

*Sir Edwin Chadwick*

time a legislative problem was thoroughly and scientifically tackled."

The Act was largely Chadwick's work. It had its faults, it had its limitations: but the good it did was the result of his tireless labour.

## CHAPTER IV

### THE FIRST FACTORY COMMISSION

CHADWICK'S connection with the early factory legislation was brief but important. Whilst still a member of the Poor Law Commission he was appointed in April, 1833, to a Royal Commission "to collect information in the manufacturing districts with respect to the employment of children in factories, and to devise the best means for the curtailment of their labour."

Before the work of this Commission can be discussed, it is necessary to make a short survey of the conditions of labour prevalent before 1833.

The first factories, which had been run by water power, were usually situated near running streams in remote districts in the North of England, and had been worked by pauper children sent up from London and

*Sir Edwin Chadwick*

the South of England. These children were working fourteen hours a day for six days a week. They were being treated worse than slaves. They often began work at six years of age. At thirteen they were deformed for life. They were beaten by the overlookers if they went to sleep at their work. During their fourteen hours labour they were allowed one hour for rest and refreshment, during which time they were expected to clean the machinery. Often they lived considerable distances from their work. This necessitated their getting up and being dressed at three o'clock in the morning, and it would be eleven o'clock before, after having their food, they could be got to bed. They would fall asleep with food in their mouths. They would have to be carried, or helped to the mill, too tired to walk by themselves. Their wages were three shillings a week with seven pence halfpenny overtime when the mill was working long hours, and the owners expected them to lay out part of their wages under the "truck" system. The children were forced to work these overtime hours or else be dismissed from the factory. When they were injured or incapacitated

*The First Factory Commission*

the wages were stopped at once; indeed if the accident occurred in the early part of the day the wages were stopped at half or quarter day as the case might be.

Very much the same conditions prevailed in the coal mines. Here there were numerous cases of women actually hewing coal, and persons of both sexes whose ages ranged from seven to twenty-one were employed in the pits, filling the tubs with coal. This work was usually performed in almost complete darkness, so that during the winter months many of the children never saw daylight except on Sundays and other pit holidays. The hours of their daily work were never less than eleven and in some districts more. The men worked naked and the women naked to the waist.

These details of child labour are given as examples of what was quite frequently found in the factories. They are an indication of the inhuman depths to which factory employers and coal-owners had sunk.

It was an age of callous indifference. The demand for the newly manufactured goods was so great that the conditions of the labourers employed in making them

mattered nothing. The employers, in their haste to produce the goods, seemed to lose all sense of their responsibility to the men, women and children they employed. Ideas of a moral conscience were buried deep under such sentiments as "it is better surely to work hard than to starve" and "the industry will be ruined if the hours of work are shortened."

Petitions to the House of Commons were of no avail. The House would appoint a Committee to investigate the alleged grievance. The artisans wanted a strict enforcement of the Elizabethan Apprentices Laws limiting the number of apprentices the employer might employ. . . . "But the large employers would produce before that Committee an overwhelming array of evidence proving that without the new machinery their growing export trade must be arrested; that the new process could be learnt in a few months instead of seven years. . . . Confronted with such a case as this for the masters even the most sympathetic Committee seldom found it possible to endorse the proposals of the artisans. The artisans . . . mistook the remedy; and Parliament, though it saw

the mistake, could devise nothing better. Common sense forced them to take the easy and obvious step of abolishing the mediæval regulations which industry had outgrown. But the problem of the workers' Standard of Life under the new conditions was neither easy nor obvious, and it remained unsolved until the nineteenth century discovered the expedients of Collective Bargaining and Factory Legislation."<sup>1</sup>

To alter the demoralizing conditions injurious both to the physical and moral health of the workpeople the first Factory Act was introduced and passed into law by Sir Robert Peel senior in 1802. This Act, however, only applied to apprentices. At the time it was passed through the House of Commons the Apprentices Law of 1563 had not been repealed. (It was repealed in 1814.)

The discovery of steam power created a fresh problem. The factories could now be worked in and near the large towns. The employers employed "free" labour. The hand loom weavers hated the new machinery and at first refused to send their children

<sup>1</sup> S. and B. Webb's *History of Trade Unionism*, 1666-1920.

*Sir Edwin Chadwick*

to the towns, but as steam power developed the hand weavers were forced to capitulate. The free labour children went through the same hardships as the apprentices had done before them.

