

The Coal Mines Act of 1842, Social Reform, and Social Control

Author(s): Alan Heeson

Source: *The Historical Journal*, Vol. 24, No. 1 (Mar., 1981), pp. 69-88

Published by: Cambridge University Press

Stable URL: <https://www.jstor.org/stable/2638905>

Accessed: 04-02-2019 17:06 UTC

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



Cambridge University Press is collaborating with JSTOR to digitize, preserve and extend access to *The Historical Journal*

THE COAL MINES ACT OF 1842, SOCIAL REFORM, AND SOCIAL CONTROL

ALAN HEESOM

University of Durham

Oliver Macdonagh's 'model' for social legislation in the mid-nineteenth century is, after more than twenty years, a familiar one. It requires the exposure of a social evil, preferably in sensational terms, which sets in motion 'an irresistible engine of change'. The increased scale of industrial processes, coupled with the 'widespread and ever-growing influence of humanitarian sentiment', and stricter views of sexual morality and 'decency' combined to put pressure on legislators to assume new social responsibilities. This pressure, it has been said, frequently owed its origin to a pervasive Christianity, or at least to the work of churchmen, while legislation rested less on philosophic foundations than on forces which, if not inevitable, were at least inherently probable in the context of Victorian social and political life – in short, were part of a 'self-generating' process.¹

At first sight, Lord Ashley's Coal Mines Act of 1842 seems to be a perfect example of Macdonagh's 'model' in operation, at least in what he calls its 'first phase'. Public opinion was aroused, an evil was exposed, and a legislative remedy propounded which, on representation from vested interests, was compromised. Legislation was finally passed which established a precedent, and paved the way for future government control. The inspiration for the reform came from an undoubted humanitarian, who was supported by churchmen like the bishops of Norwich and London. Ashley stressed that the Coal Mines Act was the next in a series of measures, a chain of legislative procedures which, if not inevitable, certainly contained an impetus of their own.²

Yet the Act, although in many ways it approximates to Macdonagh's 'model', is not the perfect fit that it might, at first sight, appear. Conversely, it is not, in spite of the provision in the Act of a limited inspectorate, a noticeably Benthamite piece of legislation. Arguments from the classical economists were deployed on both sides in the debate on the Bill, while the

¹ O. Macdonagh, 'The nineteenth century revolution in government; a reappraisal', *Historical Journal*, 1 (1958), 52–67. Macdonagh, *A pattern of government growth 1800–1860* (London, 1961), p. 16. For a recent summary of the debate provoked by Macdonagh's work see V. Cromwell, *Revolution or evolution; British government in the nineteenth century* (London, 1977).

² O. Macdonagh, 'Coal mines regulation; the first decade, 1842–1852', R. Robson (ed.), *Ideas and institutions of Victorian Britain* (London, 1967), pp. 58–86. A. J. Taylor, *Laissez-faire and state intervention in nineteenth-century Britain* (London, 1972), pp. 57–8.

humanity of the Act was called in question not simply by the ‘absurd arguments’ of vested interests and obscurantism. If religious forces lay behind the Act they were not, or at least not exclusively, the forces of a simple pervasive Christianity, but more subtle manifestations of mid-nineteenth century Christian thought. One motive – perhaps the main one – of those who favoured the Act was to use the opportunity afforded by removing children from the mines to give them that sort of Christian education that would make them accept their station in life, coupled with a general education which would make them understand the delusory nature of radical political panaceas. In short, the Act was an exercise in what has been termed ‘social control’. The Coal Mines Act of 1842 was the product of a more complex motivation, both among its protagonists and opponents, than might be implied by Macdonagh’s ‘model’, and the complexity of this one piece of legislation perhaps reinforces his view that a more extended study needs to be made of the whole process of the development of the Victorian administrative state.³

I

‘Only let us exhibit these evils’, said Ashley, when moving the establishment of the children’s employment commission, and ‘I am sure that the exhibition of the peril will terrify even the most sluggish and the most reluctant into some attempt at amendment’. Ashley knew exactly what he was doing; ‘my object’, he said, ‘is to appeal to and excite public opinion’. He was well aware of the value of propaganda, and regarded publicity, particularly in the press, as an essential instrument in his campaigns. ‘A man having neither an official station, nor a party to back him’, he wrote, ‘cannot, humanly speaking, afford to lose the assistance of the newspapers.’ Since Ashley claimed, somewhat smugly, to have forfeited all claim to official station by his campaign for factory reform, and as he was clearly suspicious of the motives of the leaders, at least, of his own Conservative party, Ashley believed that without the support of public opinion he would be unable to carry ‘one particle’ of his proposed Bill.⁴ In 1845, lamenting that his only success had been in excluding women from collieries, and that nothing had been done, ‘or rather, everything had been left undone’ in other trades into which inquiry had been made, Ashley explained,

they have not had the advantage of public opinion being awakened in their favour; that public opinion which has such powerful influence when brought to bear in other cases, has been of no advantage to those on whose behalf I have ventured to come forward.⁵

³ Macdonagh, *Government growth*, p. 16.

⁴ 3 *Hansard*, LV, 1273–4. Ashley’s diary, 13 July, 31 Dec. 1842, E. Hodder, *The life and works of the seventh earl of Shaftesbury* (London, 1887), I, 430, 432. N. Gash, ‘Ashley and the Conservative party in 1842’, *English Historical Review*, LIII (1938), 679–81. Cf. Ashley’s comment, ‘sure I am... that I have got more from the whigs than I shall ever get from my own friends’. Hodder, *Shaftesbury*, I, 329.

⁵ 3 *Hansard*, LXXVII, 639–40.

When the first report of the commissioners was published in 1842 it fully justified Ashley's hopes and intentions. Robert Fergusson, reviewing the report in the *Quarterly*, correctly surmised that the report was issued 'for the purpose of letting the public know the true condition of the mining population', and thus 'forcing, by the weight of opinion', some amelioration. The three 'ponderous volumes', claimed the *Quarterly Review*, disclosed 'modes of existence as strange and as new as the wildest dreams of fiction. The earth seems now for the first time to have heaved from its entrails another race, to astonish and move us to reflection and to sympathy'. The *Morning Chronicle*, whose support Ashley found 'most effective', summed up reaction when it wrote that the report 'almost resembles a volume of travels in a remote and barbarous country'. The public, said the *Chronicle*, 'has scarcely known more of the living than of that of the dead beneath the surface of the earth'.⁶

Not merely did the report thus expose a social evil, but, either by accident or by design, those who compiled the report and its two appendixes of evidence provided that sensationalism which, according to Professor Macdonagh, was an important stimulus to public and parliamentary activity. The report, as the *Times* pointed out, contained several woodcuts 'illustrative of the horrible and degrading labours' to which pit women and children were subject.⁷ And these woodcuts, presented, as one sub-commissioner wrote, 'to convey to others impressions which ocular inspection had given to myself', produced a sensational impact.⁸ The *Quarterly* spoke of the 'terrible' woodcuts, and Lord Londonderry, the leading opponent of the Bill, correctly diagnosed their effect. The illustrations, which he characterized as in some cases of a 'scandalous and obscene' nature, and the 'most disgusting ever seen', were 'more calculated to excite the feelings than to enlighten the judgement'.⁹ And, once public feeling was excited, a clamour for action followed. 'How came it that this great mania arose', asked Londonderry, and answered:

most assuredly from the exaggerated report of the commissioners, and the disgusting pictorial woodcuts with which they had embellished their report. These prints were seen in the *salons* of the capital [and] the ladies were all enlisted in the cause of their own sex, thus represented in so brutal a manner.¹⁰

In spite of Londonderry's reaction, Ashley claimed that it was impossible for anyone, 'whatever his station', to read the 'awful details' of the report 'without a combined feeling of shame, terror, and indignation'. The evils revealed by the commissioners, said Ashley, were

⁶ R. Ferguson, 'Colliers and collieries', *Quarterly Review*, LXX (June 1842), 159. *Morning Chronicle*, 10 May 1842. Ashley's diary, 14 May 1842; Hodder, *Shaftesbury*, I, 418.

