

**Manchester
Papers
in
Economic
and
Social
History**

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Early Victorian Social Investigation and
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**Number 66
September 2009**

ISSN 1753-7762 (Print)
ISSN 1753-7770 (Online)

Early Victorian Social Investigation and the Mines Commission of 1842 ¹

Historians have accorded great importance to the early-nineteenth century industrial commissions and committees of inquiry. Social and labour historians have long stressed their value in helping to shape the first effective legislation to protect children and other vulnerable groups. Successful campaigns against the industrial exploitation of children, it has been argued, laid bare the social consequences of early industrial capitalism and allowed progressive increases in the protection afforded by the state to such vulnerable groups.² Indeed, much social history has been written as a story of legislative progress driven by a coalition of determined extra-governmental philanthropists and great statesmen.³ The early government inquiries have also formed part of attempts by political historians to model the characteristics of government growth in the early-Victorian period. MacDonagh, in particular, argued that the exposure of social evils between 1830 and 1870 forced the hand of the ruling classes increasingly into enacting protective laws. For MacDonagh, the creation of government departments to administer and implement new legislation together with their increasing inspection capacities prompted further 'revolutionary' growth. It was implicit in the MacDonagh thesis that government inquiries performed a pivotal role in the administrative revolution.⁴

¹ The author is grateful for research leave granted by the University of Manchester and for assistance provided by ESRC grant no. R000239222 in relation to the Wylam Colliery, Northumberland. A critical database is deposited at the UK Data Archive. (P. Kirby, Evidence to the Children's Employment Commission, 1842, Study Number 6128: UKDA, 2009, University of Essex, CO4 3SQ, UK.

² B.L. Hutchins and A. Harrison, A History of Factory Legislation (1903. 3rd edn. 1926); B.L. Hutchins and A. Harrison, A History of Factory Legislation (1903. 3rd edn. 1926); J.L. and B. Hammond, The Town Labourer: 1760-1832: The New Civilisation (1917. 1966 edn.); J.L. and B. Hammond, Lord Shaftesbury (1923); A.H. Robson, The Education of Children Engaged in Industry in England, 1833-1876 (1931); M.W. Thomas, The Early Factory Legislation: A Study in Legislative and Administrative Evolution (1948).

³ See, for example, the collection of essays in P. Hollis (ed.), Pressure from without in early Victorian England (1974).

⁴ O. MacDonagh, 'The Nineteenth Century Revolution in Government; A Reappraisal', Historical Journal, 1 (1958); O. MacDonagh, A Pattern of Government Growth, 1800-1860: The Passenger Acts and their Enforcement (London 1961); O. MacDonagh, 'Coal mines regulation: the first decade, 1842-1852', in Robson (ed.), Ideas and institutions of Victorian Britain (1967), pp. 58-86; O. MacDonagh, Early Victorian Government: 1830-1870 (1977), pp. 78-94. See also Henriques, U.R.Q., The Early Factory Acts and their Enforcement (Historical

The historiographical consequences of MacDonagh's focus upon early-nineteenth century administrative growth were profound. Some historians have regarded the model as a simple extension of whig progressivism. Indeed, the period has been dubbed 'the age of the inspector'. It has also been suggested that children were simply 'withdrawn from factories and sent to school in the face of mass campaigns against their exploitation in industry'.⁵ Others, however, have been more cautious about the effectiveness of the growing British regulatory apparatus and have drawn attention to the practical difficulties confronting its implementation. Bartrip and Fenn, for example, discovered shortcomings in the enforcement role of early factory inspectors, urging greater scrutiny of the practices of the individual personnel who administered factory laws.⁶ Bartrip, meanwhile, examined the structure of the early factory and mines inspectorates, showing how they laboured under severe cultural and financial impediments imposed by the prevailing rights of property and relatively small inspection budgets. Kirby has argued that the early inspectorates were hampered by unenforceable legislation and implacable opposition from employers.⁷ There have been some valuable

Association Pamphlet, 1971) p. 20; The approach has been characterised by Hopkins as 'administrative momentum'. E. Hopkins, Childhood Transformed: Working-Class Children in Nineteenth-Century England (Manchester 1994), p. 6.

⁵ W.L. Burn, The Age of Equipoise: a Study of the Mid-Victorian Generation (1964), p. 17; W. Secombe, Weathering the Storm: Working-Class Families from the Industrial Revolution to the Fertility Decline (1993), p. 182; see also P. Kirby, Child Labour in Britain, 1750-1870 (2003), pp. 93-4.

⁶ P.W.J. Bartrip and P.T. Fenn, 'The Administration of Safety: the Enforcement Policy of the Early Factory Inspectorate, 1844-1864', Public Administration, 58 (1980), p. 99; Bolin-Hort urged much the same approach. P. Bolin-Hort, Work, Family and the State: Child Labour and the Organisation of Production in the British Cotton Industry, 1780-1920 (Lund 1989).

⁷ P.W.J. Bartrip, 'British Government Inspection, 1832-1875: Some Observations', Historical Journal, 25 (1982); P.W.J. Bartrip and P.T. Fenn, 'The Conventionalization of Factory Crime: a Reassessment', International Journal of the Sociology of Law, 8 (1980); P.W.J. Bartrip and P.T. Fenn, 'The Evolution of Regulatory Style in the Nineteenth-Century British Factory Inspectorate', Journal of Law and Society, 10 (1983); see also H.P. Marvel, 'Factory Regulation: A Reinterpretation of Early English Experience', Journal of Law and Economics, 20 (1977); W.G. Carson, 'The Conventionalization of Early Factory Crime', International Journal of the Sociology of Law, 7 (1979); Kirby, Child Labour in Britain, pp. 105-110; P. Kirby, 'The Historic Viability of Child Labour and the Mines Act of 1842', in A Thing of the Past? Child Labour in Britain in the Nineteenth and Twentieth Centuries, ed. M. Lavalette (Liverpool 1999), pp. 113-115.

studies of the political and ideological context of early mining legislation.⁸ Heesom, for example, has argued that the first Mines Act owed as much to a desire among politicians and churchmen to bring about 'social control' in the mining districts by an extension of moral education as it did to the zeal of government administrators.⁹ Others have stressed the consequences for the labour force of mines regulation. Humphries, for example, has challenged orthodox Marxist and feminist views surrounding the unprecedented exclusion of women from underground work and the effect of the subsequent legislation upon the working class family economy.¹⁰ It has also been claimed that the terms of child labour legislation in mining were dictated largely by change within the industry itself and in the interests of the most powerful and highly-capitalised coalowners who successfully manipulated the parliamentary process to achieve legislation that supported their own business interests.¹¹ Despite such studies, an overwhelming emphasis upon social and political history has obscured any thorough investigation into the effectiveness with which early government inquiries reported on occupational groups and their social conditions.

Effective social policies cannot be enacted without accurate reporting of social conditions. The efficacy of MacDonagh's model, therefore, remains heavily

⁸ MacDonagh, 'Coal Mines Regulation', pp. 58-86; Accounts of early mines legislation can be found in R.N. Boyd, Coal Mines Inspection: its History and Results (London 1879); R.N. Boyd, Coal Pits and Pitmen: a Short History of the Coal Trade and the Legislation Affecting it (1892); R. Galloway, Annals of Coal Mining and the Coal Trade, Vol. 2 (1904; 1971 edn.), pp. 148-154; D. Morrah, 'A Historical Outline of Coal Mining Legislation', in Historical Review of Coal Mining (Mining Association of Great Britain, 1924); Kirby, 'Viability of Child Labour'; B. Lewis, Coal Mining in the Eighteenth and Nineteenth Centuries (London 1971), pp. 56-63.

⁹ A. Heesom, 'The Coal Mines Act of 1842, social reform, and social control', Historical Journal, 24 (1981), pp. 69-88; A. Heesom, 'The Northern Coal-Owners and the Opposition to the Coal Mines Act of 1842', International Review of Social History, 25 (1980).

¹⁰ J. Humphries, 'Protective Legislation, the Capitalist State and Working-Class Men: the Case of the 1842 Mines Regulation Act', Feminist Review, 7 (1981).

