just what Senior had sarcastically entitled it.

Chadwick accepted these changes with resignation. For one thing he was delighted that so much of the original plan had been accepted. For another, he thought that the need for coercive power had been very much lessened by the rich man's Board of Guardians, especially since the early stages of the measure must be devoted to saving the rates and not spending them. The most important reason lay, however, in his conception of centralization. He drew two sharp distinctions between his model and that of France. His, he said, unlike the continental system, did not destroy local administrative bodies and substitute itself for them, nor did it direct such bodies in detail but regulated or controlled them within broad limits. A local government system could not be said to exist in England; the local courts, instituted for administrative purposes, were nearly everywhere in disuse, the municipalities rarely exercised their functions, and when they did 'the things originated were jobs', while the vestries were governed by corrupt cliques. The enormous vogue of incorporated trusts for lighting, watching, paving, and watering, and the vast number of voluntary associations, were a standing proof of the absence of effective local governing bodies. Compared with this even the Continent had a freer, purer, more systematized and efficient municipal government; and, according to Mr Urquhart (so he said), 'they managed these things better in Turkey'.[1] 'In respect to the New Poor Law', he said, 'the phrase "Centralization" is used against a measure by which strong local administrative bodies have been created over the greater part of the country where nothing deserving the name of systematized local administration has heretofore existed'.[2] These bodies were free to act, provided it was within the terms of a Statute. 'The business of the central authority as devised', he told Lansdowne, 'will be to enforce general regularities and will differ from French centralization in this, that they will avoid its greatest inconvenience in that they will have nothing to do with particular acts except where they

[1] 'Principles and Progress of the Poor Law Amendment Act, 1936,' *Edinburgh Review*, vol. xliii, p. 520.

[2] The Select Committee on Highways, Parliamentary Papers, 1837–8, xxiii, pp. 44–5.

are in contravention of the rules prescribed.' [1] 'Bonaparte,' he added, 'in his extreme avidity for power, did with respect to his civil administration what he would have done for his Military Government if he had ordered that none of the operations, even those ordinarily performed at the instances of each corporal in the army, should be performed except with the sanction of the commander-in-chief on a written memorial duly presented.' His intention was to work upon the local authorities by advice and information on the one hand, by audit and inspection on the other. The central Board was a 'reservoir of information'. It was to act on the Unions by 'weight of information', by their understanding rather than by the central authority's will. Strong powers it should have—but only for action 'on the public behalf in cases of absolute necessity'. Each and every paid officer of the central Board was to be accountable; information was to be collected regularly throughout the administration to be communicated to every Union and to guide the central Board; the correspondence was to be instructional 'to incite voluntary local action by suggestion and the influence of information rather than by the mere exercise of an arbitrary and unreasoning authority'.[2]

After 1838 the inadequacy of the Board's powers became increasingly obvious and the need for coercive powers to supplement persuasion and control became pressing. While some local Boards were returning to the allowance system, others were refusing to spend money on the educational and sanitary matters which Chadwick was trying to set afoot. His estimate of them sank annually, and by 1840 he was saying that 'the affairs of a parish are the best managed in the absence of its representatives'.

In the absence of coercive powers, the central Board could make the Local Guardians initiate nothing. The critics of this 'excessively centralized system' might be advised to ponder that great assize on Chadwick's measure, the Royal Commission of 1909. It dispelled the myth of over-centralization long ago. In 1838 Chadwick suggested that the Unions should unite with their neighbours to maintain schools for workhouse children, and in 1844 the establishment of such schools was authorized by law. 'Such was the opposition raised to the exercise of the powers of the central authority that the number of district schools has never been more than ten.' [3] Chadwick had suggested the provision of separate buildings for the various classes of paupers as early as 1833. The mixed workhouse, 'crowding together . . . old and young, infirm and able-

[1] E. Chadwick to Lord Lansdowne, N.D., April 1834.
[2] *First Vindicating Letter to Sir G. Grey*, 21st June 1847.
[3] Cmd. 4499, 1909, p. 126, par. 160.

bodied, imbeciles and epileptics', was still there in 1909, notwithstanding, as the Report said, 'steady pressure on all sides and . . . the fact that for thirty years Boards of Guardians have had full facilities for combination'.[1] The verdict of the Royal Commission is perfectly clear: 'Despite the unquestioned legal powers of the central authority, in practice it finds itself in a position where its powers of prohibition are great, but its powers of initiation small. . . . The Local Government Board . . . although it can restrain them (the local authorities) from acting, is in practice . . . powerless to force them to act. It has no effective machinery indeed, through which it can . . . force them to do anything they are determined not to do'.[2]

V

An Assessment

The New Poor Law, founded on the Report, turned out to be blind and cruel and bitterly unpopular. This does not mean either that it was malevolent or unnecessary. As enacted and administered it differed considerably from Chadwick's optimistic vision. He had anticipated that the first stages of repression would be harsh, but justified them by their objective, the creation of a free labour market and the pre-condition for capital investment. He did not conceive the reduction of the poor rate as anything but incidental to this economic objective, but was confronted by official superiors who did. The result was a bumbling policy, not savage enough to create capitalist conditions, but still mean enough to reduce the labouring classes to a state of chronic want and humiliation. He had conceived of the workhouse system as a set of specialized schools, hospitals, asylums, almshouses, not as the promiscuous barracks that his superiors approved. He envisaged enquiries into the causes of destitution, and such measures as workmen's compensation, and housing regulation, which might put a stop to them. He anticipated an almost complete freedom for internal migration by ending the settlement laws, and thought of the new Poor Law Board as a central labour exchange, assisting such movement. He conceived of the New Poor Law Unions as units in a rational local government system, to undertake singly such duties as registration, vaccination, and the upkeep of highways, and in combination the upkeep of district schools, auditors, officials, and contractors. All this is far different from the reality. Yet unless the vision is appreciated it is impossible to make sense of Chadwick's constant quarrels with the administration of the Poor Law.

[1] Cmd. 4499, 1909, p. 127, par. 165.
[2] Ibid., p. 94.

It blew neither hot nor cold, and therefore it spewed *him* out. The plans cost money, and the ratepayers revolted; the works demanded faith—but his superiors were very ordinary men.