⁷ *The Times*, 29 April 1842.

⁸ *C[hildren's] E[mployment] C[ommission, first report], appendix part II* (Parl. Papers, 1842, xvii), 159-61. Cf. Celina Fox, 'The development of social portraiture in English periodical illustration during the 1840s and early 1850s', *Past and Present*, no. 74 (1977), pp. 94-9.

⁹ Ferguson, 'Colliers and collieries', p. 194. 3 *Hansard*, LXIV, 539; LXV, 117.

¹⁰ C. W. Vane, marquess of Londonderry, *A letter to lord Ashley on the Mines and Collieries Bill* (London, 1842), p. 29.

both disgusting and intolerable – disgusting they would be in a heathen country, and perfectly intolerable they are in one that professes to call itself Christian.

These sentiments of the tory Ashley were echoed from the other side of the house by a radical Joseph Brotherton; ‘no one could imagine’, he claimed, ‘that such practices could have taken place or been tolerated in a Christian land’.¹¹ Here, apparently, is a classic example of ‘intolerability’, that ‘master card which no wall of either doctrine or interest could permanently withstand’.¹² Once the intolerable evil was exposed, legislation followed. ‘An enormous mischief is discovered’, proclaimed Ashley, ‘and an immediate remedy is proposed’.¹³

This was not simply, as has been claimed, tautological.¹⁴ The evil had been tolerated in the past, by both politicians and coal owners. ‘The legislature of past years has undoubtedly been to blame’, said the *Quarterly*, ‘in taking no cognizance of such a state of things as is now exhibited’. But it was precisely the exhibition of the state of things that made it intolerable, and in Ashley’s mind, at least, this exposure had been deliberate. Even if the Huddersfield surgeon who confessed that, though living within a few miles of the pits, he ‘could not believe that such a system of unchristian cruelty could have existed’, is taken as a credible witness, or if Christopher Turner, M.P. for Truro, was, as he claimed, genuinely ‘astounded’ at the disclosures, others, both in the mining districts and at Westminster, were more aware of conditions – in short, had tolerated them – until Lord Ashley, through the report, forced ‘society at large to attempt an amelioration’.¹⁵ As far as the condition of women and children in the pits was concerned, ‘intolerability’ had to be created; it was not simply the process of ending a long-tolerated practice.¹⁶

Jennifer Hart is, of course, correct when she claims that what was intolerable to some was still tolerated by others.¹⁷ Ashley himself, before the report appeared, was prepared to base his case on the unnecessary, rather than the intolerable aspects of the employment of children. The question, he wrote in 1840,¹⁸

is not whether the children of the poor may not with perfect propriety with advantage to their parents and themselves, be employed to a certain extent in the labour of looms and shops. No doubt they may – but can it be pronounced necessary to our social welfare, or national prosperity...?

And Ashley confirmed to the House of Commons that the condition of the children in the pits of the north-east, which the Hammonds, three-quarters of a century later, found intolerable, were to him quite acceptable. If the great

¹¹ 3 *Hansard*, LXIII, 1321, 1326–7, 1362.

¹² Macdonagh, ‘Revolution in government’, p. 58.

¹³ 3 *Hansard*, LXIII, 1321.

¹⁴ J. Hart, ‘Nineteenth century social reform; a tory interpretation of history’, *Past and Present*, no. 31 (1965), p. 49.

¹⁵ Ferguson, ‘Colliers and collieries’, p. 159.

¹⁶ 3 *Hansard*, LXIII, 1327, 1359.

¹⁷ Hart, ‘Tory interpretation’, pp. 49–50.

¹⁸ Lord Ashley, ‘Infant labour’, *Quarterly Review*, LXVII (Dec. 1840), 175.

coal owners of the north had been the only parties with whom he had had to deal, Ashley said, the necessity for his Bill 'would, perhaps, not have existed'.¹⁹ Intolerability was, even to Ashley, a relative quality.

Jennifer Hart is right, too, to warn against the assumption that a pervasive humanitarianism acted as a stimulus to social legislation.²⁰ Ashley's fear that the northern coal owners would attempt to throw 'the mantle of their comparative merit over the enormities of general practice' confirms the idea that there were those to whom a humanitarian appeal was in vain.²¹ John Buddle, Lord Londonderry's agent, was scathing in his condemnation of the humanitarians' pretensions; commenting to his employer on press reports of the speeches of coal-owning M.P.s in the debate when Ashley's Bill was introduced, he wrote:

Mr. Lambton's speech is very fair, but seemingly delivered under feelings of constraint and apprehension of the morbid and too squeamish feelings of the *cant-cry* of humanity... Lord F. Egerton's and the other speeches appear to me to be all of the same cast – all surrendering to, and pandering to this humanity deity, or demon, I don't know which to call it.

Yet Buddle, who did not share it, nevertheless recognized that the humanitarian impulse had 'become the fashion of the day'.²² When his Bill was introduced, politicians from all sides joined in praise for Ashley, and demand for action. Brotherton, acknowledging that he was usually opposed to Ashley, suggested that 'no consideration of party or politics' should take credit away from the latter's endeavours. Joseph Hume who, when Ashley had moved for the appointment of the commission, had been unable to resist pointing out that Ashley was one of those who 'limited the supply of bread to the working classes', now joined in the general praise.²³ To the surprise of the *Quarterly Review*, which confessed it was 'not prepared for, and therefore most highly gratified by the unanimity' shown in the House of Commons, liberals like Fox Maule or H. C. Ward joined tories like Sir Robert Inglis and J. S. Pakington in support of the proposed legislation.²⁴ It is difficult to read the speeches they made without concluding that a shocked reaction to the disclosures made in the report and emphasized by Ashley had touched a humanitarian chord, and evils which before had been unacknowledged or even tolerated became unacceptable to the humanitarian conscience.

That Ashley's motives were not only humanitarian, but religiously inspired,

¹⁹ 3 *Hansard*, LXIII, 1323. J. L. and B. Hammond, *Lord Shaftesbury* (London, 1923), pp. 77–8.

²⁰ Hart, 'Tory interpretation', pp. 50–1.

²¹ Ashley's diary, 1 June 1842, Hodder, *Shaftesbury*, I, 420.

²² Buddle's 'comments on lord Ashley's speech on labour in mines', N[ational] C[coal] B[oard] papers, Durham County Record Office, NCB 1/JB/1788.

²³ 3 *Hansard*, LV, 1278; LXIII, 1362. Ashley recorded that 'even Joseph Hume was touched'; Hodder, *Shaftesbury*, I, 422.