¹¹ Kirby, 'Viability of Child Labour'; see also C. Tuttle, Hard at Work in Factories and Mines: The Economics of Child Labor during the British Industrial Revolution (Boulder 1999); A.V. John, By the Sweat of their Brow: Women Workers at Victorian Coal Mines (1984); Hammonds, Town Labourer, pp. 172-76; Nardinelli, C., 'Corporal Punishment and Children's Wages in Nineteenth Century Britain', Explorations in Economic History, 19, 1982; the famous woodcut illustrations that accompanied the report and appendices have featured in many educational history texts. Fox, C., 'The Development of Social Reportage in English Periodical Illustration During the 1840s and Early 1850s', Past and Present, 74, 1977, p. 94-100.

dependent upon the efficiency of state inquiries and the accuracy of their reports. Such issues were never formally addressed in MacDonagh's work on the early factory and mines inspectorates and an emphasis upon the growth of government departments has tended to dominate debate. Indeed, in Mills' recent study of early statutory hygiene regulations in British mining, MacDonagh's main emphasis is restated as 'the appointment of executive officers, followed by additional statutory controls based upon their day-to-day practical experience of upholding an inefficient law'.¹² Although this explanation fits very well with the growth of government departments in the later nineteenth-century, an emphasis on mining law and institutional growth fails to take sufficient account of the characteristics of the early inquiries that closely informed such legislative change. Indeed, MacDonagh himself, though acknowledging the importance of an 'accumulation of knowledge both statistical and scientific' seemed also to downplay the importance of early inquiries, positing that exposures of social problems 'were, so to speak, exogenous. Rarely were they in [the] first instance, the fruit of the practice of administration or regular inquiry.'¹³

The Children's Employment Commission of 1842 offers a case study from which to examine the importance and effectiveness of the early industrial inquiries. The Commission was appointed in 1840 to examine the working conditions of children and young persons in British mines. Its evidence has been drawn on widely by social historians and few school social history texts would be complete without a selection of quotations from the report or reprints of its famous woodcut illustrations. By contrast, the execution of the Commission itself and the detailed work of its numerous district sub-commissioners has received very little attention.¹⁴ John has provided

¹² C. Mills, 'The Emergence of Statutory Hygiene Precautions in the British Mining Industries, 1890-1914', *Historical Journal*, 51, 1 (2008), p.146.

¹³ MacDonagh, *Early Victorian Government*, p. 20; MacDonagh, 'Nineteenth-Century Revolution', p. 58.

¹⁴ PP 1842, XV, *Children's Employment: First Report of the Commissioners (Mines) with Appendix*; PP 1842, XVI, *Appendix to the First Report of the Commissioners (Mines), Part I*; PP 1842, XVII, *Appendix to the First Report of the Commissioners (Mines), Part II*. There is a much larger amount of work on the more numerous factory inquiries. See R. Gray, 'The

valuable insights to the work of the Commission with respect to the morals and working conditions of female miners.¹⁵ However, the Commission itself was charged with the much wider task of examining children and young persons more generally. The lack of attention to the working methods of the Commission is all the more surprising as some of the leading historians of the mining industry have pointed to the immense value of the 2000-plus pages of report and evidence.¹⁶ Hair, for example, argued that the evidence provides 'more detailed information on coalmining life than all other contemporary sources taken together' whilst Galloway observed that the Commission threw light 'on almost every subject connected with underground life.'¹⁷ The minutes of evidence contain depositions from more than four thousand witnesses interviewed between 1840 and 1842. Clearly, the provenance and accuracy of such evidence is of crucial importance to studies of early social policy. This article investigates the origins and execution of the Children's Employment Commission of 1840-42. It assesses the Commission's effectiveness in making contact with and examining children working in mines, offers new quantitative findings drawn from evidence collected by the district sub-commissioners and concludes that the Commission was largely successful in making contact with its target groups.

Languages of Factory Reform in Britain, c.1830-1860', The Historical Meanings of Work, ed. P. Joyce (Cambridge 1987); Bolin-Hort, Work, Family and the State; D.T. Jenkins, 'The Validity of the Factory Returns, 1833-1850', Textile History, 4 (1973); D.T. Jenkins, 'The Factory Returns, 1850-1905', Textile History, 9 (1978); A.E. Peacock, 'The Successful Prosecution of the Factory Acts, 1833-55', Economic History Review, 2nd ser., 37 (1984); P.W.J. Bartrip, 'Success or Failure? The Prosecution of the Early Factory Acts', Economic History Review, 2nd ser., 38 (1985); C. Nardinelli, 'The Successful Prosecution of the Factory Acts: A Suggested Explanation', Economic History Review, 2nd ser., 38 (1985); C. Nardinelli, 'Child Labor and the Factory Acts', Journal of Economic History, 40 (1980); W.H. Hutt, 'The Factory System of the Nineteenth Century', in F.A. Hayek (ed.), Capitalism and the Historians (1954), pp. 160-88.

¹⁵ John, Sweat of their Brow, pp. 36-65.

¹⁶ Bartrip and Fenn have suggested that much of the 'conventional wisdom' surrounding the importance of early industrial inspection has stemmed from an insufficient reading of the evidence. Bartrip and Fenn, 'Administration of safety', p. 100.

¹⁷ P.E.H. Hair, 'Social History of the British Coalminers, 1800-1845' (Oxford D.Phil. thesis, 1955), p. i; Galloway, Annals, p. 149.

Prior to the 1840s, there was widespread public ignorance of coalmining work and culture. Outside the coal-districts, reportage tended in the main to be fearful or disapproving. Miners in the villages of north Somersetshire, where Hannah More attempted her educational schemes in the 1790s, were reported to be in a 'savage and depraved' condition.¹⁸ A visitor to a north-east pit in 1829 thought that coal miners 'looked really like inhabitants of the infernal regions ... and [in] his own natural wild look, [the coal miner] appeared more like a demon'.¹⁹ Supposedly authoritative accounts could also be extremely misleading. An encyclopaedist of 1806 wrote: 'There are many families who live under ground, and only visit the regions of day occasionally. They have regular markets below, to which dealers descend to supply them with the articles of subsistence and clothing which they want'.²⁰ In the wake of a visit to the north east coalfield in 1832, William Cobbett reported: 'Here is the most surprising thing in the whole world; thousands of men and thousands of horses continually living under ground: children born there, and who sometimes never see the surface at all, though they live to a considerable age'.²¹ The belief that miners were a troglodytic race, persisted in some areas into the mid-century. In 1856, the north-east pitman John Wilson encountered a barman in Shoreham, West Sussex, who inquired how long he had been down the pit: "Seven years," was the answer. In most surprised tones he said, "Have you not been up until now?" I was surprised at him, and replied, "Yes, every day except on rare occasions." "Why, I thought you pitmen lived

¹⁸ P.E.H. Hair, 'The Lancashire Collier Girl, 1795', Transactions of the Historic Society of Lancashire and Cheshire, 120 (1968), p. 68; A children's book of 1823 described coal mines thus: 'it is much safer to sit still and read about them, than ... to go down into them; all in the darkness, to be let down in a basket among the black men!'. I. Taylor, Scenes of British Wealth in Produce, Manufactures, and Commerce (1823), p. 247.

¹⁹ Anon, 'Itinerary of 1829', Proceedings of the Society of Antiquarians of Newcastle-Upon-Tyne (1921), p. 150.

²⁰ W.H. Pyne, Microcosm or, a Picturesque Delineation of the Arts, Agriculture, and Manufactures of Great Britain (1806. Reprinted 1971), p. 164.

²¹ W. Cobbett, 'Progress in the North', Cobbett's Weekly Political Register, Oct. 6th, 1832. Thomas Hair, the noted north-east artist and writer, expressed some surprise at Cobbett's apparent ignorance. Hair, T.H., Views of the Collieries in The Counties of Northumberland and Durham (1844; reprinted Newcastle-upon-Tyne, 1987), n., p. 6;

down there always!" said the querist'.²² According to the sub-commissioner and mid-Victorian writer on mining life, John Leifchild, there was, 'no class of the labouring community so little known. They are buried in the darkness and distance of the mines'.²³ Hence, the public perception of coalmining populations in the early-nineteenth century was extremely limited.²⁴

The first major critique of children's employment in coal mining was probably produced in 1813 by the writer and traveller Richard Ayton who, following a visit to a Whitehaven mine, declared '[o]ne class of sufferers in the mine moved my compassion more than any other, a number of children who attend at the doors to open them when the horses pass through and who in this duty are compelled to linger through their lives, in silence, solitude and darkness, for sixpence a day'. Ayton described how the children were introduced to underground work:

On their first introduction into the mine the poor little victims struggle and scream with terror at the darkness, but there are found people brutal enough to force them to compliance, and after a few trials they become tame and spiritless, and yield themselves up ... to any cruel slavery that it pleases their masters to impose upon them.²⁵

It was not until the government inquiries of the 1830s, however, that such concerns began to be reported in any systematic way. In 1833, E.C. Tufnell, one of the factory commissioners, wrote a brief supplementary report on a Lancashire mine where he examined two adult colliers and a seventeen-year

²² Wilson was to discover that 'there was a generally-held opinion that the coals ... were dug out of the bowels of the earth by a class of people who were little removed from barbarism, and whose home was down in the eternal darkness'. Wilson, J., Memories of a Labour Leader: the Autobiography of John Wilson, JP, MP (1910; new edn., 1980), p. 94-5.

