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A HISTORY OF LABOUR

BY

GILBERT STONE

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PREFACE

THERE may be no doubt that the present age is of the great ages of the world. We who now live have experienced disasters more serious than those of preceding generations. We have also had offered to us as compensation opportunities that do not frequently recur. It is for us to move the world forward or backward. Belonging to such an age, I make no apology for endeavouring to see, by a consideration of the past, what are our tendencies and whither they are leading.

As Carlyle once said, "Not on Ilion's or Latium's plains; on far other plains and places henceforth can noble deeds be now done. Not on Ilion's plains; how much less in Mayfair's drawing rooms! Not in victory over poor brother French or Phrygians; but in victory over Frost-jötuns, Marsh-giants, over demons of Discord, Idleness, Injustice, Unreason, and Chaos come again. None of the old Epics is longer possible." We have arrived at a time when the masses definitely and undoubtedly matter; when it is no longer a question of the Have-nots reaching out their hands for the possessions of the Haves. The conscience of mankind has at length realized the truth of what the Encyclopædists declared, that mankind was composed not of some men, but of all men. With that realization the story of all men—the masses—becomes not merely invested with interest, but of importance.

When Eden wrote his history toward the end of the eighteenth century, he wrote with his eye mainly on the Poor Law. The people and pauperism were linked together then so closely that a consideration of the one

suggested a treatise on the other. The time when such an association of ideas was not only possible but natural has passed. Circumstances have changed; but though the change is manifest to the most obtuse, though the fact is apparent all around us, yet many, and indeed most, appear to have little idea or knowledge of the causes which in less than a hundred years have brought about a fundamental alteration in the conditions of the people.

The spirit of the past still lived when the Duke of Wellington told the unreformed Parliament that it was of all human institutions the most perfect, yet the years, few in number, which stretch between that pronouncement of dying Toryism and this day have brought about a shifting of the political centre of gravity, have raised the leaders of working-class thought and opinion to a position of authority in the State, have changed the environment of the home and the factory life led by the masses, and have increased both the prosperity and, to a lesser degree, the intelligence of the people, not only in this country, but in civilized states generally.

But though these latter days are pregnant with interest and change we should derive a false impression of the stately movements of the Inevitable if we solely regarded the history of the masses in that period which I have in this book called the Present. That era was led up to. It was prepared for. Man did not spring fully equipped into the arena of life. He slowly learnt his way through struggles innumerable and strife and misery and his own unconquerable spirit. Those long ages we must not forget. They are the ages of the Past.

Convinced as I am that the future is with the masses, convinced also as I am of the inevitableness of one of two alternatives: either that the masses will use their power more generously and more justly than the classes have used their authority in any age within historic times, or that our or the next generation will add to experienced disasters an as yet unexperienced chaos that will cause the losses of the War to recede into insignificance, I have devoted my

leisure to a humble attempt to depict in the broadest manner possible the history of the masses, not only in England, but in other countries also, from the days when they were slaves to these days when they are free—and free not merely in the view of lawyers, but in truth. I have done this in order to search for the root cause of the change which has occurred in the circumstances of life of the masses, and in order to show how great that change has been. It has been no light task. Many details will, without doubt, be found wanting and others will be blurred, but I shall be content if it be found that the general picture is in perspective.

I am no believer in a suddenly achieved Utopia; I see little in history that suggests that short cuts are the best roads to travel by; I see little gain in sharp upheavals. In the future, as in the past, it will be the character and worth of our race which will secure us sound advantages. This work is, indeed, based upon the belief, not held lightly or in ignorance, that natural tendencies favour evolution and oppose most sharply revolution.

As I view the matter, the evolutionary forces which can be seen at work moulding the history of the masses slowly acted throughout the ages until at length the people were fitted to rule. When once the people had come into possession of political power (and that such a gain was secured is due primarily to the genius of three great countries, Great Britain, France, and the United States) the upward movement was rapid.

To-day the masses can do, if they will, what they will. It therefore, in my opinion, behoves everyone who is interested in matters political and in the advancement of the human species to encourage the masses to like what is worth liking. It would also be no small gain if they could fully realize their power, their rights, and also their duties. The strong man does not exert his strength unduly, nor does the owner of the orchard rob it. But even now we see on all sides a people playing fitfully with the dangerous weapons of industrial force to achieve what knowledge,

linked to the power which they already possess, would immediately secure for them without a struggle. We live enmeshed in paralysing prejudices, and though in so saying I may be overbold, I will still say with Montesquieu: "I should think myself the most happy of mortals could I contribute to make mankind recover from their prejudices. By prejudices I here mean not that which renders men ignorant of some particular thing, but whatever renders them ignorant of themselves."

GILBERT STONE

LONDON
June 1921

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PART I
THE PAST

A HISTORY OF LABOUR

PROLOGUE TO PART I

THERE are occasions when it is well to leave the examination of matters of detail and to stand apart and survey the broad aspects of life. Neither the size nor the beauty of a wood is apparent when one is engaged in cataloguing the trees. We will therefore for a moment take a wide survey of the past and trace in outline the development of that great class of mankind known as the masses.

When we view the natural history of the world we see out of chaos great mountains arising suddenly. Long centuries roll by, and the wind and the rain and the sun wear down, little by little, those mountains into hills, and sometimes obliterate them completely. It is so with man. When, after millenniums of years of evolution, of slow progress, of conquest of nature, of beasts, and of brutality, man finally emerges from his primeval state and crystallizes out into social forms, society might be represented as composed of sharp peaks and broad valleys.

At first, however, the social world of man is a very little thing. His social bonds are, in those early days, bonds of kinship. The family and, later, the tribe are the greatest associations that he knows. Within those little worlds the highest peaks seem to us to be but mole-hills. But relatively the pitch of the curve separating the father of the family or the chieftain of the tribe from the son or the tribesman is as steep as that which later separates the emperor from his subject. The father of the family, the chieftain of the tribe, led and ruled and had to be obeyed. He possessed absolute power; he

had the right to say who should live and who should die.

As man grew in social stature his world broadened, it grew bigger, more complex, less human. The valleys became broad plains, rising to hills, and finally to mountains. The masses formed the plains. Man had secured the conquest of animals; he had won victory over inanimate nature. The soil now did his bidding. It remained for man to conquer man.

For nearly all the years known to history man has been in that stage of political development which may be termed the era of the kings. Civilizations formed in this mould have arisen to greatness and have faded into oblivion, from which only the most patient research is at last slowly recovering them. But though there are many twists and turns in the road, the road remained for thousands of years the same. Throughout those millenniums men in the mass were not controllers of their own destiny. They surrendered their freedom to man in return for security from the attacks of man.

It was while the world was still embroiled in successive wars, by which first one kingship and then another sought to impose its will upon mankind, that the great empire arose which ushered in the era to which we belong. The Empire of Rome won her supremacy in virtue of the greatness of her people as fighters and as lawyers. The Romans conquered the then known territories of Europe, they held sway over no small part of Asia, and ruled the northern part of Africa. For a season a state existed which feared not other states. But the Romans, though freed from the fear of foreign subjection, had, in winning that liberty, gone far to create a proletariat of slaves. With the downfall of that empire the levelling system commenced.

For a season during those tragic years of the fifth and sixth centuries, when the barbarians were bearing down from the North, from the West, and from the East upon Rome, it seemed as though the whole fabric of civilization was crumbling away. But it was not crumbling, it was

weathering. The world was designed, we may imagine, that men rather than emperors should live therein. The tyrannies, the absolute monarchies, the oligarchies and aristocracies had slowly to be reduced, little by little, until the barren, snow-clad mountains, awe-inspiring, majestic, but of little service to the tiller of the soil, had given place to undulating hills and dales and downs which could delight, refresh, and feed the generality of men. Our problem to-day is not who shall be the mountain, but what class shall form the hills.

The struggles which have occurred between that age and this from some aspects wear an ugly look; the masses have emerged so slowly from oppression. We see pass before us thousands and millions and thousands of millions of slaves and serfs. The men, the women, the children lived their lives, not in happiness, but to serve others. Wrongs heaped upon wrongs were imposed on the masses. They fought, they died, they worked, and suffered that the few might live gaudily.

But viewed from another angle the history of the masses must stir in all of us feelings of veneration. We watch mankind overcoming obstacles, achieving conquests, not of the sword, but of the mind, slowly cutting a path through the dark forests of medieval wrong. Little by little, owing largely to the influence of the Church, the slave is a slave no more. He changes his garb for that of the serf. Slowly the serf wins his way to the foot of the social ladder. A benevolent selfishness on the part of the feudal nobility, lay and spiritual, at last recognizes that no labour is so inefficient as unfree labour. With the dying down of tribal wars trade arises, population increases, though but slowly, productivity becomes more necessary as needs become greater. Wealth in things other than land and cattle casts its spell over mankind. Labour begins to occupy, in the mass, a position of some importance. As labour becomes more of a necessity those who labour and who once were rightless begin to have rights. The existence of the labourer as a man is recognized.

But with that recognition, though man slowly begins to shake himself free of the domination of man, he falls for a time into the position of the slave of circumstance. The slave, the serf, the bondmen of the past have now their liberty and with that liberty arises poverty. The unfree had been secured in the necessities of life. They received food and clothing and shelter. Now, though they had gained freedom from human control, they had not won control over their needs.

Coincident with this change in the status of the masses, the weathering process was continuing among the mountains. The English had invented Parliament. The way was open for the change from absolute monarchy to democracy; but that stage was not quickly reached, even to-day it has not been universally reached. But we have at least experienced those lesser graduations, aristocracy and plutocracy.

The mountains were being worn down, the valleys were filling up, but still the masses were surrounded by manifold miseries. Doubtless, to those generations their lives seemed tolerable enough. Surrounded though they were with uncertainties, sunk in ignorance, born to heavy toil, they were often happy, for their imaginations were numbed, their wants small, their ambitions few. They plodded. It is only we who have a century of fair government to look back upon, who live in an age in which men and women can find scope for their abilities, and who have seen the general aspect of the world more changed for the better than in all the years that passed before, who can realize how gravely progress has been retarded by the evils and the follies of past ages.

With the freeing of the serf, with the coming of poverty, some of the problems with which we are to-day conversant began to assume an acute form. The next, and even more important, change occurred with what we hereafter term the Agrarian and Industrial Revolutions.

It is only within comparatively recent years that the masses have been either landless or organized in industry.

It is also a modern phenomenon to find the masses so numerous that the land in which they live is unable to supply them with sufficient food and in which the conditions of life of the majority are so favourable that the consumption of goods demands intense productivity. Until, at earliest, the sixteenth century, if we regard Europe alone, agriculture was by far the greatest industry. Under the feudal system, and for some centuries after it had begun to decline, the land-worker was not simply an agricultural labourer, he was also a peasant proprietor. Industry was not organized. Trade and commerce were in their infancy. The population was small.

Of the changes which came over society with the Agrarian and Industrial Revolutions we shall speak at length hereafter. It has sometimes been represented that the position of the worker after those revolutions was worse than before. There can be no doubt that the fundamental alterations that were then made in the whole fabric of society bore very hardly upon many industrious men and women. There can be little doubt that the birth of the modern industrial system caused much suffering to the generations in which it occurred. He would, however, be adventurous who attempted to sustain the view that the lot of the masses in the seventeenth century was in any way the equal of that to which they have attained in the twentieth century; we would go further and say that it is plain that even as most of our problems have arisen from the revolutions of the eighteenth century, so also have most of the industrial advantages which the working classes to-day possess.

The period of which we now write under the title 'The Past' is intended to embrace historic times up to the development of representative government on a popular basis. We are not concerned with dates, as we view the general trend of events not only in England, but in foreign countries also. It is manifest, however, from a general survey of political institutions that the dividing line was laid down in the first half of the nineteenth century. By that time the masses had become something more than

amorphous masses. They had been drawn together by the fact of contiguity, by manifest wrongs, by the slow spread of education, and by the existence, at first secret and later open, of widespread organizations. Even before they had attained the vote they were beginning to possess political power. Once that stage was reached the way was open.

To-day the masses are as powerful politically as they care to be. Their very powerfulness induces other problems, some of which are grave. It will be the purpose of the later parts of this book to consider the nature of those problems. One thing, however, we say at the outset. All history shows with signs clear enough for all to see, will they but look, that most of the sorrows of mankind have been caused by thrusting understanding on one side and by relying on superstition and violence. Ignorance, ambition, and violence, what evils have they not dragged in their train? The myriads that have suffered those evils are dead. We are alive. It is for the living to see that not the ignorance, not the ambition, not the violence of a man, or a class, or a race shall again deflect the course of progress, but that men shall at last be ruled by reason, that propositions of vital importance to the generality of men shall be accepted only when acceptable to the good sense of the majority. If that be not so, then all sense is dead and those are right who say man rises only to fall.

CHAPTER I

THE UNFREE

READ no history, nothing but biography, for that is life without theory." With those words Contarini Fleming dismisses as worthless any attempt to depict the history of the masses, for biography concerns itself only with the most eminent of men. But is 'life' composed of the doings of the eminent? Is it desirable that, to paraphrase the words of Mr and Mrs Hammond, a hundred should know everything about the scenes of high politics and high play that formed the exciting world of the upper classes in the eighteenth century for every one who knows anything about the Agrarian Revolution which so vitally affected the lives of the people in that century? We think not.

As Macaulay once observed, the historian too frequently has been content to resign to others some of the most important of his duties.

> To make the past present, to bring the distant near, to place us in the society of a great man or on the eminence which overlooks the field of a mighty battle, to invest with the reality of human flesh and blood beings whom we are too much inclined to consider as personified qualities in an allegory, to call up our ancestors before us with all their peculiarities of language, manners, and garb, to show us over their houses, to seat us at their tables, to rummage their old-fashioned wardrobes, to explain the uses of their ponderous furniture, these parts of the duty which properly belongs to the historian have been appropriated by the historical novelist. On the other hand, to extract the philosophy of history, to direct our judgment of events and men, to trace the connexion of causes and effects, and to draw

from the occurrences of former times general lessons of moral and political wisdom, has become the business of a distinct class of writers.

We know not, indeed, within what category our present story falls, for though history may be defined as the story expressive of the experiences and conditions of social units, the story as usually told descends not to the servants' halls. We are permitted to overhear the whispers of the court and council chambers and follow the victorious general, but our historians so often regard mankind from the eminence of the throne, are so commonly dazzled by the splendour of great names, and are led aside so frequently by the glowing sentences of highly-placed orators or courtly chroniclers, that we, reading the resulting story, almost forget that the social units whose experiences and conditions they are depicting were composed almost entirely of homely men and women and children, who toiled and struggled and at length died, having left nothing but their deeds to speak for them to posterity. And yet we to-day are the descendants of those men and women who through the centuries have trod their humble path and passed by. Our present rights and duties, our benefits and our difficulties form the legacy which they have left to us. It is, therefore, worth pausing awhile, even amid our present anxieties, to look backward, not upon the hero or the demigod, but upon the ordinary man.

The history of the working man, broadly viewed, shows, despite relapses sometimes extending over centuries and connected always with war or the breakdown of centralized governments, a general upward tendency. The words *Thou shalt* and *Thou shalt not*, given at first by man (whether prophet or priest or prince) to man tend to be given by men to man, and with that change freedom arises. As the trend of society is from status to contract, so the trend of the political framework of society is from despotism to democracy, and thus the sword is placed in the hands of justice.

Slavery

A history of the ordinary man, however slight and imperfect it may be, must therefore commence with a consideration of the lowest status, and work upward. It must visualize man as marching upward to the heights, not as sliding downward to the abyss. Thus our story commences with the slave, a status as old as human nature and based in origin upon the simple desire "to use," in the words of a Victorian, "the bodily powers of another person as a means of ministering to one's own ease or pleasure."

As Sir Henry Maine pointed out many years ago :

> There seems to be something in the institution of Slavery which has at all times either shocked or perplexed mankind, however little habituated to reflection, and however slightly advanced in the cultivation of its moral instincts. The compunction which ancient communities almost unconsciously experienced appears to have always resulted in the adoption of some imaginary principle upon which a defence, or at least a rationale, of slavery could be plausibly founded. Very early in their history the Greeks explained the institution as grounded on the intellectual inferiority of certain races, and their consequent natural aptitude for the servile condition. The Romans, in a spirit equally characteristic, derived it from a supposed agreement between the victor and the vanquished, in which the first stipulated for the perpetual services of his foe, and the other gained in consideration the life which he had legitimately forfeited. Such theories were not only unsound, but plainly unequal to the case for which they affected to account. Still they exercised powerful influence in many ways. They satisfied the conscience of the Master. They perpetuated, and probably increased, the debasement of the Slave. And they naturally tended to put out of sight the relation in which servitude had originally stood to the rest of the domestic system.[1]

If we look at a civilization even more ancient than the Greek, we see among the Hebrews signs of a form of slavery which shows this relationship much more clearly. The Hebrews, indeed, did not at first recognize what may be termed compulsory and perpetual slavery. The stranger

[1] *Ancient Law.*

who would come within the family could be bound, but the binding was only for seven years, and the bondman had rights. Perpetual bondage could only be by the consent and desire of the slave publicly expressed. Even among the early Romans there is reason to believe that the slave was hardly more a 'thing' than was the son. The tendency of the Roman law—a tendency checked, it is true, by the development of the Law of Nature—was to assimilate the slave more and more to a chattel, and by so doing to divest him more and more, not only of rights, but also of duties.

The Roman Slave

The legal position of the slave and his lord, *dominus*, or master was worked out by the lawyers of Rome more completely than by other people, and it is, therefore, of the slaves of Rome, of the time of the Empire, that we shall particularly speak. As we have seen, in the view of the Roman jurists the status of slave was based upon capture in battle. According to the law of war developed by the early philosophical lawyers, the right to kill the defeated enemy was part of the law of nations common to all peoples. It was consequently urged that to spare the defeated enemy by saving his life and using it was both merciful and expedient. The very word *servus* was derived from the idea of saving life, and in no way denoted an inferiority either of intelligence or of blood.

The Slave a Thing

Once a slave, a person remained a slave until freed. He or she could be sold, exchanged, given away, left by will, abandoned, or seized. The slave could be the subject of both legal and equitable ownership. A person could possess a usufruct in a slave. In a word, the slave was a person without rights; he was also without legal duties, that is to say, duties which could be enforced against him. A man in Rome could avoid payment of all his debts by becoming a slave, and if he were subsequently freed the

liability for his debts would not revive. No judgment against a slave would be effective. His status was almost that of a thing, but a thing capable of being turned into a human being, a human *persona*, by the act of freeing called manumission or emancipation.