²⁴ Ferguson, 'Colliers and collieries', p. 194. W. O. Aydelotte, 'The conservative and radical interpretations of early Victorian social legislation', *Victorian Studies*, XI; (Dec. 1967), 225–36, points out that the divisions on the Coal Mines Bill were too small to be statistically meaningful in terms of party support, but the debate confirms Aydelotte's view that it was a measure of 'mixed origin'.

cannot be doubted by those who read his diary, however distasteful the language in which he expresses his religious beliefs may be to a modern reader. But the diary also discloses how disillusioned Ashley was by the degree of support he received from churchmen; 'sinners', he wrote, supported him, 'saints' opposed; while the secular public was 'doing wonderfully' in his support, Ashley had grave doubts about 'the religious public, as it is termed'.²⁵ His view of the support he received lends support to Mrs Hart's interpretation, rather than to Dr Kitson Clark's assertion that 'people were as often as not moved by men appealing to the sanctions of the Christian religion'.²⁶ Certainly it was on churchmen that Ashley felt he *should* be able to rely; but he was sadly disappointed. 'To whom should I have naturally looked for the chief aid?' he asked:

Why, undoubtedly to the clergy, and especially those of the trading districts. But quite the reverse; from them I have received no support, or next to none; one or two, in their individual capacity, have given me encouragement, and wished me God speed; but, as a body, or even numerously, though singly, they have done, are doing, and will do nothing.²⁷

The bishops of Norwich and London had been amongst the first to call for action when the report was published, and the former's comments on the northern coal owners so offended Lord Londonderry that he determined to 'set this bishop on the floor', and, with the encouragement of the duke of Wellington, sought evidence from the coal trade office in Newcastle with which to refute the bishop.²⁸ When the coal mines Bill came to the House of Lords, however, the bishops let Ashley down. Only Gilbert of Chichester joined Stanley of Norwich in supporting the Bill, though Monk of Gloucester, who arrived late, was sympathetic. But Archbishop Howley of Canterbury and Bishop Blomfield of London, to Ashley's disgust, went away.²⁹

More relevant, perhaps, than the part played – or rather, not played – by churchmen, was the question of 'decency'. It has been claimed that the public 'was offended by the immorality, even more than by the cruelty' disclosed by the commissioners' report.³⁰ Ashley told the Commons that the commissioners had felt unable to 'commit to print for general circulation' all the alleged indecency they had discovered; they had not 'by any means' told the worst

²⁵ Ashley's diary, 23 June 1842, Hodder, *Shaftesbury*, I, 426. Ashley's diary, 16 May 1842, G. F. A. Best, *Shaftesbury* (London, 1964), p. 86.

²⁶ Hart, 'Tory interpretation', pp. 54–5. G. S. R. Kitson Clark, *The making of Victorian England* (London, 1962), p. 20.

²⁷ Ashley's diary, 5 Jan. 1841, Hodder, *Shaftesbury*, I, 325–6.

²⁸ Londonderry to Buddle, 12 May 1842, NCB papers, NCB I/JB/1781. Wellington to Londonderry, 12 May 1842, Londonderry papers, Durham County Record Office, D/Lo/C 113 (202). Londonderry to R. W. Brandling, coal trade papers, Northumberland County Record Office, coal trade united committee minutes, 1840–4, p. 166b. 3 *Hansard*, LXIII, 196–9.

²⁹ Ashley's diary, 26 July 1842, Hodder, *Shaftesbury*, I, 431.

³⁰ E. Halévy, *History of the English people in the nineteenth century* (London, 1961), IV, 27. Cf. Radnor's statement, 'it seemed to him that the chief argument in favour of this bill was not the hardship of the system, but its indecency', 3 *Hansard*, LXV, 584–5.

of the story. That women drank, swore, and worked naked in the pits; that they were believed to be sexually immoral; that they were thus deemed unsuitable for marriage, and indeed unfit to be wives and mothers was the burden of Ashley's complaint.³¹ As with other allegations in the report, these assertions did not go unchallenged. John Buddle complained that 'the indecent exposure of the women in Scotland is to my personal knowledge and observation essentially untrue. . . In all my experience I never witnessed a single instance of it'.³² Radnor, in the Lords, produced evidence to support Buddle's claim, but observed that 'if they began to legislate for the purpose of checking what was indecent and indecorous, they might cut out for themselves more work than they would be able to perform'. Were they, he asked, to pass legislation to control the building of cottages where 'the sexes mingled indiscriminately above the earth, as well as in the coal pits under it?'.³³ Decency, like humanitarianism, was not a simple touchstone.

Even Lord Londonderry, however, referred to the 'inhuman practices' described in the report,³⁴ while his agent, John Buddle, was clearly as incensed as others, apparently more humane, at some of the disclosures. On the question of the employment of pauper apprentices, for instance, he asked:

what have the magistrates in the counties where this practice prevails been about to permit it? They have either been ignorant of, or neglected their duty – or connived at the abuse. And what have the guardians been about to permit the cruelties described . . . to pass with impunity to the ruffians who inflicted them?³⁵

But if both Londonderry and Buddle showed slight signs of sympathy to the cause of reform, they nevertheless worked hard against the proposed Bill. Though Macdonagh unjustly accuses Londonderry of denying, and inducing Buddle to deny, that the coal owners accepted a compromise agreement with Ashley,³⁶ he could justifiably point to Londonderry and his fellow-owners as an example of that 'endangered interest', bringing its political influence to bear, to secure the relaxation of the more stringent aspects of the proposed legislation.³⁷

It would be wrong to see the opposition of the coal owners as dictated exclusively by naked self-interest, as Mrs Hart seems to imply; nor, as David Roberts suggests, was the tory Lord Londonderry devoid of paternalist feelings.³⁸ Some who were hostile to the Bill, like Londonderry or Fitzwilliam, prided themselves on being good employers, and precisely for this reason

³¹ 3 *Hansard*, LXIII, 1335–6.

³² Buddle's 'comments', NCB papers, NCB I/JB/1788.

³³ 3 *Hansard*, LXV, 585.

³⁴ 3 *Hansard*, LXIV, 539.

³⁵ Buddle's 'comments', NCB papers, NCB I/JB/1788.

³⁶ Macdonagh, 'Coal mines regulation', p. 62. Cf. A. J. Heesom, 'The northern coal owners and the opposition of the Coal Mines Act of 1842', *International Review of Social History* (forthcoming).

³⁷ Macdonagh, 'Revolution in government', p. 58.

³⁸ Hart, 'Tory interpretation', pp. 51–2. D. Roberts, *Victorian origins of the British welfare state* (New Haven, 1960), pp. 60–1. D. Roberts, 'Tory paternalism and social reform in early Victorian England', *American Historical Review*, LXIII (1958), 328–9.

rejected blanket legislation.³⁹ Significantly men like Londonderry or Hatherton came from districts where the employment of women was unknown, and their professions of concern over the need to provide alternative employment for the women were thus not as hypocritical as is usually assumed. Many of their criticisms of the inaccuracies of the report were well-founded, and their charge that the legislation was being pushed through at 'rail-road speed' also had substance. Their fear that inspectors might constitute a sort of official industrial espionage network was a legitimate commercial concern.⁴⁰ In short the coal owners' motives, though undoubtedly largely, if not overwhelmingly, self-interested, were not as straightforward as Mrs Hart seems to suggest, and W. L. Burn's warning against assuming that opponents of reasonable improvement were necessarily 'selfish, or callous, or blind' remains valid.⁴¹

II

Macdonagh has asserted that the major reforming impulse in mining came from accidents, and Mrs Hart is savage in her condemnation of those colliery managers who were apparently so careless of the lives of those under their control.⁴² It is true that there was a seemingly careless attitude to death in the mines, at least as far as the less spectacular accidents were concerned. Thus John Buddle could record that 'no accident of consequence has occurred, except a man being killed',⁴³ or Henry George, a south Wales inn-keeper, could explain to the children's employment sub-commissioner that it was unusual for the coroner to attend to mining deaths 'until there were five or six cases to clear off'.⁴⁴ In Oldham the chief constable reported that 'there are so many killed, that it becomes quite customary to expect such things, and people say 'Oh, is it only a collier?''⁴⁵ But the first intervention by parliament in the mining industry in 1842 was not a reaction to this casual acceptance of the hazards of pit life, nor was it a reaction to the more spectacular explosions which had provoked parliamentary inquiry in the past. Rather the Coal Mines Act was part of that other strand of legislation, which Macdonagh sees as complementary to it, factory regulation. Though the Act of 1842 gave rise to the Coal Mines Act of 1850, it should itself be seen as a sequel to the Factory Act of 1833.