If this were the whole tale, Chadwick would emerge as the best of men. In fact, he merely emerges as the best-intentioned. Between the two there was a world of difference. The fancy workhouse scheme was arrived at by a grossly inadequate survey, and dissolved as soon as the bare facts were established. He himself torpedoed the allotments scheme. The less-eligibility principle was at its best irrelevant to mass unemployment. It could not have been worked by the Board because it could never have worked even according to the book. What resulted was a jejune and clumsy caricature of the Report, itself a caricature of the true face of English destitution. In the North it raised up servile war, then halted, and finally retreated under cover of an Outdoor Relief Regulation Order which abandoned the workhouse as a test. But the New Poor Law continued to operate in the agricultural South and it was here that the truer comparison may be made between the anticipation and the event.

In three respects it did much that was expected of it. It drove the poor rates down, so that the national total fell from an average of £6,750, 590 (1830–4) to £4,567,988 (1835–9), and £4,886,702 (1840–4). It slowly—very slowly—crushed out the allowance system, though even by 1850 this was still widespread. It increased the English rent roll over the same period from £27 to £35 million. But it did all this at the expense of the labourer. Chadwick constantly maintained, against all the evidence, that wages rose. The evidence seems to show that, if anything, they *fell*. Moreover, these wages now represented the whole subsistence of the labourer; there was no longer any allowance to be added to the shrunken wage! The sufferings of these men must have been past endurance. It is no wonder that the Anti-Corn Law League could make such telling play with rural conditions, especially since change fell with its most catastrophic force upon the married men with families. The allowance system had favoured them. Now the farmer, having to lay a full subsistence wage out of his own pocket, naturally preferred the single man who needed and demanded less.

'First', Chadwick had promised, 'the labourer becomes more diligent; next, the more efficient labour makes the return to the farmer's capital larger and the consequent increase of the fund for the employment of labour enables and *induces* the capitalist to give better wages.' This assumed that the quantity of labour was fixed, and all in employment. Neither was true. The workhouse test drove the labourer to accept even the worst-paid independent work; his consequent impoverishment thereupon drove his wife and family on to the labour market in the notorious 'gang system'. The new additions to the labour market further depressed wages. The aged Rickman, the census taker, hit the matter off acutely:

> 'I cannot say I entertain such decisive hope of increased wages from the Reformed Poor Law as your annual reports seem to prognosticate. A very salutary effect of the new system is that which causes labourers to devise task work for themselves and for their children much earlier than they would to recommend them for subordinate employment (*sic*). Both these causes combine in an increase of labour in the market—surely the commodity is not likely to be enhanced in price—especially as superfluous, gravel pit parish labourers who have disappeared beyond expectation have no doubt found work of an effective kind in their new haunts. Railway work has been a resource, but not extensive enough to absorb all the energies of these reformed sluggards.'[1]

In these circumstances only trade union action—or rick-burning—could win the labourers back a portion of the farmers' increased profits. The Labourers' Revolt of 1830, and the Tolpuddle Martyrs of 1834, had shown the landlords unlikely to tolerate either. So the melancholy spiral of reduced wages, more labour, reduced wages continued. 'Desirous as (the Poor Law officials) may be to better the situation of the really industrious labourer, I hardly see', wrote a subordinate to Chadwick, 'in what direct way they can *compel* the farmers to raise their wages so as to adapt them to the increased and increasing value of agricultural produce'.[2] From this degradation the labourer was rescued only by the repeal of the Corn Laws.

In this painful way, subjecting its victims to the extremities of shame and privation, the blunted edges of Chadwick's measure ground their slow way to their objective. The tragedy of the New Poor Law in the countryside is that given the social climate of the age, given the contemporary stratification of society, there was no easier way to be found; and even the bitterest opponents of the new measure, when pressed to the point, could suggest as an alternative only a return to allowances and the labour rate. No salvation lay that way. English agriculture had come too far to return to yeoman farming and could only progress by becoming fully capitalistic. The New Poor Law was the midwife of the change.

'Where feudalism ends', says Professor Tawney,' the Poor Laws begin.'

'Where the old Poor Law ends', Chadwick might have added, 'capitalism begins.'

[1] G. Rickman to E. Chadwick, 1st January 1839.
[2] Assistant Commissioner Ashe A'Court to E. Chadwick, 24th December 1836.

CHAPTER IV

THE POOR LAW COMMISSIONERS ARE APPOINTED

CHADWICK was perfectly confident that the Cabinet, recognizing in him the true author of the plan, would call him in as their consultant and make him one of the Commissioners later. The public acclaimed the Report, for although 10,000 copies had been distributed gratis throughout the parishes, another 10,000 were snapped up for cash. He had severed the disreputable connexion with *The Examiner*, even Albany Fonblanque realizing now that it stood in the way of his public advancement.'[1] Acquaintances were already seeking out his patronage.

Instead, he met a crushing disappointment. The drafting of the Statute was turned over to 'an Attorney and three counsel'; Chadwick himself was told that the Cabinet did not require his services. Instead, there would attend, 'Senior, whose main plan was superseded, and Mr Sturges Bourne, who had prepared no plan whatsoever and had yielded reluctantly to the condemnation of labour rates'. He was thunderstruck. He brushed aside Senior's weak plea that the Cabinet 'disliked new faces' and swore to Fonblanque that he completely disassociated himself from the measure, would have nothing to do with it and would accept no responsibility for it.[2] 'The Bill was shaped by others', he angrily confided to Barnes, 'and I feel myself in no way bound to defend it'.[3]

These outbursts were occasioned not only by a justifiable resentment but by a sudden alarm that the Report might be set aside or the measure garbled. The Cabinet Committee which was to draw up the Bill seemed to confirm the worst apprehensions. One member was Richmond, a bitter opponent of the new scheme and a supporter of the labour rate plan. Lord John Russell (another member) had once expressed the hope 'let us be Englishmen first and economists second'. Then there sat Ripon, the arch-nepotist and diehard supporter of the Corn Laws, and the scowling Graham, able, but harsh and uncompromising. Melbourne, the Home Secretary, was there of course—a man who had damned the Benthamites as a pack of utter fools, and who had already crossed swords with Chadwick over the Factory Act.

