The following pamphlet reflects the pro-laissez-faire point of view against the campaign for a ten-hour day.

THERE are few subjects upon which more erroneous sentiments prevail, than as to the proper objects and limits of legislation. The "trop gouverner, " is no less common, than mischievous. The propriety of legislation, as the cure of an evil, is, by most people, considered as a mere corollary of the proof of its existence, and they are surprised when you demur at applying, what they conceive to be, the easy and natural remedy.

It is said that, "Experience is a dear school, but that fools learn in no other," and we fear that, until education be sounder and more universal, until the lower classes are taught something more than reading and writing, and the higher classes, something more than the dead languages and mathematics, the school of experience is the only one in which we must continue to learn. By experience is, of course, meant, that of the individual, for a knowledge of the experience of others, and of other times and actions is wisdom: that wisdom, in which, alas! we are so deficient.

In legislation, upon some subjects at least, it seems as if we stumbled upon the highroad of truth, only after having travelled, in vain, every byeway of error, and until we have been driven, by some impassable barrier, to retrace our steps.

Thus, in our attempts to improve, by legislation, the condition of the poor, we have not only multiplied the number, but reduced them to a state of degradation before unknown. By our poor laws and our charities, we have pauperised, and almost ruined the country.

In our commerce and manufactures also, the effects of legislation have been equally mischievous. By our well meant, but injudicious attempt to foster and protect, we have constantly been driving capital from productive into unproductive channels, encouraging the smuggler, checking our commerce, and stunting our manufactures; and our efforts to procure to the operatives a fair remuneration for their labour, has always ended in a reduction of their wages, or in depriving them altogether of employment.
Thus, after repeated failures, we have been, in some degree, schooled into knowledge, and have purchased our experience at the usual price. Modern legislation is indeed improving, though the improvement is rather of a negative nature, and consists not so much in passing better laws, as in repealing bad ones. It may be confidently predicted that all further improvement will be of the same kind, and thus, in matters of commerce and manufactures at least, we shall approach continually to a condition of complete and unrestricted freedom.

With such experience in the past to guide us, and such a course obvious for the future, it would indeed be unpardonable, if, instead of proceeding to retrace one false step after another, as the opportunity presents itself, we should be guilty of committing additional errors of the very same nature.

We have been led to these reflections, by perceiving the efforts making, in various quarters, to prepare the public mind for a measure, proposed to Parliament by Lord Ashley in 1833, and of which notice of motion has already been given by his Lordship, for the 6th of April; namely all Act of Parliament for restricting the hours of labour, to ten daily, in all the cotton, woollen, worsted, flax, and silk factories of the United Kingdom.

The parties who are endeavouring to carry this measure, are the same, now, as at the former period. In the first place, a certain number of the operatives themselves, who have been persuaded that they would continue to receive the same wages, when working only ten hours a-day, as they now receive, for working twelve. The "Short Time Committee" at Manchester, represents itself, we know not how truly, as their organ in the business.

In the second place, the public at large, whose human feelings have been much excited by the tales of hardship, which have been industriously circulated respecting the children employed in the factories. And, thirdly, the Tories, as a party, for the question has now assumed entirely a political aspect, and who seem to think that they can strengthen themselves and weaken ministers, by adopting, what they consider, the popular side.

This conclusion seems justified by the fact, of the whole Tory press, including the Quarterly Review, having taken the field, and by raking up every old story, and adding some new ones, it is endeavouring to excite the feelings of the public, and of the members of the Legislature, against the mills and the mill-owners. Thus, by blinding their judgment, their support is sought for a measure, uncalled for, to say the least; mischievous to those whom it is pretended to serve, and hazardous to the interests of the kingdom at large.

It is our intention to examine the question of the "Factory System, " as it is now called, in all its bearings, to weigh with care the evils which have been alleged against it, to explain the nature of the present law, which the advocates of the
"Ten Hours Bill" seek to repeal, and to inquire into the objects and consequences of the measure, which they seek to substitute.

The Factory Question has been so long before the public that we shall not enter minutely into the history of the legislation upon the subject.

The bill of Sir Robert Peel, in 1802, was, we believe, the first instance of legislation as to labour in Factories, and its operation was limited to apprentices.

We confess that we entertain some doubt of the propriety of proceeding farther than this first step in the interference with labour. A parent is the natural and only efficient guardian of a child. "If parents are inhuman enough to overwork their children, Parliament cannot remedy the evil by setting itself up as the universal guardian of the offspring of the poor. The cause obviously lies in the bad moral character of the parents, and on raising that character, which Factory Bills more effectually debase, depends the only chance of cure."