²³ Leifchild, J.R., 'Life, Enterprise, and Peril in Coal-Mines', Quarterly Review, vol.110, 1861, pp.338-9, 361; Galloway thought them 'largely enveloped in obscurity.' Galloway, Annals, p. 149.

²⁴ As Lewis pointed out, the mining population of the 1830s had no advocate comparable with Peel Snr., Oastler, Sadler or Fielden to publicise their conditions. Lewis, Coal Mining, p. 56.

²⁵ R. Ayton and W. Daniell, A Voyage Round Great Britain Undertaken Between the Years 1813 and 1823 by Richard Ayton and William Daniell, 8 vols. (1814-1825), vol.II, pp. 155-6;

old coal drawer from Worsley, near Manchester. His witnesses depicted mining life as harsh and brutal and claimed frequent beatings of children with pick-axe handles.²⁶ Having inspected the pit in which they worked, Tufnell wrote: 'I cannot much err in coming to the conclusion ... that the hardest labour in the worst room in the worst-conducted factory is less hard, less cruel, and less demoralizing than the labour in the best of coal-mines.'²⁷ By 1840, Leonard Horner, the factory inspector, had provided a wider readership to Tufnell's evidence by reprinting it in his book on industrial child labour. Horner noted:

I myself spoke to a boy of eleven years of age who had worked in a coal pit in Lancashire, who told me that ... his occupation below ground was to drag a basket of coals to which he was yoked, in a place where he could not stand upright, and walking in water above his ankles. It has been stated to me that, in some parts of England they make little children creep into places not above eighteen inches high, to get out the coal, where the seams are so thin, that to cut away the stone with which the coal is interstratified, so as to make room for a grown man to work, the coal would not pay'.²⁸

A further influential official report on coalmining children was produced by William Hickson of the 1840 Royal Commission on Unemployed Hand-loom Weavers. Hickson was a vigorous opponent of industrial child labour which he held partly responsible for a breakdown in traditional family relationships. He described the work of the trappers, in particular, as 'monotonous and dismal ... I could not conceive of circumstances more prejudicial to animal existence than shutting up a little child throughout the day in subterraneous confinement, at the very period when air and light are as necessary to its

²⁶ PP 1833, XX, First Report of the Central Board of His Majesty's Commissioners for inquiring into the Employment of Children in Factories, with minutes of Evidence and Appendix, D.2, pp. 79-82. Tufnell's witnesses were probably not typical of the experiences of child miners. All three were almost certainly orphans, among whom levels of ill-treatment were generally much higher than among the population as a whole. PP 1833, XX, D2, p. 82.

²⁷ The comparison with factory conditions was later drawn by Samuel Scriven in his 1842 report on West Yorkshire conditions to the C.E.C: 'There is nothing that I can conceive amidst all the misery and wretchedness in the worst of factories equal to this'. PP 1842, XVII, p. 103.

²⁸ Horner, L., On the Employment of Children in Factories and other works in the United Kingdom, and in some Foreign Countries (1840. New edn., Shannon 1971), pp. 14-15.

growth as to a young and tender plant'.²⁹ The Committee of Council on Education, too, observed a breakdown in parental control over children and the acquisition of brutalised habits resulting from early underground employment.³⁰ By the beginning of the 1840s, therefore, the major concerns of official observers had become focused upon children working in underground coal transport (putters and drivers) and in ventilation operations (trap-door operators) amongst whom the worst working conditions were thought to exist.

II

The parliamentary focus of the increasingly emphatic campaign on behalf of mining children in parliament was Lord Ashley. In August 1840, having 'long been taunted with narrow and exclusive attention to the children in factories alone', Ashley appealed to the Commons for a commission whose task would be first to investigate the conditions and ages of children in British mines and, in October 1840, four Commissioners were appointed: the political economist Thomas Tooke, the sanitary reformer Thomas Southwood Smith, the factory inspector Leonard Horner, and Robert John Saunders, the author of a number of reports on education in the factory districts.³¹ The Commissioners were

²⁹ 'Report by Mr. Hickson on Conditions in the Weaving Districts', Report on the Condition of the Hand-Loom Weavers (P.P. 1840, XXIV). pp. 49-51. The report had earlier been published privately as Notes and Observations Made During a Tour Through the Weaving Districts by W.E. Hickson, Esq., n.d., but was later ordered to be printed by the House of Commons in 1840. An extract from Hickson's report appeared in 'Employment of Children in Coal-mines', Penny Magazine, No.549, 20 Oct. 1840, p. 416. Hickson authored parts of W.R. Greg, 'Protection of Children in Mines and Collieries', Westminster Review, vol.38, July 1842, pp. 86-139, where he argued that, 'children require protection even against the authors of their being', p. 138.

³⁰ Report of H.S. Tremenheere (South Wales), PP 1840, XL, Committee of Council on Education, p. 212; Tremenheere later became the first Inspector of Mines. His life and reports are discussed in Webb, R.K., 'A Whig Inspector', Journal of Modern History, 27, 4 (Dec., 1955), pp. 352-364; see also Edmonds, E.L. & O.P. (eds.), I Was There: The Memoirs of H.S. Tremenheere (Eton-Winsor 1965); Edmonds, E.L. and O.P. 'An Account of the Founding of H.M. Inspectorate of Mines and the Work of the First Inspector, Hugh Seymour Tremenheere', British Journal of Industrial Medicine, 20, 1963; see also Cassell, A.J. 'Her Majesty's Inspectors of Mines, 1843-1862' (Southampton M.Sc. Econ. thesis, 1962).

³¹ A.A. Cooper, Speeches of The Earl of Shaftesbury upon Subjects Relating to the Claims and Interests of the Labouring Classes (London 1868; 1971 edn.), 4th Aug. 1840, p. 16. See also Ashley's anonymous periodical article on the subject. A.A. Cooper, 'Infant Labour', Quarterly Review, vol.67, December 1840; The second report of the CEC had a wider remit.

well-known figures in nineteenth-century social investigation with Tooke, Southwood Smith and Horner having each served on the Factory Commission. The new commission was accommodated in offices recently vacated by the Hand-Loom Commission in Trafalgar Square but the physical connection with earlier inquiries did not imply that the Commission was to be run along the same lines. The Commissioners themselves understood that the circumstances that had brought the Commission into being were 'materially different' since the factory and hand-loom sectors had already been subject to numerous government inquiries, public awareness of the position of factory children was high and the principle of legislative action had already been established.³² By contrast, 'little was generally known' about the mining districts and no prior formal governmental investigation of the conditions of child miners had been undertaken.³³ This meant that the formal terms of the mines commission were necessarily different from those of the previous two major inquiries into labour conditions. There was, moreover, a heightened sensitivity that derived from the close relationship between the powerful landed interest and mining rights and royalties. The Commission of 1840-42 was therefore required to collect information about working conditions but not to make any recommendations for legislative intervention.³⁴

There were other important structural and procedural differences between the mines commission and earlier government inquiries. Perhaps the most

P.P. 1843, XIII, Second Report of the Commissioners, Trades and Manufactures; P.P. 1843, XIV, App. Pt.1; P.P. 1843, XV, App. Pt.2. W.R. Greg, 'Juvenile and Female Labour', Edinburgh Review, vol.79, January 1844; PRO HO74/1. Home Office. Various Commissions' Letter Books, 1836-45, 13 Oct. 1840, pp. 219-21. Smith (grandfather of Octavia Hill) had been appointed to the central board of the factory inquiry in 1832; Richard, S., British Government Publications: An Index to Chairmen of Committees and Commissions of Inquiry, Vol. I: 1800-1899 (London, 1982), pp. 149, 168; Tooke, Smith and Saunders were to receive £500 for their services but Horner acted 'without payment, because receiving a salary as Inspector of Factories'. P.P. 1842, XXVI, Return to an Address of the Honourable The House of Commons. Returns of Commissions; Horner's salary as Factory Inspector was £1000. P.W.J. Bartrip, 'Horner, Leonard (1785-1864), Factory Inspector, Geologist, and Educationist', Dictionary of National Biography (Oxford 2004).

³² PP 1842, XV, p. 4.