[1] A. Fonblanque to E. Chadwick, 26th November 1833.
[2] Ibid, 2nd May 1834.
[3] E. Chadwick to T. Barnes, 13th May 1834.

Althorp made a sixth. Although a Malthusian in Poor Law matters he was one of the few Whigs to have read Ricardo; but his honesty and good nature hardly atoned for what Greville rightly deemed 'a sluggish, inert, vacillating, unforeseeing' character. The rear was brought up by the illustrious Lansdowne, the friend and patron of Nassau Senior, a man who combined a knowledge of political economy with inspired championship of the interests of the great landlords. Two incidents which occurred during the Cabinet's deliberations summarize the oligarchy's attitude to the proposed measure. Rejecting the workhouse rating clause and substituting for it one which banned outdoor relief after June 1835, Althorp observed 'the landed interest were looking for immediate relief and relief to be purchased through expenditure would be rejected at once'. When Richmond predicted that the new clause would raise rick-burning and servile war, Lansdowne spoke for the Cabinet by returning: 'Then we must do our duty, undeterred by fear of the consequences'.[1]

And yet, this Committee surprised Chadwick by taking his plan seriously! Furthermore, Senior fought tenaciously for every clause in it, and was received with a remarkable respect. The draughtsman entrusted with the Bill was one Meadows White, who owed his choice to Chadwick's recommendation.[2]

The first reading passed off magnificently. Not a single voice was raised in protest at the Bill, not even after Lord Althorp had publicly lamented how contrary it was to the principles of political economy. Only, he said, did the dictates of religion and humanity impel him to make such a signal departure from the pure principles of that science. But if Parliament was dazed by Althorp's rosy vistas, if a landed majority grasped at the mirage of reduced rates and an end of pauperism, not so the Press. The Press was case-hardened and the next day a perfect tornado of abuse broke forth from nearly every paper in the kingdom, and at once it seemed that the Bill was in jeopardy. Plainly, to pass the Bill, it was not Parliament that must be cajoled, but public opinion that must be captured.

Chadwick, experienced in the ways of the Press, had known this for a long time. He had already made many tentative efforts to capture *The Times*. He had plied Barnes with carefully selected extracts from the Report, had sent him an advance copy and had even let him have a print of the secret and confidential *Notes of the Heads of a Bill*.[3] The

[1] N. Senior, *MSS. Diary*.
[2] M. White to E. Chadwick, 9th April 1834.
[3] T. Barnes to Edwin Chadwick, 20th December, 30th December 1833. Edwin Chadwick to Sir J. Graham, 23rd Feb. 1843.

results seemed promising, for Barnes had given some sort of pledge to defend the Bill. In other ways, Chadwick had collaborated with the Lord Chancellor's remarkable publicity campaigns. Brougham, of course, was the one who had suggested the publication and wholesale dissemination of the *Extracts*. Chadwick and Senior had only applied this method, when they drew up a volume attacking the 'labour rate' plan, in 1833, and got Francis Place (aided it seems by considerable Treasury funds) to circulate it in tens of thousands.[1] It was Chadwick who supplied the arguments for *Harriet Martineau's Poor Law Tales*. Since the prodigious success of her *Illustrations of Political Economy* Brougham had patronized her and persuaded her to do a series of four tales illustrating the Poor Law problem.[2]

But the time for propaganda such as this had gone by; the struggle for the Bill was a day-to-day affair and now it was essential to capture, not an author here and a tract there, but the daily Press itself. 'The Government . . .', said Chadwick to Charles Knight, 'will need all direct and indirect aid that the Press and good men can give them.' No sooner said than the storm burst. The Tory Press, sensing in it the doom of the country squire, knew no bounds in its fury. 'The whole reform consists in the Central Board which will have complete discretion', wrote Stuart, Chadwick's enemy, in his *Courier*. 'Most extraordinary and unconstitutional powers', 'the Court of Star Chamber', shrilled *John Bull*. 'Unconstitutional', 'Malthusian', boomed the *Albion*; and the *Courier* fairly outgrabe as it inveighed against the 'Centralized system of the Continent', 'an irresponsible triumvirate', a system where 'all is transacted *à la militaire*', a Bill that was the 'offspring of the Commissioners'. Cobbett, who, in the momentary preoccupation of the working-class Press with Unionism and co-operation, spoke for the whole of the dispossessed, took up the argument of his *History of the Reformation* and thundered that the poor who had an inalienable right to poor relief were being robbed of it; arraigned a landed class and their allies the usurers for imposing a taxation of £52 millions to be spent on themselves while they grudged the poor their miserable £6 millions. He called upon the working people to rally against the threat to their standard of living: 'During my opposition to the Bill . . .' so he afterwards explained, 'I positively asserted that printed instructions had been given to the Barrister who drew up the Bill, for his guidance, by the Ministers, Lords Grey, Brougham, Althorp, Russell, etc.—that the instructions expressly stated that the one thing desirable to be accomplished was, to bring the people

[1] S. and B. Webb, *English Poor Law History, The Last Hundred Years*, vol. i, p. 95.
[2] H. Martineau *Autobiography*. vol. i, pp. 219-22.

of England to live on a coarser sort of diet.'[1] And day after day the cry against what he called the 'Poor Man's Robbery Bill' mounted in intensity.