The Power of the Master

Under the Republic, as distinct from the Empire, the master's powers were unlimited, but it was *potestas* rather than *dominium*—that is to say, the master's control over the slave approximated to the father's power over the son. In both cases it amounted to the power of life and death. In neither case is it probable that there was in the general case serious cruelty. In the early days of Rome the supply of slaves was restricted, the slave was a valuable and useful thing, and the human intercourse between master and slave was much closer than that which existed in the time of the Empire. The result was that although the master's powers were of the widest description the abuse of those powers was rare. With the vast increase in the number of slaves, the enormous growth of domestic establishments and estates, and the decline in the standard of private life which occurred under the Empire, the case was reversed ; the master's powers at law were more limited, the oppression of the slave increased.

At no time, however, were the master's powers suddenly limited. The old power of life and death and of unlimited cruelty and punishment was bitten into little by little. Before the end of the first century A.D. masters had been forbidden to send their slaves to fight with wild beasts as a punishment unless a magistrate had approved. Claudius granted automatic freedom to slaves who, being ill, were exposed and abandoned by their masters in order to avoid the trouble and expense of having them cured. Both Domitian and Hadrian legislated against the emasculation of slaves, and the latter abolished private prisons and forbade the sale of slaves of either sex to gladiatorial promoters, and severely punished a woman who was in the

habit of torturing her slaves. Antoninus Pius made it homicide for a master to kill his slave, and established the rule whereby if slaves suffering either cruelty or infamous injury fled to the temples of the gods or the statue of the Emperor they could obtain sanctuary and on inquiry be sold to a kinder master. By the time of Justinian it would, indeed, appear that the master's power over the body of his slave was limited to reasonable chastisement.

Notwithstanding these progressive limitations of the master's power, the legal situation of the slave was throughout the Empire period sufficiently low. The slave had no political status. A slave who enrolled himself in the legions, or who aspired to enter the decurionate of any town, committed a criminal offence, and in the former case a capital offence. Slaves were, however, largely used as civil servants in clerical work.

Collegia

Not belonging to a Roman *gens*, the slaves were to a considerable extent excluded from the worship of Roman deities. They had, however, their own cult—that of Diana—and with the introduction of Christianity came within that Church. It had, of course, been realized ages before that slaves were human beings, and as such might hope for a life hereafter, and consequently were to be regarded as entitled to a suitable burial.

One consequence of the burial customs which grew up was, we have reason to believe, the development of the ancient *collegia*, or friendly societies, which, with the master's consent, the slave was permitted to join. Such societies provided free burial for members, and were social communities bearing some similarity to the later and distinct social gilds. Normally it would appear, if the evidence of the tombstones is to be accepted as expressing the normal, that masters frequently interred in a suitable manner the corpses of their slaves; but we gather from the ordinances of the *collegium* of Lanuvium that the society found it necessary to ordain that if the master refused to hand

over the slave's body for burial the proper rites were to be gone through without the body.

The Slave's Disabilities

Death, indeed, removed the stain of slavery, but in life it was always present to fetter and degrade the slave in every form of activity. The slave could not accuse; he could only inform. If he informed against his master, Constantine ordered that in all cases he should be crucified unheard. If the slave's evidence was required it was obtained by torture, the degree of the torture being determined by the court. If in a criminal case the evidence of the slave of one who was not a party to the proceedings was required, such slave was tortured, but security had to be given to the owner to make up for the loss in value thus caused. Torture was not permitted to kill.

If a master was slain, or even if he committed suicide, the most ferocious punishments were meted out to all the slaves who might perchance have been able to prevent the death. By an old custom, confirmed by Nero, if a slave had killed the master all the slaves in the house were put to death. By a later law all the slaves might be tortured until the criminal was discovered, whereupon he alone was put to death. But if it appeared that the crime could or might have been prevented by a slave, that slave also was put to death, for, as Hadrian said, "slaves must prefer their master's safety to their own." If a slave under torture disclosed something against his master, such disclosure was not received as evidence.

The slave could not marry, and could not have descendants. He could, of course, cohabit with a woman and have children, but in the eye of the law she was not his wife, and they were not his children. Such children followed the condition of the mother in the normal case. Thus, where a business manager employed in a town was left to a legatee, the Roman jurist Paul was of opinion that the testator could not have intended the legacy to

include the thing's (*i.e.*, the business manager's) 'wife' and 'children.'

Out of these and similar rules great difficulties arose, for although the slave was almost a rightless thing, the circumstances of his life, if he were owned by a benignant master, might be very pleasant. The line of cleavage between free and unfree in no way coincided with that between the learned and unlearned, or between the Latin and non-Latin, or between the leisured and the labouring classes. Slaves were not merely engaged in manual or menial employments. They were the craftsmen, the musicians, the commercial men of Rome. Their duties were the most diverse. Banking, which flourished in Rome, was carried on almost entirely under the supervision of slaves. Many of the duties which now fall to the higher division of the Civil Service were carried out by slaves. Doctors, philosophers, grammarians, schoolmasters, land agents—these were some of the professions in which slaves were engaged. Many were men of the highest culture. To give but one example, Epictetus was a slave. Nor was there anything in their outward appearance to differentiate them from free men, though in the later period certain sumptuary restrictions did exist. Many slaves were Romans (or at least Latins) by birth or by speech; their clothes were often finer than those worn by free men. They frequently lived delicately. As a result it occasionally happened that free men and free women married slaves by mistake, so that Claudius found it necessary to declare that if a free man had a child by a slave woman whom he had married, thinking her free, the child should be free. In the medieval period similar difficulties arose with regard to the status of the children of serfs, and we shall see how the feudal lawyers dealt with the problem.

We have spoken of the slave as being a thing without rights. In substance this is correct. Indeed, it is only when we turn to the law relating to defamation that we perceive any recognition of the right residing in the man or woman as such to claim legal protection. An action

did lie, quite apart from the master, if the slave was insulted. The slave also was, as we have indicated, given a certain measure of protection, but this protection proceeded, as did the protection afforded to serfs, rather from those principles of public propriety, such as to-day forbid cruelty to animals, than from any right residing in the thing itself.

Even a regard for public propriety would not appear to have resulted in any protection being afforded to the morals of the slaves, except that the *ancilla* could fly to sanctuary in defence of her honour. It was not until the fifth century that procurers were forbidden to buy women for prostitution, and although an owner might have a remedy if the morals of his woman slave were violated, the woman herself had no remedy. The master could do what he would, the woman could but flee to sanctuary, and then would merely be transferred to another master. So low was the state of morality in the Empire that this was a protection of little value.

The Slave a Power

Despite these enormous disabilities and this complete degradation of status, the slave was a power. As Professor Buckland has said :

> It is hardly an exaggeration to say that, in the age of the classical lawyers, Roman commerce was mainly in the hands of slaves. The commercial importance of different slaves would, of course, vary greatly. The body-servant, the farm-labourer, the coachman, have no importance in this connexion, and there were many degrees between their position and that of a *dispensator* or steward, who seems often to have been allowed almost a free hand. . . . A slave might carry on a bank, with or without orders, the master's rights varying according as it was or was not with the *peculium*.[1] A slave might be a member of a firm, and his master's notice to him, without notice to the other party,

[1] *I.e.*, money and goods which the slave was permitted personally to enjoy and keep for himself, unless and until the master claimed it—a right which the master rarely exercised, for we frequently find slaves trading with their *peculium* and purchasing their freedom with it, etc.

would not end the partnership. Even sale of the slave would not, in fact, end the firm : the new master would acquire the rights from the date of transfer, though as a slave's faculty is purely derivative the firm would be technically a new one.[1]

This position was achieved by the slave chiefly in consequence of the recognition of two principles : (1) the fact that the slave might be the agent of his master ; and (2) the fact that a slave might *de facto* possess *peculium.*

The Slave in Commerce

One of the most interesting facts connected with the Roman law of slavery is to be found in a development of the Roman system of agency. Unlike modern societies, the Roman Empire never invented the limited liability company. The Romans did not distinguish, as we do, or at least, not to the same extent, between the personality of the individuals forming a body corporate and the body corporate itself. The conception of the liability of the shareholders being limited to the amount of their shareholding therefore escaped them, but they achieved a very similar result in an entirely different manner. The owner, who had a legal personality in civil law, could entrust a sum of money to his slave, who had no personality in civil, but only in natural, law to carry on business. The slave could then trade with that capital, and the liability of the owner was limited to the sum of money thus laid out ; for the slave, though he could act as the owner's agent, did not so act in the modern sense. He could not make the master liable ; he could, so to speak, only charge the amount entrusted to him as agent. The owner could at any time wind up the concern by withdrawing the capital adventured, subject, of course, to the settlement of the charges on such capital to the extent of the capital invested. The owner's liability was thus limited to the sum risked, even as to-day the shareholder's liability is limited by the extent of his holding. The development of this principle of limited liability, which was completed in the later period

[1] *The Roman Law of Slavery.*

of the Empire, saw an enormous increase in the number of businesses financed by free capitalists and managed by slaves.

The Decline of the Roman Empire

The break-up of the Roman Empire, which occurred at different times in the different parts of that Empire, but which may be assigned with sufficient accuracy to the fifth century, saw a fundamental change take place in the whole structure of European society. The strong centralization of the Roman state, before which all subjects who were legal *personæ* were equal, was shattered into a thousand fragments. Society was now grouped into a number of ascending hierarchies terminating, it may be, in either king, emperor, pope, or even God Almighty, according as we look at this or that fragment. Government is largely decentralized, so that instead of society circling round Cæsar, it becomes a smaller, localized thing centring round a chief or, later, a manorial lord. For a moment there is almost a return to that family or tribal form of society from which the empire of the Cæsars had shaken free long centuries before. Under the pressure of external and internal forces, dimly perceivable, the common man was compelled to exchange his tribal rights for the position of the vassal of an overlord. The feudal system, based on land ownership, grew up in France and in England, and indeed in most of the European states, in a manner not vitally different from the system of chief and man based upon livestock ownership which we find existing in ancient Ireland—a country which was hardly affected at all by the Roman civilization. Both systems were in essence due, on the one hand, to the imperious necessity of procuring and preserving instruments for the cultivation of land, and, on the other hand, to the need felt by the ordinary man for protection.

Throughout the early part of that period which in France is always spoken of as the era of the barbarian invasions, but which we refer to rather more gently as the Saxon period, there was a thriving slave-trade in existence

in all the countries of Western Europe. Capture in war, capture by raids—these were then the means of obtaining slaves, even as to-day they are the means pursued by the Arab slave-dealers of North Africa. The traffic in slaves, once captured, was perfectly open. The sale of wives was one of the most important forms of trade carried on in the ancient markets. Peoples used to the sight of the cages in which women were exposed for sale in the slave markets of Rome could have seen little that was revolting or wrong in such a traffic. Many of the captured were exported. Thus Irish slaves would find a ready market in France, and British slaves in Ireland, and so on. As in Rome, so in early England the distinction between free and unfree in no way corresponded to the modern division into the leisured and labouring classes. Many slaves had very light duties, while many free men laboured incessantly. In the main, however, the slave of the Saxon period was engaged in the lowest forms of labour.

In the days of which we are now speaking, agriculture was not merely the main, it was almost the sole, form of industry. Trade was extremely small, and was limited to comparatively few places. The ordinary bartering of the countryside was done exclusively at fairs and markets or by chapmen (pedlars). The class of shopkeepers did not arise for many centuries, those who sold being also those who made. The state of society was simple, and the vast majority of what we should call the working classes were labourers in husbandry. Society, as it became more stable, was composed of two main divisions, the lord and the tenant, the tenants being sometimes free, but usually unfree. The unfree tended more and more to become identified with the serf. Slavery, in the strict sense, early died out. Serfdom lasted until comparatively recent times.

The Serf

Bracton, one of the fathers of English law, writing in the first half of the thirteenth century, adopts the Roman law phrase, "All men are either free or slaves," but his

servus is really our serf. By his time, and perhaps four centuries before, the feudal system was complete in all essential particulars. The serf and the slave differed vitally; for although the serf had an owner, and although as against that owner he was little more than a chattel, as against the rest of the world the serf, unlike the slave, had almost as extensive rights and duties as a free man.

The serf, villein, naif (or native), may be regarded as interchangeable terms and were all the product of feudalism. They must not be confused with the considerable number of free men who held their lands in villeinage, *i.e.*, a form of tenure, protected not by the king's court, but by the lord's court, whereby the tenant held at will, or sometimes for a term of years, and undertook as a rule in return for his holding certain lowly personal services. Tenure by villeinage must, on the other hand, be kept distinct from free tenure, which was not tenure at will or for a term of years, but which was held in return for services of a higher nature and was protected by the king's court and not merely by the manorial court of the lord of whom the tenant held. Villein tenure was the precursor of the copyhold system of to-day. Free tenure was the origin of the freehold of modern times. Both forms of holding could be obtained by free men. Neither amounted to ownership. Both are a product of feudalism, without some knowledge of which system it is almost impossible to comprehend the relationship of man to man in the medieval period.

The Feudal System

We are here confronted with a very obvious difficulty. The feudal system was at no time constant, and changed substantially century by century, almost decade by decade. It was a highly complex and technical congeries of law and custom, and varied country by country. It has been the subject of almost countless analyses. Around it has sprung up a vast mass of specialized learning. It is therefore apparent that any outline must be very imperfect. Highly technical as the subject is, it is not possible to express

with accuracy the nature of feudalism without using terms which are not easily comprehensible to those unacquainted with the subject. We therefore can describe only in broadest outline, and in a manner necessarily imperfect, this system which occupied such an imposing place in the social history of Europe.

As Sir Frederick Pollock and the late Professor Maitland well said :

> The impossible task that has been set before the word *feudalism* is that of making a single idea represent a very large piece of the world's history, represent the France, Italy, Germany, England of every century from the eighth or ninth to the fourteenth or fifteenth. Shall we say that French feudalism reached its zenith under Louis d'Outre-Mer or under Saint Louis, that William of Normandy introduced feudalism into England or saved England from feudalism, that Bracton is the greatest of English feudists, or that he never misses an opportunity of showing a strong anti-feudal bias ? It would be possible to maintain all or any of these opinions, so vague is our use of the term in question.[1]

Everything shifts, everything changes.

The central idea, however, consists in the fact that all the land of the realm is owned by the king. He has the sole right of receiving tenants, and he grants out tenancies to such as he thinks fit. In return for such grants the tenants do homage to him and swear fealty. Homage was done in the following manner : The tenant kneels on both knees before his lord, ungirt, with his head uncovered, and places his hands between the hands of his lord and says : " I become your man of the tenement that I hold of you, and faith to you will bear of life and member, and faith to you shall bear against all folk." He then stands up and with his hand on the Gospels swears as follows: " Hear this, my lord. I will bear faith to you of life and member, goods, chattels, and earthly worship, so help me God and these holy Gospels of God." Sometimes he added a promise to perform the services due from him.

The tenant was now the ' man ' of the king. He was

[1] *History of English Law.*

the freeholder of a tenancy which might amount to an honour or to a lesser holding, a manor. Out of that holding he could grant out smaller tenancies to lesser men, and in such cases they would do homage and swear fealty in the same manner, except that the words "saving the faith that I owe to our lord the king" would be added. As time went on, however, this practice of subinfeudation, as it was called, was made a means of evading service and of committing fraud, with the result that in the reign of Edward I subinfeudation was forbidden.

The Manor

By that time, however, the manorial system was fully developed. The lords of manors each had their tenants, some of them free tenants whose tenures were obtained in the manner above described, most of them villein tenants who might be free men or might be serfs. The villein tenant took a different form of oath. His tenancy was not protected by the king, but was held according to the custom of the manor. He held at will in the sense that his duties were according to the will of the lord, though in this matter he came to be protected by the custom of the manor. He could not freely alienate his land, but only with the lord's consent.

The manor was thus an *imperium in imperio*. The lord ruled over all save his free tenants, who were able to seek protection in the king's courts. The manor was composed of the lord's demesne land—the home farm, so to say—and the land of the freehold tenants and the tenants in villeinage. The demesne lands were cultivated by the labour of the tenants of the non-demesne lands either in virtue of the services due from them in return for their holdings or because they were unfree persons bound to do their lord's bidding. A small part only of the labour was contributed by the freehold tenants, practically all being performed by the tenants in villeinage, bond and free.

In the earlier part of the feudal period the lord had no need to hire labour. Toward the end of the period, in

consequence of changes which we shall have occasion to examine, the hiring of labour became more and more frequent, until at last the hired labourer took the place of the tenant- or bond-labourer.

The whole of the manor was an entity divided up into numerous holdings divisible into three parts: (1) the demesne, (2) the tenants' holdings, (3) the rest. The rest was usually, if not always, common or waste land in respect of which the tenants had certain well-defined customary rights. How these customary rights in vast numbers of cases were lost we shall also have occasion to describe.

The feudal system was not, however, merely a system of land-holding; it was a social system whereby the people were linked up to the king by means of the manorial lords. The manor was still the nucleus, the king was the centre of such nuclei. Around the castle or the manor-house gathered the tenants, mostly peasants, but including persons capable of craftsmanship. Apart from the citizens of the few considerable towns which then existed, the entire population was attached to the land. Even the citizens, after they had emerged from their earliest condition of serfdom, usually held land by burgage[1] or other similar form of tenure. The vast majority of men were countrymen, and these looked for protection to the lord of the manor within the confines of which they lived.

We thus see that in England under the feudal system every man save one had a 'lord.' The tenants-in-chief owned the king as lord. They did him homage and swore fealty. They served him in exchange for their holdings. Even the King of England, in the earlier years after the Conquest, possessed a lord in virtue of his holding of ducal lands in France. The mere fact that the serf had a lord to whose will he must bow must not therefore make us too readily regard him as a slave. He was unprotected in his holding against his lord, but so was the free man

[1] A form of tenure restricted to cities and boroughs whereby the tenant, in return for his holding, either paid a money rent or rendered service relating to trade or handicraft.

holding in villeinage, and so too was the earl against his lord the king.