Ashley's opponents were clear that the Coal Mines Act was part of a continuing trend. Londonderry had warned the House of Lords in 1840 that

³⁹ G. Mee, *Aristocratic enterprise; the Fitzwilliam industrial undertakings, 1795-1857* (London, 1975), passim. A. J. Heesom, 'Entrepreneurial paternalism; the third Lord Londonderry and the coal trade', *Durham University Journal*, new series, xxxv (June 1974), 238-56.

⁴⁰ For a more detailed survey of the opposition to the Bill see Heesom, 'Northern coal owners'.

⁴¹ W. L. Burn, *The age of equipoise* (London, 1964), p. 116.

⁴² O. Macdonagh, *Early Victorian government, 1830-1870* (London, 1977), p. 78. Hart, 'Tory interpretation', pp. 51-2.

⁴³ John Buddle's place-book, 1843, Londonderry papers, D/Lo/B 311, p. 14.

⁴⁴ *C.E.C., app. part II* (P.P. 1842, xvii), 552.

⁴⁵ 3 *Hansard*, LXIII, 1334-5.

if they permitted the Chimney Sweeps' Bill of that year to pass 'they must bring in another bill to arrest the employment of children in all other public works of the country',⁴⁶ while his agent feared that if legislation was pushed to the extent some seemed to wish, it would in the end 'deprive us of pitmen, soldiers, sailors and all'.⁴⁷ Londonderry thought the children's employment commissioners had come to their task 'fresh from the factory commission', bringing their 'prejudices' with them, 'with an expectation and desire of finding similar oppression amongst the miners to those which they had found amongst the manufacturing population'.⁴⁸ Ashley, too, was in no doubt about the Bill's place in his scheme of things. Moving the establishment of the children's employment commission in 1840, Ashley had told the Commons that as soon as the factory children were 'safe in harbour' he would turn to a new task;⁴⁹ women and children in mines were but the next step. When the commission reported, he told the Commons that his proposed Bill was 'but part of a large plan',⁵⁰ and reminded them that there were other reports to come. Once the Bill was passed, albeit emasculated by the Lords, Ashley set off in new directions; 'whatever has been done', he wrote in his diary, 'is but the millionth part of what there is to do. The more I labour, the more I see of labour to be performed'.⁵¹ If Fitzwilliam complained that pit children were no worse off than children in agriculture, then Ashley was prepared to urge a reluctant Home Secretary to investigate them, too. Three years later, discussing children in calico print-works, Ashley reviewed the past and looked to the future:

In the various discussions of these kindred subjects... I was told that there were far greater evils than those I had assailed, that I had left untouched much worse things. It was in vain to reply that no one could grapple with the whole at once. My opponents, on the first introduction of the ten hours' bill, sent me to the collieries; When I invaded the collieries I was sent to the print-works; from the print-works I know not to what I shall be sent... Sir, it has been said to me more than once, - 'Where will you stop?' I reply, without hesitation, - 'Nowhere, so long as any portion of this mighty evil remains to be removed'.⁵²

Ashley was clearly not an 'irresistible engine';⁵³ he was resisted at every turn. But bit by bit, inch by inch, his engine moved forward.

In the sense that the mines act sought to exclude children, it was part of this ongoing system of factory reform. The inclusion of an inspectorate in the Act - albeit limited in practice to the appointment of a single individual - probably owed its origin to a similar inspiration. The Act did break new ground, in prohibiting the employment of women in certain spheres of

⁴⁶ 3 *Hansard*, LV, 437.

⁴⁷ Buddle's 'comments', NCB papers, NCB I/JB/1788.

⁴⁸ 3 *Hansard*, LXIV, 539.

⁴⁹ 3 *Hansard*, LV, 1261.

⁵⁰ 3 *Hansard*, LXIII, 1348.

⁵¹ Ashley's diary, 8 Aug., 16 Dec. 1842, Hodder, *Shaftesbury*, 1, 432, 441.

⁵² 3 *Hansard*, LXXVII, 653.

⁵³ Cf. Macdonagh, 'Revolution in government', p. 58.

employment, and in fixing age limitations on those with responsibility for potentially dangerous machinery. But these innovations, though useful as precedents, were perhaps as incidental in one direction as was the failure to copy the recent factory precedent, in allowing magistrates to summon witnesses in prosecution under the Act, in another. And because the Act was essentially a factory act, it is hardly surprising that it shared with other factory legislation the dilemma of the role of state intervention, and that many of the arguments deployed against it should be reminiscent of those deployed against interference in factories.⁵⁴

Mindful of the political economists, Ashley was careful to emphasize that his Coal Mines Bill made no attempt to 'legislate for the adults, or interpose between master and man'.⁵⁵ Ashley's Bill was confined in its application to women and children. Sub-commissioner Kennedy felt the same criteria should apply to mines as to cotton mills, and that government interference was therefore 'necessary for the protection of the children who were not able to protect themselves',⁵⁶ while Fox Maule reminded the House of Commons that 'from the report of the factory commissioners' it had been 'proved to be necessary' for parliament to interfere between parent and child.⁵⁷ Leonard Horner, a factory inspector and one of the children's employment commissioners, wrote that 'the interposition of the legislature on behalf of children was justified by the most cold and severe principles of political economy',⁵⁸ and it has been claimed that after about 1820 no one doubted parliament's right to intervene on behalf of children.⁵⁹ Though there were those in 1842, like James Loch, M.P. and coal agent, who condemned the commission as 'loosening the authority and the duty of the parent towards the child',⁶⁰ and though Lord Radnor was prepared to take an intransigent *laissez faire* stand against the bill as a whole, and declare that however improper or indecorous the employment of women and children in the mines, 'the condemnation of the system, or even the desire to put an end to it, was not a sufficient ground for passing an act of parliament to carry out such a desire',⁶¹ nevertheless most men were agreed that children could legitimately be excluded from the mines.

Sub-commissioner Kennedy, though, was emphatic that there was 'no case for any interference with the mode of labour of persons who are of an age of discretion, and capable of making their own contracts'.⁶² The problem,

⁵⁴ Ashley thought the opposition was 'quite in the style of the old apologies of the factory masters'; diary, 1 June 1842, Hodder, *Shaftesbury*, I, 420.

⁵⁵ 3 *Hansard*, LXIII, 1348.

⁵⁶ *C.E.C., app. part II* (P.P. 1842, XVII), 192.

⁵⁷ 3 *Hansard*, LV, 1276.

⁵⁸ L. Horner, *On the employment of children in factories*, quoted B. Martin, 'Leonard Horner; a portrait of an inspector of factories', *International Review of Social History*, xiv (1969), 349.

⁵⁹ M. Blaug, 'The classical economists and the factory acts - a re-examination', *Quarterly Journal of Economics*, LXXII (1958), 223 n.