By now it was clear that the whole issue of capturing public opinion lay in the hands of one newspaper alone, the premier daily in Europe, John Walter's *The Times*. *The Times* was still uncommitted, but such neutrality could not last long. If *The Times* came in against the Bill, the position of the measure would perhaps be desperate, for although Brougham had collected together a kind of Press bureau, few newspapers put themselves at its disposal. Communicating the Lord Chancellor's instructions was his secretary, Denis le Marchant; under him was a curiously variegated collection, Charles Knight the publisher and bosom friend of the Chancellor, Coulson the Poor Law Commissioner (who brought his daily, the *Globe*, to do battle for the Bill), Thomas Drummond, Secretary to Althorp, a relative of the Ker family whose greatest friend was another of the coterie, Harriet Martineau, and not least, Senior and Chadwick. It certainly was a bureau-of-all-the-talents; but Stuart's *Courier* had defected and was opposing the Bill, and the only other paper that was supporting it was a liability rather than an asset. This was the wretched *Chronicle* (The 'Grunticle', Barnes called it), whose editor, the worthy Dr Black, had 'written the *Morning Chronicle* from a large sale down to one that barely paid its expenses', and who filled 'the columns of his paper with long disputations about which the public was wholly indifferent . . . they interested him and that was sufficient'.[2] And so, with growing uneasiness, the propaganda bureau waited for *The Times* to move. Rumours were afloat; it had promised its support, it was in the pocket of Barnes who was a great friend of Brougham's and under a personal obligation to him. Then suddenly, on 30th April, *The Times* thundered—against the 'plotting pericrania of Mr Senior' and ten times against the Bill!

Personalities played a large part in its sudden stand. Barnes, an easy liver and a glib writer, hitherto rather complacent about the Bill, was confronted by his proprietor, John Walter, whose experiences as a Berkshire magistrate and as a high Tory, drove him into an angry protest against Chadwick's 'French Centralization', 'Un-English' plan of 'theorists and speculators'. His indictment of the enclosures and their effects on the labourers, his fierce indignation against the humiliating workhouse test, came nearer to the true defects in Chadwick's

[1] W. Cobbett, *Legacy to Labourers*, 1835.
[2] *History of 'The Times,'* vol. i, App. I : II (2), p. 459.

scheme. On the day that Walter published a pamphlet[1] setting forth his views, *The Times* newspaper adopted them and never ceased to advocate them for thirteen long years.

Barnes did not object to such uncompromising opposition to the New Poor Law. He had many reasons for breaking with Brougham He had a feud with Senior, and indeed with all political economists. He thought poorly of Coulson, and he had detested Blomfield ever since their undergraduate days at Cambridge.[2] Furthermore, although Chadwick had patched up his old feud by some sort of understanding with Barnes, he had started a new one by his most recent relations with John Walter. His Report had been full of the evidence of Walter's neighbour, one Russell of Swallowfield, whom he not only reported over-fully, but also to the effect that John Walter had once put the parish to much expense in pettifogging litigation over the application of the less-eligibility principle. Walter was so angry that he had opened a correspondence with Russell on the subject, in which Chadwick himself had been the intermediary. 'That the authority of his neighbour Russell should be so frequently and emphatically quoted, knowing as he does that Russell lives in a parish of an extent of about 5 to 600 acres and in which the average number of paupers had not exceeded a dozen'[3]—this was too much for Walter and he forthwith published the whole correspondence in his pamphlet.

Thus the elaborate tangle of well-meant humanitarianism and personal resentments had ended in *The Times* declaring war. Some of the stoutest hearts sank at its ferocious leader (Harriet Martineau's did). The *Chronicle* and the *Globe* could not match *The Times*.

Then, at the zero hour, a rich London stockbroker[4] who thought the Poor Law Bill an excellent one, dashed into the City, and within the day, for a sum of some £16,000, bought the *Chronicle* and placed it fully at the disposal of the Press bureau! Between the revivified *Chronicle* and the tempestuous *Times* a homeric battle ensued, in which Chadwick was taught the lesson that even 'they who in battles do *not* interpose, must often wipe a bloody nose.'

For Chadwick had nothing to do with the leaders in the *Chronicle*.

[1] *Letter to The Electors of Berkshire*, 1834, by J. Walter.
[2] See *History of 'The Times'*, vol. i, on Barnes, *passim*.
[3] *History of 'The Times,'* p. 296. This account of the dispute takes into consideration the well-known legend of Brougham's note declaring war on *The Times* (cf. Webbs', *New Poor Law*, i, p. 95). This clearly was a result of the quarrel and not the cause—the famous 'declaration' taking place on the 11th June, by which time *The Times* had long since shown its hand. The version given is based on original research and takes into account the new evidence published by Professor A. Aspinall in his *Politics and the Press*, 1750–1850.
[4] Sir John Easthope.

He was writing, when he did write, for the *Globe*. At that very moment he was engaged in sending tracts to Lord Brougham, receiving information about the successful penetration of the Report in Hampshire, beginning to prepare little pamphlets about the Act for circulation among farmers and labourers. So the *Chronicle* set out on a very wild and dare-devil career without heed or help from him. Answering *The Times'* gibe about Mr Senior's 'plotting pericrania' it hit back with a charge of 'base and fraudulent misrepresentation'. *The Times* countered with the sneer that the *Chronicle* writers were writing simply from motives of personal gain, hoping to receive some place under the Act. The *Chronicle* for the fourth and fifth time repeated its gibe of 'base and fraudulent misrepresentation' and then addressing itself to Walter's pamphlet, dragged Chadwick personally into the dispute by referring to the Russell-Walter-Chadwick correspondence and gloating that Russell had had the best of it. *The Times*, highly irritated, accused the *Chronicle* of being an 'organ' of the Commissioners at which the *Chronicle*, not to be outdone, said it was notorious that *The Times* spoke the sentiments of its owner, Mr Walter, who opposed the Bill simply because its object was 'to deprive such men of the power of doing any further mischief'. This was too much for *The Times*. It threw all its force against the person it supposed had written the article. For Chadwick it was a terrible moment, for read it how he would, the villain of the piece seemed to be nobody else than himself, and he was accused of jobbery and place-hunting!

He was exceedingly sensitive to any charge, however absurd, of self-interested motive. Unfortunately for his peace of mind *The Times'* charge was half-true. His friends and acquaintances were now taking it for granted that he would have a seat on the Central Board under the Act.[1] A score of hangers-on begged subordinate posts from him.[2] Nor was that all; Chadwick expected to be appointed and wanted to be appointed. He noticed the increased deference the Cabinet Committee paid him. He succeeded where Senior failed. (For example, he prevented Althorp from exempting parishes with over 10,000 population from compulsory incorporation. It was another of Althorp's attempts to disarm the opposition of London, and try as he could Senior could not persuade him out of it. Chadwick, however, thought it 'ruinous' and 'employed himself all Sunday morning in writing a long protest against it'. After pleading in vain all that evening with Althorp, Senior, in his own words, 'begged him before he decided, to read

[1] E.g. W. Wickens to E. Chadwick, 25th February 1834.
[2] Edwin Chadwick to Barnes, 13th May 1834.