The Status of the Serf

There was, however, a vast difference between the status of the villein and that of the free man holding in villeinage. The villein was the chattel of his lord, who could give him away, sell him, dispose of him by will. The lord could seize the villein's personal property, except that in the later law the villein was protected in the possession of the necessary instruments of husbandry. The law, it is true, protected the villein from being murdered or maimed, but by widespread custom it did not protect as against the lord the honour of nativas or female serfs. As in the Roman times in the case of maiming, the matter was looked at as modern law looks at the protection of animals from cruelty. Protection was obtained not by giving a right to the injured thing, but by making it a crime according to law to be guilty of the act complained of.

The position of the serf has been admirably expressed by the authors of the *History of English Law* as follows:

> Serfdom . . . is hardly a status; it is but the relation between two persons, serf and lord. As regards his lord the serf has, at least as a rule, no rights; but as regards other persons he has all, or nearly all, the rights of a free man; it is nothing to them that he is a serf.

Thus, though the serf could have no remedy against his lord if struck by him, he would possess the same remedy as a free man if a stranger struck him; though he had no means of recovering his chattels if they were seized by his lord, he could proceed against anyone else who, not acting under his lord's authority, took away or injured or destroyed his goods. His power to contract was, however, very circumscribed, owing to the curious duality of his status. Britton, a thirteenth-century authority, commits himself to the statement that a 'pure' villein could not contract; certainly a villein if sued on his contract could

avoid liability by pleading that he was a villein. It must have followed that no one would readily make a contract, to be performed *in futuro*, with a villein.

The Condition of the Serfs

It frequently happened, however, that, as with the slaves of Rome, so with the serfs of England, it was difficult to tell in the case of a stranger whether such stranger was free or bond. There are several cases in the old Year Books of villeins pleading villeinage to defeat plaintiffs who clearly had contracted with them believing them to be free. This difficulty of differentiating between bond and free was due to the fact that the essential difference was one of legal status, or relative status, and not one of circumstance. The division bond and free did not coincide with the division manual and non-manual worker, or with any other social division. The serf was by no means frequently oppressed. He, like the slave, was at the mercy very largely of his lord or owner, but he often attained to comfort, and in some cases to affluence. The law found it necessary to mention that a serf who attained to knighthood became free. It is known that at least one of the sheriffs of London (Simon of Paris) was a serf. Occasionally serfs became eminent as scholars; some succeeded in entering the Church, though this could only happen where those ordaining were unaware that the candidate was a serf. Many serfs occupied positions of responsibility as the faithful dependents of their lords. The circumstances of the serf's life depended, in fact, very largely upon the personal abilities of the serf and upon the type of man who happened to be his lord. In the normal case his life was uneventful and lowly, but in the main, though as against his lord he possessed neither liberty nor rights, as against the world he was protected from wrong and secured in the necessities of life. Granted a complete absence of education and all the ideals and aspirations which education not uncommonly brings in its train, the condition of the serf was by no means intolerable.

Decline of Serfdom

From the twelfth century, at latest, onward this class, the serf, was of necessity a dying class. The rise of centralized government, the increasing rarity of internecine warfare, the increasing sense of racial similarity, all conduced to the closing of those avenues along which the free man passed to become bond. Capture in war, condemnation for crime, and such causes, which in Roman times had constantly operated to swell the numbers of the unfree, ceased to operate, as did such typically Saxon causes as failure to pay a wergild. A man, it is true, could become a serf by confession in open court, and in the earlier period by prescription, *i.e.*, by being held as a serf and submitting to be treated as such for successive generations, but such causes did not substantially add to the number of bondmen, while on the other hand the emancipations and enfranchisements which we shall have to consider in the next chapter were constantly reducing the number of serfs. In England it would seem that by the thirteenth century a feeling was growing against serfdom. Prescriptive serfdom early died, though it continued in Scotland for some centuries after it had ceased to operate in England.

Serfdom by Birth

Normally, of course, serfdom was based on birth, for the children of serfs were serfs. Where one of the parents was free and the other unfree many difficulties arose. The Church, usually the opponent of servitude, but tending to become more and more complacent toward this form of proprietary right as it became a greater and still greater landowner, early adopted the rule that if either of the parents was unfree the child was unfree. The lawyers, however, were more elaborate and more humane. They, looking at the status as a part of the feudal system and upon the unfree child as so much livestock, considered as the critical test the nature of the tenement in which the child was born. If the child was born in a home held in free-

hold it was free, if in a home held in villeinage, unfree. Later this refinement was abandoned, and the child born in lawful wedlock followed the status of the father. The position of what must have been a numerous class, viz., the illegitimate children of serfs, varied with the period. Commencing with the view that such child followed the status of the mother (who was, it may be assumed, generally the serf), it was later turned almost completely round by the development of the theory that as a child follows the father, and as an illegitimate child has no known father, and as therefore it is not possible to prove that the father was a serf, the child is free. As a consequence it must often have happened that the status of the illegitimate child was higher than that of the legitimate children of the same parent.

Labour of Serfs

We have seen that the serf, though unfree as against his lord, was in the normal case adequately protected and secured in the necessities of life as against the rest of the world. It must not, however, be imagined that like the slave of Rome he was housed, fed, and clothed by his lord. In cases where his duties were domestic he was thus provided for, at least to some extent, but in the generality of cases he was employed in agriculture, and obtained his living by cultivating the land which he received from his lord—his villein tenement—or it may be by working for those who could afford to employ him, or by both. Thus his labour might be regarded as divisible into two parts : (1) his labour as bondman, for which he received protection, a tenement with a certain and varying amount of land, and customary rights over the common and waste land, etc. ; (2) his labour for a living either as a very small farmer, or smallholder, or as workman for a wage. The relative extent of (1) and (2) could always be varied by his lord at will. The serf could be ejected from his tenement at will, but in fact the serf was, as a rule, neither ground down to do an impossible

amount of servile labour nor ejected from his holding. Servile families not infrequently held the same lands under the same family for centuries, and the sale of serfs in gross appears to have been extremely rare.

In consequence it frequently happened that, as we have above indicated, the serf became possessed of a certain amount of wealth. Long-continued frugality and hard work could have no other result under such a system. The serf would in time possess many cows and pigs, etc., which could pasture and feed on the common or waste land or woods. Here again we must distinguish between the serf's *de facto* position and his legal status.

The Rights of the Lord

At law the lord could seize the serf's goods, though it would appear that certain things, such as the serf's instruments of husbandry, could not be so seized. In fact such seizures were of the rarest occurrence. In time the lord's right in this regard became almost entirely destroyed by the customary laws which grew up, in a different form, it may be, for almost every manor, but always in a form which protected the serf. In the manor courts the serf began to be treated as one capable of ownership. His right to possess and to sell began to be recognized. His commonable rights began to be marked out with the greatest minuteness, so that even while serfdom still continued its most salient characteristics were beginning to be blurred, and it was becoming difficult to see very much difference between the serf and the free man. But there was a great difference. The serf was in every sense dependent on the will of another. He could not do what he would. If he fled he could be pursued, captured, and brought back. He could not, except by covering up his serfdom, occupy any public position except certain offices such as that of reeve in his own manor. Against the bars of this cage the wings of those who loved liberty beat in vain. Yet not in vain, for in time the cage was burst open and the prisoner escaped.

CHAPTER II

EMANCIPATION

THE break-up of the Roman state marks the beginning of a struggle both in England and in France between the landowner on the one hand and the worker on the other; the one contending for complete mastery and the other for at first partial and later for complete freedom. At first, it is true, mankind was not so sharply divided into these two classes. The Teutonic invaders of France and of England were in that state of development known as tribal. Their enemies were the dispossessed inhabitants who were reduced to a form of slavery which turned into serfdom. But it would appear that from early times territory rather than blood or kinship became the basis of all social and political power. At an early period we find in existence most of the essential principles of what later became known as the feudal system.

At first, of course, there was no Christian Church, but when that Church became established it did endeavour to ameliorate the condition of the unfree classes. Little by little, however, the Church itself became a great landowner, and almost insensibly we find it supporting the land-owning classes in their oppression of the land-worker. The Church, equally with the manorial lords, resisted the rise of the free towns; but despite this powerful opposition forces were at work which enabled a class that at one time was almost entirely destitute of rights to climb slowly up the social ladder, until by the thirteenth century great numbers of the industrial workers had shaken themselves free from their owners and masters and had reached the status of free citizens. The rise of the free towns marks the beginning of the end of the relation of lord and man

and the commencement of the era of master and servant. We must therefore attempt to describe shortly the history of the enfranchisement of the towns.

Trade and Industry

We have already seen that throughout the Saxon period trade was in its infancy. This was so not only in England, but in France and other European countries also. The home-worker was able to make such simple articles as were required. The trading community was dependent for its livelihood on such business as was transacted in the fairs and markets, and the markets were restricted to such places as were deemed to be secure.

Such secure places would almost always have sprung into being in consequence of the presence of a stronghold occupied by some lord whose power had originated in the possession of such stronghold. The old Roman cities had largely fallen into disuse, for the invading barbarian had not known how to live in the buildings which he found. New villages were founded. Owing to the constant recurrence of petty wars these villages could never freely develop or expand, or indeed escape destruction and ruin, unless some leader was present to protect and fortify. The protector tended to become the owner, the village became the fortified burg, the fortified burg the nucleus of the manor, the beginnings of a town, but not a free town, for the lord had control over both the persons and the activities of its inhabitants.

M. Levasseur has described the condition of industry and labour in those ages in France. His description applies with equal truth to England. No period is poorer in the remains of works of art and examples of craft-work than those centuries which stretch between the Saxon invasions and the Conquest. Industry and craftsmanship were almost non-existent, if we distinguish between industry and agriculture. This fact can almost be proved by a consideration of the cost of articles of craftsmanship, for we find that whereas the products of simple trades, such

as that of the baker, were cheap, the products of the highly skilled trades were excessively expensive, even in an age when fourteen days' work was priced at a sum equivalent to rather less than two shillings sterling.

Thus in the tenth century a fine linen shirt cost about as much as a man slave, while a cuirass in the eleventh century cost rather more than the price of ten workmen-serfs and nearly fifty times as much as an ox. On the other hand, the bare necessities of life, bread and meat and milk, were so cheap that the wages of free men, though according to modern standards extraordinarily low, were sufficient to enable the workman at least to maintain existence.

In the majority of cases, however, the manual workers were, as we have said, not free men, but serfs or slaves. Louis the Debonair mentions in his laws various forms of labour which were deemed essentially servile, *e.g.*, labourer's work, wood-cutting, and shearing of sheep, etc. Apart from such work the majority of manual workers were undoubtedly, in the early part of the feudal period, the 'men' of lords, and received, not wages, but land and protection.

The New Era

With the twelfth century, however, commenced a new era. In England, indeed, the movement had begun, especially in the larger towns and particularly in London, in the eleventh century. This movement continued for nearly three centuries, and its main characteristics are the rise of the middle classes, the revival of art and industry, and the emancipation of the towns and trading communities. The period throughout was feudal, but as a result of this movement a new class arose, largely independent of the landowner or the Church, possessing the support of the kingship, and developing a special code of laws and rules for the management and control of its members.

The causes of this fundamental change, which caused the centre of industry to shift from the manor to the town, were mainly two. On the one hand, the rise of a cen-

tralized system of government (a development which took place later in France than in England) enabled society to become more tranquil and lessened that need for personal protection which was at the root of the relationship of lord and man. On the other hand, the Crusades, though they failed in their direct purpose, had a result perhaps more important for the world than the achievement of that purpose, for they so broadened the minds of the men who took part in them and loosed such a store of learning, which until then had been lost to Western Europe, that they were the direct cause of what is known as the First Renaissance. Needs were experienced which had been unknown before, and needs are at the basis of all industry. Knowledge was acquired of things before unimagined, and knowledge is the basis of all skill. A great impetus was given to trade, and it now became apparent that whereas craftsmanship and production were beyond all things desirable in the workman, the serf, the semi-free, had neither skill nor productivity to offer.

These two great forces—on the one hand a sense of security in the state which removed the old feeling of dependence on another, and on the other hand the feeling that men who were free gave of their best while men who were bond gave no more than they must—were the decisive factors in the long struggle which now began, and which had for its object, so far as the industrialists and the land-workers were concerned, the obtaining of personal independence.

It has been well said that individual and collective enfranchisements, the increase of population and the growth of towns, the granting of franchises to burgesses, the obtaining of the rank of feudal *personæ* by the communes, the development of the organization of municipalities, the extension of the royal protection and the royal justice throughout the whole kingdom, and the fixing of customary rights are the means, both in England and in France, by which the common people, who formed the vast majority of the townsfolk, the merchants, and the artisans, raised

themselves step by step in the space of some two and a half or three centuries from the lowly condition of serfs to the rank of free subjects.

The Manorial Lords

At the beginning of this movement we find the workman almost identified with the land-worker. Non-agricultural trades were few and of little importance. As regards the land, the lords of manors controlled both the use of the land and the men who lived thereon. They collected taxes as lords, rents as proprietors, services as owners. The villein was taxable at mercy; all that he owned was owned at mercy. No incentive, save the incentive of fear, to work either hard or well existed. He existed, steeped in the densest ignorance, and in duty did that which he must.

The peasant, whether free or serf, was, as a rule, too poor to have in his cottage either wine-press or bakery. His corn could be ground only at the manorial mill, his bread must be baked in the manorial bakehouse, his cider pressed at the manorial press. At first there is reason to believe that the manorial lords, between whom and their men there existed in early times a far greater degree of human sympathy than in later times, had given to their men these rights of grinding corn, etc., as privileges, but they became oppressions under the exactions of the manorial stewards. The free farmer, bringing in his corn from the farm miles distant, might have to wait on the pleasure of the manorial miller, who might prove immovable except by bribes. The unfree fared still worse. They were at mercy. Beaumanoir vividly describes how the serfs were subject to their lord, who, if he pleased, "could fling them into prison with or without right and there keep them so long as he liked, and for such deed was answerable to no one save his God."[1]

In the eleventh century in France and Scotland the land itself was cultivated for the most part by serfs working

[1] Compare Pierre de Fontaine: "Between them and their villeins there is no judge but God."

individually or in common, by *coloni* to a much lesser degree,[1] and by freed men and free men only to a very small extent. By the thirteenth century, however, a new spirit was becoming evident, a great principle was beginning to be recognized, a principle which was expressed by St Thomas Aquinas in the words, "The right of property is necessary to man."

Enfranchisements

As early as 967 in France the Abbot of St Arnould had begun that long series of charters of enfranchisement which, though rare in the tenth and early eleventh centuries, became so common in France and England in the twelfth and thirteenth centuries. As the Archbishop of Besançon said when enfranchising his serfs at Gy and Buccy, "The serfs work not, for they say that if they work they work for others only." It was found that as enfranchisements increased the population increased also. The increase is, indeed, astonishing.

As a result of these enfranchisements the land-workers who fell within the enfranchisement ceased to be serfs. They were confirmed in their holdings, which they cultivated for their own benefit, rendering to the landowner in return definite payments in money or in kind. Their rights were recognized and protected by the law of the land. Their persons were no longer at the mercy of their lords. They were no longer taxable without limit, but such duties as they owed were regulated by law.

The Rise of the Towns

The enfranchisements in the rural districts were matched by the growth of free towns. By free towns we mean, in this connexion, urban societies, the members of which were free men possessing the right to control the destinies of the social unit of which they formed a part. The term 'free town' has, however, a narrower and more special

[1] In England the class of *coloni*—*i.e.*, serfs of a tenement rather than of a person—was a conception that early ceased to exist.

meaning when it is used in contradistinction to the commune. In this narrower sense the free town differed from the commune in this, that it remained subject to the control of a lord who governed it and appointed its officers. Such was the position of Paris and Orleans in the eleventh and twelfth centuries. The commune, or free town in the wider sense, in return for an annual payment, was free from all service. If the corporate body was guilty of an infraction of the terms of its charter a fine could be levied, but the *quantum* of the fine did not depend on the will of the lord, but was determined according to the principles of law. In such a position was London from the eleventh century onward. The management of the town was controlled by the burgesses, in time largely by the gilds, in some cases by the richer burgesses. The gilds, which we shall later have occasion to refer to, took a great part in the development of communal government, but the free town was not developed out of gild privileges, it was the creature of charters of enfranchisement similar to those other charters which had placed the feet of the serf on the first rung of the ladder of personal freedom.

Localization of Trade

We remind the reader that at the beginning of the period all trade, or practically all trade, was carried on in secure burgs in fairs or markets. Over all, at the commencement of this era, the manorial lord had practically complete control. The inhabitants of the manorial township held their tenure, in the very great majority of cases, at will and subject to the rendering of such services as the lord thought fit to exact. Such tenure could be determinable by the lord at any time. The markets and the fairs also were, in the majority of cases, held at will. The lord, whether spiritual or lay, exacted such dues as he considered to be reasonable in return for permission to trade therein. From time to time, when, for example, the lord desired to sell such of the produce of his land as he did not require for the use of his household, it was

within his power to declare his ban upon all trade in such articles for such time as he in his discretion determined. Such ban prevented all other trade in such articles within the lord's jurisdiction. In this era trade and industry were intensely manorial. The foreign merchant rarely came to vend his goods except at fair time. The foreign artisan was almost unknown. By 'foreign' we must be understood to mean not the native of another country, but the tenant of another manor.

This intense localization of trade and industry continued long after the rise of the free town. The gilds pursued the same policy of repressing foreign competition, and, indeed, it was not until the rise of the industrial system that internal trade became completely free. Even to-day, as regards international trade, many people hold the same views as once were held by the burgesses of the Low Countries, of France, of Italy, and of England. It is simply a question of outlook, for to-day, owing to the development of means of transport, Brussels is less remote from London than was Derby from Nottingham in the fourteenth century.

Throughout the period we are now describing there was, however, a certain amount of migratory labour, although the tendency was for the worker to become attached to the land. Thus, M. Fagniez reproduces for us the case, which occurred at the end of the eleventh century, of the painter Fulcon, who came to the monastery of Angers and undertook in the presence of the abbot and the monks to make for the monastery such windows and pictures as might be required. In return for his labour it was agreed that he should be treated as a brother, made a freeman of the abbey, be granted for life some one and a quarter acres of vineyard and a house, which holding was to return to the abbey on his death unless he left a son capable of doing the same work.

This case is an extremely instructive one in that it shows us one of the reasons why crafts tended so strongly to continue in the same family, but it is an exceptional case.