⁶⁰ James Loch to Fereday Smith, 28 Dec. 1840, F. C. Mather, *After the canal duke* (Oxford, 1970), p. 321.

⁶¹ 3 *Hansard*, LXV, 584.

⁶² *C.E.C., app. part II* (P.P. 1842, xvii), 195.

however, was to establish an agreed 'age of discretion'. Few would have disagreed with the *Morning Chronicle's* assertion that the fact that four-year-olds were to be found in the mines was 'quite enough to justify the interposition of the legislature',⁶³ but when Lord Ashley pressed for thirteen as the minimum age for boys in mines he admitted that on this point he was 'likely to find the greatest opposition'.⁶⁴ Lord Londonderry, who thought boys were 'as fit for the work at the age of eight as they were at ten', determined to press for 'nine as the proper age'.⁶⁵ The 'compromise' agreed between Ashley and the north-eastern M.P.s, which provoked so many charges of bad faith, reduced Ashley's original proposal from thirteen to ten.⁶⁶ 'The classical economists, though (as Professor Blaug has pointed out) usually behind, rather than ahead of, public opinion, had by this time accepted the age of thirteen as laid down in the 1833 Factory Act. Clearly here was a legitimate ground for divergence of opinion, and one on which the self-interest of a Londonderry has to be set side by side with the theoretical arguments of men like McCulloch or Senior.'⁶⁷

McCulloch, Senior and the political economists did not simply provide ammunition for Lord Londonderry, however.⁶⁸ They and their Benthamite friends also provided assistance for Lord Ashley. The juxtaposition of Ashley and the Benthamites may seem incongruous. But if it was Ashley who called for the royal commission, if it was Ashley in the *Quarterly* rather than the political economists in the *Edinburgh* who kept up the publicity campaign,⁶⁹ if it was Ashley who drafted the bill and made the parliamentary running, his debt to the Benthamites was nevertheless considerable. Bentham himself, though conceding, as the opponents of Ashley's Act argued, that royal commissions were neither comprehensive nor reliable, acknowledged the promotional value of such 'evidence elicitation committees' in the cause of reform.⁷⁰ The commission which Ashley secured was clearly promotional, and did not seek to produce that 'plan for decisive action' which, it has been

⁶³ *Morning Chronicle*, 6 May 1842.

⁶⁴ 3 *Hansard*, LXIII, 1339-40.

⁶⁵ 3 *Hansard*, LXV, 120. John Buddle's place-book, 21 June 1842, Buddle papers, North of England Institute of Mining and Mechanical Engineers, shelf 47A, vol. 13, 158-60.

⁶⁶ A. J. Taylor, 'The marquess of Londonderry and the north east coal trade', *Durham University Journal*, new series, xvii (1955-6), 21-7. Heesom, 'Northern coal owners'.

⁶⁷ Blaug, 'Factory acts', pp. 223-4. Taylor, *Laissez-faire and state intervention*, p. 43.

⁶⁸ I know of no evidence that Londonderry had read the works of the political economists, but it seems more than probable that his agent, Buddle, a founder member of the Newcastle Literary and Philosophical Society, was familiar with them; C. M. Hiskey, 'John Buddle, agent and entrepreneur in the north east coal trade' (unpublished University of Durham M. Litt. thesis, 1979), p. 47.

⁶⁹ *Quarterly Review*, LXVII (Dec. 1840), 171-81; LXX (June 1842), 158-95. The fullest contemporary discussion was in the *Westminster Review*, xxxviii (1842), 86-139. The *Edinburgh Review*, LXXIX (Jan. 1844), 130-56, commented belatedly, and was then more at pains to exonerate the factory masters from 'busy, prying, laborious benevolence', than to condemn the coal owners. Cf. also D. Roberts, 'The social conscience of tory periodicals', *Victorian Periodicals Newsletter*, x (Sept. 1977), 162, 167.

⁷⁰ J. Bentham, 'Constitutional code', J. Bowring (ed.) *The works of Jeremy Bentham* (Edinburgh, 1843), ix, 182, 188.

claimed, was the hallmark of Edwin Chadwick and his friends.⁷¹ But the commission was 'penetrated' by the Benthamites, consisting as it did of two factory inspectors – Robert Saunders and Leonard Horner, the latter of whom, at least, had clear Benthamite sympathies – and two 'well-trying, almost professional, Benthamite royal commissioners' in Southwood Smith and Thomas Tooke.⁷² Moreover, since Ashley believed Saunders and Horner to be his 'warm' supporters, even if, from fear of Graham, the Home Secretary, they dared not say so,⁷³ there is reason to suppose that mutual exchange of ideas went on.

It is notoriously difficult to prove how ideas were actually transmitted. In absolute terms it has been claimed that it is 'impossible' to assign unambiguous meaning to the notion of 'influence and inner connectedness' without possessing total knowledge of all possible influences; until all other possibilities are excluded, the historian has no right to claim that one political doctrine was influential. As Gillian Sutherland has put it in the context of administrative reform, 'it is impossible to make any firm general statement about the *effective* influence of Bentham's ideas unless we can also discover precisely what was "transmitted" to whom'. Even if that can be established, for the proposition to be meaningful, it must be shown that the recipient of those ideas responded in a way in which he would not otherwise have done'.⁷⁴

Without the necessity for this prescribed precision, however, the historian can see certain concepts as part of the conventional wisdom of a particular time, and can see whether individuals responded in accord with, or opposition to, such received views. Of these, Macdonagh was correct in seeing 'humanitarianism' as one, and 'decency' as another part of the pervasive opinion of early Victorian England. They may not have been – in the case of the Coal Mines Bill they were not – 'touch-stones'; but that they were, in Buddle's phrase, 'the fashion of the day' is hard to deny. It is as absurd to suggest that because not all men possessed an identical, or even similar, concern for concepts such as humanitarianism or decency that those concepts were not themselves influential, as to suggest that because a man had not actually read Bentham he could not be influenced by at least a diluted version of his ideas. This is not to imply, as Dicey did, that those who share a Benthamite precept were simply 'common-sense Benthamites', nor is it meant to suggest that, because a doctrine can be found in the writings of Bentham or his disciples, that necessarily he or they were the sole source of such ideas. But if Ashley shared ideas with the Benthamites, and if they were in positions of influence on his

⁷¹ U. Henriques, 'Jeremy Bentham and the machinery of social reform', H. Hearder and H. R. Loyn (eds.), *British government and administration; studies presented to S. B. Chrimes* (Cardiff, 1974), p. 173.

⁷² S. E. Finer, 'The transmission of Benthamite ideas, 1820–50,' G. Sutherland (ed.), *Studies in the growth of nineteenth century government* (London, 1972), p. 29.

⁷³ Ashley's diary, 3 March 1842, Hodder, *Shaftesbury*, 1, 409.