Chadwick's paper. Lord Althorp said he certainly would do so but that if its reasons were not stronger than mine he should remain unconvinced . . . The next morning, however, he sent me a note to say that Chadwick's paper had convinced him and he was resolved not to exempt any parish from liability to be united with another whatever might be the population.')[1] Furthermore, just as the Cabinet began to pay Chadwick more attention, it became increasingly obvious that few if any members of the Poor Law Enquiry would serve on the future Central Board. Coulson, a conveyancer with an enormous and expanding practice, was too well off where he was. Senior's position was exactly similar. With an income of over £2,000 a year, which he could double at any time he thought fit, and a private fortune into the bargain, the arduous labours of a Poor Law official hardly attracted him. Indeed, only a little while before, he had refused a government appointment at £2,000 a year, and at this moment few thought that the future Poor Law Commissioners would receive more than £1,500.[2] However Chadwick looked at the position on the whole Central Board of the Poor Law Enquiry, there was only one person who seemed eligible for the post, and that person was he.

In this frame of mind he saw *The Times* leader. It began :

'As to the dirty attack in the *Chronicle*, we are quite sure that its usual editor[3] is incapable of anything so mean in spirit and so vulgar in language. The *Chronicle* has started under new and most unlucky auspices : as we have no unkind feeling either to the stockbroker[4] or to the provincial attorney[5] who are said to have purchased the property, we conjure them for their own sakes to get rid of the scribbler, whether a coxcomb professor[6] or a meddling tailor,[7] who for the first time disgraces its pages with virulent personal attacks and calumnious imputations of base motives. Let them ask themselves whether a person who was a Poor Law Commissioner and who hopes to be promoted to a higher appointment is not more likely to be actuated by sinister or selfish motives than a country gentleman or a journalist unconnected with any Party. As the scribbler has so little delicacy we may perhaps amuse ourselves by dragging his pretensions before the public, stripping the narrow-minded pedant of what he will find a very easily removed covering—the flimsy reputation arising from three or four meagre pamphlets.'[8]

Chadwick's immediate reply to Barnes ran :

'DEAR SIR,—I take the liberty of addressing you privately with relation to the Poor Law matter in consequence of the personal turn which this controversy

[1] Senior, *MSS. Diary*, pp. 101–10.
[2] E. Chadwick to T. Barnes, 13th May 1834.
[3] Dr Black.
[4] Sir J. Easthope.
[5] Joseph Parkes. He was not at this moment writing for the *Chronicle*.
[6] N. W. Senior.
[7] F. Place.
[8] *The Times*, 13th May 1834.

on the subject has unfortunately taken. Mr Senior, it is well known, has just been involved in a domestic calamity, the illness and death of his sister. Mr Coulson, if he wrote at all it would be supposed, would write in his own journal : as I am the only other Commissioner known to be accustomed to write, it may be supposed and reported to you that I have been writing for the *Chronicle* and wrote the article of yesterday to which allusion is made in *The Times* of to-day. Now I beg to say that although I must vindicate to myself the right of supporting by all means any opinion I may entertain, yet I did not write the article in the *Chronicle* or know of its being written, nor have I written one word of its leaders from first to last. I think that you will find the circumstances of Mr Walter's having written and published a pamphlet has led to the imputation of the course adopted by *The Times* to his influence.

'As far as I have been personally connected with Mr Walter, I have done all that I could to serve him, short of making the evidence collected in Berkshire conform to his views. I have been blamed for sending him written questions in order to give him leisure to write his answers, and for not cross-examining him on misrepresentations of the *principles* adopted by the Commissioners. Loud complaints have been made to me against his interference in Berkshire and had I been otherwise than favourably disposed towards him I might (as I think Mr. Murray will agree) have prejudiced him in the opinion of his constituents but I have done nothing which I am aware would justify any ill offices either on his part or of anyone else connected with the paper.

'Every member of the Commission except myself is, by those who know anything of them, known to be in a position to be ineligible to any of the new situations should the Bill be carried . . . in short, if the legislature were to decree that the new Commission should be made up out of the old it could not be done. The imputation of being easy, although I presume not to be intended, only glances at me in consequence of my name being most prominent in the selections of the Report. . . . Any imputation of being in pursuit of a place will glance. Now if you enquire you will learn that I did not at the outset of the Commission solicit any employment as an Assistant Commissioner but was solicited ; that subsequently I did not solicit but was solicited to be made a member of the Central Board, and I assure you that amongst all the applications Lord Melbourne may have on his table he has never yet found one from me. When the factory inspectors were appointed at salaries about as good as those talked of for the new Commissioners I made no applications for an appointment where the work will be less difficult and the responsibilities less oppressive, although it might be considered that as a member of the Central Board of that Commission I had a well-founded claim. I was then hailed as an inspector and I have recently been hailed as a Commissioner, from mere surmises as to my views. Though I am not wealthy I am not in want and am independent of any need of taking whatever may come my way. Before I was called to the Bar, I had derived part of my income from professional assistance in some important cases and, had not an illness immediately after my call and then business of two commissions taken me further out of my way than I intend to go again, I have every reason to believe that by this time no room would have been left for any possible supposition of sinister intentions. . . .