In the generality of instances at the commencement of the period the artisan would commence life as the child of a serf; he would possess the status of a serf; he would be trained within the manor to work at such craft as might be chosen for him and on such terms as the lord thought fit. As he grew up to manhood and married he would receive a holding in villeinage, if he received a holding at all. He would thus be a man owning a lord, and the incentive of personal gain would be entirely lacking, while the incentive of doing beautiful work would be considerable, for he would by so doing gratify every man's desire to do fine work, while such gratification would be at the expense of another. Unfortunately, however, the power to do fine work was rarely present owing to the intense localization of knowledge. Occasionally it must have happened that great craftsmen and artists arose, but their influence could only be local. At best they could but become the possessions of lords holding wide estates, or of religious houses which could utilize to the utmost their genius. It awaited the rise of the gild and the gild school for such great craftsmen to be able to infuse their spirit into and transmit their knowledge widely to others.

Town Charters

From the middle of the eleventh century, however, both in England and in France the townsmen began to obtain those charters of emancipation which are the basis of the free town in the broader sense. The communes of the Low Countries and the North of France, like London in the case of England and the towns of the Lombard League, soon arrived at positions of considerable power, power flowing both from wealth and from political influence.

That such charters could ever have been obtained in that age from unwilling lords without collective action is a matter of great doubt. There is, indeed, evidence that in many urban communities there was in existence collective action on the part of the inhabitants before the eleventh century. In the pie-powder courts and the court of the

portgerefa there had been developed even in Saxon times a special law for the trading community. The citizens were already beginning to arrange for the protection, by citizen guards, of the towns. But although some fragment of corporate unity had already been created, the lords were far too firmly entrenched to have submitted to the loss of valuable privileges. It was becoming evident, however, for reasons which we indicate elsewhere, that the privileges were hardly valuable. Bond labour did not give good results either in agriculture or in industry. Townsmen could be troublesome and their control expensive. Little by little these facts, which had been recognized by some lords centuries before they were realized by others, were generally acknowledged, or, if not directly acknowledged, were impliedly accepted.

The townsmen, on the other hand, as protection became less and less necessary, became more and more independent. Concession after concession was wrung from the lords, or in some cases was freely and willingly given by them. Already in the eleventh century we find among others the following towns which had become free: London, Orleans, Etampes, Souvigny, Oloron, Morlaas. The lord, by the charter which he granted, voluntarily substituted a contract in place of his discretionary authority. As M. Levasseur says: "He was moved almost always by a motive of interest rather than by a motive of that disinterested piety which pervades the preambles of these charters." Sometimes the concessions made were very limited, sometimes they were, as in the case of London, extremely wide. In Paris, which owned the French king as lord, the privileges were only obtained by very gradual stages. Throughout the twelfth and thirteenth centuries the franchise concessions made to towns and the inhabitants thereof were very frequent. In England, under the first three Edwards, a consistent policy of giving encouragement to the artisan and town-dweller appears to have been pursued. Edward I in particular granted a vast number of privileges and charters, with the result that by the middle of the fourteenth

century the national wealth and power had ceased to be centred in the manor and had shifted to the free town and the city. By the reign of Richard II the great change which had taken place had become fully apparent.

Displacement of Population

The change which had been wrought in the control of the towns and of industry had, indeed, been the cause of a great displacement of population. At the commencement of the period the towns had been few and small, hardly more than villages and fortified places; at its end the countryside had been denuded to no inconsiderable extent to feed the rising and flourishing towns which were everywhere springing into existence. Though we may treat the opinion expressed in the Parliament of 1380 which imposed the poll tax, that "all the wealth of England had gone into the hands of labourers and workmen," as being no more justified than are similar opinions freely expressed to-day, yet it is clear that both in England and on the Continent the thirteenth and fourteenth centuries, and particularly the latter century, saw an enormous growth in industry and commerce. The dictum of Aquinas had been fully justified; the opinion of those wise lords who believed that the free gave of their best and the bond of their worst had been proved to be sound. England was prosperous, despite the ravages of the Black Death, as perhaps she had never been. Corn was cheap and wages were high. The simpler luxuries had spread to every section of society.

The Black Death

The Black Death accelerated the social and economic changes which had begun in earlier centuries. By that time the rural population had in many instances shaken itself free from absolute serfdom or villeinage in gross. Labour was no longer, as a general rule, given in return for protection and land, but rather in return for wages. The Black Death caused the supply of labour to

dry up. This terrible scourge, which spread from the Crimea throughout Europe, and which probably reached Europe from China, destroyed in fourteen months between one-third and one-half of the entire population. All classes suffered, but none to a greater extent than the clergy and the peasants. In some villages everyone was struck down; of one low-lying village in Herefordshire the cross alone remains, a memorial to the villagers who all perished in this visitation. Several results followed. On the one hand, despite the Order of 1349, labour became so dear and so difficult to obtain that advantage was taken of the high profits to be gained from wool to turn a great part of the countryside from arable to pasturage, thus reducing the number of persons required on the land. On the other hand, in consequence of the Order sent in 1349 to the sheriffs, wages were limited, with the result that later in the same year it was found necessary to put a stop to the emigrations which, it was found, were taking place in such numbers that, as it was said, "the realm may soon be destitute both of men and treasure."

Statute of Labourers

The Order of 1349, which was embodied two years later in the Statute of Labourers, marks such a departure in the State's attitude toward labour that it appears desirable to quote it at some length. By it the King ordained:

> That every man and woman under sixty who does not live by trade, or by exercising any craft, or having wherewith to live, or their own land with whose culture they may occupy themselves and not serving another, shall be bound to serve him who requires them, and shall receive the wages which were customary in the twentieth year of the reign or in the five or six preceding years, provided that the lords be preferred before others in their bondmen or tenants, so that they retain no more than are necessary, and if they will not serve when required, this being proved by two lawful men before the sheriff, bailiff, lord, or constable of the town, they shall be put in gaol and kept there until they find

security to serve; and if any workman, being retained, depart from the service before the end of the term agreed upon without reasonable cause or license, he shall suffer imprisonment.

It was further provided that no master should promise to pay, and no worker exact, higher wages than those above stated; on the other hand, the prices of the necessary foodstuffs were reduced to those which were "reasonable."

It is hardly conceivable that the Statute of Labourers was at any time rigorously enforced. As Sir Frederick Eden remarked, "If the wages fixed by the statute were adhered to, the pay of a labourer or artificer must have been the same from 1350 to 1370; yet in the course of that period the price of wheat varied from 2*s.* to £1 6*s.* 8*d.*" Such a violent fluctuation in the standard of life, for bread was in those days far more than it is to-day the staple food of the people, must have caused such acute misery that it is almost impossible to believe that it would have been tolerated even by a peasantry but lately emerged from serfdom. However this may be, it appears clearly that this regulation of wages was a device framed by the nobility for their own purposes and tending to cramp the exertions of agriculture and of industry.

Peasants' Rebellion

This reactionary legislation was, however, designed to meet a transient and exceptional difficulty. It is doubtful to what extent it had a marked and permanent effect. It occurred in a century notable for the encouragement of trade and industry. The Peasants' Rebellion, which took place in 1381, checked rather than promoted the betterment of the labouring classes. This revolt, which arose as a consequence of the imposition of the poll tax in the previous year, and which wrested from the youthful Richard a grant of a general enfranchisement which was almost immediately revoked, does not appear to have been inspired by any great or worthy desire on the part of the masses to improve the lot of their kind. Each class seems to have been rather concerned about the redress of their class-

grievances. Thus in Kent, where the rebellion was most active, we can say with Sir George Trevelyan that: "every man was practically free in the eye of the law; he could sell his land, he could plead in court, he was free from many humiliating service dues that were customary in other shires." But in Kent, as elsewhere, certain grievances existed, and it was to remove these grievances, which varied district by district, that John Ball, Wat Tyler, and Jebe Lister led on their men to commit some of the worst acts of vandalism that occurred in England throughout the Middle Ages. In consequence of the burnings and destruction which took place in the course of this revolt grave loss was caused, but the gain to the people was either negative or imperceptible. Like the peasants' war in Wales in the early years of the fifteenth century, it caused much loss and suffering without the compensation of improvement in the condition of any section of the people.

Strength of the Free Towns

The labouring classes had, indeed, then as now nothing to gain from armed violence. The rights which they had already secured, and they were many, had been obtained largely because of that strong centralization of government which had brought peace to the country, peace in which labour was able to carry on effectively its bloodless struggle for freedom. The rise of the middle classes, the development of craftsmanship, the increase of trade, the shifting of population from rural to urban districts, these, among other causes, had enabled the worker to attain to a degree of personal freedom which two centuries before he could hardly have imagined. Great cities had developed, such as Ypres, which, from a small hamlet nestling beside the castle built in the ninth century as a defence against the piratical Northmen, had grown into a flourishing manufacturing town before the end of the thirteenth century. This lovely old city, once the 'paradise of architects,' was, even before the beginning of the fourteenth century, a town containing 200,000 people and 12,000 houses. In 1302

its red-coated contingent of citizen-soldiers was able to turn the fortunes of the day at the battle of Courtrai. Two years later its wonderful Cloth Hall, begun over a century before, was completed, and formed, until destroyed in these latter days, a fitting monument to the craftsmanship and wealth of the burgesses of this free town. It was here that the principles of sanitation were first given practical effect in the endeavours constantly made to lessen the ravages of the plague to which its low situation rendered it peculiarly liable. So great an effect on international trade could the burgesses exercise that Edward III found it necessary to enact that no person in England, except only the Royal family, should wear any cloth made outside the realm.

At that time, of course, Ypres was the centre of the cloth trade, but thanks to the activities of the English manufacturers, the excellence of the Cotswold wool, and the craftsmanship of the English weavers, the trade was largely wrested from the Flemings by the end of the fourteenth century, so that more than half of the 40,000 looms of Bruges were lying idle, the trade of Ghent had largely been diverted, and the former supremacy of Ypres was destroyed.

Such international trade rivalries show, however, how mightily industry had increased. Trade was no longer entirely domestic or local. A great trading and manufacturing community had arisen largely separate from the feudal system, protected by charter, self-governing to a considerable extent, possessed of special laws relating to trade and contract, wealthy and prosperous. We shall have occasion in the next chapter to speak of the gilds which to so large an extent were responsible for the government of these communities and which so greatly aided the development of craftsmanship.

Extinction of Serfdom

But though by the end of the fourteenth century labour had to a great extent shaken off the shackles of serfdom, and though trade and industry flourished exceedingly, it

is not possible to speak of the extinction of serfdom or slavery, even among white races, until many more years had rolled by.

It was not until 1618 that the case of Pigg *v.* Caley, the last case in which villeinage was pleaded, was heard. As late as 1561, from the case of Lewis Lowth, we gather that serfdom was a reality even in the reign of Elizabeth. In that case Lowth had been bound apprentice to Robert Ringwood for seven years, but Mr John Holdiche appeared before the mayor and justices and declared "that the said Lewis is a bondman to my lord of Norfolk's grace," whereupon his indentures were cancelled and he was presumably handed over to my lord of Norfolk.

Reaction

The enfranchisement of the serf had, however, by the sixteenth century become almost complete. But this emancipation had brought with it the problem of poverty, and throughout the later half of that century, for reasons which we shall have cause to consider, the problem became acute. In this place we refer to the matter in order to show how for a season the Government appears deliberately to have contemplated the return to the days of slavery, for by an Act of Edward VI's reign (1 Edw. VI, c. 3) it was provided that if any man or woman, able to work, should refuse to labour, and live idly for three days, he or she should be branded with a red-hot iron on the breast with the letter V and should be adjudged the slave, for two years, of any person who should inform against such idler. The master was directed to feed his slave with bread and water, or small drink, and such refuse meat as he should think proper, and to cause the slave to work by beating, chaining, or otherwise, in such work and labour "how vile soever it be" as he should put him to. If the slave ran away for fourteen days he became his master's slave for life and was branded with the letter S. If he ran away again he was put to death. Masters were empowered to sell, bequeath, let out for hire, or give the services of their slaves.

By the same Act all persons were empowered to take idle children from vagabonds and to retain them as apprentices till the boys were twenty-four and the girls twenty years of age. If they ran away they could be used as slaves until the termination of their apprenticeship.

As Sir Frederick Eden says: "An Act so disgraceful to the Legislature did not remain long upon the Statute Roll: by the 3 and 4 Edward VI, c. 16, it was completely repealed."[1] The mere passing of the Act shows us, however, how narrow was the chasm which separated the masses from serfdom or even slavery.

We know from emancipations effected by Elizabeth and affecting considerable numbers of coal-miners that serfdom was not extinct as late as the closing years of the sixteenth century. The following century saw, however, the general trend of opinion turn definitely against serfdom and slavery.

In 1674 Sir Leoline Jenkins expressed the opinion that there was no such thing as a slave in England, and in this opinion he must be regarded as using the term slave to include serf. All doubts were finally set at rest by the judgment of Lord Mansfield in Sommersett's case (1772) when the Court of King's Bench decided that slavery in England was illegal.

In Scotland, however, two classes of labourer, the coal-miner and the salter, remained in a condition of serfdom as late as 1799. It is not certain whether this was the result of the re-enslavement of these workers by virtue of a Scots Act of 1606 or whether it was a survival of that ancient villeinage which had certainly not died out at the beginning of the seventeenth century. It was, indeed, in connexion with coal-miners that we have the last recorded act of wholesale emancipations, for in 1574 Queen Elizabeth manumitted her bond miners in the West of England. In Northumberland and Durham it would appear that the emancipation of the miners had taken place somewhere about 1460, for in that year, for the first time, the accounts

[1] *The State of the Poor.*

of the Finchale monks contain entries relative to the labour charges for getting the coal. The tin-miners of Cornwall, the lead-miners of Derbyshire, and the iron-miners of the Forest of Dean were probably all emancipated before the middle of the thirteenth century.

The Scots miners and salters were thus, in the words of Dr Galloway, "the last section of the population of Great Britain to taste the sweets of freedom." In 1775 an Act had been passed providing that, except as regards persons then employed in the industry, colliers should be treated as free labourers. This was hardly actuated so much by humanitarian sentiments as by a desire to attract labour to the mines, which were greatly in need of men. But once liberty had been extended to a portion of the persons employed in the industry it was found impossible to retain serf labour, and, as we have seen, the bondman in Scotland had become but a memory twenty-four years later. It is of interest to note that the enfranchised serfs were by no means delighted with the change which they in their ignorance were unable to appreciate. They reviled their late lords, complaining that it was but a trick to escape the payment of the harigild money—a payment made to the serf when the serf's wife bore him a child and so increased the lord's property.

Colonial Slavery

While in the United Kingdom serfdom was dying out and slavery was being declared illegal, three statutes passed in the eighteenth century (10 William III, c. 26; 25 Geo. II, c. 7; 32 Geo. II, c. 31) made legal the ownership of slaves in the colonies—including the then colony of America. It was not until 1806 that the slave trade was prohibited, while in 1834, largely due to the agitation set on foot by the Quakers and ably pressed home by William Wilberforce, colonial slavery was abolished.

Such abolition did not, of course, apply to colonies or protectorates which have since come within the British Empire. A considerable volume of slave-trading still

continued throughout the whole of Northern Africa and was chiefly in the hands of the Arabs.

This abominable traffic had for long been the main, almost the only, form of export trade developed in Africa. In the words of Sir H. H. Johnston:

> Great 'ghazzias,' great warlike expeditions for the collection of hundreds and thousands of slaves, did not begin—so far as we know—till Islam was 'going strong' in Tropical Africa, in the lands of the Negroes. The Portuguese and Spaniards were inducted into this business by the Moors; and the other maritime peoples of Europe, who were colonizing America, outdid the Portuguese. And so the New World came, in course of time, to have a Negro and Negroid population of twenty-five millions; and interior Africa, for at least three centuries, was in a state of continual uproar and devastating tribal conflicts.[1]

The question of the enslavement of coloured peoples, a question now definitely settled in favour of liberty, is not one which we propose to pursue in this book. It is instructive, however, to note that whereas the natives who worked under the German *régime* on the cocoa plantations of the Cameroons were in a semi-servile condition, the natives who worked on the cocoa plantations of the British Gold Coast were completely free; the circumstances of cultivation in the two countries were similar; the same opportunities were open to both. In 1912 the plantations of the German Cameroons exported 3,500 tons of cacao beans, those of the British Gold Coast exported 38,000 tons. The area and population of the former exceed the latter. It would therefore appear that in these later days, as in earlier ages, the truth of the maxim that the bondman works no more than he must has again been proved.

The English nation has, indeed, a right to be proud of the manner in which it has opposed at first slavery within the realm and later slavery without the realm. It was mainly in order to suppress the slave trade that the British embarked upon those expeditions which were to result

[1] *The Sea Commonwealth*, edited by Dr. A. P. Newton, chapter v.

in the colonization of a large part of the Bight of Benin, and it was also the better to enable her to suppress slavery that Britain received under her protection that wide territory known as the East Africa Protectorate.

In the earlier days of our African colonization, it is true, a different attitude existed. Again to quote Sir H. H. Johnston, we may say that:

> The principle of the external slave trade with Africa, which haunted the European conception of a 'colonial' policy, was succeeded by the principle of internal slavery. The Americas were closed or closing against the importation of servile labour from Africa. But the European or Europeanised powers then governing Africa had conceived the idea of cultivating or exploiting Africa itself by negro serfs. In Egypt, Abyssinia, Morocco, Zanzibar, the outspoken ruling classes called a slave a slave and treated him not at all badly. In all Moslem Africa, once the initial harm was done of the slave raid or the provoked inter-tribal war which produced the supply of slaves, once the weary journey to the north or the east was accomplished, the lot of the exiled Negro was an easy and often a happy and honourable one. But in the European-governed Africa of the sixties, and even down to the beginning of the twentieth century, the principle of helotry for the indigenous populations under control came into being, though it was disguised under many pleasant names and high-sounding policies. The Negro was to have no rights, no territorial claims in the land of his birth and industry; and the gains or profits resulting from the control of his country were to be spent, not on *his* land, but on the European state that had taken possession. The 'native' was to be the serf of the glebe in exchange for being allowed to live free from the terrors of native rule.[1]

The outcry occasioned by what has been termed the Leopoldian *régime* in the Congo assisted a movement which had already begun, as is evidenced by the result of the land agitation in the Gold Coast from 1895–1900. Once again Great Britain, by her example in West Africa, showed the way. The rights of the Fantis to the land of their country were fully recognized, and the Government assumed the *rôle*

[1] *The Sea Commonwealth*, chapter v.

not of serf-maker, but of adviser, protector, guide—even schoolmaster, if you will. The same change of attitude was noticeable in the opening years of the twentieth century on the part of France, the United States, and Belgium, though Germany still lagged behind, its stiff feudal phalanx forming an obstacle to this army of progress.