³³ PP 1842, XV, pp. 4-5. A mining select committee of 1835 concerned with safety issues did discuss the dangers involved in employing very young children to operate ventilation doors, though not their conditions of work. P.P. 1835, V, Select Committee on Accidents in Mines

³⁴ PP 1842, XV, p. 4.

notable was the appointment of a large number of district sub-commissioners: an innovation that arose chiefly from the practical difficulties of examining a large number of scattered mining communities in a short period of time.³⁵ As the Commissioners noted:

At first ... the real amount of the labour necessary to complete the inquiry being altogether unknown, even the number of assistants whose services would be required could not be determined; and there being no sources from which we could obtain such statistical information as would enable us to form any estimate of the extent of the occupations, and the magnitude and relative situation of the places in which they are carried on, some caution was necessary to avoid a waste of time, labour, and expense on the part of those to whom the local investigations were intrusted.³⁶

The appointment of six sub-commissioners in November 1840 was soon found to be inadequate to the task in hand. In January 1841 their number was increased to twelve and by March a further eight had been appointed (a total of 20 though only 18 submitted final reports).³⁷ The sub-commissioners were provided by the Commissioners with detailed instructions to inquire into a specific age-range within the coal industry. This initially constituted the 'children of the poorer classes in mines and collieries' but the ambit was later extended in February 1841 to include 'Young Persons designated as such by the provisions of the Factory Act'.³⁸ The revised instruction was that 'children' would include those aged under 13 and 'young persons' to include those aged 13-18.³⁹ The extension probably took place at the behest of Horner since the

³⁵ Twenty-eight separate coal district reports were finally submitted by the sub-commissioners.

³⁶ PP 1842, XV, p. 2.

³⁷ Some sub-commissioners reported on more than one district. Two of those appointed failed to produce reports due to ill-health brought on by 'the severity of the season' and 'the toilsome nature of the duty of inspecting mines'. PP 1842, XV, pp. 2-3; [PRO HO74/1](#), Home Office. Various Commissions Letter Books, 1836-45, pp. 225-49; Among them were C.F. Barham, Senior Physician at the Royal Cornwall Infirmary; Joseph Fletcher, barrister and educationist; James Mitchell, Fellow of the Geological Society; and Jelinger C. Symons, barrister. Appendix 1 provides a list of the sub-commissioners and their coal-districts.

³⁸ PP 1842, XV, p. iv. The focus on children alone avoided any hint of 'interference' with adult labour.

³⁹ PP 1842, XV, 'Supplemental Instructions to the Sub-Commissioners', p. 269.

revised age groups were identical to the factory regulations issued by him in 1836.⁴⁰ The instruction seems to have been adhered to by the sub-commissioners as many of their statistics and tables in the district reports employ the same age-groupings. In practice, however, the determination of children's ages must have presented a major problem for the sub-commissioners since many children (and parents) did not know how old they were (civil registration of births having been introduced only in 1837-38 and baptismal certificates being of dubious reliability).⁴¹ In cases where ages could not be ascertained, the sub-commissioners were urged to 'obtain the nearest approximation to the real age.'⁴²

Notwithstanding the difficulties encountered in obtaining evidence of ages, the sub-commissioners managed to collect a great variety of statistical and anecdotal evidence. Tabular forms were distributed amongst employers in the hope of ascertaining the numbers and proportions of at work in the different mining districts (the accuracy of these returns is discussed further below). Sub-commissioners Symons and Scriven included cross tabulations of the ages of the labour force along with the heights of coal seams. They also provided comparative tables of the physical growth and stature of children in coalmining and other occupations.⁴³ Since about 5 per cent of the occupied male population in 1841 was employed in coalmining, the health findings of the sub-commissioners provide important early data on the health of a substantial proportion of the employed population.⁴⁴ Other valuable data included comparative tables of ages and wages of children in different occupations along with a host of working-class household budgets as well as

⁴⁰ PP 1836, XLV, Copy of regulations issued by Leonard Horner Esq. Inspector of Factories, p. 4.

⁴¹ Kirby, Child Labour in Britain, pp. 106-7.

⁴² PP 1842, XV, 'Supplemental Instructions', p. 263.

⁴³ For example, PP 1842, XVI, App.B, pp. 210-11, Apps.C, D and E pp. 212-16, PP 1842, XVII, App.A., pp. 77-86, tabs. 1-5.

⁴⁴ P. Kirby, 'Causes of short stature among coalmining children, 1823-1850', Economic History Review 48 (1995); Humphries, J., 'Short Stature among Coal-Mining Children: A Comment', Economic History Review, L (1997); P. Kirby, 'Short stature among coalmining children: a rejoinder', Economic History Review 50 (1997).

comparative statistics of deaths from accidents and violence in a variety of districts.⁴⁵ Many of the district reports contained plans, diagrams and woodcuts illustrative of the process of coalmining and extraction.⁴⁶

The form in which individual testimony was taken by the sub-commissioners was also innovative. The customary 'question and answer' format adopted in other parliamentary inquiries was abandoned in favour of the taking of field evidence in which the sub-commissioners were instructed to examine children alone 'and not in the presence of their parents or employers'.⁴⁷ Much of the work entailed interviewing witnesses and noting down what they said about their working conditions (in many cases transcribing verbatim testimony and frequently in dialect). The Commissioners were also sensitive to the importance of local knowledge in the different coal districts. In north and south Wales, for example, it was deemed necessary only to appoint sub-commissioners with a good understanding of the Welsh language.⁴⁸

The work of the sub-commissioners was frequently hampered by a general opposition to interference from outsiders. Although the Commission confined its investigation to children and young persons, it remained unsafe to visit collieries where it was expressly against the wishes of employers or adult miners: attempts at independent inspection sometimes resulted in serious assaults.⁴⁹ The reluctance in some districts to allow inspection forced some sub-commissioners to adopt unconventional methods. In the West Riding, Scriven experienced such difficulty in bringing pit-children forward for

⁴⁵ PP 1842, XVII, pp. 67-69; 89-94; PP 1842, XVII, pp. 773-786.

⁴⁶ See, in particular, the reports of Kennedy (Lancashire and Cheshire), Scriven (Halifax), Franks (East Scotland and South Wales) and Waring (south Gloucester). For a more detailed study on the representativeness of the woodcut illustrations, see Fox, 'Social reportage', p. 95 and the discussions in A.V. John, 'Women Workers in British Coal Mining, 1840-90, with Special Reference to West Lancashire' (unpublished Ph.D. thesis, Manchester 1976).

⁴⁷ PP 1842, XV, 'Supplemental Instructions', p. 267; As the Commissioners noted, 'the main body of information collected [was] derived from personal examinations, in the form of depositions'. PP 1842, XV, p. 5.

⁴⁸ PP1842, XV, p. 3.

⁴⁹ Kirby, 'Viability of Child Labour', pp. 113-114; formal underground inspections were not begun until 1850. Bartrip, 'British government inspection', p. 614.

examination, that he found it necessary to disguise himself as a collier in order to gain access to the underground workings.

I determined at once to provide myself with a suitable dress of flannel, clogs, and knee-caps, in order that I might descend as many [pits] as possible, and take the depositions of the children themselves during their short intervals of rest, feeling a conviction that this was the only means of arriving at anything like a correct conclusion as to their actual condition.⁵⁰

Leifchild encountered much less opposition to his presence in Northumberland and North Durham (indeed, he was often assisted in his investigations by local mining engineers). His unfamiliarity with underground work, however, together with his own social class origins often impeded his attempts to interview children and to report on their mode of working.

[M]y aim was chiefly to obtain the evidence of the children and young persons themselves. All attempts to secure it while they were pursuing their labours in the pit were utterly abortive. With the exception of the trappers, the lads were necessarily in continual locomotion, which, together with the difficulties incident to my own position, rendered it impossible in any case to effect my object in the pit. Hence I was compelled to await their arrival on the surface ... If they had little time, they had less inclination to be examined, and still less to answer the questions of a total stranger.⁵¹

Leifchild also found the north-east vernacular difficult to interpret, noting: 'the barriers to our intercourse were formidable. In fact, their numerous mining technicalities, northern provincialisms, peculiar intonations and accents, and rapid and indistinct utterance, rendered it essential for me, an interpreter being inadmissible, to devote myself to the study of these peculiarities ere I

⁵⁰ PP 1842, XVII, p. 58; see also John, *Sweat of their Brow*, pp. 37-44; Scriven was amongst the most active of the sub-commissioners in examining the working conditions of children. He was almost certainly influenced by earlier reports of conditions in coal mines and his descriptions betray a striking linguistic similarity to the observations of Ayton almost three decades earlier: where Ayton depicted a Whitehaven trapper as 'resembling in the abjectness of its condition some reptile peculiar to the place', Scriven, on his first encounter with a Yorkshire trapper, viewed him as 'abject and idiotic - like a thing, a creeping thing peculiar to the place'. Ayton and Daniell, *Voyage*, p. 156; (P.P. 1842, XVII) p. 72.