'If I could trespass further you would be as satisfied that I should be as much justified in resenting any imputations in consequence of my duty in the Commission as you would be (and I must ask pardon for the illustration) resenting any imputation that articles favourable to Lord Brougham had been so favourably written in consequence of your brother's appointment to the Registrarship of the Courts of Bankruptcy. I again express my regrets at the personalities which have occurred on this subject and beg to repeat my assurance that I have no share in them and have deprecated them. I perfectly agree in the report of the Central Board which even the opponents of the measure have praised. The Bill was shaped by others and I feel myself in no way bound to defend it. . . .'[1]

Barnes's most profound and courteous apologies could hardly heal the quarrel at this stage. It might well be true, as he claimed, that 'Mr Walter' acquitted Chadwick, and had 'invariably expressed himself highly gratified at your constant and prompt attention to all the requests he has made to you'; But it was of no use assuring Chadwick that neither Walter nor Barnes himself had any feelings 'but one of kindness' towards him.[2] The struggle for public opinion had a logic of its own where kindness was forgotten. Within a few days, as *The Times* whipped up opinion against the imminent second reading of the Bill, le Marchant was telling Chadwick 'The conduct of *The Times* is without parallel and cannot be too strongly censured. Can't you', he asked, 'prepare something strong in the *Chronicle* by Monday? I am sorry to hear that some weak people in the House are beginning to be influenced by the nonsense of the Walter faction'.[3] Indeed, to reply to this nonsense, the Press bureau arranged to circulate a tract dealing with Centralization.[4] When Chadwick elected to go to the House itself and hand the tract to Members in the lobbies, *The Times* gave him another castigation.

'We had not intended', it said, 'to waste another word upon the senseless trash contained in a pamphlet which is entitled *The Principles of Delegated, Central and Special Authority applied to the Poor Law Amendment Bill.* We return to it, however, on learning that its author or his admirers (probably both) beset the House of Commons on Friday evening and thrust a copy into the hands of every Honourable Member as he entered or quitted the House. We thought at the first perusal of the pamphlet that we could hit upon the quarter from which it emanated: and this piece of impertinence on the part of its author or his friends, or both, convinces us that our conjecture was right. If any one of any set of men not a member of the *Westminster Rump* could have made so low an estimate of the House of Commons as this spoil-paper pamphleteer made, when he supposed he could palm such nonsense upon them as matter worth a moment's

[1] Edwin Chadwick to Barnes, 13th May 1834.
[2] Barnes to Edwin Chadwick, 14th May 1834.
[3] Sir D. le Marchant to Edwin Chadwick. (Undated.)
[4] It appears to have been the work of Daniel Wakefield.

consideration, still it would hardly have been possible to find a man rude and insolent enough to take this pointed mode of *telling* the members of the House of Commons to their very teeth, how gullible he thought them, unless the individual were looked for among the *Rump* of Westminster. . . . In this workshop we have no doubt these "principles" have been forged; but whether they be the handiwork of some sucking SOLON of the Benthamite brood or whether they have enjoyed the leisure of some retired and superannuated sage of the same spawn we will not pretend to determine, because the imbecility of old age is not always distinguishable from the feebleness of youth. . . .'[1]

The names of possible Commissioners were by now on everybody's lips. George Nicholls the banker, who had made such a success of his workhouse test in Southwell parish, was considered a possible. The Reverend Whateley, another 'anti-pauper' reformer, was considered but thought ineligible because he was a clergyman. Francis Place, who a few months before was generally considered to be well in the running, now, despite (or perhaps because of) the interventions of Harriet Martineau on his behalf, considered his chances hopeless. A curious possibility, pushed with much assiduity by Melbourne himself, was that little-known pompous mediocrity, the Tory Frankland Lewis. On the other hand there was much to be said for the candidacy of James Stephen.[2] Indeed, Stephen had very much in common with Chadwick himself: he shared, perhaps the only civil servant of that time who did, Chadwick's passion capacity for severe, unremitting and unaided labour; he had the same type of public spirit and consciousness; like Chadwick he was the supreme power in his department and all official superiors had, in the end, to yield before his mastery of the subject. Now, after a brief bout of sparring with the cocksure Stanley, his Secretary for the Colonies, Stephen had again imposed his views on his superior, and the great Slave Emancipation Bill which had passed in 1833 had been his own unaided work, dictated by him in three days' continuous labour from a Saturday morning to a Monday afternoon. But however much the betting changed on the chances of these possibilities, Chadwick was regarded as a complete certainty by every one. The Solicitor-General, an ambitious man, and Revans, the Secretary to the Poor Law Enquiry, both approached him with suggestions of 'mutual self-help' in getting themselves places. Chadwick, sure of himself as he was, did not scruple to make enemies by refusing any hint of such support. He was too puritanical in his ideal of public service to claim favours for himself let alone for others whom he regarded as incom-

[1] *The Times*, 20th May 1834.
[2] N. Senior's testimonial to Lord Melbourne 30th June 1834 (pp. 106–7. bel

petents. He did not, for instance, hesitate to suggest to Althorp that the salaries of the Commissioners should be £1,500, although such a salary was quite low, and he had little doubt that he would be asked to accept such a position.[1]

When the Bill passed its third reading in the Commons—the opposition had risen to fifty votes, now—the progress of the Bill through the Lords became a certainty and Chadwick was confident that he would be appointed : by now he was the trusted agent of the Cabinet. (It was he who with Senior discussed Lord Salisbury's objections to the Bill and arranged with him the necessary modifications. Although Althorp had retreated on one of the most serious clauses so far, by abandoning the Central Board's power to commit for contempt,[2] Chadwick managed to hold the fort against Salisbury ; he would not relinquish to him the Board's right to delegate power to its Assistant Commissioners, nor would he agree that self-sufficient parishes need not combine. For his own reasons he was willing to abandon the clause prohibiting outdoor relief after June 1835.[3] This apart, Salisbury was persuaded to accept the Bill intact).

Chadwick's expectations were further heightened when Althorp outran his original proposal about salaries and suggested one as low as £1,000 per year.[4] And what else could the overtures of the detestable Tom Young mean but that Chadwick was a certainty for a position ? Tom Young would never plan jobbery with the weak. Former journalist, purser, steward on the Duke of Devonshire's yacht, ' Ubiquity ' Young, now the Secretary of Lord Melbourne, was a man to beware of. ' A vulgar, familiar, impudent fellow, struggling to get on in the world and probably with no inconsiderable dexterity ', ' a man who knew many people, many places and many things '—so Greville described him. He was a man of power and intrigue, for his relations with Melbourne were intimate and his advice of public matters influential. Chadwick loathed him. He would sooner have cut out his tongue than recommended Young as a Poor Law Commissioner. Such a post he regarded as a public trust. He shut his mouth tight at Young's hints and said nothing at all.[5]

Senior was pushing his claims in such terms that Chadwick did not even doubt of his future.