Even to-day, of course, slavery exists in many parts of Africa and even in some of those parts under British protection. For example, in East Africa slavery is still known, though it is opposed to English policy and must die out when the existing slaves no longer live. English reports will be found, however, in which as late as 1898 in East Africa the law of slavery has had to be considered,[1] for domestic slavery is recognized in the coast strip. Since 1890, however, new slaves cannot be acquired, and all persons, though the children of slaves, are born free.

American Slavery

It may, therefore, be fairly said that England steadily opposed slavery, even the enslavement of coloured races, from the early part of the nineteenth century. In this, for more than fifty years, she was at variance with the policy pursued by America, her quondam colony.

As the American economist Dr Carlton has said:

> The establishment and continuation of the slave system on the American continent centuries after its disappearance in Northern Europe must be attributed to two co-operating causes: the presence of abundant land and the wide racial differences between masters and slaves. In the North natural causes, chief amongst which were the climate, the existence of small farms instead of wide plantations, and the growth of industry rather than the spread of agriculture, were responsible for the decline of the slave system.[2]

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[1] Thus, in the case of Salim B. Abdulla *v.* Fatima binte Hauris it was decided in 1898 that a person laying claim to slaves in the possession of another must produce evidence in support of the claim, though the defendant alleges purchase. Even later cases could be cited.

[2] *History and Problems of Organised Labour.*

EMANCIPATION

The industrialist of North America in the nineteenth century rediscovered the fact, known to the feudal ecclesiastic, that the bondman will not produce more than he must. But in the South, with free labour scarce and Nature fruitful, the slave labourer was economically successful, and it needed something more than the invective of a Jefferson or the rhetoric of an Abraham Lincoln to persuade the South to emancipate the slaves. The Civil War was fought, as the great World War was fought, to win Liberty. Liberty was won, and with that victory slavery disappeared from the policy of all English-speaking peoples.

But slavery is a word of many meanings. The slavery we have so far spoken of is legal slavery, a status which in the eye of the law approximates a human being to a chattel, subjects him to ownership, and leaves him rightless, it may be absolutely, it may be relatively. But though the status of the individual may not be that of the slave, the circumstances of his existence can be equally deplorable.

Such, to no small extent, was the position of those indentured servants, those kidnapped children, those time-expired criminals, those adventurous yokels, seeking with their maids their fortune in the wonderful lands of America and Australia, who were taken, were sent, or went across the oceans to those new worlds. Such, too, was the condition of those pauper apprentices bound to labour hard for hard masters that was a common feature in the industrial life of the England of the forties and fifties of last century; such, too, were the circumstances of those who in our own times worked by day and by night for some poor pittance at the 'sweated trades.' The serf is dead; the slave is legally extinct these many years. The worker is no longer oppressed, but he has arrived at his present station only within very recent times.

CHAPTER III

THE GILDS

THE gilds played such an important part in medieval industry that no history of labour can ignore their existence, but it should be fully understood that there is no historical connexion between the medieval gild and the modern trade union. It is true that some authorities, and in particular Dr Brentano, have asserted the contrary, but to us it appears clear that Mr Sidney Webb's view that these two forms of association are historically distinct is the better. In essence the gild was an association of masters rather than of men.

Equally unfounded is the view that the gilds are the descendants of the Roman worker's *collegia*. As M. Levasseur says, when speaking of the French *corps de métier*, eleven centuries had rolled by since the Roman *collegia* had been in operation in France before the *corps de métier* arose, and during that period the barbarian invasions had either violently destroyed or had dissolved little by little all the Roman institutions; moreover the whole framework of society had been entirely transformed by the feudal system. Even in Italy, where Roman institutions had persisted to a much greater extent than in France or in England, there is no positive evidence of the descent of the medieval craft associations from the Roman *collegia*.

On the other hand, as M. Fagniez has pointed out, the gild had very little to do with the emancipation of the serf or with the creation of the free town. It had, however, in our opinion a considerable influence on the development, expansion, and prosperity of the free towns.

THE GILDS

Origins

It has been suggested with some assurance by both Toulmin Smith and Dr Brentano that the craft and merchant gilds were descended from the earlier social gilds. It is doubtful, however, to what extent this can be accepted as correct. We prefer M. Levasseur's view that the craft gild sprang from associations of serfs exercising the same occupation under the direction of an officer deputed for their management by the seigneurial lord who owned them, and that this form of association passed through various evolutionary forms with the passing of time, slowly changing with the change of social conditions, until at length the association of the unfree controlled by a delegate of their lord became an association of free men controlled by the representatives of its members.

That is, we consider, the most probable way in which the gilds evolved. But gilds did not always evolve; sometimes, and as time passed frequently, they were created. They sprang into being ready made, as it were, by the grant of some charter. But it is obvious that even in such a case there must have been in existence some unified body capable of receiving and accepting the charter, for a grant involves a grantee and an acceptance of the grant.

There is one aspect of the creation of gilds of some importance for our present purpose which we do not find regarded by any of the numerous authorities who have treated of gild origins. The point may, perhaps, be expressed as follows :

Originally, as we have seen, labour was almost entirely servile. Emancipation was brought about partly by individual enfranchisements or manumissions, but mainly by collective emancipations. Such a course of development must obviously have resulted in a state of affairs in which, apart from special protection, the free labourer or worker would have been subjected to unfair competition from unfree and excessively cheap labour. The

free man had to maintain himself and his dependents by his own labour; the unfree man was often maintained, and so were his dependents, by his lord, and if that lord cared, it may be as an act of charity, to permit his villein to devote a part of his time to the making of goods for sale on the villein's account, such goods could obviously be used to undersell the free man's product and thus in effect be used for cutting prices and thence wages.

This form of unfair competition must of necessity have arisen had not some such system as that of the gild existed to prevent it. The gild, indeed, would seem, like the trade union, to have been an association to improve the condition of the worker; both depend for their existence upon the need for that collective action which is the soul of social strength. With that similarity the comparison ends.

As we see the matter, at first there would be a group of serfs working in the same or allied crafts. Their activities would be controlled by a seigneurial officer. They would frequently meet in the course of their labours and would in many cases be friends. Their social intercourse and friendship would be increased and strengthened by the fact of their membership in the same social gild—for it is clear that the social gild existed in very early times in England. Then it would happen that the lord decided on the emancipation of the whole vill or town in which these workers dwelt. The experience of others, or, in the earlier times when the experience of others was not available, the force of circumstances, would soon show the need for this new body of free men to band together to protect their livelihood, whether their earnings were obtained by work or trade. The natural form of association would be something which bore a strong resemblance to the social gild, of which they had full experience, and for which, doubtless, they had the warmest regard.

But before they could exercise the necessary control it would be necessary in many instances, certainly when it

was decided to hold land in mortmain, to obtain a charter, and, as a consequence, we frequently find charters being given granting various privileges to the members of what had previously been a mere association. As Toulmin Smith, however, pointed out, the "King's license was *not* necessary . . . to the foundation of a gild." Indeed, the charter did not incorporate the association, it merely recorded; but it might also, and generally did, give special privileges to a pre-existing association. Without the grant of such special privileges it might well be that the association would be held illegal at common law, for not infrequently such associations did considerably interfere with and curtail the lawful activities of persons outside the association.

An admirable example of the abuse of the protective powers of the gilds is to be seen in the *Placita de quo Warranto*, where we read that if anyone brought leather, wool, or wool-fells into the town of Derby to sell, and one of the gild placed his foot upon the thing brought, and set a price for which he was prepared to buy it, no one but a member of the gild would dare to buy it, nor would he to whom it belonged dare to sell it to anyone save a member of the gild, not even if he were offered a higher price by somebody else. This practice was found by the jury to be to the disadvantage of the borough, and as a consequence ceased. It was, as we have said, an abuse, but we see in it a practice that in its origin had as its purpose the prevention of unfair competition from cheap outside labour.

Gild and Trade Union

We have already indicated that the gild and the trade union are historically unconnected and are dissimilar. The nature of the dissimilarity may perhaps be made clear by a consideration of the general nature and purpose of the gilds.

Gilds (apart from the social gilds) were of two main classes, the merchant and the craft gilds. A merchant gild, broadly speaking, was an association of traders,

merchants, bankers or money changers and lenders, or the like; a craft gild was composed of the master-workers who employed journeymen in the manufacture of articles, and sometimes, and indeed generally, also included the journeymen and exercised control over apprentices and apprenticing. The merchant gilds were controlled by the wealthier members of the middle classes who were not handicraftsmen; the craft gilds were controlled by the masters of crafts. It is probably an anachronism to use modern terms, but it will give a correct impression of what was in fact the case if we liken the merchant gild to a capitalistic association or trust and the craft gild to an employers' association. Of workmen's associations there were, at first, none, but later certain ephemeral journeymen's associations arose, though hardly before the middle of the sixteenth century.

The merchant gilds were of the two kinds by far the more powerful. They ruled the towns to no small extent, controlling as they did the appointment of the mayors and the city or borough councils.

The Beverley Gild

The charter granted to the great gild of St John of Beverley,[1] being one of the earliest of the charters left to us, is perhaps worth quoting *in extenso*. It runs as follows:

> Thurstan, by the grace of God Archbishop of York, to all the faithful in Christ, as well now as hereafter, Greeting; and God's blessing and his own.
>
> Be it known to you that I have given and granted, and, with the advice of the Chapter of York and Beverley and of my barons, have by my charter confirmed, to the men of Beverley, all liberties, with the same laws that the men of York have in their city. Moreover, be it not unknown to you that the Lord Henry our King [Henry I] has, with a good will, granted to us the power of making this [charter]; and has, by his own charter, confirmed

[1] Printed at pp. 150–152 of Toulmin Smith's *English Gilds*, from which we quote.

our statutes and our laws, after the manner of the laws of the burgesses of York, saving what behoves to God and St John and myself and the canons; that so he might uphold and enlarge the honour of the alms-deeds of his predecessors. With all these free customs, I will that my burgesses of Beverley shall have their Hanshouse which I give and grant to them in order that therein their common business may be done, in honour of God and St John and the canons, and for the amendment of the whole town, with the same freedom that the men of York have in their Hanshouse. I also grant to them toll for ever, for xviij marks a year; saving on the three feasts on which toll belongs to us and the canons, namely, on the feast of St John the Confessor in May, and the feast of the Translation of St John, and the Nativity of St John Baptist. On these three feasts I have made all the burgesses of Beverley free and quit of every toll. This charter also bears witness, that I have granted to the same burgesses free right of coming in and going out; namely, within the town and beyond the town, in plain and wood and marsh, in ways and paths and other easements, save in meadows and corn-fields, as good, free, and large as any one can grant and confirm. And know ye, that they shall be free and quit of any toll through the whole shire of York, like as the men of York are. And I will that whosoever gainsays this shall be accursed, as the manner of cursing is in the Church of St John, and as shall be adjudged in the Church of St John. These are the witnesses:

[Witnesses set out.]

The Craft Gild

This charter, extending privileges hitherto granted, increased the power of this ancient merchant gild. The worker, however, was more directly affected by the operations of the craft gilds, whose ordinances were based sometimes on Act of Parliament, sometimes on charter, and sometimes on agreement between the members. We find a good example of such ordinances in those of the fullers of Lincoln, a craft gild founded in A.D.1297, which provided, *inter alia*, as follows:

(1) No one of the craft shall full cloth by treading it with the feet in the trough.

(2) No one shall work after dinner on Saturdays or on a festival.

(3) No one shall teach the craft to anyone until the pupil has made a small payment to the gild.

(4) No thief shall be allowed in the gild.

The ordinances further contain a large number of provisions relating to mutual assistance, loans to those in need, etc.

As Professor Gross has said:

> The gild was the department of town administration whose duty was to regulate the trade monopoly. This was the *raison d'être* of the gild merchant of the twelfth and thirteenth centuries; but the privilege was often construed to imply broader functions—the general regulation of trade and industry.[1]

It is rather with the regulation of industry as distinct from trade that we are at present concerned, and this branch of control, as we have said, fell rather to the craft than to the merchant gild. It must be fully borne in mind, however, that at the time of which we are now speaking the business of trading and the business of manufacturing were not, as a rule, divorced the one from the other as they are to-day. The wares which the haberdasher or hatter sold in his booth or shop were truly manufactured, *i.e.*, made by hand from the semi-raw material composing the finished product by the haberdasher or hatter and his journeymen, serving-men, and apprentices. The tradesman was also a craftsman; he did not restrict himself to organizing the buying and selling of goods made by others. It is this fact that makes an inquiry into the operation of the craft gilds in particular and of the merchant gilds to a limited extent pertinent to our present purpose.

In connexion with the general regulation of 'trade,' as meaning handicraft, we frequently find reference in the gild ordinances to rules regulating the relationship which we should to-day designate that of employer and employed.

[1] *The Gild Merchant.*

On the one hand, the master is required to see that the products of his shop are worthy of the craft, that his employees are if learners properly taught and if journeymen properly behaved. The obligation of governing his little world was placed to a larger extent upon the master. On the other hand, a controlling influence was exercised by the gild over those who in all probability would be the masters of to-morrow, *i.e.*, the journeymen and apprentices. They were liable to be punished by the gild if they did anything contrary to the ordinances of the gild. Such ordinances sometimes strike at covins, *i.e.*, collusive agreements between two persons to the prejudice of a third, such as arrangements to force up wages or reduce hours.

Gild Regulation

It is here that we find the gild conception most strongly opposed to that of the trade union. The gild was by no means concerned primarily with the interests of the employee, it was interested rather in the regulation of the craft. No clear distinction was made between master and man; between such there was no absolute distinction, but only a relative one. The man might almost at any moment turn into the master. The dividing wall between the two was of the thinnest description. Though it tended to become stronger as time passed, it did not become an almost impassable barrier until after the rise of a factory system based on the use of mechanical power—a system which rendered it necessary, before manufacture could be carried on adequately and at a profit, for much capital to be invested in the purchase of machinery.

The following translations of the old Latin, French, and Old English gild rules relating to the control exercised over master and man show the attitude of the old craft councils:

> Decided that John Rowlir received five yards of blue broad cloth to make Mr Robert Rydon a gown, and that Mr Robert Rydon complained that all the cloth supplied was not utilized, and that the gown was examined by the craft and it was found that no cloth had been wasted and it was duly proved that three-

quarters of broad cloth was returned in bits as appears from the patterns of black paper in the common record chest and which may at any time be seen.

In the above case the tailor was proved to be in the right. In another similar case where Sir John Walkyngton complained of John Kartor, it was found on examination of the gown that, although there was no theft of cloth, a wastage of a quarter had occurred through 'lack of cunning,' *i.e.*, good workmanship, and Kartor was ordered to pay Sir John eleven shillings for the cloth and keep the rejected gown.

Had the bad workmanship not been the fault of a craft brother the complaining customer would have been informed by the masters of the gild that he must proceed at law. It is probable, however, that if the workman was not a member of the mystery, but his master was, the gild would hold the master liable. Such cases, however, could but rarely arise.

The gild would also prevent any misbehaving either by the master against his men, or by the men against their master. Thus William Pecke unlawfully chastised John Lynch his servant; he bruised his arm and hurt his head. John complained to the master and wardens of the gild, and they, after inquiry, directed William to pay 5*s.* to the leech (or doctor), 3*s.* 4*d.* for maintenance money, and 25*s.* as compensation, together with a fine of 1*s.* 8*d.* to the gild. On the other hand, by the Ordinances of the Alien Weavers of London (*c.* 1362) regulations were made striking at combinations on the part of the men to put up wages, "by reason whereof the masters of the said trade were in great trouble, and the people left unserved." It was also provided that special fines should be payable by any man of the craft who was found "doing mischief in the way of larceny." Again, by the Ordinances of the White Tawyers of London (*c.* 1346) it was provided that "if any serving-man shall conduct himself in any other manner than properly toward his master, and act rebelliously toward him, no one of the said trade shall set him to work until he shall have made amends before the Mayor and Aldermen."

Early Combinations

An interesting account of a dispute which arose between the master saddlers of London and their journeymen in 1396 may be found in the *English Economic History*. The masters complained that the serving-men

> had influenced the journey-men among them and had formed covins thereon, with the object of raising their wages greatly in excess; to such an extent, namely, that whereas a master in the said trade could before have had a serving-man or journey-man for forty shillings or five marks yearly, and his board, now such a man would not agree with his master for less than ten or twelve marks or even ten pounds yearly; to the great deterioration of the trade.

It was decided that in future the serving-men of the trade should be under the rule of the masters of the trade, "the same as the serving-men in other trades in the same city are wont, and of right are bound to be," and that no further meetings or covins should be had under penalty.

Such awards as the above would normally be made by the masters of the gild, who, in turn, would be elected for a limited period by the gild brethren, or, it may be, by the brothers and sisters of the gild—for women were usually members. The penalty incurred by failure to abide by the decision of the gild council varied, in some cases amounting to loss of gild freemanship. Thus by the Ordinances of the Gild of Garlekhith, London, it was provided that: "If anyone rebels against the Wardens' award and order he shall be put out of the brotherhood and the one in whose favour the award was shall be helped to proceed against the 'rebel' at law."[1] It was a common

[1] Compare the Ordinances of the Gild of the Tailors of Lincoln, which provide as follows:

"If any quarrel or strife arises between any brethren or sisteren of the gild (which God forbid), the brethren and sisteren shall, with the advice of the Gracemen and Wardens, do their best to make peace between the parties, provided that the case is such as can be thus settled without a breach of the law. And whoever will not obey the judgment of the brethren,

rule, however, to give to the masters of the gild the right to consider disputes in the first instance and on failure to settle to leave the parties to their remedies at law. Sometimes, as in the case of the Gild of Holy Cross, Bishop's Lynn, before any action at law could be commenced against a gild brother the leave of the gild had to be obtained.

Friendly Societies

Frequently it was provided in the rules of the gilds that where a brother had suffered misfortune due to fortuitous circumstances over which he had no control, such help and assistance should be granted as would enable him to avoid destitution. This aid had to do something more than maintain him and his dependents during unemployment, or assist him to meet such expenses as burial expenses, for it often happened, as we have seen, that the workman was also a tradesman whose capital would consist not only in his skill, but also in a stock-in-trade.