The Act of 1802 "enacted that all and every the rooms and apartments in or belonging to any such mill or factory shall, twice at least a year, be well and sufficiently washed with quick lime and water." In dealing with the hours of labour it "enacted that no apprentice . . . shall be compelled to work more than twelve hours a day. . . . No apprentice shall be . . . compelled to work . . . between the hours of nine of the clock at night and six of the clock in the morning." But the most important clause in the Act was that the Justices of the Peace were to "appoint two persons, not interested in, or in any way connected with, any such mills or factories, to be visitors . . . one of whom shall be a Justice of the Peace and the other shall be a clergyman of the Established Church." Thus for the first time the State interfered with the running of industry in the form of inspectorship, but the principle of Government interference through authorized factory

*The First Factory Commission*

visitors was evaded and became a dead letter. The Act was nevertheless an important move forward along the road of more humane measures for the workers. It brought down the hours of labour to twelve a day (six in the morning till nine at night), although it excluded the time occupied by the apprentices for meals. Nightwork was abolished, although the apprentices were allowed to sleep two in a bed. Apprentices were to be taught the three R's during some part of every working day, and they were to be instructed in the Christian religion every Sunday, and were to attend divine service once a month. It is curious with what anxiety the Established Church cared for the souls of the apprentices whilst they left their unfortunate bodies to be cared for by the tender mercies of the new *entrepreneur*. Apparently it was more important to teach Christianity to an unfortunate child working seventy-two hours a week than to lift so much as a finger to protest against the conditions which made him bow-legged and deformed before he had reached adolescence.

The Act met with the intense opposition of the factory owners, but when they realized

*Sir Edwin Chadwick*

that it was simple to evade, they merely ignored it.

But what was happening to the factory hands was far more serious. By the Act which abolished the Statute of Apprentices the relation between the employer and employee was revolutionized. The worker was being transformed into a mere cog in the machine of industry—to be bought just as any other part of the machinery was to be bought. The ownership of the means of production was being taken out of his hands. The capitalist was becoming the owner, and the workers “passed into the condition of lifelong wage-earners, possessing neither the instruments of production nor the commodity in its finished state.”<sup>1</sup> As a result of this repeal the great war—the war between the employer and the labourer—which had been in progress for centuries in some form or another, assumed a new form, fanned to new vigour by the new circumstances. The Trade Union idea of securing and maintaining better conditions of labour for the workers was enormously strengthened. A

<sup>1</sup> S. and B. Webb's *The History of Trade Unionism*, 1666-1920,

*The First Factory Commission*

new era of State intervention in industry was made inevitable. The Right of Combination, Collective Bargaining, Collectivism and a whole new code of observances between the employer and his workman—all these making up the prelude to Democracy—start with the close of the Industrial Revolution.

The first fifty years of the nineteenth century contain all the germs of our modern society. Minute examination of practically all those problems which may essentially be termed home problems will reveal roots deeply buried in this period. This early factory legislation, although it forms only one of the many facets of this half of the century, is of vast importance, for from it springs the whole of the modern system of regulations which functions throughout the factory life of the present day.

In 1815 Sir Robert Peel again introduced a Bill to abolish the employment of children under ten years of age and to limit the hours of work to ten per day. This Act was to apply to all child labour, free and apprenticed. But the Bill met with opposition and a committee was appointed to hear evidence from all sides—excluding, of course, the workers. Eventually the Cotton

*Sir Edwin Chadwick*

Factory Act of 1819 was passed. This Act was stillborn. It prohibited the employment in cotton factories of all children under nine, and limited their working hours to twelve. It contained the usual clause about washing the interiors of the workrooms with quick lime and water twice a year. Of effective inspectorship there was none: the Act was useless in consequence, and conditions were left untouched.

The Reform Bill controversy was the absorbing political topic of the time, but much quiet agitation was going on in the North of England for factory reform. On 29th September, 1830, Richard Oastler, whose impetuous nature and large heart makes him a lovable figure, wrote his famous letter to the *Leeds Mercury* in which he fiercely attacked the indifference of the country towards the question of factory legislation. After a vigorous onslaught on the anti-slavery party for their callousness in regard to the "innocent victims" in the worsted mills as opposed to their grand championship for "negro liberty," Oastler ends with an appeal to the British nation. "Thousands of little children," he writes, "both male

*The First Factory Commission*

and female, but *principally female*, from SEVEN to fourteen years, are daily *compelled to labour* from six o'clock in the morning to seven in the evening with only—Britons, blush whilst you read it!—*with only thirty minutes allowed for eating and recreation*. . . . If I have succeeded in calling the attention of your readers to the horrid and abominable system on which the worsted mills in and near Bradford are conducted, I have done some good."

Immediately after the publication of this letter there grew up a strong agitation headed by men not drawn from the ranks of the workers, but Tory philanthropists such as Michael Sadler and Lord Shaftsbury; master spinners such as John Fielden and John Wood; and divines such as J. R. Stevens and G. S. Bull.

In Michael Sadler the movement found a strong, if somewhat hot-headed leader, and he soon introduced in the House of Commons the Bill which led to the Ten Hours Movement. By this Bill Sadler proposed to prohibit all employment of children under nine, and limited the work to ten hours a day for all between the ages of nine and sixteen. The Bill was defeated but it had

*Sir Edwin Chadwick*

the effect of forcing the Government to appoint a committee over which Sadler himself presided. This time workmen gave evidence. The report, which appeared in 1832, disclosed a deplorable state of affairs and proved beyond question that the agitation from the North had a strong, indeed an unanswerable case. In the meantime in the first reformed Parliament Sadler lost his seat, and the leadership of the agitation in the House of Commons fell into the hands of Lord Ashley, afterwards Lord Shaftesbury. Early in 1833 he reintroduced Sadler's Bill with slight alterations and additions. Though not thrown out it was allowed to lapse, and a Government Commission was appointed, the terms of which have already been given. It was to this Commission that Chadwick was appointed, together with Thomas Tooke and Doctor Southwood Smith.