' My Lord '—so Senior addressed himself to Melbourne—' I am going to use the permission with which you honoured me some time ago, of addressing you

[1] Edwin Chadwick to Spencer, 8th May 1841.
[2] In the committee stage of the Bill, see Mackay, *History of the English Poor Law*, vol. iii, p. 134.
[3] N. Senior, *MSS. Diary*.
[4] Edwin Chadwick to Lord Ellenborough, 30th October 1841.
[5] Edwin Chadwick to Spencer, 8th May 1841.

on the subject of the Poor Law Appointment. You then remarked that the Commissioners would have to perform duties the difficulty of which could scarcely be over-estimated. That difficulty, I apprehend, arises not so much from the labour and responsibility of their office, great as they must be, but from its perfect novelty. . . . Such an accumulation of powers, legislative, judicial and administrative, was never before entrusted to any functionaries. And for their guidance in all those duties, they have no precedent. . . .

' Among the names that have been mentioned, the best appear to me to be

Chadwick

James Stephen	Cap. Nicholls
Frankland Lewis	Thos. Whateley.

I have arranged them in this order because while Chadwick's merits are peculiar and do not resemble those of the other four, those of Stephen and Lewis and again, those of Nicholls and Whateley have much in common.

' Chadwick is the only individual among the candidates, perhaps, I might say, in the country, who could enter on the office of Commissioner with complete pre-arranged plans of action. He was the principal framer of the remedial measures in the Report, and was the sole author of one of the most important and difficult portions, the Union of Parishes. Any other person at his entrance into this portion of the duties of the Commission would be overwhelmed with the multitude and the complexity of the details and must waste time and opportunities that never can be recovered in doubts and experiments which must impede and might frustrate his other operations. He is also much better provided with subordinate officers whose qualifications he has tried and who would serve him conscientiously and zealously. His time too, for several years, had been spent principally in enquiries into the situation and habits of the labouring and middle classes. And having acted as Assistant Commissioner both in London and in the country he has gained and indeed has communicated more information than any other of our Assistant Commissioners and indeed almost as much as all of them put together. These are his peculiar qualifications. As to his general qualities, moral and intellectual, I do not know that I should put him above or below the other four. . . .

' Assuming for the instant that the Board were to be selected from amongst the five persons mentioned I think that Chadwick ought under any combination to form one, as having qualifications possessed by no other person and that one from each of the other two couples should be joined. . . .' [1]

If hard work, capacity, and a testimonial such as this were the keys to office, Chadwick had already unlocked the doors.

Curious, then, was the way Francis Place had written down his own chances. ' Even to think ', he said, ' of putting into such an office—the Radical tailor—pooh ! I doubt that any man has the courage to venture even such a suggestion at the Council Board. No ! No ! It is an office for a man who has a *name* and connexions and not for such a man as . . .

[1] Senior to Lord Melbourne, 30th June 1834.

Francis Place.' [1] Unhappily Chadwick was soon beyond pondering this question. Worn out by overwork he fell ill. The Bill went through the Lords. The Lord Chancellor, charged with conducting its second reading, was making the rather stuffy atmosphere of that chamber electric with lavish praise of Chadwick. But in Lansdowne House, and Berkeley Square, and in Melbourne's study, the Whig 'cousinhood' was at work; there were places to fill!

Only three places, but a host of expectants! And one place was as good as filled already. Althorp, enjoying an authority as the conductor of the Bill in the House of Commons, could not help thinking that a Mr Shaw-Lefevre was a 'man made for the post'. It was true that this gentleman, although accomplished—he had been Senior Wrangler at Cambridge—was so timid and helpless in his Under-Secretaryship that his clerks laughed at him and it was true also that he knew nothing at all about Poor Laws. But the Spencer family were under some obligation to the Shaw-Lefevres, Shaw-Lefevre himself had acted as Lord Althorp's bailiff; and this sufficed. The 'man made for the post' was installed, and the salary shot up from £1,000 to £2,000! [2]

But to counteract any attack upon this appointment as a job, the Cabinet had to give the second place to some Tory candidate. Thus a second place was filled up. Lord Melbourne, it seems had frequently harped on the virtues of that very dull man, Frankland Lewis. He was pontifical, unctuous, and mediocre, a politician of no calibre, but a well-bred Tory gentleman who had held one or two minor political appointments. His knowledge of Poor Laws was derived from his having been a laboriously attentive member of the ill-fated Sturges Bourne Committee of 1817, whose Malthusian report it was commonly put about, he himself had drawn up. That he supported the Malthusians against Chadwick's plan, that he had also supported the Poor Law Bill of Scarlett, and that his practical knowledge of Poor Law administration was nil, did not seem to weigh with Lord Melbourne. Frankland Lewis was decorative, he would placate the Tories and was not a big enough man to alienate the Whigs, and, what certainly appealed to Melbourne, he had a 'healthy English distaste' for 'theorists' and 'speculators'. And so there was only one place left to fill.

It might be expected that for this place, at any rate, the Whig junta would awake from its political manœuvring and appoint somebody with practical knowledge of the Poor Laws. But not at all. All sorts of friends, 'cousins' and other hangers-on were canvassed for the post.

[1] F. Place to H. Martineau, 31st March 1834.
[2] Edwin Chadwick to Ellenborough, 30th October 1841.