In the Middle Ages widespread fires were frequent, and loss due to civil commotion or robbery was not unknown. It must, therefore, have been by no means rare for a brother to find himself faced with ruin owing to the destruction of his premises or the theft of his goods, for the insurance *politiza* of the Italians had not yet been invented. In such circumstances the gild would come to the assistance of the unfortunate brother. Thus in the case of the Gild of the Blessed Virgin Mary, Hull, we find provision made for the loan of a small sum to enable a member who has " through mishap, become so poor that help is much needed " to

shall lose his gildship, unless he thinks better of it within three days, and then he shall pay a stone of wax, unless he have grace."

This principle of compulsory arbitration is one of great importance, for it must be remembered that, as a rule, the gild of any particular craft in any particular town would embrace practically the whole of the masters and men and apprentices engaged in that craft. It would appear to follow that disputes over conditions of work would be disputes between gild brothers and would accordingly have to be settled by the gild under pain of very heavy penalties.

follow "his proper business or work in such manner as seems to him best."[1] Provisions allowing the making of loans to members are to be found in very many of the gild ordinances, but it was always the policy of the gild masters to encourage self-help and self-respect, and accordingly the help given was only enough to enable the member by dint of hard work to overcome his temporary difficulties. In the *Liber Albus* there is an ordinance in which it is stated that no help will be given to a brother who is lazy, who will not work a due number of hours, and who "lies too long a-bed." A good example of the attitude adopted toward the member who meets with misfortune due to no fault of his own and toward the member who is responsible by his folly for his evil situation is to be found in the Ordinances of the

[1] Compare the following, from *English Gilds*, by Mr and Miss Toulmin Smith:

(1) Gild of Kyllyngholm, Lincolnshire:

"If a brother or a sister is unlucky enough to lose a beast worth half a mark, every brother and every sister shall give a halfpenny towards getting another beast.

"If the house of any brother or sister is burnt by mishap, every brother and every sister shall give a halfpenny towards a new house.

"Moreover, if the house of any brother or sister is broken into by robbers, and goods carried off worth half a mark, every brother and every sister shall give a halfpenny to help him."

(2) Gild of Palmers, Ludlow:

"When it happens that any brethren or sisteren of the gild shall have been brought to such want, through theft, fire, shipwreck, fall of a house, or any other mishap, that they have not enough to live on: then once, twice, and thrice, but not a fourth time, as much help shall be given to them, out of the goods of the gild, as the Rector and Stewards, having regard to the deserts of each, and to the means of the gild, shall order; so that whoever bears the name of this gild shall be upraised again, through the ordinances, goods, and help of his brethren."

(3) Gild of the Holy Cross, Stratford-upon-Avon:

"Also, if it happens that any brother or sister has been robbed or has fallen into poverty, then, so long as he bears himself well and rightly towards the brethren and sisteren of the gild, they shall find him in food and clothing and what else he needs."

Gild of the Blessed Mary, Chesterfield, which provides that:

> If, in the haps of life, heavy loss befalls any brother, whether by fire, by murrain, by robbery, or by any other mishap—so that such loss come not through his own lust, or gluttony, or dice-play, or other folly—each brother shall give him, in relief of his loss, at the first, twopence; and again, if he needs it, twopence more; and yet a third time, if necessary, twopence.

But though the gild in its capacity of friendly society and social club rendered the greatest assistance to the poor brother or sister who had fallen on evil days, there is much evidence that they were associations of masters rather than of men. We have already indicated, however, that this distinction of classes is hardly apposite for the period of which we are now speaking. At the same time, it is fundamentally wrong to regard the gilds as associations for the protection of the worker. To use the expression found in the return made by the Gild of St Michael on the Hill, Lincoln, the gilds comprised "folk of common and middling rank," and there is much evidence to show that control was exercised by the middle, rather than by the common, classes.

The Gild Control of Labour

The journeymen and apprentices were denied the right of combination, as we have seen. They were required to work such hours and at such a wage as the gild thought right and proper. They were placed under the 'governance' of their masters. They were not allowed to leave their employment in breach of agreement, and by the ordinances of some gilds, such as that of the tailors of Lincoln, no master of the craft was permitted to employ "a lad or server of another master for one day after he has well known that the lad wrongly left his master, and that they had not parted in a friendly and reasonable manner." In some cases all workmen in a given craft were compelled to enter the gild of the town in which they worked. Thus the Gild of the Tylers of Lincoln provided that: "No tyler or pointer shall stay in the city unless he enters the gild."

THE GILDS

Importance of the Gilds

There can be, however, no doubt that the gilds, as societies for mutual self-help, for the control of trade and of persons engaged in crafts, were throughout the Middle Ages, and even after that era may be regarded as having ended, social necessities. The gilds in the fourteenth century represent one of the most remarkable social developments of the time. Hazlitt calculated that by the reign of Richard II there were upward of forty thousand merchant and livery (craft or social) gilds in England. Their development was extraordinarily rapid, for though some of the social gilds went back to early times, and though the charters of the merchant and livery gilds which have been preserved are sometimes expressed as confirming earlier grants, it is not probable that such grants frequently date before the Conquest. The first distinct reference to a merchant gild is, as Gross pointed out, contained in a charter granted by Robert Fitz-Hamon to the burgesses of Burford, *c.* 1087–1107. We scarcely find any other references to the gilds in the Pipe Rolls, except only to the weavers' gild, until the closing years of Henry II. From that time onward, however, the gilds were becoming more and more important and numerous, and frequent references to *gilda adulterina* are to be found—such gilds being heavily fined for exercising privileges without a charter, which had now become necessary.

As time went on many of the gilds became wealthy and possessed valuable properties, both real and personal. We find them, as in the case of the Gild of St Nicholas, Worcester, founding almshouses and schools, appointing schoolmasters of adequate learning,[1] who taught the children

[1] In the case of the gild cited the schoolmaster at the time when Henry VIII's commissioners were inquiring into the affairs of the gild was John Oliver, B.A., who had about a hundred pupils and who received a stipend of ten pounds a year, the equivalent of the wage which the serving-men of the saddlers in London were claiming in the fourteenth century. The commissioners have left it on record that John Oliver was "thirty years of age, well learned, and of honest conversation."

of the gildsmen free. A far more famous example of such a gild school has lived on until to-day—the Merchant Taylors'.

Confiscation

The wealth of the gilds proved their undoing, for in the reign of Henry VIII, under the Act for the Dissolution of Colleges, many of their foundations were vested in the Crown, this act of confiscation being completed and much extended by an Act of Edward VI, which, in conjunction with the former Act, vested all the manors, lands, tenements, and other hereditaments belonging to the gilds, except such as were trading gilds, in the Crown, who in turn handed such properties to those courtiers who at the moment were most in favour.

This great blow struck at the private ownership of those of "common and middling rank" terminated the scholastic and benevolent activities of many of the most flourishing of the medieval associations. The London gilds, being trading gilds to a large extent, remained unaffected, and remain to-day examples of institutions that have long outgrown their original purposes. Certain towns, notably Lynn and Coventry, had the confiscated estates returned to them, but in the main the benevolent, religious, and educational work done by the gilds was of necessity at an end. Well might Lever, a contemporary, say in effect to the King, Edward VI, with great boldness and truth: "Now many grammar schools, and much charitable provision for the poor be taken, sold, and made away, to the great slander of you and your laws, to the utter discomfort of the poor, to the grievous offence of the people, to the most miserable drowning of youth in ignorance, and for decay of the Universities."

In a truncated form, however, the gilds still lived on and continued many of the practices relative to the control and management of craftsmen, which had been for centuries one of their distinguishing features. But as the learned authors of the *English Economic History*[1] say:

[1] Edited by Messrs Bland, Brown, and Tawney.

> Inside the gilds . . . a momentous change was going on. The fifteenth century had seen the rise within gilds of 'yeomanry' organizations consisting of journeymen. . . . In the sixteenth and seventeenth centuries the gilds, at least in the larger towns, represented a wide range of interests, from the mercantile capitalist to the industrial small master, and it was often of such small masters, whose numbers appear to have increased in the sixteenth century, that the 'yeomanry' then consisted. They tended, however, to be at the mercy of the large capitalists, and occasionally, under the first two Stuarts, who favoured them, they endeavoured to protect themselves by joint-stock enterprise. In the middle of the seventeenth century a reverse movement was taking place. Small masters were becoming journeymen, and in London journeymen were engaged under the Commonwealth in active agitation. Their organization was that of an embryo trade union.

The gild was beginning to be, indeed, something different in kind from what it once had been. Almost from the beginning this form of association, which had commenced as an association of equals, tended to become plutocratic in government. Little by little the tendency became more marked. Protective rules, designed at first to prevent unfair competition, degenerated into monopolistic regulations. One example we have already glanced at.[1] It was not, however, until the sixteenth century that the evil became marked and it began to be apparent that the gilds might, by a misuse of their power, and in some cases did, cause real hardship to the community or to persons not within their membership. When such abuses became general the decline of the gilds was foredoomed.

[1] See p. 69.

CHAPTER IV

THE MASTER WORKER

AT the commencement of what we may term the gild era, industry, as we have seen, was local and handicraft was entirely domestic. The gild organization was largely responsible for the extension and development of trade, so that by the end of the fourteenth century trade had become international and many industries were highly developed. Knowledge had ceased to be localized. But throughout the medieval period and to a great extent until well into the eighteenth century, industrial work remained domestic. This was so both in England and throughout Europe. Indeed, the structure of industrial society was singularly alike in France, in Italy, the Low Countries, and in England. Those who read Étienne Boileau's *Livre des mestiers*, a work of the mid-thirteenth century, will get a picture of industrial life which is in almost every particular the same as that which rises before our eyes as we peruse the ordinances and returns of the English gilds. What we have to say, therefore, in the present chapter may be regarded as descriptive of the hierarchy of industry both in England and on the Continent.

The world of work was divided into three main divisions: the master workers (old French *maistres*, or *mestres*, modern French *maîtres*); the journeyman (old French *varlets*, *vallez*, *vallés*, or *valets*); the apprentices (old and modern French *apprentis*). Modern French has no word exactly reproducing the meaning of *valets*, for neither *ouvrier* nor *artisan* indicates the distinction between the journeyman and his master, for the master was also a workman and an artisan, and was frequently referred to as such.

The Apprentice

The apprenticeship system was a fundamental part of the gild policy. The gild was a protective organization designed to prevent, above all things, the oppression of its members either by the king or a lord, or by unfair competition, or by excessive competition. It gained protection against the first form of oppression by charter, against the second by creating monopoly, and against the third by restricting the number of the persons who might become members.

It consequently followed that the number of apprentices that might be taken was limited, and that the apprenticeship agreements were subject to the supervision and control of the gild. In limiting the number of apprentices the gilds had, indeed, another object in view. They earnestly desired, in order to avoid the degradation of their craft, with the financial loss which they were wise enough to see would surely follow from the lessening of its professional status, to prevent bad workmanship, and they believed that the only way to secure good workmanship was for the beginners to receive proper and adequate tuition from one competent in the 'mystery' of his craft. It was consequently a common practice for the master to be limited in the number of pupils he might receive for training, so that he would not, through the multitude of his apprentices, be unable to supervise the work of each. Out of the 101 crafts mentioned in the *Livre de mestiers* only about 40 permitted the master to take as many apprentices as he pleased.

It was also felt that a certain number of years should be devoted to the learning of the craft, and this view was taken for two reasons, the first of which was that adequate knowledge required some time to acquire, and the second that it was not desirable for excessive youth to be in competition with older and more responsible wage-earners.

The period of apprenticeship did not, however, follow

according to the difficulty of the art. Further, an apprentice could, so to speak, buy a short apprenticeship, for though as a rule apprenticeship lasted for eight, ten, or even twelve years, it was a common practice to take a pupil who paid a heavy premium for a much shorter period, sometimes for not more than three years.

In almost every case the son of a freeman of the gild was given the preference over one whose father was not of the craft or not of the gild. The freeman's child could always become an apprentice, frequently without premium; the stranger's child was charged a premium, usually required to serve for a longer period, and only admitted if the craft was not overcrowded.

Deeds of Apprenticeship

The apprenticeship agreement, normally in the form of a deed, was in the common case considered and approved by the gild council before the pupil could be taken. It was often deposited in the common chest of the gild and there remained as conclusive witness of the terms of the bargain. That bargain bound both sides irrevocably. The indentures of apprenticeship printed in *English Economic History*[1] are typical of the kind of obligation imposed on either party. The apprentice enters the household of his master and submits himself to the orders of his master and his master's wife, he contracts to be loyal to that household, to be careful of his master's goods, and to be bound for a given number of years. His master, on the other hand, contracts to find him in food, clothing, shoes, and shelter, to teach him his craft to the best of his ability, to chastise him 'duly' and to pay him at the end of the term a given sum.

As we have seen, the deed had frequently to be perused by the gild. Thus the Ordinances of the Gild of the Tailors, Exeter, provides that "every person of the said craft that takes an apprentice shall bring him before the Master and

[1] Indentures of apprenticeship will be found in the work quoted at pp. 113, 147, 295.

Wardens, and there have his indenture enrolled, and the Master to pay 12*d.* for the enrolment; and this to be done within a twelvemonth and a day, or else to lose his freedom of the craft for evermore." Sometimes the apprentice was also required to make some payment to the gild, and perhaps give some entertainment to the gild members to celebrate his entry into the craft.

State Interference

Instances of State interference with the rights of persons to become apprentices or to take apprentices are comparatively rare, but in England, as a consequence of the dearth of labourers in husbandry caused by the Black Death and the subsequent labour legislation, it was found necessary in 1388 to provide (12 Ric. II, c. 5) that "he or she, which use to labour at the Plough and Cart, or other Labour or Service of Husbandry till they be of the age of twelve years,[1] that from henceforth they shall abide at the same Labour, without being put to any Mystery or Handicraft." It was further provided by the same Act that apprenticeship deeds already entered into in such case were to be deemed void and of no effect. Fourteen years later, by the 4 Henry IV, the apprenticing of young labourers to crafts was struck at by the provision that:

> No Man nor Woman, of what Estate or Condition they be, shall put their Son or Daughter of whatsoever age he or she be, to serve as apprentice, to no craft, nor other Labour within any City or Borough in the Realm, except he have Land or Rent to the value of Twenty Shillings by the Year at least.

Any parent apprenticing his or her child contrary to this statute was liable to be imprisoned for one year and to be fined at mercy; the person taking the apprentice became liable to a fine of 100*s.*

The apprentice, having served his term of apprenticeship,

[1] This ambiguous sentence means that the following restrictions apply to all who had engaged in the before-mentioned labours and had reached the age of twelve.

became in due course a journeyman. Until such time, though a member of the gild, he had no voice in the direction of such association. He could not, of course, leave the service of his master, and if he ran away the master could obtain a writ for the delivery to him of his apprentice.

The Journeyman

On becoming a journeyman the apprentice became free to work for whom he pleased, except that by statute he might not be able to follow any craft other than his own. If he left his own town he would also suffer many disabilities, unless he were received into the craft gild of the place to which he went. As a rule, the gilds accepted such 'foreign' members if it appeared that the candidate was well spoken of by his own gild and had left his former master in a friendly way.

The term of the hiring varied. The Statute of Labourers expressly provided that in the case of labourers in husbandry (persons who would not be in any craft) the hiring was to be for a year and that men were not to be employed on day-to-day contracts. Thus arose a custom which continued until comparatively recent years not only in the case of domestic servants and farm labourers, but also in such employments as that of coal-miner and salter. The journeyman craftsman, on the other hand, was engaged for a day, as the name signifies,[1] though in some cases it would appear that a custom for hiring and payment to be weekly arose, for in the case of carpenters and masons it was enacted by 34 Edw. III, c. 9, that in future such artisans should take wages by the day and not by the week. Before a master could hire a journeyman it was often necessary, and always desirable, for him to inquire whether the man had served an apprenticeship to the craft. Such apprenticeship might be served either in that town or in another, but in the latter case the workman might be required to show that the terms of his apprenticeship were such that it would be deemed a worthy apprenticeship in the town in which he

[1] Journeyman = a day's-work man.

sought work. Thus, if by the gild ordinances of town A a girdler had to serve five years and in town B eight years, an apprentice from town A whose time had expired would not be employed in town B. This is another example of the gild's protective rules. If, however, the apprentice remained as a journeyman in town A for another three years it is probable that he would be accepted as a competent craftsman in town B.

The Hiring

In France, as in England, it was customary for the journeymen to assemble at some given place at a given hour day by day there to be hired by a master for that day. All the members of the craft would be known each to the other, and a principal reason for this public hiring was to prevent the engaging of unskilled men at ' cut ' prices, thus enabling a master to undersell the more loyal members of the gild—for, of course, then as now, the main item in the cost of an article would be the wages paid for its production. It would also follow from public hiring that any attempt either to hire too many or to hire at an improper wage would be defeated ; it would also render covins or rings impossible.

Normally, however, a master could employ as many journeymen as he chose, for the number of craftsmen was not thereby increased, the distribution of existing craftsmen alone being affected. In some cases, however—*e.g.*, the case of tailors in Exeter—the right to employ was limited unless the master obtained from his gild a licence to employ more than the maximum number (which in the case given was three).

Sometimes the engagement was not limited to a day, though this was the invariable rule for journeymen properly so called. It might well be, however, that the work required continuity of individual craftsmanship as in the case, *e.g.*, of designing, or weaving, or cabinet-making, and a day-to-day contract with public hiring would obviously have exposed the master to the danger of having to engage on such a task a man different from him who had commenced

it. It is consequently found that craftsmen were hired sometimes by the week and occasionally by the year. Frequently these serving-men lived, as did the apprentices, with their master, their wages being reduced by the value of their board and lodgings. In the majority of cases, however, they had their own establishments.

Hours and Wages

The 'day' was a true day—that is to say, it lasted from the rising to the setting of the sun, and consequently varied with the seasons. In those cases where a definite hiring place and time was fixed such time replaced day-break as the hour at which the service commenced, but the hiring times were so fixed that the daily work was not thereby substantially curtailed.