⁵¹ PP 1842, XVI, p. 514.

could translate and write the evidence.’ Leifchild subsequently produced a detailed glossary of the technical and other terms in use at the time in the Newcastle collieries.⁵²

Particular difficulties of inspection arose in coal-districts containing large numbers of contractors and sub-contractors. In the Midlands, for example, the descriptive categories of colliery operators were multifarious, which sometimes led to problems in determining who was actually responsible for running collieries. In Shropshire and south Staffordshire, mines were frequently operated by charter masters who leased mineral reserves through landowners' agents and ground-bailiffs. Contractors were wholly responsible for the running of the collieries and for the recruitment of underground workers. In such districts, coal-owners might be unaware of the fact that children were working in the pits. As one Yorkshire coal-master noted to Symons, ‘Each collier employs whoever he likes ... I exercise no control over them. I merely pay the men for the coal which they bring to the bank.’⁵³

The sub-commissioners of 1840-42 were sometimes guided in their investigations by local people opposed to the employment of females and children. Scriven, for example, was assisted in a number of visits to West Yorkshire mines by a local factory certifying surgeon, James Holroyd, who later acted as guide to William Dodd, the notorious ‘factory cripple’ (Lord Ashley’s paid informant in the factory districts).⁵⁴ In Lancashire, meanwhile, a private campaign against the underground employment of women was directed by the Manchester geologist Edward Binney who made independent

⁵² PP 1842, XVI, p. 514; PP 1842, XVI, pp. 558-62. The glossary is invaluable to historians of north-east mining history. Other sub-commissioners attempted similar studies. For example, see the ‘Table of Occupations of Persons’ in Franks’ report on the East of Scotland. PP 1842, XVI, pp. 435 and ‘Explanation of Terms’ in Scriven’s report, PP 1842, XVII, pp. 95-96.

⁵³ PP 1842, XVI, p. 236.

⁵⁴ W. Dodd, The factory system illustrated; in a series of letters to The Right Hon. Lord Ashley, M.P. (1842), pp. 148-9; Dodd noted in 1847 that Ashley had paid him 45s. per week and the hire of a coach during 1841 whilst touring the factory districts to gather material on the effects of factory work. W. Dodd, The Laboring Classes of England, Especially those Engaged in Agriculture and Manufactures: in a Series of Letters (Boston Mass., 1847), p. 6.

underground inspections and was responsible for some of the woodcut illustrations of underground conditions in the Lancashire report.⁵⁵ Both Lancashire and Yorkshire coal-districts held a disproportionately large number of private campaigners compared with other British coal-districts. Indeed, local agitation (both for, and against, the regulation of child employment) tended to be concentrated in technologically primitive coal-districts where the incidence of female and child employment was highest and where legislation arising from the Commissioners' report would be felt most acutely. The campaign resulted at a local level in the presentation of a large number of petitions to the House of Lords. Between May and August, 1842, 160 petitions concerning the Bill to exclude women and children were presented: 116 were against the proposed legislation and 44 in favour. Two-thirds of all the petitions presented originated from the West Riding of Yorkshire (73 against the regulation and 32 in favour) and 12% from Lancashire. Only two petitions (1.2% of the total) emerged from the advanced coalfields of Northumberland and Durham where child labour had become much less profitable by the early 1840s.⁵⁶

III

The sub-commissioners clearly had a middle-class metropolitan audience in mind in the compilation of their reports. This is evident from their frequent comparisons of the dimensions of coal mines with familiar London topographical features. Ashley, himself, when introducing the mines bill, recounted the story of 'a child of six years old with a burden of at least half a hundred weight, going 14 times a day a journey equal in distance to the height of St. Paul's Cathedral'.⁵⁷ There are many such references in the sub-

⁵⁵ Pinchbeck, I., Women Workers in the Industrial Revolution (1st. edn. 1930; New edn. 1969), p. 244 and n.1; Binney played a leading role in the establishment of the Manchester Geological Society founded in October 1838. He often wrote as if he was acquainted with local working people, but in 1843, he stated that 'he was not a native of Lancashire, nor had he resided in the county many years', Manchester Guardian, 13 Dec. 1843, p. 6.

⁵⁶ House of Lords Journal, 6 May - 1 August 1842, pp. 189, 367, 388, 401, 403-4, 409, 412-15, 417, 422-3, 425, 430, 432, 436-7, 440-1, 445, 450, 454, 499, 525; see also Kirby, 'Viability of Child Labour', pp. 112-113. 'Copy of ... The Humble Petition of Edward William Binney ... Gentleman', Mining Journal, Vol.XII, No.349, 30 Apr. 1842, p. 142.

⁵⁷ The Times, 8 June 1842.

commissioners' reports. In the North East, a large coal mine was 'almost an underground city. It has its long main street, like the Strand or Cheapside'. Mining engineers, it was suggested, knew the underground workings 'as well as we know the streets around Belgravia or Cornhill'.⁵⁸ Another sub-commissioner, offering a design for a self-acting underground trap-door (in an attempt to lessen the need for child 'trappers') advocated the use of springs similar to those 'adopted for opening and shutting the entrance-doors in the club-houses'.⁵⁹ Another proposed a trap-door rope-guide 'exactly like those used for conducting bell-wires round the corners of rooms'.⁶⁰ The help of influential Metropolitan figures was also enlisted during the period of the inquiry. Southwood Smith wrote to Charles Dickens in December 1840 proposing an expedition to west Yorkshire, during which Dickens was to inspect selected pits where very young children were known to be working in poor conditions.⁶¹ Dickens never did inspect a pit, though he was supplied with copies of the report of the Commission prior to its publication.⁶²

Although no published details of the Report appeared before it was presented to the House of Commons, details of its contents were circulated at an early stage to sympathetic newspapers and periodicals. Lord Londonderry complained 'that copies [of the Report] had been sent into the country for the purpose of obtaining the favourable comments of the press before it was laid on the table of their Lordships House'.⁶³ The Home Secretary expressed

⁵⁸ Leifchild, 'Life, enterprise, and peril in coal mines', p. 343; J.R. Leifchild, 'Life and labour in the coal fields', Cornhill Magazine, vol.5, 1862, p. 347.

⁵⁹ PP 1842, XVII, p. 156.

⁶⁰ PP 1842, XVI, p. 175.

⁶¹ Lewes, C.L., Dr Southwood Smith, a Retrospect (1898), p. 86; M. House and G. Storey (eds.), The Letters of Charles Dickens (7 vols., 1965-1993), Vol.2. To Southwood Smith, 15 Dec. 1840, p. 164. Southwood Smith also proposed that Dickens write an article condemning child labour in the Edinburgh Review. Dickens promised this in June 1841. 'I have made solemn pledges to write about [mining] children' but despite further assurances the article appears never to have been delivered to the Editor. House and Storey (eds.), Letters of Dickens, vol.2, pp. 290, 31 (to John Forster, 30 June 1841), 353 (to Macvey Napier, 8 Aug. 1841).

⁶² 8 Aug. 1841 to Macvey Napier, House and Storey (eds.) Letters of Dickens, p. 353.

⁶³ Hansard (Lords), Vol.LXV, 25 July 1842, col.579.

'surprise' that Joseph Fletcher, the commission secretary, had prepared the report for circulation before he himself had had time 'to decide, upon the perusal of that Report, whether he should feel it his duty to advise Her Majesty to lay it before Parliament'. The Home Department thought this step had 'been productive of consequences serious to all parties concerned'; however, such complaints came too late to prevent the broad distribution of some of the more shocking details contained in the summary report.⁶⁴ A contributor to the Quarterly Review noted, 'we have disclosed to us ... modes of existence, thoughts, feelings, actions, sufferings, virtues, vices, which are 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 to move us to reflection and to sympathy'.⁶⁵ The Annual Register remarked that children were being 'consigned by their parents almost from the cradle to perpetual labour'.⁶⁶ Some went still further, claiming that women and children were being prostituted and murdered in coal mines whilst Bell's Penny Dispatch reported 'Wholesale Murder of the Working Classes'.⁶⁷

By contrast, doubts were raised by the Duke of Wellington concerning the reliability of the evidence. He complained that the inquiry 'had not been carried on by one, two, or more commissioners ... but had been carried on by a number of sub-commissioners ... not having the power of examining on oath'.⁶⁸ Lord Londonderry impugned the integrity of the sub-commissioners, claiming that one of them (Franks) 'had kept two hat-shops, one in Regent street and the other in the city, and had failed, and that he had afterwards

⁶⁴ PRO HO74/1. Home Office. Various Commission Letter Book. 1836-45, 28 Apr. 1842. The First Report was signed off by the Commissioners on 21st April 1842 and presented to the Lords on 3rd May. House of Lords Journal, 1842, p. 185; see W. Carpenter, The Condition and Treatment of the Children Employed in the Mines and Collieries of the United Kingdom ... with copious extracts from the evidence and illustrative engravings (1842); Greg, 'Protection of Children'.