It was at this point that Lord Brougham, a plebeian among aristocrats put his foot down. At the very least, he said, the Cabinet shall appoint George Nicholls, the 'de-pauperizer' of Southwell parish, a former sailor and now head of the Birmingham branch of the Bank of England. There was much prevarication, and quite a squabble, but in the end Brougham prevailed.[1]

Thus all three places on the Central Board of Poor Law Commissioners were filled up. Chadwick, the author of the Act, was unplaced. Nobody doubted his ability or fitness to administer the Act of his own making. His name was certainly considered. But Tom Young, for one, had not let Chadwick's disservice pass unnoticed; nor had those other malcontents, Revans and Rolfe. Melbourne made much use of Young's opinions about individuals; he used him, he said, 'when finer instruments were off their balance'. Young found that his master was an easy man to convince, if it were a question of Chadwick's appointment. For a Commissionership under the Crown—at £2,000 per annum—the claims of blue blood had to be considered. When, therefore, Chadwick's name came up at the Cabinet table, there was a frosty silence: then . . . 'it was considered that his station in society was not as would have made it fit that he should be made one of the Commissioners'. The Cabinet passed on to next business . . .[2]

That he, the actual author of the Poor Law plan, the sole person who knew how to implement it, should be passed over in this humiliating way! That the Cabinet should have appointed a board of hacks, people who, Nicholls alone excepted, were openly showing that they knew nothing at all about the Poor Law problem, and, if possible, knew even less about the Act! Chadwick's first reaction was a surge of grief and indignation![3]

Senior was at his wits' end when he heard the Cabinet's decision. He himself had been offered a knighthood for his services, and here was Chadwick not even allowed to administer the Act. What sort of future would it have if Chadwick were not there to guide its workings? Lord Althorp also grew vaguely troubled, when it dawned on his rather slow intelligence that pedigrees had had rather too much of a field day, and that in quest of respectability, the Cabinet had excluded capacity. Evidently Chadwick must help carry out that Act, in its first stages at least. But what could he do, he lamented to Senior and through Senior

[1] Cf. *History of The Times*, vol. ii, p. 552.
[2] Edwin Chadwick to Spencer, 8th May 1841; and Spencer to Edwin Chadwick, 8th May 1841.
[3] Edwin Chadwick's Remonstrance to Lord Althorp, 30th July 1834.

to Chadwick : the Cabinet had claims to meet, it was bound to appoint the men it had for 'Party considerations' ; and when they had concluded all the places were filled up ! If only there had been four Commissioners, he lamely explained, then how easy it would have been to appoint Chadwick to the fourth place ! Poor Althorp : he really did mean what he said, and in his sudden excess of sorrow and his realization that the Act could not work without Chadwick's help, he quite forgot his own share in the scramble for places. But, he weakly asked : couldn't Chadwick come in in some left-handed way, as a Secretary say, with special powers—a kind of Secretary to the Admiralty whose Board did not meet ; could he not, in any case, come in as a Secretary, but with an equal say in administration as the others ? [1]

Chadwick would not hear of it. He had had enough of insults. All his friends agreed that he had no choice but to refuse. He sat down and for Althorp's benefit composed an enormous remonstrance of twenty-six foolscap pages, in which indignation at the affront mingled with calculated argument as to the impossibility of a Secretary carrying equal weight with Commissioners. In any case, he concluded, he did not intend either to see others praised for his actions or himself blamed for theirs.[2]

Althorp was more perplexed and helpless than ever. He asked Chadwick to meet him personally and talk the matter over. Everything he could say to convince Chadwick he said, every blandishment that might flatter him, he used. He admitted that the Commissioners were Party appointments, that such patronage was forced upon the Cabinet. If there had only been four places instead of three, he begged Chadwick to believe him, Chadwick would certainly have been appointed. If he consented to act as Secretary, why, would he not be next in line of promotion, and in any case he could act as a 'fourth Commissioner' rather than as a Secretary. He would have full liberty—yes, full liberty to 'make representations' in cases of 'adequate importance'—indeed Chadwick must see that as Secretary he would actually have a 'larger share in the execution of the measure than any single Commissioner could have'. Chadwick remained unconvinced,[3] but he began to weaken. He had high hopes of the Act, a great vision of what it could accomplish, he was on fire to help carry it out, and terrified that lax administration would ruin it. Nassau Senior

[1] E. Chadwick, Memo. to Spencer, N.D., 1841. Earl Spencer to E. Chadwick, 8th May 1841. N. W. Senior to E. Chadwick, 5th February 1837. E. Chadwick, *First Vindicating Letter to Sir G. Grey*, 21st June 1847.
[2] Remonstrance to Lord Althorp, 30th July 1834.
[3] As in note 1, and also Senior to Edwin Chadwick, 5th February 1837.

played on his sense of social duty, called in question his public spirit, badgered him and said (what was true enough) that the Act could not work without his help. And in the end, hurt, very suspicious and full of foreboding, Chadwick assented. He would act as Secretary.[1]

He made it clear however that he acted rather in the spirit of self-sacrifice than of private gain. He took Althorp's suggestions as a promise that he was to act as fourth Commissioner and that he was next in the line of promotion. As he understood it, Althorp's remarks were a promise entered into by the Whig Cabinet.

Dining some nights later with Lefevre, his protégé, and with Nassau Senior, Althorp held forth on the arrangements. 'I conceive', said Senior, 'Chadwick to be placed in the Commission rather as fourth Commissioner than a Secretary'. Althorp did not hesitate to agree. In this way Lefevre got to know of what had occurred : but of that dinner party he kept silence. No minute was ever made of Althorp's promise to Chadwick, and the terms in which he had defined the Secretaryship were never put into writing. The offer, and the terms, were made not only without the consent of the Cabinet but even without its knowledge ! Nicholls and Frankland Lewis were never told the special status of their Secretary. Chadwick had fallen into a trap.[2] As Nicholls, fresh from hearing Melbourne confirm his appointment, rushed out of the Prime Minister's study, he ran up to Chadwick, pressed him warmly by the hand, and said how delighted he was to serve with him. T. F. Lewis followed him, with cold hauteur and with Melbourne's last words ringing in his ears—'Beware of theory and speculation ; in you I have confidence, you are a man of business—but there are others, others who were connected with the Commission of Enquiry, in whom I have not the same confidence.'[3] Disdainfully, Lewis remarked his Secretary : and then, drawing himself up to his full height, turned away Pecksniff-like, to order mahogany tables and plush chairs for the Commissioners' offices, and for the Secretary's—cane-bottom chairs and tables of plain deal. . . .

[1] Senior to Edwin Chadwick, 5th February 1837.
[2] Edwin Chadwick to Spencer, 8th May 1841.
[3] Edwin Chadwick to Spencer, 8th May 1841.