The wage paid naturally varied considerably with the craft and with the period. Nothing can be more difficult to compare than wages, for although the wages fixed by the 25 Edw. III appear to us so low as to be almost incapable of being compared with modern standards, they were in fact not substantially different in value. In those days a master carpenter only received threepence a day and an ordinary carpenter twopence, but we must remember that in 1363 the price of a goose was fixed at fourpence, while a pullet cost but a penny. By that year (1363) the wages of carpenters had been somewhat increased, a master carpenter getting fourpence a day and ordinary carpenters threepence or twopence, "according as they be worth."

Combinations

Where the serving-man resided with his master the annual payment made to him was frequently very small. M. Levasseur quotes one case where it was no more than sixty sous,[1] a sum having the intrinsic value to-day of thirty-four francs. In the case of the dispute which arose in 1396 between the master saddlers of London and the

[1] The man in question was barman to a wine-merchant.

journeymen and serving-men we find the masters alleging that beforetimes they could have hired a serving-man for forty shillings, or five marks, yearly and his board, but that such a man could not then be obtained for less than ten or twelve marks, or even ten pounds yearly. Ten fourteenth-century pounds would equal a very considerable sum to-day, and the masters do not appear to have been entirely unjustified in complaining that such charges were "to the great deterioration of the trade."

The case last cited is one of the few in which we have evidence of definite covins on the part of employees to put up wages. In the main it would seem that the masters did not find legislation necessary to protect them against combinations. Such legislation there was, even in this period, but it would appear that it was to the gild ordinances and to the spirit of friendliness or equality which gild fellowship did so much to promote that the masters looked rather than to Parliament. When a grievance was felt it was to the mayor rather than to the king or his council that those aggrieved appealed.

There was a further reason for this attitude. The journeymen and serving-men, being gild brothers, had a voice in the making of the gild ordinances in many cases, and in the election of the gild officers in all cases. Also they knew that when, by dint of hard work and frugal living, they had saved up enough money, it may be to set up shop, it may be to pay also the charge to king or gild which was sometimes required, they in turn could become employers, enter the gild council, if chosen by their brethren, and look forward to the time when, having amassed wealth, they could occupy the important position of gild warden, or even, indeed, that of mayor or alderman in their borough. Such advancements in position from man to master were frequent and normal. Every master had been a man and an apprentice. Sympathy and the knowledge that no high dividing wall existed appear to have had their effect in preventing serious and sustained disputes. The civil commotions, such as the Peasants' Rebellion,

which occurred were not due to any feeling of antagonism between employer and employed, but were the result of causes entirely extrinsic.

State Regulation of Wages

A perusal of the laws passed during the fourteenth and fifteenth centuries—that is, up to the end of Henry VII's reign—shows that the legislature mainly concerned itself with the regulation of the wages of two wide classes of workpeople: (1) labourers in husbandry, and (2) workmen employed in building operations. The control of other, craftsmen was left very largely to the gilds of which they would be members. From time to time, as we shall see, the 'Handicraft People' are referred to in the statutes, but it is rare to find Parliament attempting to fix their wages; that was rather left to the justices or to the mayor or bailiffs of the cities and boroughs, or to the gilds. The Statute of Labourers (23 Edw. III, c. 5), however, provided that:

> Saddlers, skinners, white-tawers, cordwainers, tailors, smiths, carpenters, masons, tilers, shipwrights, carters, *and all other artificers and workmen*,[1] shall not take for their labour and workmanship above the sum that was wont to be paid to such persons in the . . . twentieth year [of the reign of Edward III] and other common years next before . . . in the place where they shall happen to work; and if any man take more he shall be committed to the next gaol.

Two years later, by the Statute of Artificers and Labourers (25 Edw. III, St. 2, 1351), definite maximum wages were established for "labourers in husbandry" and "workmen of houses." As to other workmen, they were required to be "sworn before the justices to do and use their crafts and offices in the manner they were wont to do." Failure to abide by the ordinance was punishable by fine and imprisonment at the discretion of the justices. Ten years later, however, by 34 Edw. III, c. 9, the punishment was reduced to imprisonment without the fine.

[1] Our italics.

THE JUSTICES

This jurisdiction of the justices was extended by 43 Edw. III, c. 7, and in 1389 by 13 Ric. II, c. 8, it was enacted that:

> Forasmuch as a man cannot put the price of corn and other victuals in certain, it is accorded and assented that the Justices of Peace in every county, in two of their Sessions to be holden betwixt the Feast of Easter and St Michael, shall make proclamation by their discretion according to the dearth of victuals, how much every mason, carpenter, tiler, and other craftsmen, workmen, and other labourers by the day, as well in harvest as in other times of the year, after their degree, shall take by the day with meat and drink, or without meat and drink, between the two Sessions beforesaid, notwithstanding the statutes thereof heretofore made, and that every man obey such proclamations from time to time as a thing done by statute. And in the right of victuallers it is accorded, that they shall have reasonable gains, according to the discretion and limitation of the said Justices and no more.

This wide power of fixing maximum wages and maximum prices was exercised by the justices, and later, in virtue of 6 Hen. VI, c. 3 (continued by 8 Hen. VI, c. 8), by mayors and bailiffs, for centuries. The practice was continued and extended by the Elizabethan labour legislation and survived to some extent even into the nineteenth century, though by the middle of the eighteenth century it had become practically obsolete.

It will, of course, be observed that the justices and others fixed maximum, and not minimum, wages. Thorold Rogers appears, indeed, to have regarded the fixing of wages as a mere device on the part of the legislature and the wealthier classes to grind down labour, and even Sir Frederick Eden considered the attitude of Parliament in this matter disastrous to industry. At the same time, the regulation of wages did create a certain standard of life which could not be degraded by the action of individual employers. There can be little doubt that after the breakdown of the system which occurred in the eighteenth

century and at the commencement of the industrial system the workers, rightly or wrongly, came to look upon the ancient system whereby wages were fixed by the justices as a measure of protection against their employers, and one of the things pressed for by the early trade combinations was a return to these old practices. In the early seventeenth century there was, indeed, a tendency on the part of the justices to make the *maxima* equivalent to the *minima*.

Maximum Wages

Notwithstanding the discretionary power given to the justices, it appears to have been considered necessary from time to time to standardize as far as possible the wages of the two special classes we have already referred to. This, no doubt, was in order to prevent that migration of labour, struck at by 2 Hen. V, St. 1, c. 4, which would naturally take place when it was learnt by the workpeople of county A that the justices of county B or C were more liberal than their own justices.

These maximum wages naturally varied according to the season of the year, the employment, and the period. The comparative tables on pp. 93 and 94 enable one, however, to judge the comparative values set upon employment and the comparative worth of wages at the periods mentioned.

In all cases the wages in Table I were, of course, with meat and drink. They were maximum wages, and where, by the custom of the locality, it was the practice to pay less, less was due.

In 1495 by 11 Hen. VII, c. 22, the wages of the workmen employed in shipbuilding were fixed according to the following scale:

Master ship carpenter	.	.	5*d.*	with meat and drink	or	7*d.*	without
Ship carpenter (or hewer)	.	.	4*d.*	„	„	6*d.*	„
Clincher	.	.	3*d.*	„	„	5*d.*	„
Holder	.	.	2*d.*	„	„	4*d.*	„
Master caulker	.	.	4*d.*	„	„	6*d.*	„
'Mean' caulker	.	.	3*d.*	„	„	5*d.*	„

The above were summer prices and were reduced by the usual amount in the case of winter work. In the case of a caulker labouring by the tide instead of by the day, it was provided that he should labour "for as long time

TABLE I.—LABOURERS IN HUSBANDRY

Type of Workman	Yearly Wage		
	1388	1444	1495
Bailiff for husbandry	13*s.* 4*d.*+clothes	23*s.*+clothing (5*s.*)	26*s.* 8*d.*+clothing (5*s.*)
Master hind	10*s.* „	20*s.*+clothing (4*s.*)	20*s.*+clothing (5*s.*)
Carter	10*s.* „	„	
Shepherd	10*s.* „	„	
Oxherd	6*s.* 8*d.* „		
Cowherd	6*s.* 8*d.* „		
Swineherd	6*s.* „		
Common servant of husbandry		15*s.*+clothing (3*s.* 4*d.*)	16*s.* 8*d.*+clothing (4*s.*)
Woman labourer	6*s.* „		
Dairy woman	6*s.* „		
Woman servant		10*s.*+clothing (4*s.*)	10*s.*+clothing (4*s.*)
Ploughman	7*s.* „		
Infant under 14		6*s.*+clothing (3*s.*)	6*s.* 8*d.*+clothing (3*s.* or 4*s.*)

as he may labour above the water and beneath the water" and that for such period his maximum wage should be fourpence with meat and drink.

The above wages were fixed not to protect the workers, but to protect the consumers. It should be observed, however, that the legislature was equally careful to fix the price of commodities, so that the small wages paid had a high purchasing power, as may be gathered from the fact that a day's meat and drink was calculated as worth three-

halfpence or twopence, while a year's supply of clothing was deemed to be worth anything from three to five shillings. In this connexion it is pertinent to remark that under the sumptuary legislation of Edward III's reign the amount

TABLE II.—WORKMEN FOR HOUSES

Type of Workman	Daily Wages					
			1444		1495	
	1351	1361	Summer Wage[1]	Winter Wage[1]	Summer Wage[1]	Winter Wage[1]
	d.	*d.*	*d.*	*d.*	*d.*	*d.*
Master carpenter	3	4	4 *or* 5½	3 *or* 4½	6 *or* 4	5 *or* 3
Ordinary carpenter	2	3 *or* 2				
Master freemason	4	4			,,	,,
Ordinary mason	3	3 *or* 2				
Mason's servants	1½					
Tilers	3					
Tiler's knaves	1½					
Labourers			2 *or* 3½	1½ *or* 3		
Rough mason					6 *or* 4	5 *or* 3
Bricklayer					,,	,,
Master tiler					,,	,,
Plumber					,,	,,
Glazier					,,	,,
Carver					,,	,,
Joiner					,,	,,

which the various classes might spend on their clothes was strictly limited. Thus by 37 Edw. III, c. 9, it was provided that "people of handicraft and yeomen" were not to wear cloth of a higher price than forty shillings and their wives and daughters were only permitted to wear, so far as furs were concerned, some of the cheapest kinds, viz., lamb, coney, cat, or fox. If, however, the artificers or people of handicraft possessed goods and chattels to the value of

[1] The lower figure is the wage payable if meat and drink are provided; the higher figure if meat and drink are not provided.

£500 they could dress more richly, and if they were worth £1000 their apparel might vie with that of an esquire or gentleman; they might be arrayed in silk and cloth of silver, and their wives wear miniver fur, a fur esteemed only less than ermine or letuse.

Regulation of Hours of Labour

The hours of labour were rarely the subject of legislation. By 2 Hen. IV, c. 14 (1402), it was provided that:

> No Labourers, Carpenters, Masons, Tilers, Plaisterers, Daubers, Coverers of Houses, nor none other Labourers, shall take any Hire for the Holy days [holidays], nor for the Evens of Feasts, where they do not labour but till the hour of Noon, but only for the half-day.

And, as we have seen, the period of work of a caulker labouring by the tide was laid down by an Act of Henry VII's reign. The most elaborate rules relative to hours are to be found, however, in another section of the 11 Hen. VII, c. 22, which enacts as follows:

> Whereas divers artificers and labourers retained to work and serve waste much part of the day and deserve not their wages, sometime in late coming unto their work, early departing therefrom, long sitting at their breakfast, at their dinner and nonemete, and long time of sleeping at afternoon . . . it is therefore established, enacted, and ordained . . . that every artificer and labourer be at his work between the middle of the month of March and the middle of the month of September by five of the clock in the morning, and that he have but half an hour for his breakfast, and an hour and a half for his dinner at such time as he hath season for sleep to him appointed by this statute, and at such time as is herein appointed that he shall not sleep then he to have but an hour for his dinner and half an hour for his nonemete; and that he depart not from his work between the middle of the said months of March and September till between seven and eight of the clock in the evening.

The statute proceeds to say that in winter-time the day's work shall be from the "springing of the day" till nightfall.

These provisions, so far as they enacted that a day's work should be substantially from dawn to dusk, were in accordance, as we have seen, with long-established practice. The statute, however, appears to have been unpopular and was repealed in 1496 by 12 Hen. VII, c. 3.

Migration

We have already indicated that one of the reasons for the standardization of wages was probably to be found in the fact that wide divergencies of wages in various localities, due to the greater harshness of some justices in some districts, would be liable to cause wholesale migrations of labour, and this it was manifestly the policy of the State to prevent if possible. Other means to this end, besides the standardization of wages, were from time to time adopted. Thus, by the Statute of Labourers, a workman, "not being in merchandize nor exercising any craft," might be required to serve such master as needed him, and masters were not permitted to 'need' an excessive number. By 34 Edw. III, c. 9, fugitive labourers or artificers were liable to be outlawed, and, when caught, burned in the forehead with the letter 'F' (Fauxine = falsity), while by 2 Hen. V, St. I, c. 4, the moving of labourers from county to county was made a matter of extreme difficulty. Thirteen years later (1427) the justices, mayors, and bailiffs were given power to grant writs of *capias* for the capture of fugitive servants, labourers, and workmen. By 23 Hen. VI, servants in husbandry purposing to leave their masters were required to engage with a new one and to give proper warning to their employer. The purpose of this enactment appears to have been to require the servant to give adequate notice, but at the same time to get a new master before so giving notice, in order not to run the risk of being out of employment.

The Master

These restrictions on movement affected, however, only the labourers in husbandry and workers in houses. The

craftsman could move about freely, subject to such restrictions as the gilds might impose.

The change from workman to master, though it freed the individual from many of the above checks upon his liberty and left him free to earn such sums as might befall, marked no great change in his status. As Levasseur expressed it, "Le mot ouvrier s'appliquait d'ordinaire à quiconque ouvrait, faisait ouvrage, maître ou valet."[1] The master still continued at bench or loom, but he was now the employer and not the employed.

It depended to some extent on the period, on the country, on the district, and on local ordinances or rules, as to the steps which had to be taken before a workman, a *varlet*, could become a master. Usually the privilege had to be purchased either from the king or royal officer, or from the lord of the manor, or from a gild, but in the later period it became common for the man merely to pay a small sum to his gild and then to open shop, thus declaring to the world that he was trading on his own account.

As a rule, the master workman had but few employees. As we have seen, the number of his apprentices was usually limited, and though in the normal case he could employ as many workmen as he chose, in fact the nature of industry itself in that age imposed a strict limit to the number of persons who could be profitably employed. Many masters, indeed, worked alone or with but one apprentice, for the word 'master' by no means of necessity connoted the existence of an employee. Manufacture was still in a domestic state. We have the tiny shop where the finished goods were exposed for sale, the back room where the work was done. The *atelier* was rarely larger than a modern kitchen. The mechanism of manufacture was of the simplest sort. The grand trade, the export market, international business, the work in gross—this was all in the hands of the merchants, members of merchant gilds, who, with the money-changers and bankers, so largely controlled the administration not only of medieval trade, but also of the

[1] *Histoire des classes ouvrières avant 1789.*

medieval city and borough. The merchant gilds and the craft gilds were sharply divided the one from the other in the generality of cases. The division was almost the same as that which exists to-day between the wholesale and retail trader. In those times there were no wholesale manufacturers.

Trade Localities

But though there was nothing that could be called wholesale manufacture, it is clear that in England, in France, and in the Low Countries industries tended to segregate. That is to say, persons following the same kind of work, or the same kind of trade, would follow their occupation in the same locality. Sometimes, it might be, a particular street or a particular part of the town was devoted to a special branch of industry; sometimes a whole community or city or borough would, for the most part, be concerned with a particular manufacture. Thus Ypres early specialized in weaving, Dinant in brass-work. In London such places as Poultry, Cornhill, and Lombard Street are relics of the days when the poulterers, the corn-merchants, and the Lombard money-changers carried on their trade in these localities.[1] Apart altogether from the natural congregation of persons engaged in a particular trade, due to the establishment at a given point of a market for such trade, it is well known that trades commonly grouped themselves. In 1292, in the Rue Saint-Denis, Paris, there were no less than twenty-six saddlers, and in the Rue des Petits-Champs there were seventeen curriers.

[1] The *Liber Albus* mentions among other markets the following: "*Poultry:* Strange poulterers to sell at Leadenhall save those who enter by Newgate or Aldersgate, these to sell upon the pavement before the Friars Minors at the fountain there. *Corn:* Those bringing corn from Cambridge, Huntingdon, Bedford, and those who come by way of Ware to sell at the pavement market at Gracechurch. Those coming from the West, as from Barnet, to sell at the pavement market before the Friars Minors in Newgate. *Small ware:* These to be regrated only in the streets of Chepe [Cheapside] and Cornhill between the kennels, and no markets to be held on fair days for pots, pans, and other utensils except at Cornhill."

Such congregation of trades by districts would probably arise out of convenience, for the masters would all have to repair to the same place to hire their workmen and to purchase their material.[1] In days of few and bad communications it would manifestly be for the benefit of all concerned—the merchant, the master workman, and the journeyman—for the employers in a given trade to be near together.

The elevation to mastership gave the individual a larger voice in the direction of gild policy, but it subjected him also to the many obligations imposed by both royal and gild ordinances. He had to keep up the standard of workmanship, see that his measures and weights were true, that his mark was on his goods, and that such goods were of proper quality and size. The *Liber Albus* provides the following punishments for the dishonest craftsmen: (1) the pillory (or *collistrigium*); (2) forfeiture of goods condemned; (3) fine or imprisonment; (4) excommuning. We have cases where a furrier who mixed new with old furs and sold the resulting garment as new was sentenced to the pillory; where a girdler who put 'false' girdles on the market had them condemned and burnt; where a baker for baking bread not according to the assize was "drawn upon a hurdle from the gildhall to his own house, through the great streets where there may be most people assembled, and through the midst of the great streets that are most dirty, with the faulty loaf hanging from his neck." Fines were commonly imposed by the gild ordinances and were frequently collected, but though the punishment of excommuning, or driving from the brotherhood, was also commonly threatened, it would not seem often to have been resorted to; it was, indeed, the most severe of all the social punishments.

[1] Thus in England in 1548 it was enacted that: "It shall be lawful for all manner of shoemakers, coblers, sadlers, girdlers, badgemakers, and all other artificers using leathers in their art, to buy all kind of tanned leather, . . . at Leaden Hall in London, upon every Monday in the year, though neither the buyer nor seller be free of the City of London."