⁷⁴ Q. Skinner, 'The limits of historical explanation', *Philosophy*, xli (1966), 212. G. Sutherland, *Nineteenth century government*, p. 5.

commission, and in his circle, their influence cannot be ignored, or dismissed as part of a self-generating process.⁷⁵

III

Ashley's purpose in introducing the Coal Mines Bill was, however, only incidentally to remove a social evil, to lessen hardships, or to prevent indecency. 'My *first* grand object', he said, when moving for the establishment of the children's employment commission in 1840, 'is to bring these children within the reach of education'.⁷⁶ He repeated this theme continually. When the Bill came before the Commons, he again stressed that the aim of it was to bring pit children 'within the reach of moral and religious education';⁷⁷ three weeks later he assured John Buddle that the aim of his Bill was simply 'to bring another portion of the working classes within the reach of a moral and religious education';⁷⁸ and three years later he was still hammering the same message home in the Commons. 'My desire and ambition', he told the house, 'are to bring all the labouring children of this empire within the reach and the opportunities of education'.⁷⁹

When Ashley called for moral and religious education he conceived of three interlocking and overlapping ideas. Ashley himself favoured religious instruction in the hands of the Anglican church, but the Factory Education Bill of the following year was to show that this was a practical impossibility, and Ashley himself recognised the difficulty when he said in 1840 that there would be 'time enough' later to 'fight about the mode' of education.⁸⁰ Though denominational education raised a hornet's nest, religious education had an aspect that was less contentious, in that all advocates of education wanted an adherence to a moral and ethical code – to prevent drunkenness, sexual immorality, and crime. But moral education had also another meaning; and this third aspect of education was, in the minds of many, the most important aspect of education – the idea of 'social control'.⁸¹

'Social control' is, as has been said, a 'persistently ambiguous concept'.⁸² Those who use the concept to explain the springs of action have been accused of 'non-explanation and incoherence'.⁸³ Yet it is clear that in early Victorian

⁷⁵ Hart, 'Tory interpretation', p. 45. D. Roberts, 'Jeremy Bentham and the Victorian administrative state', *Victorian Studies*, II (1959), 197–8. Macdonagh, 'Revolution in government', pp. 54–61.

⁷⁶ 3 *Hansard*, LV, 1274 (my italics).

⁷⁷ 3 *Hansard*, LXIII, 1348.

⁷⁸ Ashley to Buddle, 28 June 1842, NCB papers, NCB I/JB/1796.

⁷⁹ 3 *Hansard*, LXXVII, 653.

⁸⁰ 3 *Hansard*, LV, 1274.

⁸¹ For contemporary difficulties over the term 'moral', see R. Johnson, 'Educational policy and social control in early Victorian England', *Past and Present*, no. 49 (1970), 102–3.

⁸² R. Johnson, 'Educating the educators; "experts" and the state, 1833–9', A. J. Donajgradzki (ed.), *Social control in nineteenth century Britain* (London, 1977), p. 78.

⁸³ G. Stedman Jones, 'Class expression versus social control? a critique of recent trends in the history of "leisure"', *History Workshop*, no. 4 (Autumn 1977), p. 164.

Britain the governing classes feared that their control over society was breaking down; that it needed to be re-imposed; and that mechanisms had to be found to re-impose it. In order that any society may function well, it has been said, its members must acquire the kind of character that makes them *want* to act in the way they have to act as members of the society or of a special class within it. They have to *desire* what objectively is *necessary* for them to do. *Outer force* is to be replaced by *inner compulsion*.⁸⁴

Such a view of society could only come from a governing elite; its 'objectivity' was the perspective of the governing class. But from the time, at least, of Bentham, the British governing class conceived the mechanism that would best produce the effect they desired was education.

Bentham conceived of education as an 'indirect mode of preventing offences', and stressed that the state should intervene to provide education for those classes of society whose parents were unable or unfit to do so, which would otherwise become 'the hotbeds of crime'.⁸⁵ 'An instructed and intelligent people', Adam Smith claimed, 'are always more decent and orderly than an ignorant and stupid one'. They would be more inclined to respect their 'lawful superior', better able to see through those who might lead them into sedition, and less apt therefore to indulge in 'unnecessary opposition to the measures of government'.⁸⁶ This passage, as has been justly claimed, had a great impact on those who followed Smith.⁸⁷ Malthus endorsed it with approval, and asserted that

every person who has been placed in a position to judge has given his testimony that education appears to have a considerable effect in the prevention of crimes, and the promotion of industry, morality, and regular conduct.⁸⁸

Nassau Senior advocated 'moral training', which he felt was a far more important function of education than the mere 'imparting of knowledge',⁸⁹ and even J. R. McCulloch, though claiming not to be one of those who thought education would 'ensure tranquillity in periods of distress', or 'obviate the vicissitudes and disorders inherent in the manufacturing system', nevertheless echoed Adam Smith when he suggested that an educated population was more likely 'to appreciate the worthlessness of the quacks on whom and on whose nostrums they are often called upon to depend'.⁹⁰

Ashley shared these sentiments to the full. The evils which he saw in society

⁸⁴ E. Fromm, 'Individual and social origins of neurosis', C. Kluckholm and H. A. Murray (eds.), *Personality in nature, society, and culture* (New York, 1967), p. 517. The italics are Fromm's.

⁸⁵ Bentham, 'Principles of penal law', *Works*, I, 570.

⁸⁶ Adam Smith, *The wealth of nations* (Oxford, 1976 edn), II, 788.

⁸⁷ M. Blaug, 'The economics of education in English classical political economy; a re-examination', A. S. Skinner and T. Wilson (eds.), *Essays on Adam Smith* (Oxford, 1975), p. 573.

⁸⁸ T. R. Malthus, *An Essay on population* (London, 1914 edn), II, 214, 259.

⁸⁹ E. S. Levy (ed.), N. Senior, *Industrial efficiency and social economy* (London, n.d.), II, 329-31.

⁹⁰ J. R. McCulloch, *Principles of political economy* (Edinburgh, 1864 edn), pp. 397-8. McCulloch's idea of a 'worthless nostrum' which might lead men astray was the Irish repeal movement, suggesting that his basic stance was not as far removed from his colleagues' as he claimed.

were not, he thought, mainly attributable to physical or commercial causes, though those played some part; the real cause was of 'moral origin'.

Over a large surface of the industrial community, man has been regarded as an animal, and that an animal not of the highest order; his loftiest faculties... are perverted... Women and children follow in the train of ceaseless toil and degrading occupation, and thus we have before us a mighty multitude of feeble bodies and untaught minds, the perilous materials of present and future pauperism, of violence and infidelity.⁹¹

'Vast multitudes', Ashley wrote, 'ignorant and excitable in themselves', and made more so by oppression and neglect, were being 'surrendered, almost without a struggle, to the experimental philosophy of infidels and democrats'. Early action was therefore essential; every year's delay added thousands 'to the ranks of viciousness, of misery, and of disorder'.⁹² 'The two great demons in morals and politics, socialism and Chartism, are stalking through the land', he wrote, 'yet they are but symptoms of an universal disease'.⁹³ When pressing for his Act Ashley said that it was not any 'violent or general outbreak on the part of the population' that he feared, but a 'perilous, and, if we delay much longer, an incurable cancer', which, he feared, had 'seized upon the body, social, moral and political'.⁹⁴ When violent disturbances did occur, however, Ashley was quick to draw the moral. 'It is singular', he wrote in his diary, of the 'lawless mobs and sudden insurrections' which he thought characterized the plug plot disturbances of 1842,

that the commotion began among the pitmen in Staffordshire, in those regions which, represented by Lord Hatherton and the deputation, succeeded in mutilating the colliery bill, asserting, as they did to me, that 'any provision for time and education was wholly unnecessary in those parts, the people being moral, religious, and fully instructed'.⁹⁵

Urging the Commons to inquire into the best way of 'diffusing the benefits and blessings of a moral and religious education among the working classes', he asserted that the 'plug plots' had 'proved that the moral conditions of our people is unhealthy, and even perilous'.⁹⁶

Within the children's employment commission, too, these ideas were shared. Sub-commissioner John L. Kennedy was one of those who thought legislative intervention was necessary 'for the protection of the state from the growth of an ignorant, depraved, and dangerous population', and followed Chadwick and Southwood Smith – the latter, of course, a commissioner – in advocating

⁹¹ Ashley to the central short-time committee, 26 Sept. 1842, Hodder, *Shaftesbury*, I, 436.