⁶⁵ R. Ferguson, 'Colliers and Collieries', Quarterly Review, vol.70, June 1842, p. 159.

⁶⁶ Annual Register, 1842, p. 165.

⁶⁷ 'Horrible prostitution and murder of women and children ... employed in mines and collieries'. Literary Gazette, 9 July 1842; Fox, 'Social reportage', p. 96.

⁶⁸ The Times, 15 July 1842.

been imprisoned for a libel'.⁶⁹ Londonderry claimed to have in his possession 'other statements respecting the other commissioners, regarding their unfitness for their office ... they had got up the evidence by underhand means, and had finished it with exhibiting upon their lordships' table the most disgusting pictorial illustrations that ever were seen'.⁷⁰ Leifchild was later to observe that 'the public were half disinclined to believe the replies to questions [put to miners] by the visiting Commissioners'. 'Yet', he continued, 'we have reason to know that these were mostly unexaggerated notes of actual answers'.⁷¹ Nonetheless, the Commissioners' summary report was not always attentive to the detailed field evidence of the sub-commissioners. The following evidence of the ill-treatment of a parish child appeared in the final report of the Commissioners:

there is a lad called Jonathan Dicks, from St. Helen's workhouse, he gets thrashed very ill. I saw his master beat him with a pick-axe on his legs and arms, and his master cut a great gash in his head with a blow of a pickaxe, and he threw a hundredweight at him and swelled up his eye and made it blue.⁷²

The example was raised in the Commons by Stansfield (MP for Huddersfield), who thought it 'strange that the hundred weight so thrown should only have had the effect of "swelling up this boy's eye and making it blue"'.⁷³ It was demonstrated subsequently that the alleged 'pick-axe' had been reported in the minutes of evidence as a 'pick-aum' (handle) and that, similarly, the 'hundredweight', which had allegedly been thrown, had been recorded originally as a 'cut' (a measuring stick about a foot long).⁷⁴ The latter confusion almost certainly occurred as the result of an erroneous transcription

⁶⁹ The Times, 8 June 1842, p. 3; Hansard (Lords), Vol.LXIV, 14 July 1842, col.118; The Times, 15 July 1842.

⁷⁰ Hansard (Lords), Vol.LXIV, 14 July 1842, col.118.

⁷¹ Leifchild, 'Life, Enterprise, and Peril', p. 363.

⁷² PP 1842, XV, p. 131.

⁷³ Hansard (Commons), Vol.LXIV, 5 July 1842, col.1007.

⁷⁴ PP 1842, XVII, p. 857.

of the sub-commissioner's hand-written report in which the word 'cut' was mistaken for the hundredweight abbreviation 'cwt'.⁷⁵ Such transcription errors, however, were confined largely to the hastily-compiled summary report rather than the more voluminous district sub-commissioners' reports.

The question of resources is paramount in any study of early-nineteenth century inquiries. Here, Bartrip and Fenn have pointed to the financial constraints under which early inspectorates laboured and the limitations on what they could achieve.⁷⁶ By contrast, the Mines Commission did not suffer from serious underfunding or understaffing.⁷⁷ The expenses of the commission, exclusive of the salaries of the Commissioners, totalled £4,648 and this level of funding was not matched by the subsequent mines inspectorate until about the mid-to-late 1850s. The Commission was also well staffed: the number of subsequent mines inspectors would not exceed the number of sub-commissioners until 1874.⁷⁸ The inquiry did remain under rigorous financial control (by the Home Department) throughout its investigations, however, and this stringency intensified following the accession of the Peelite Sir James Graham to the post of Home Secretary in the wake of the Tory victory in September 1841.⁷⁹ By January 1842, funding appears to have been all but stopped which led to several sub-commissioners writing to the Secretary of State pleading their case for expenses.⁸⁰ By that time, however, the Commission's fieldwork was all but complete.

⁷⁵ PP 1842, XVII, p. 223.

⁷⁶ Bartrip, 'British government inspection', pp. 605-626.

⁷⁷ Bartrip, 'British government inspection'; Kirby, 'Viability of Child Labour', pp. 113-115.

⁷⁸ P.P. 1842, XXVI, Return, pp. 4,13; Bartrip, 'British government inspection', tab. 3, p. 615.

⁷⁹ Graham was not a fan of Ashley's social reform efforts. Heesom, 'The Coal Mines Act', p. 84-5. In December 1841, with funds running low, Fletcher paid the salaries of sub-commissioners from the commission account without first gaining the authority of the Secretary of State. He received a letter from the Under Secretary of State containing the blunt instruction to replace the amount. 'you will replace, to the account of the Children's Employment Commissioners, the Sum of £250'. PRO HO74/1. Home Office. Various Commissions Letter Book, 1836-45, Phillipps to Fletcher, 7 Dec. 1841, pp. 281-3.

⁸⁰ Graham was adamant that no more money would be forthcoming 'until another grant has been voted by Parliament'. PRO HO74/1, Manners Sutton to Martin, 8 Jan. 1842, p. 288; P.P. 1842, XXVI, Return.

IV

Despite the large number of published studies based on the findings of the sub-commissioners of 1840-42, there has been virtually no examination of the accuracy of their fieldwork. It has been suggested that the class-orientation of the 1842 sub-commissioners and the biases of witnesses might render such evidence suspect.⁸¹ It has been argued more generally that the large amount of anecdotal evidence collected by early state inquiries might lend itself to uncritical selection by historians and thereby to exaggerated or inaccurate conclusions.⁸² It is, however, possible to measure, quantitatively, the major characteristics of the personal testimony given by the 4000-plus witnesses and to measure the success of the sub-commissioners in achieving their aims.⁸³ The majority of the personal testimony was elicited in the form of short autobiographical statements which commonly contained ages and occupations of witnesses, together with other standard forms of information. These data have been digitized to allow analysis of the scope and direction of the sub-commissioners' work at district level and they allow both regional and national aggregate statistics. Figure 1, showing the age distribution of witnesses, confirms that the sub-commissioners' aim of reporting on persons aged below 18 was overwhelmingly successful: 85 per cent of the 4108 subjects interviewed were aged below 20, 57 per cent were below 15, and 10 per cent below ten.⁸⁴

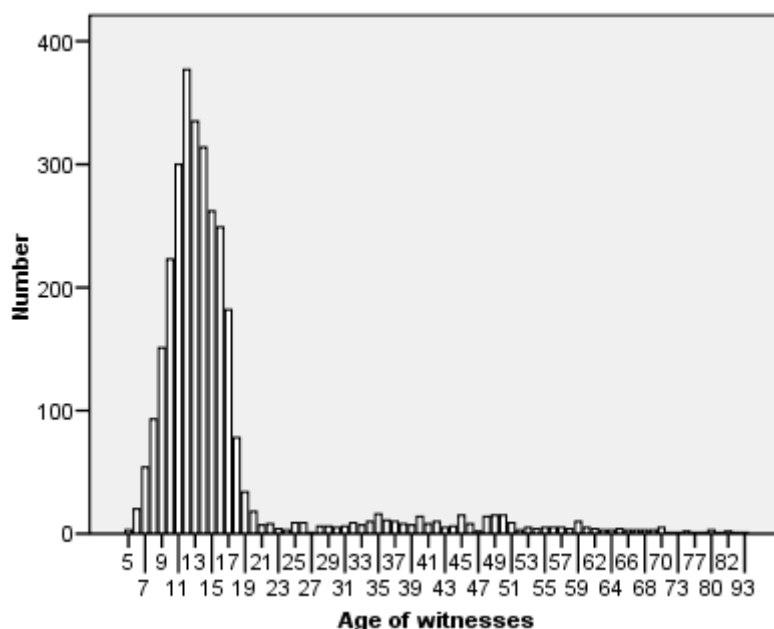
⁸¹ Humphries, 'Protective legislation', n.6, p. 30; Humphries, 'Comment', p. 533.