The Commissioners went to work in the same way that the Poor Law Commission had done. They appointed Assistant Commissioners, and themselves sat in London and received reports. So well and with such energy did the Commission proceed with its work that the report was presented

*The First Factory Commission*

in August, 1833, only six weeks after its appointment.

The leaders of the agitation were furious that Ashley's Bill had been defeated by what they considered to be a mere manoeuvre on the part of the Government in appointing a Commission. The Assistant Commissioners had a difficult task to perform in the most trying circumstances, for they had to face the hatred of the employers and the mistrust of the workers.

The report when issued was sane and non-sensational. Like everything handled by Chadwick, it was a masterly exposition of the facts. The Commission looked at the question of employment of child labour from a highly scientific plane. They ignored the emotional appeal of Oastler and Sadler, whose arguments on grounds of pity were invariably answered by the retort already mentioned: "It is better to work twenty-three hours a day than to starve." Chadwick's scheme was to approach the problem not so much from the point of view of morality as from that of expediency: whether, that is to say, it was better to work children for such hours as to invite their becoming, through ill-health, inopera-



*Sir Edwin Chadwick*

tive, or to work them fewer hours and keep them at the factories.

The report of the Commissioners, therefore, followed a different line of thought than had hitherto been suggested. They urged that no children under nine years of age should be employed in the factories; that between the ages of nine and thirteen they should not be employed on night work, and that between these ages they should not work more than eight hours a day; that a regular institution of whole time Government inspectorship should be adopted; that children should be sent to school for three hours daily; finally they inserted a clause regarding the liability of employers for accident from faulty construction of factories or from bad machinery.

Meanwhile Ashley's Bill for an all-round ten hours' working day had been going its normal course through the House of Commons. But when the report of the Commissioners was issued, Lord Althorp, as leader of the House, defeated the Bill by substituting the ages and hours suggested by the Commissioners in their report for those suggested by Lord Ashley.

Lord Althorp then introduced his Factory

*The First Factory Commission*

Bill of 1833 which was based to a large extent on the report issued by the Commissioners. It is true it lacked the foresight, spirit and boldness which Chadwick had put into the report, but it contained the education clause, the hours clause, the age clause and most important of all the inspectorship clauses.

Thus was passed into law the first real Act of State regulation. It had been passed reluctantly by the Government, whose hands had been forced by their own Commission; with bitterness and opposition by the reformers, who wanted the Ten Hours Bill restricting the hours of labour for the adult as well as the child; and with relief by the factory owners who dreaded that Ashley's Bill would be passed into law.

But the three chief protagonists themselves failed to see what really had been done. Chadwick and his fellow Commissioners had not been over merciful to the factory children. Indeed judged on modern standards they were brutal. They had not started a crusade for education. Three hours a day with an eight hour working day for children between the ages of nine



*Sir Edwin Chadwick*

and thirteen would be rightly ridiculed by modern educationalists. But they had done something far more important than this. By instituting a proper and powerful system of Government inspectorship they had driven the first nail into the coffin of *laissez faire*, and instead of mourning its demise they had begun to build the bridge which was to lead to Collectivism. The Bill registered a precedent. "Freedom of contract" had been the cry of the followers of Adam Smith. "The greatest happiness of the greatest number" had been Bentham's slogan. But Chadwick, who defined *laissez faire* as "the term applied in political economy to the relief from obstruction to interchange or to the freedom of transit," saw that this philosophy could be carried to extremes. He saw the necessity for Government interference in the everyday lives of the people: for without this the phrase "relief from obstruction" would be used for the absolute destruction of those whose entire livelihood tended more and more to depend upon the production of wealth over which they had no control.

"The effects," wrote the Commissioners in their report, "of factory labour on

*The First Factory Commission*

children are both immediate and remote: the immediate effects are fatigue, sleepiness and pain; the remote effects—such at least as are usually conceived to result from it—are deterioration of the physical constitution, deformity, disease and deficient mental instruction and moral culture." If then "relief from obstruction" in trade and commerce was to lead to "deterioration," "deformity," "disease," Chadwick saw clearly that it was time the State again interfered, not this time to prevent freedom of contract between the producer and consumer at home or abroad but to promote the moral, physical, and mental welfare of the workers employed in producing the nation's wealth.

The State as Chadwick saw it was not omnipotent, but neither were the factory owners. The Commissioners in their report refrained from casting a slur on the factory owners in particular. "It is on evidence," runs their report, "that boys employed in collieries are subjected at a very early age to a severe labour, that cases of deformity are more common, and accidents more frequent amongst them than amongst children employed in factories." It was