⁹² Ashley, 'Infant labour', pp. 181–1. Cf. Ashley's view, expressed to Peel, 15 June 1842, that the kingdom was in far 'greater peril' than might be supposed by those who were 'clothed in purple and fine linen'. Peel papers, British Library Additional Manuscripts, 40483, fos. 68–9. Peel himself was rather more sceptical, believing that the 'best feelings' prevailed in 'ninety-nine persons in every hundred'. Peel to Graham, 1 Sept 1842, Graham papers, Cambridge University Library, bundle 53A.

⁹³ Ashley, 'Infant labour', pp. 180–1.

⁹⁴ 3 *Hansard*, LXIII, 1350–1.

⁹⁵ Ashley's diary, 18 Aug. 1842, Hodder, *Shaftesbury*, I, 433.

⁹⁶ 3 *Hansard*, LXVII, 47, 73.

the 'Prussian' principle of compulsory education.⁹⁷ R. J. Saunders also believed that education should secure a 'general improvement in the conduct and character' of working men, and lamented the inadequacy of educational provision to this end.⁹⁸ His colleague, Leonard Horner, Ashley's other warm supporter among the commissioners, was, however, the most outspoken. Like Ashley, Horner drew a moral from contemporary disorders; 'no one doubts', he proclaimed,

that a large proportion of those deluded people who followed the Chartist leaders were betrayed into acts of violence and lawless outrage more from their deplorable ignorance than from any other cause.

And Horner, more explicitly perhaps than anyone else, enunciated the 'social control' theory of education:

Independently of all higher considerations, and to put the necessity of properly educating the children of the working classes on its lowest footing, it is loudly called for as a *matter of police*, to prevent a multitude of immoral and vicious beings, the offspring of ignorance, from growing up around us, to be a pest and nuisance to society; it is necessary, in order to render the great body of the working class governable by reason.⁹⁹

Lord Ashley was perhaps more concerned than his friend Horner to emphasize 'higher considerations', but clearly the 'social control' philosophy of current thought was of fundamental importance to both men. To assert as much is not to engage in 'crude reductionism', or to dismiss Ashley's genuine humanitarian impulse as merely an attempt to behave as a 'policeman without boots'.¹⁰⁰ But Ashley's humanitarian concern, and his puritanical zeal for decency, were both, also, weapons in his armoury in the fight against the social threat which he thought was imminent, and this motivation has to be taken into consideration in any attempt to assess the nature of the impulses which went to promote the Coal Mines Act.

Not, of course, that 'social control' ideas were the exclusive property of the promoters of the Act; because the notion was implicitly so much a part of the conventional wisdom of the day, it is hardly surprising that the opponents of the Bill, as well as its supporters, accepted it, to some degree at least. Sir James Graham, who was sceptical of Ashley's efforts, nevertheless conceded that the ignorance of large masses of the population congregated in the industrial districts was 'disgraceful to the government and inconsistent with the peace of the community'.¹⁰¹ When the plug plot riots broke out, Graham agreed that

⁹⁷ *C.E.C., app. part II* (P.P. 1842, xvii), 192-3.

⁹⁸ *Report of R. J. Saunders upon the establishment of schools in the factory districts in February 1842* (P.P. 1843, xxvii), 387. Cf. D. G. Paz, 'Working class education and the state, 1839-1849 the sources of government policy', *Journal of British Studies*, xvi (1976), 136-8.

⁹⁹ Martin, 'Leonard Horner', p. 440. Horner to Nassau Senior, 23 May 1837, Senior, *Letters on the factory act* (London, 1837), pp. 30-1; my italics.

¹⁰⁰ A. J. Donajgradzki, *Social control*, pp. 9, 15.

¹⁰¹ Graham to Bishop Blomfield, 27 Dec. 1842, C. S. Parker, *The life and letters of Sir James Graham* (London, 1907), I, 343. The *Edinburgh Review*, another sceptic, also saw education, particularly secular education, as a panacea; [W. R. Greg], 'Juvenile and female labour', *Edinburgh Review*, LXXIX (Jan. 1844), 151-6.

the neglect of education was ‘one of the chief causes of the evil spirit which now actuates large masses of the community’. Graham, however, was not convinced that ‘moral influences’ or ‘religious restraint’ were enough; ‘unbounded reliance on their efficacy is no less delusive than their neglect is unpardonable.’¹⁰² Lord Londonderry probably shared Graham’s view that ‘law and civil rights must be upheld by power’, but even he believed that ‘to inculcate religious doctrines, and watch over the morals of the people’ was ‘the surest guide to their well being in this world, and their happiness in the next’.¹⁰³

Though some of the opponents shared these concepts, the objectors to the Bill did have real objections to the educational suggestions put forward by Ashley.¹⁰⁴ He had called on the House of Commons to give ‘a cheap and harmless vote’ in favour of his proposals, but others were more practical; ‘it was said’, replied Peter Ainsworth, coal-owning M.P. for Bolton, ‘that the children must be educated’. But, he asked, ‘who was to pay for their education?’ If children were to be compelled to leave the pits their parents would be even less able, assuming them – which was doubtful – to be willing, to pay.¹⁰⁵ John Buddle (surprisingly, perhaps), thought the only solution was ‘some plan of educating them *free of cost* to themselves, and *rendering their attendance at school compulsory*’, but even the advocates of compulsory education had not yet advanced to the idea that it should be free.¹⁰⁶

Fundamentally, though, Buddle believed that ‘the public mind is in error on the question of education;...far too big a *cry* and fuss is made about it’, he wrote.¹⁰⁷ Buddle was not one of these condemned by Bentham and Malthus, who believed that, far from education being beneficial, a little learning was a dangerous thing.¹⁰⁸ He simply believed that ‘up to the age of ten allows sufficient time to acquire the rudiments of education’, and his own experience among viewers and overmen in the northern coal-field persuaded him that additional learning could be built on this foundation ‘when occasion may require’.¹⁰⁹ Adam Smith had advocated compulsory schooling so that the ‘most essential parts of education’ – reading, writing and arithmetic – could be acquired by even ‘those who are to be bred to the lowest occupations’ in

¹⁰² Graham to James Kay-Shuttleworth, 30 Aug. 1842, Graham papers, bundle 52B, partly printed Parker, *Graham*, I, 329. Ashley agreed that education was no panacea, cf. 3 *Hansard*, LXVII, 47.

¹⁰³ Graham to Kay-Shuttleworth, 30 Aug. 1842, Parker, *Graham*, I, 329. Londonderry’s speech to his Irish tenantry, *Northern Whig*, 12 Sept. 1843. This speech pre-dates the miners’ strike of 1844 which, it has been claimed, converted Londonderry into an advocate of ‘social control’ theories of education, cf. R. Colls, ‘“Oh! happy English children!” coal, class and education in the north east’, *Past and Present*, no. 73 (1976), 75–99; A. J. Heesom, ‘Coal, class and education’, *Past and Present* (forthcoming).

¹⁰⁴ See Heesom, ‘Northern coal owners’, for a fuller discussion.

¹⁰⁵ 3 *Hansard*, LXIII, 1352; LXIV, 426–7.

¹⁰⁶ Buddle to Hedworth Lambton, 28 May 1842, NCB papers, NCB I/JB/1786. Cf. Blaug, ‘Economics of education’, pp. 580–1.

¹⁰⁷ Buddle’s ‘comments’, NCB papers, NCB I/JB/1788.