⁸² P. Kirby, 'How many children were "unemployed" in eighteenth- and nineteenth-century England?', *Past and Present*, 187, May 2005, pp. 189-193.

⁸³ The entire number of witnesses from the coal districts was 4108. Kirby, Children's Employment Commission.

⁸⁴ Anecdotal evidence taken from the relatively small proportion of adults also tended to focus mainly on matters relating to the ages and conditions of working children. The sub-commissioners were permitted to examine adults insofar as this would better inform them about the long-term physical and moral effects of underground labour upon children. PP 1842, XV, p. 266; Kirby, Children's Employment Commission.

Figure 1. Ages of witnesses to the Children's Employment Commission, 1842.

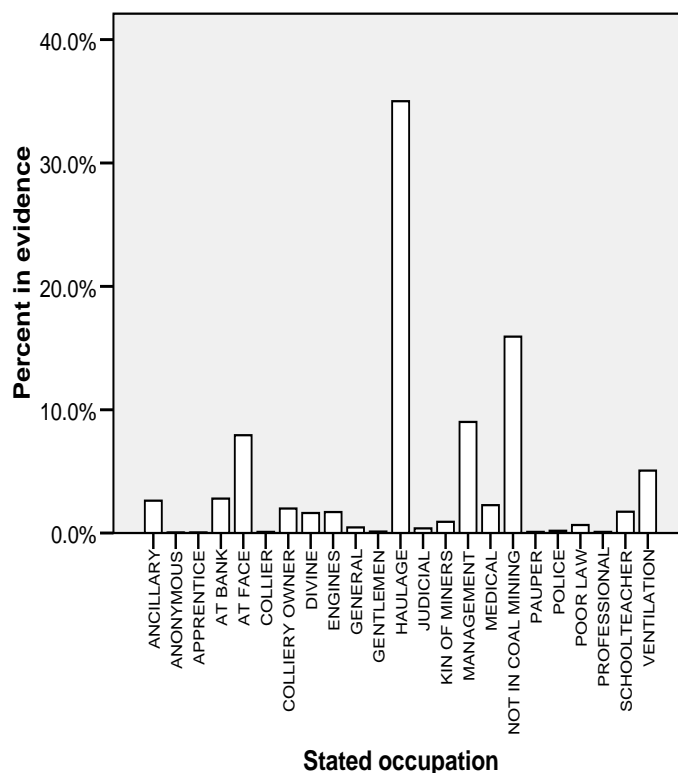


Source. P.P.1842, XVI, XVII, App. to 1st Rep. R.C. on Emp. of Children in Mines and Manufactories, Parts I and II, Minutes of Evidence (3731 observations). P. Kirby, Evidence to the Children's Employment Commission, 1842, (Study Number 6128: UKDA, 2009, University of Essex, CO4 3SQ, UK)
 Note: 3047 witnesses (1061 witnesses did not provide an age).

The taking of evidence from working children remained the primary focus of the investigation throughout. A study of the distribution of witness occupations (Figure 2) confirms the success of the sub-commissioners in reaching their target groups. Crucially, at least 40 per cent of the witnesses were in either haulage or ventilation: occupations performed almost exclusively by children or adolescents which had been condemned in earlier reports as harsh and degrading.⁸⁵

⁸⁵ The largest single group of witnesses interviewed (35 per cent) was in underground haulage.

Figure 2. Occupations of persons observed in evidence to the Mines Commission, 1842.



Source. P.P.1842, XVI, XVII, App. to 1st Rep. R.C. on Emp. of Children in Mines and Manufactories, Parts I and II, Minutes of Evidence (3731 observations). P. Kirby, Evidence to the Children's Employment Commission, 1842, (Study Number 6128: UKDA, 2009, University of Essex, CO4 3SQ, UK)

The regional evidence reinforces the national findings disclosing, amongst other things, that underground witnesses also greatly outstripped those employed on the surface (Table 1). The regional picture also shows significant variations between sub-commissioners in their approach to witness selection. In the north east, 78 per cent of witnesses were in haulage or ventilation operations, whilst in North Wales, only 13 per cent worked in those jobs. Although some of this variation undoubtedly arose from the very different levels of technical advancement in the two districts, the Welsh evidence also contained the largest proportions of witnesses who were not employed in coalmining – at 38.6 per cent in South Wales (of which about a third were engaged in ironworks) and 53.3 in North Wales. By contrast, less than one per cent of the north-east witnesses were not in the coal industry. Such variations between sub-commissioners might be fruitfully compared with the

disparities discovered by Bartrip and Fenn in the operational methods of individual factory inspectors after 1844.⁸⁶

Table 1. Proportions (%) of witnesses by selected coal district, CEC 1842.

	E.Scot.	Mid	N.East	N.Wal	N.W.	S.Wal	St+Shr	Yorks	Ave. 8 Dist
At bank	0.4	9.3	1.5	3.3	1.1	2.6	5.2	1.8	3.3
At face	23.5	2.5	1.8	1.6	18.0	11.3	4.3	10.0	8.8
Haulage	42.9	32.3	64.5	11.5	35.0	21.0	28.7	50.9	36.9
Ventilation	1.3	1.6	13.7	1.6	0	7.1	0	3.1	5.8
Owner	3.1	1.6	0.3	1.1	3.4	1.3	1.7	6.2	1.5
Managemt	13.1	10.7	5.9	9.9	8.5	6.7	11.3	11.6	8.7
Not in coal	6.4	19.6	0.3	53.3	9.0	38.6	27.8	4.9	20.2
Other occs.	9.3	24.1	11.8	17.6	25.0	11.5	20.9	11.5	14.7

Source. P.P.1842, XVI, XVII, App. to 1st Rep. R.C. on Emp. of Children in Mines and Manufactories, Parts I and II, Minutes of Evidence (3731 observations). P. Kirby, Evidence to the Children's Employment Commission, 1842, (Study Number 6128: UKDA, 2009, University of Essex, CO4 3SQ, UK)

Note: Excludes 377 witnesses who did not give an occupation and 673 who worked in other districts. Excludes the Cumberland, Ireland, South West and West of Scotland coal districts.

A major criticism of the sub-commissioners' evidence has been that 'the employers' responses invariably diverged from those of lower-level management and that, in turn, the views of the agents and managers were always different from those of the colliers themselves.'⁸⁷ Whilst it might be expected that the interests of managers and colliers (and therefore the complexion of the evidence) might diverge, it seems clear from the occupations of the witnesses, that the sub-commissioners (in every major district) were much more likely to interview managers of mines rather than owners (Table 1): any divergence of opinion between managers and owners

⁸⁶ Bartrip and Fenn, 'Administration of safety', p. 99.

⁸⁷ Humphries, 'Protective legislation', n.6, p. 30.

would therefore not have had a marked effect upon the outcome of the summary evidence.⁸⁸ A further criticism of the Commission has focused on the tabular returns issued by the sub-commissioners. It has been suggested that these were distributed mainly amongst the more highly capitalised employers and therefore underestimated the proportions of children. As Humphries argues, 'The returns were the statements of employers themselves and could therefore have been subject to falsification in the (perceived) interest of the employing class. Undoubtedly some distortion occurred'.⁸⁹ It is, however, impossible to generalise about the quality of the evidence contained in the tabular returns as many employers claimed not to have received the forms or did not bother to complete them. It is true that only a limited number of the forms were actually filled in by employers but the Commissioners did stipulate 'that the smaller, as well as the larger, Works in which Children are employed should be carefully examined'. The forms also specifically requested information only on children and young persons aged below eighteen.⁹⁰ The poor response rate to the tabular returns meant that the aim of obtaining national statistics of the numbers of children employed in mining failed and it was not possible for the Commission to provide abstracts of absolute numbers employed 'either for the whole of the kingdom, or for any portion of it.'⁹¹ This point was admitted to by the Commissioners in their report.⁹² The number of returns was, however, large enough to allow an approximation of the proportions of children employed compared with older age groups in the industry and these were included in the summary report of the Commissioners.⁹³

⁸⁸ In most cases, the occupation of the management interviewees was clearly stated.

⁸⁹ Humphries, 'Protective legislation', n. 6, p. 30.

⁹⁰ PP 1842, XV, p.2; . PP 1842, XV, 'Supplemental Instructions', p. 268 (emphasis in original).