When there is no natural guardian, or, from circumstances, he is prevented from exercising his guardianship, and the law transfers to a master the privileges of a parent amongst which is a command over the services of the child it most properly imposes upon him also the duties of a parent the providing the food, clothing and education of the child and, as far as it can enforce the same, it ought to impose the duty of humanity and kind treatment.

Sir Robert Peel's Bill of 1802 was therefore defective, in limiting its humane provisions to apprentices employed in cotton mills, instead of extending them to all apprentices whatsoever.

Reasonable doubts may, however, be entertained of the propriety of interference with children resident at home under the protection of their parents, except so far as securing to them an education, which will fit them for the performance of their duties, as members of the social body, and after a mature consideration of the Reports of the Factory Inspectors, and much conversation with intelligent mill-owners, we are satisfied that no protection of an effectual nature can be secured to children, except by some general system of education, duly enforced. Such a system would apply, not merely to the few children employed in factories but to all children. The necessity of attending schools a certain portion of every day, would secure, from being overworked, all children, not merely those employed in factories; and it would secure also the proper employment of their time when not at work, or before they were old enough to enter the factories.

But to resume our subject. In 1816 a bill was passed, making the regulations of that of 1802 applicable to all children under 16 years of age. Like its predecessor, its operation was confined to cotton mills. Respecting this bill, the Quarterly Review remarks, "The generous nature of their Lordships, assigned 11 hours, but the Commons amended the period to 12 of actual labour." We cannot speak to
this, but may observe, in reply, that Sir John Hobliouse's Bill of 1825 was one for working 66 hours per week, but that "the generous nature of their Lordships, amended the period of actual labour" to 69 hours.

In 1831, Sir John Hobliouse brought in another bill, extending the application of his former one from cotton, to all other factories, in which woollen, worsted, flax, and silk goods were manufactured, and in which the moving power was steam or water. "It was somewhat amended," says the Quarterly Review (p. 409), "by the prohibition of night working for all under 21, and by the advance of the ages, entitled to protection, from 16 to 18 years. He deserves (Sir John Hobliouse), and shall receive our warmest thanks for his amiable exertions."

It is only fair to observe, that for these improvements, Sir John Hobliouse's Bill was indebted to the committee of the mill-owners, then in London; and that the same provisions in the existing law were also introduced by the mill-owners, in opposition to the wishes of those who framed it.

It is only an act of justice to state those facts, when the masters are so constantly represented, as "sacrificing thousands and tens of thousands, on the altars of Mammon and Moloch."

Scarceley had the second bill of Sir J. Hobliouse been in operation twelve months, when the late Mr. Sadler, emerging as if from a long entombment, with all the political and religious prejudices of the olden times, comes forward with a new proposition for limiting the labour, not of children only, but of adults, employed in factories, to ten hours daily.

Nothing surely could be more reasonable, before passing such a measure, involving such a principle, with such momentous interests at stake, than to call for evidence to prove its necessity, particularly as a new law upon the subject has but just passed the Legislature. Yet such a reasonable determination encountered the greatest opposition, and was denounced as cruel, it being represented "that thousands of lives would be sacrificed by the delay."

It was agreed with Mr. Sadler, in committee, that he should take his witnesses first, and close his case, and that then the other side should take theirs. This was merely an arrangement for mutual convenience, and to save expense.

The close of the Session, and of Mr. Sadler's case were however, contemporaneous, and in defiance of justice, and we should think, of strict parliamentary usage, Mr. Sadler immediately published the evidence, and gave to the world such a mass of exparte statements, and of gross falsehoods and calumnies, as they are now generally admitted to be, as probably never found their way before into any public document.
The natural consequence of this partial proceeding, was to inflame the public mind to such a degree, that, in the ensuing Session of Parliament, the millowners, finding that they would not be allowed to call evidence on their side, which justice and the previous arrangements with Mr. Sadler's Committee entitled them to do, demanded, and with difficulty obtained, that a Parliamentary Commission should proceed immediately to the manufacturing districts, armed with full powers to examine every body and to scrutinise every thing relating to the subject.

To the Report of this Commission, and the facts collected by it, all verified upon oath, we shall frequently have occasion to appeal, and will only remark here, that they form an official and authenticated mass of evidence to which all must bow, and that every statement which has been made on either side, must be considered as of little value, except in so far as it is confirmed, or otherwise, by this document....

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