¹⁰⁸ Bentham, ‘Principles of penal law’, *Works*, I, 536. Malthus, *Population*, II, 213.

¹⁰⁹ Buddle’s ‘comments’, NCB papers, NCB I/JB/1788.

the few brief years before economic necessity forced them to earn their living,¹¹⁰ and Nassau Senior, who had advocated compulsion in his report on the hand-loom weavers, nevertheless believed that 'a really good education' was incompatible with the condition of 'the bulk of the people', who were forced to start work at an early age. The solution advocated by Senior was to combine school and work; if a child worked six or eight hours a day, he said, that should still leave him two or three hours a day free for schooling. The children would thus, also, avoid the other problem that Senior – and more emphatically, Buddle – foresaw, that children who spent too long at school would be unfit to learn a trade.¹¹¹

Senior's solution did not satisfy Horner, however. He set out his ideas in a letter to Senior.

No education that will have much influence on the moral character can be got without a long continued attendance at school, and at that time of the day when the mind of the child is fresh, and not fatigued by previous confinement or labour... I do not think that the moral training of the child can be rightly accomplished unless it continues to attend a well taught school until it has attained its thirteenth year.

The children of the 'lower orders', Horner thought, should stay at school longer, because they lacked the uplifting moral tone provided by the home environment of 'the more wealthy classes'. Moreover Horner said that such principles applied not merely to factories, which he and Senior were discussing, but 'to all trades in which infant labour is resorted to', and ought to be implemented 'in every case where the children's labour can be regulated by a law which, with reasonable pains, can be carried into effect'.¹¹²

In 1842, as a result of the public outcry sparked off by the commission of which Horner was a member, just such a case arose with children in mines. Horner and Ashley therefore advocated that children should be kept out of the pits till they were thirteen, to allow time for that moral education which would encourage their conformity to Ashley's view of their role in society. The coal owners protested that if boys were not initiated into pit-work before the age of thirteen they 'never would become colliers', because they would not 'acquire those habits which are peculiarly necessary to enable them to perform their work in the mines',¹¹³ and Buddle complained about the academic pretensions of those who thought that, once they had acquired a little learning, they were too good for pit-work.¹¹⁴ Faced with these protests, Ashley reluctantly

¹¹⁰ Smith, *Wealth of nations*, II, 785.

¹¹¹ Senior, *Industrial efficiency*, II, 328.

¹¹² Horner to Senior, 23 May 1837, Senior, *Letters on the factory act*, pp. 30–1. In the *Report of the commissioners for inquiry into the condition of... the handloom weavers* (P.P. 1841, X), 400, Senior also anticipated that the educational provisions for factory children should be extended to those employed in mines.

¹¹³ Coal trade papers, united committee minutes, 1840–4, pp. 170–2. Buddle to Lambton, 28 May 1842, NCB papers, NCB I/JB/1786.

¹¹⁴ Buddle's 'comments', NCB papers, NCB I/JB/1788. J. A. Roebuck, the radical politician, who shared the 'social control' view of education, and thought a proper scheme of national education would ensure an end to 'wild and futile schemes of reform' as well as removing the

agreed to accept ten as the minimum age for boys in the pits, provided every alternative day was left free for the ten- to thirteen-years olds to attend school.¹¹⁵

Even this compromise, however, was lost in the Lords, and the Act as passed allowed no time for education for those over ten. Nor, unlike the 1833 factory act, from which it in part derived, did it contain any specific provision for education at all. Ashley's hopes for educational opportunities for pit children remained so much wishful thinking, dependant on the goodwill of the coal owners in providing schools for the under-tens. The precedents of the Factory Bills of 1839 and 1841, which had included a clause to encourage the building of good factory schools on a selective basis, was also ignored, and no positive steps were taken in the Coal Mines Bill to give Ashley's ideas practical effect. Though the failures and inadequacies of the bill may well have increased the pressure for the ill-fated Factory Education Bill of the following year (discussions on which, involving Horner, Saunders and others connected with the Coal Mines Bill, were continuing even while the latter measure was passing through parliament),¹¹⁶ they reinforce the impression that the Coal Mines Bill itself was a hastily drawn, ill thought out, ad hoc response to the 'intolerable' conditions exposed in the commissioners' report.

IV

The Coal Mines Act of 1842 was the result of diverse pressures. The first report of the children's employment commission, established as a result of Lord Ashley's efforts, disclosed a picture that shocked contemporary society, with the inhumanities and indecencies it brought before the public, with graphic detail, not least in the woodcuts. Pressure, too, came from the opponents of the Bill, which weakened its intrusive provisions upon their concerns, and severely limited the Bill's potential effectiveness. The Act was clearly seen both by its sponsor and by those who opposed him as part of a continuing programme of intervention in the industrial life of early Victorian Britain. In all these respects the Act may be said to approximate to Macdonagh's model. Equally the Act had a clear social purpose in the eyes of its promoter which went beyond considerations of humanitarianism and decency. Sir James Graham conceived that the unrest of the 1840s was symptomatic of the fact that 'a manufacturing people is not so happy as a rural population', and thought that social disturbances were inherent in becoming the 'workshop of

'stack-burning peasantry', nevertheless condemned as a 'gross fallacy' the notion entertained by Buddle, that education unfitted men for 'the common duties of life'; 3 *Hansard*, xx, 139-66. For Buddle's views on education, see Heesom, 'Northern coal owners'.

¹¹⁵ Chadwick, in another context, claimed that part-time working 'was intended not solely as a security for education', but 'as a primary security against overwork'; Chadwick, *Letter to N. W. Senior*... (P.P. 1862, XLIII), 94. Ashley seems to have reversed this order of priorities.

¹¹⁶ *Report of R. J. Saunders* (P.P. 1843, xxvii), 387 n. Cf. Paz, 'Working class education', pp. 135-8.

the world'.¹¹⁷ Ashley shared Graham's view of the threat posed by the 'great demons' of chartism and socialism to what he conceived of as the pre-industrial social order, but was less willing than the home secretary to accept the consequences.¹¹⁸ While Ashley's spiritual impulses moved him to humanitarian intervention on the one hand, his social impulses at the same time pushed him to work for a re-imposition of social controls to check the 'cancer' he perceived to be spreading through the land. The Coal Mines Act was not the result of a pre-concerted plan, carried through a royal commission which was established to present an almost ready-formulated piece of legislation, drafted on doctrinaire lines; but there were those concerned in its promotion who had embraced utilitarian ideals, and were eager to see those ideas extended. Though the Bill was Ashley's – with its strengths as well as its obvious weaknesses – and though Ashley conceived of it as part of a sustained effort to tackle what he saw as the moral evils of his time, yet he was also – according to his own statement, primarily – putting forward a diagnosis of the evils of society and their remedy, which owed its source to a different tradition. The common ground which these two approaches – the humanitarian appeal and the utilitarian response – found in the Coal Mines Bill of 1842 may, perhaps, suggest that attempts to see them as almost antagonistic forces are misplaced.

¹¹⁷ Graham to the earl of Powis, 31 Aug. 1842, Graham papers, bundle 52B.

¹¹⁸ Ashley, 'Infant labour', *passim*. Cf. W. R. Ward, 'The protestant churches, especially in Britain, and the social problems of the industrial revolution', *Religion und Kirchen im industriellen Zeitalter* (Berlin, 1977), pp. 65–6, 68. The notion of a breakdown in social order which had, therefore, to be reimposed was inherent in 'social control' thinking. Cf. Stedman Jones, 'Social control', pp. 164–5.