⁹¹ PP 1842, XV, pp. 2; See Kennedy's report (Lancashire) for detailed tables of pits and proportions of children and young persons employed. PP 1842, XVII, App.A., pp. 194-196. By contrast, see the somewhat unsuccessful table in Fellows report (Derbyshire), PP 1842, XVII, pp. 251-252.

⁹² PP 1842, XV, p. 2.

⁹³ PP 1842, XV, pp. 37-9.

It is not known how many of the tabular returns survived, though it is possible to provide a comparison between a surviving return and a series of paybills, from the Wylam Colliery in Northumberland which shows the colliery return to have been entirely accurate in reflecting the names, ages and occupations of the working children and young persons.⁹⁴ Moreover, the return indicates that 85 per cent of those employed in the colliery aged below eighteen were in haulage and ventilation, whilst the sub-commissioners' evidence for the north east region as a whole provides a reassuringly similar figure of 81.3 per cent. The evidence in districts outside the north east of England tended to be less complete and John is probably correct to suggest that in some districts the returns might have been 'completed by guess work'.⁹⁵ Hence, the accuracy of the returns varied by region and employers in the more highly-capitalised districts returned the most accurate tabulations of the proportions of young persons in haulage and ventilation. This supports Humphries' contention that only those employers who had least to hide with regard to child employment would willingly have completed the forms and is further supported by the fact that only 7.5 per cent of north east witnesses failed to provide an age to the sub-commissioner compared with 21.3 per cent in the less-capitalised Yorkshire region.⁹⁶ Ultimately, however, the inability to obtain fairly complete statistical evidence using the tabular forms should be attributed mostly to the non-cooperation of employers rather than any major failing of the sub-commissioners.

The sub-commissioners have also been criticised for having not inquired into the family background of female workers at British coalmines.⁹⁷ Although the sub-commissioners were never asked specifically in their instructions to include this as a head of inquiry, it is clear that they interviewed a much larger

⁹⁴ The Wylam form, though accurate, was never returned to the CEC but remained for 160 years in an unlisted collection in the Northumberland Record Office. The return has been digitized. [UKDA SN]; Kirby, Children's Employment Commission.

⁹⁵ John, Sweat of their Brow, n. 9, p. 61.

⁹⁶ Form drawn up 24th March 1841; Kirby, Children's Employment Commission.

⁹⁷ John, Sweat of their Brow, p. 20.

proportion of female children than were employed nationally in the coal industry. Ten per cent of the witnesses were female at a time when the proportion of females in the British coalmining labour force as a whole stood at about five per cent. With regard specifically to child miners, females accounted for 12.2 per cent of the witnesses aged below 19, 9.6 per cent of those below 13 and 7.5 per cent of witnesses below 10.⁹⁸

The Commission achieved much of what it set out to do in a remarkably 'modern' way and many of its officers exceeded their instructions. Although they were not required to make specific recommendations for legislative action, this did not prevent many of the sub-commissioners and their witnesses conveying their own private views in the district reports. Indeed, some of the queries issued by the sub-commissioners appear to have included a question on the desirability of an age limitation.⁹⁹ The district sub-commissioners were not, therefore, mere ciphers of the ruling classes and the coalowners.¹⁰⁰ Had this been the case, it is unlikely that they would have sought-out and interviewed large proportions of working children. The minutes of evidence also over-represented female witnesses. Given the unique nature of their work, the reports of the sub-commissioners represent a model of practical fieldwork and government action that was remarkably successful in an 'atmosphere hostile to collectivism and centralization alike'.¹⁰¹

⁹⁸ Kirby, Children's Employment Commission; Hair, 'Social History', p. 226.

⁹⁹ See, for example, Symons's report and evidence. PP 1842, XVI, pp. 169, 287; PP 1842, XVII, App.D, pp. 501-2; The Commissioners, too, framed their inquiry ambiguously 'with a special reference to the acquisition of such information, the possession of which must necessarily precede sound and successful legislation.' PP 1842, XV, p. 4.

¹⁰⁰ On this, see Humphries, 'Comment', p. 533; Much of their success must have resulted from their sheer number. The Commissioners themselves, meanwhile, do not appear to have taken a practical role in the inquiry. Southwood Smith and his fellow Commissioner Robert Saunders spent the early part of June 1841 in the company of Scriven visiting small West Yorkshire pits where conditions were particularly bad. PP 1842, XVII, p. 120; Their visit was one of only two documented examples of Commissioners visiting the coal-districts during the term of the Commission. PP 1842, XV, pp. 5-6.

¹⁰¹ The quote is from MacDonagh, Early Victorian Government, p. 16.

V

This article has attempted to throw light on a neglected aspect of early Victorian government growth: the effectiveness and accuracy of an early royal commission. It is important, however, to place the 1842 Mines Commission in perspective. In common with the earlier Factory Commission, it reported on only a small part of the employed child population. Even by the 1870s, the majority of working children remained beyond the scope of state investigation and child labour laws. Moreover, whilst efforts were being made to regulate and prohibit various forms of industrial child labour, the reform of the Poor Law in 1834 and the abolition of out-door relief tended to have the countervailing effect of forcing increasing numbers of poor children into low-paid employment. It is also often overlooked that the early-nineteenth century state had been very successful in de-regulating large sections of the child and adolescent labour market, chiefly through the abolition in 1814 of statutory protection for apprenticeships.¹⁰² There was little unity of intent and few formal exchanges of information between the various investigative branches of the state and this supports MacDonagh's argument that the early Victorian state had no coherent 'collectivist' programme of reform but was rather reacting to a series of discrete social problems. As he put it, 'reform did not always depend upon master-reformers or agitation [and] bureaucracy could develop without any assistance from master-bureaucrats'.¹⁰³ Indeed, even within a single industrial sector, government inquiries could remain quite unconnected. The development of a mining safety inspectorate (MacDonagh's main interest in the mining sector) was regarded by the Children's Employment Commissioners as a largely separate issue to that of child working conditions. The findings of the Select Committee on Accidents in Mines of 1835, for example, were hardly mentioned in the Report of 1842.¹⁰⁴ Hence, developments in industrial investigation discussed above did not

¹⁰² Kirby, Child Labour in Britain, pp. 94-7; T.K. Derry, 'The repeal of the apprenticeship clauses in the Statute of Apprentices', Economic History Review, 3 (1931-32).

¹⁰³ MacDonagh, Pattern of Government Growth, p. 8.

¹⁰⁴ PP 1835, V, Accidents in Mines.

follow any impetus towards 'big government' or centralisation as sometimes implied in labour and social history texts. Indeed, the concept of an early-nineteenth century 'revolution in government' might be regarded as misleading. As Lubenow has argued, in a European context, the growth of the early-nineteenth century British state was hardly revolutionary: in 1832, the French Minister of the interior had 200,000 subordinates whereas the British Home Secretary had only twenty-nine men.¹⁰⁵ In many ways, this renders the efficiency and breadth of the work of the Children's Employment Commission of 1842 even more remarkable.

¹⁰⁵ Lubenow, W.C., The Politics of Government Growth: Early Victorian Attitudes Toward State Intervention, 1833-1848 (Newton Abbot, 1971), p. 15.

Appendix. List of commissioners and sub-commissioners, together with their coal-districts. Children's Employment Commission, 1842.

Commissioners

Horner, Leonard, Esq.

Saunders, Robert John, Esq.

Southwood Smith, Thomas, Esq.

Tooke, Thomas, Esq.

Secretary

Fletcher, Joseph. Esq.

Sub-commissioners

Austin, Antony, Esq., North Lancashire.

Barham, Charles, Esq., MD. Cornwall and Devonshire.

Fellows, John Michael, Esq., Derbyshire.

Fletcher, Joseph, Esq., Oldham.

Franks, Robert Hugh, Esq., East of Scotland; South Wales and Monmouthshire.

Jones, H. Herbert, Esq., North Wales.

Jones, Rhys William, Esq., South Wales and Monmouthshire.

Kennedy, John L, Esq., Lancashire and Cheshire.

Leifchild, John Roby, Esq., North Durham and Northumberland.

Martin, Thomas, Esq., Cumberland and Ireland.

Mitchell, James, Esq., LLD. South Staffordshire, Shropshire, Warwickshire, Leicestershire and South Durham.

Roper, Frederick, Esq., Ireland.

Scriven, Samuel, Esq., North Staffordshire and Halifax.

Stewart, Leonard, Esq., M.D. North Somersetshire.

Symons, Jelinger C, Esq., West Riding of Yorkshire and Cumberland.

Tancred, Thomas, Esq., West of Scotland.

Waring, Elijah, Esq., Forest of Dean and South Gloucestershire.

Wood, William Rayner, Esq., Bradford and Leeds.