Tudor Legislation

In England under the Tudors, as in France during the seventeenth century, a new movement became apparent, or, rather, perhaps we should say that the occasional acts of earlier centuries became consolidated into a system. As we shall see, the latter half of the sixteenth century was, in England, a hard time for the poor. Many tens of thousands of peasants were driven from the land. The wages of the craftsmen remained almost stationary; the price of commodities greatly increased. The textile workers spread into the rural districts, while the agricultural labourer was compelled to find work in the towns, or, more frequently, was driven to beg his way to the gallows. The development of the textile industries b ought in to some small extent a capitalistic system, and with that system arose the problem of the living wage in its modern form. Poverty became a general evil. Vagabondage presented the Government with some of its most serious cares. How the Tudors approached the question of the poor we shall consider in the following chapter; how they tackled the problems of employment we will now shortly describe.

The reign of Henry VIII is not notable for any wide departure from earlier practice. We have an elaborate Act, cast in the customary form, fixing wages for labourers in husbandry, builders of houses and of ships,[1] and there is evidence that the State was preparing to replace the gild control with some form of State regulation. There is

[1] The 6 Hen. VIII, c. 3 (1514–15), fixed the following *maxima* among others: bailiffs of husbandry, 26*s.* 8*d.* and clothing or 5*s.*; chief hind as a carter or shepherd, 22*s.* and clothing or 5*s.*; common servant of husbandry, 26*s.* 8*d.* and clothing or 4*s.*; woman servant, 10*s.* and clothing or 4*s.*; child under fourteen, 6*s.* 8*d.* and clothing or 4*s.* per year. Freemason, master carpenter, rough mason, bricklayer, master tiler, plumber, glazier, carver or joiner, per day, 6*d.*–4*d.* summer, 5*d.*–3*d.* winter, or if in charge of six men, 7*d.*–5*d.*, the higher wage being without meat and drink, the lower with meat and drink.

but little evidence of any desire on the part of the Government either to assist or to repress the people.

The general trend of legislation in the reign of Edward VI would appear, on the other hand, to have been repressive. Several trades were regulated in a manner not dissimilar to that earlier adopted by the gilds, and such Acts as those dealing with coryers and shoemakers, tanners, steel-forgers, weavers, and maltsters follow an ancient model. In matters relating to labour the Acts are harsh. One that enslaved the out-of-work we have adverted to, another (2 and 3 Edw. VI, c. 15) which dealt with "conspiracies by artificers" calls for comment.

For a season there was indeed a time in which reaction struggled for the mastery. As we have seen, the 1 Edw. VI, c. 3, actually enslaved idle persons who were unable to find suitable work, and although that Act was soon repealed, William Cecil in 1559 submitted proposals to Parliament advising its re-enactment with additions. In the same proposals it was advised that earlier repressive Acts should be passed so that, "by the hands of the masters, servants may be reduced to obedience."

ACT AGAINST COMBINATIONS

This Act, having recited that

> Forasmuch as of late days divers sellers of victuals, not contented with moderate and reasonable gain, be minding to have and to take for their victuals so much as list them, have conspired and covenanted together to sell their victuals at unreasonable prices; and likewise artificers, handicraft men, and labourers have made confederacies and promises and have sworn mutual oaths not only that they should not meddle one with another's work, and perform and finish that which another hath begun, but also to constitute and appoint how much work they should do in a day and what hours and times they should work, contrary to the Laws and Statutes of this Realm, to the great hurt and impoverishment of the King's Majesty's subjects,

proceeded to enact that covenants and conspiracies not to sell either commodities or labour save at agreed figures

were an offence, for which the offender was liable to a fine, and, on the third conviction, to the pillory, loss of an ear, and infamy. It is an admirable example of the medieval practice of legislating solely in the interest of the consumer.

The Act permitted the various kinds of workmen employed in housebuilding to work freely in corporate towns though not freemen of such towns.

Quarterly Contracts Compulsory

By the 3 and 4 Edw. VI, c. 22, the State, once more endeavouring to suppress the out-of-work and to cope with the vagabonds that were spreading in increasing numbers throughout the land, endeavoured to prevent idleness by making the contract of service of the journeymen in numerous crafts of a minimum length of three months. It had been complained that:

> Many young folk and servants of sundry occupations being once out of their apprenticeship or their yearly retained service will not commonly be retained in service by the year, nor labour in their service, occupation, or craft, . . . but at their liberty by the day, week, or otherwise work by grete, to the intent they will live idly and at their pleasure flee and resort from place to place, whereof ensueth more inconveniences than can be at this present expressed and declared.

It was consequently provided that certain types of journeymen, *i.e.*, clothmakers, fullers, shearmen, weavers, tailors, and shoemakers, should serve by the quarter, and that certain other classes of workpeople, *i.e.*, unmarried servants in husbandry and bargemen, should serve by the year at least. It was further provided that every master in the skilled crafts above mentioned having three apprentices should employ one journeyman at least and a further journeyman for every additional apprentice received.

It was probably with a view to reducing the number of tramps then infesting the roads of England that the Act of 1552, " for tinkers and pedlars," required to be licensed all pedlars, tinkers, and petty chapmen who

shall wander or go from one town to another or from place to place, out of the town, parish, or village where such persons shall dwell, and sell pins, points, laces, gloves, knives, glasses, tapes, or any such kinds of wares whatsoever, or gather rabbit-skins or such like things, or use or exercise the trade or occupation of a tinker.

First Signs of a Factory System

It is in the following reign that an Act appears upon the Statute Book drafted in a form which suggests that already some of the problems connected with the grouping of labour under one master, the aggregation of large numbers of looms by one employer, and the use of unskilled labour to displace the trained hands, were beginning to appear. By the "Act touching weavers" (2 and 3 P. and M., c. 11) we are informed that the wealthier clothiers "do many ways oppress [their workpeople], some by setting up and keeping in their houses divers looms, and keeping and maintaining journeymen and persons unskilful, to the decay of a great number of artificers which were brought up in the said science of weaving, their families, and households." The Act, in order to protect the small man and the skilled weaver, limited the number of looms and apprentices which any man might have and declared that no one should "set up the art or mistery of weaving" unless he was a skilled person and had served an apprenticeship of at least seven years.

In Elizabeth the people had a monarch not unmindful of their welfare, and in her reign serious efforts were made to establish a reasonable standard of life for the working classes. The mode followed was the State regulation of industry.

At this period there can be no doubt that the masses were in need of protection. We see from the case of the spinsters of Sudbury that by 1630 the employers of labour throughout the country were combining to force down the wages of their operatives, and as early as 1555 the

"Act touching weavers" above referred to shows that in the textile industry masters were beginning to be a class apart from their employees, were owning many looms, and were employing many hands. Between those years the value of money vastly fluctuated and the workpeople were threatened with a deplorable reduction in their standard of living. Even in 1623, after the most violent of these fluctuations had abated, we find the textile workers of Wiltshire complaining that most of those who worked at the making of woollen cloth were not able by their diligent labours to get their livings, by reason that their employers made them work extremely hard and reduced their wages to what they pleased. The workers found refuge in a petition to the justices.

The justices had by that date been given the widest powers of investigating and controlling wages in all industries. This duty had, of course, been imposed upon the justices in certain cases many years before, but by the Statute of Artificers, Labourers, Servants in Husbandry, and Apprentices, passed in 1563, all the early laws were amended and consolidated and the justices' powers considerably augmented.

The Statute of Artificers or Apprentices

This famous statute, sometimes referred to as the Statute of Artificers, and sometimes as the Statute of Apprentices, was a serious and worthy attempt to put the industrial house in order. Its ruling purpose is declared in the preamble, and is expressed in the hope "that it will come to pass that the same law, being duly executed, should banish idleness, advance husbandry, and yield unto the hired person both in the time of scarcity and in the time of plenty a convenient proportion of wages."

The statute provided generally, and subject in many instances to important provisos which we cannot stay to consider, as follows:

Married persons under thirty, not being worth ten pounds, nor holding land of the yearly value of forty shillings, and

unmarried women between the ages of twelve and forty, could be required to serve, the former class at any trade in which they had been trained, the latter in such work as the justices considered meet. Employers, in the case of numerous trades enumerated, were required in future to engage their workpeople for a year, though in other trades the old daily or weekly contracts still continued. Persons who were not trained in any of the crafts nor engaged in defined work (which included "haunting the seas" and mining) and who were neither gentlemen born nor scholars of a university or school were required to serve in husbandry.

Neither the man nor the master was permitted to break the contract of service. The moving about from district to district, or from town to town, without testimonials was rendered difficult, though it is evident from the proposals of 1572 that the sections relating to testimonials were in practice often evaded. Hours were fixed, and elaborate machinery was devised for the fixing of wages in all trades.

Hours of Labour

By this statute it was provided that:

> All artificers and labourers being hired for wages by the day or week shall between the middle of the months of March and September be at their work at or before five of the clock in the morning, and continue at work until between seven and eight of the clock at night, except it be in the time of breakfast, dinner, or drinking, the which times at the most shall not exceed above two and a half hours in the day.

The old true day from sunrise to sunset was re-established for the winter-time, and a clause was added which penalized the worker who absented himself to the extent of a penny for every hour's absence.

Wages

The justices of the peace of the shires, the sheriffs of the counties, the mayors, bailiffs, or other head officers of the towns, were required at the Easter sessions to call

together "such discreet and grave persons of the said county or city as they shall think meet," with a view to conferring together "respecting the plenty or scarcity of the time and other circumstances necessary to be considered," and should thereupon rate the wages of all labourers, servants, workmen, or artificers as they thought

TABLE I.—LABOURERS IN HUSBANDRY

Type of Workman	Yearly Wage
Bailiff for husbandry	53*s.* 4*d.* and clothes or 63*s.* 4*d.* without free clothes.
Chief hind Chief carter	40*s.* and clothes or 48*s.* without free clothes.
Chief shepherd (1000 sheep or over)	40*s.* and clothes or 48*s.* without free clothes, and pasture for feeding 20 sheep.
Shepherd (600 sheep)	23*s.* 3*d.* and clothes or 39*s.* 3*d.* without free clothes, and pasture for feeding 10 sheep.
Common shepherd (over 21 years)	33*s.* 4*d.* and clothes or 39*s.* 11*d.* without free clothes.
Shepherds (16–21 years)	20*s.* and clothes or 25*s.* without free clothes.
Common servant of husbandry over 21 or between 16–21 years	As in the case of a common shepherd.
Chief woman servant	30*s.* and clothes or 36*s.* without free clothes.
Women servants over 16 years of age	20*s.* and clothes or 25s. without free clothes.

should be rated. Such rates were to be fixed with meat and drink and without meat and drink. Special provisions were made for harvest-time, and full publicity had to be made of the rates thus fixed.

Rates were fixed sometimes by the piece, sometimes by the day, the week, the month, or the year. Price lists were usually drawn up by the employers for the consideration of the justices. The wages of workers in husbandry were fixed by the year with special clauses to meet the case of the harvest workers and the piece-workers. The wages

in the case of artificers appear to have been generally paid in two scales, one with meat and drink, the other without.

It may be of interest if we reproduce the wages (Tables I and II) fixed in 1604 in Wiltshire for the various employments mentioned in the tables given on pages 93 and 94.

It will be observed from Table I how important the

TABLE II.—WORKMEN OR ARTIFICERS

Type of Workman	Daily Wage	
	Summer Wage [1]	Winter Wage [1]
	d.	*d.*
Master carpenter	6–11	5–10
Ordinary carpenter	4–7	–7
Master freemason	6–11	5–10
Ordinary mason	4–7	3–7
Mason's servants (labourers)	3–7	2–5
Tilers	4–8	3–7
Tiler's knaves	Not mentioned	
Labourers	3–7	2–5
Rough mason (master)	6–11	5–10
Rough mason (ordinary)	4–7	3–7
Bricklayer (master)	6–11	5–10
Bricklayer (ordinary)	4–7	3–7
Master tiler	Not mentioned	
Plumber, Glazier, Carver, Joiner	As in the case of a carpenter	

shepherd had become, while the justices no longer found it necessary to assess the wages of the oxherd, cowherd, or swineherd who fell into the general rank of common servants in husbandry.

We now get, however, a vast increase in the number of trades for which the wages were fixed. In the assessment from which the details of Tables I and II are extracted we

[1] The lower price is with meat and drink, the higher without meat and drink.

find, in addition to particulars relating to the wages paid to the various kinds of labourers employed in the building trade, a wage varying from forty shillings a year in the case of the 'chiefest' workmen to twenty-six and eightpence in the case of 'common workmen' being fixed as the wage to be paid to the following: shoemaker, currier, woollen weaver, tinker, fuller, shearman, clothworker, hosier, tailor, baker, glover, girdler, spinner, capper, hatter, felt-maker, bowyer, fletcher, arrowhead-maker, butcher, fishmonger, pewterer, cutler, smith, saddler, furrier or skinner, parchment-maker, cooper, earthen-potmaker, turner.

These were maximum rates as heretofore. But a tendency now became apparent in some districts for the justices to insist upon the rate fixed being paid. The compilers of the *English Economic History*, from which we have frequently quoted, have laid proper stress upon the 1 Jac. I, c. 6, which empowered justices to fix minimum rates. That Act, after reciting that the Statute of Apprentices

> hath not, according to the true meaning thereof, been duly put in execution, whereby the rates of wages for poor artificers, labourers, and other persons whose wages were meant to be rated by the said Act, have not been rated and proportioned according to the plenty, scarcity, necessity, and respect of the time, which was politically intended by the said Act,

proceeded to enact, *inter alia*, that:

> If any clothier or other shall refuse to obey the said order, rate, or assessment of wages as aforesaid, and shall not pay so much or so great wages to their weavers, spinsters, workmen, or workwomen as shall be so set down, rated, and appointed,

then such person was guilty of an offence and became liable to pay to the person aggrieved ten shillings for each such offence.

Apprentices

The Statute of Apprentices, with certain provisions in favour of the liberties of London and Norwich, made it necessary for every craftsman in future to have been an apprentice for seven years at least; the non-apprenticed

journeyman, except those already employed, might not in future be engaged by anyone unless he had served the due term as apprentice. Apprenticeship was therefore made essential.

But certain classes were excluded from apprenticeship to certain trades. Thus no one could become apprentice to " a merchant trafficking into any parts beyond the seas, mercer, draper, goldsmith, ironmonger, embroiderer, or clothier that doth put cloth to making and sale " unless he was the son of the master or of a person holding an estate of inheritance worth at least forty shillings, or, in certain cases, £3 a year. In the following trades, however, no property qualification was required: smiths, wheelwrights, ploughwrights, millwrights, carpenters, rough masons, plasterers, sawyers, lime-burners, brick-makers, bricklayers, tilers, slaters, healyers,[1] tile-makers, linen-weavers, turners, coopers, millers, earthen potters, woollen weavers weaving housewives' or household cloth only and none other, cloth fullers, sometimes called tuckers or walkers, burners of ore and wood ashes, thatchers or shinglers.

It was rendered difficult, and in some cases impossible, for the labourer in husbandry or his child to become apprentice to a craftsman, and in the cities and corporate towns it would appear that only the sons of freemen could be apprenticed, for by Section xix it is provided that:

> Every person being an householder and twenty-four years old at the least, dwelling in any city or town corporate and exercising any art, mystery, or manual occupation there, may . . . retain the son of any freeman not occupying husbandry nor being a labourer and inhabiting in the same or in any other city or town incorporate, to be bound as an apprentice after the custom and order of the City of London for seven years at the least, so as the term of such apprentice do not expire afore such apprentice shall be of the age of twenty-four years at the least.

Craftsmen in market towns which were neither cities nor towns incorporate could apprentice anyone except the

[1] The work of the healyer, called healing, was similar to tiling and slating.

children of persons occupying husbandry or labourers and subject to the property qualifications mentioned above.

It will be apparent that though the purposes of the Act were good the clauses excluding the non-apprenticed man from industry, and at the same time excluding certain classes from apprenticeship to the crafts, must have operated with extreme harshness. They, indeed, compelled the growth of that very class, the vagabond, that Tudor legislation so constantly considered. It must not be forgotten that throughout the sixteenth century a revolution in the science and practice of agriculture was taking place. Tillage was giving ground before the assaults of the sheep-farmers; the smaller copyhold tenants were in many districts being driven from the land. We naturally ask ourselves to what trade or employment could these people turn? To this question there appears to be no answer, unless it be that they were driven back on to the parish or to tillage, there to work as labourers. As regards these people, there can be no doubt that the Statute of Artificers was designed to encourage tillage; there can also be no doubt that it increased the number of the destitute, the hopeless, and the vagabond. At the same time, it protected and benefited the craftsman and the whole class of skilled workmen. It is, indeed, an excellent example of State interference aiding one group of men at the expense of another, and, as always, it was upon the class least able to bear burdens that the burden fell.

CHAPTER V

POVERTY

THE Tudor period was for England a period of serious industrial unrest, due, as such unrest generally is, to deep causes inducing grievances of wrong. The sixteenth century saw, indeed, a change, not as impressive or as fundamental as that which followed upon the invention of mechanical power, but of great importance and far-reaching effect. It was a change concerned rather with the land and with the land-worker than with the craftsmen of the towns, but it had its repercussion upon the urban worker also.

The change of which we now speak resulted in the enclosing of thousands of acres of land, in the throwing out of employment of many labourers in husbandry, in the diverting of labour from countryside to town. It caused the competition between craftsmen to become more acute. These agrarian changes were at the same time accompanied by an economic revolution due mainly to the discovery of the New World and its valuable silver mines, with the resulting depreciation of the currency, or, to express the same fact in other terms, increase in the cost of living. This economic revolution, it is true, took place rather at the end of the period, while the agrarian changes were being effected throughout the century, but the two causes together created the new problem which it was the purpose of the Poor Law of Elizabeth's reign to solve, a problem which was not, and perhaps cannot be, solved by mere legislation, and which has remained with us to the present day—the problem of how to prevent working people falling into unmerited indigence.

The Pauper

Poverty has existed, we have no doubt, from the earliest years of the world's history. The Able have always been capable of repressing the Unable, but the problem of unmerited and excessive poverty is a comparatively modern one. The serf, poor though he was, had his land and continuity of employment. If he worked well he was secure from actual starvation. So long as he obeyed he was protected. But with the divorce of the worker from the land the struggle for a tolerable existence changed both in intensity and in direction. The worker was, as it were, driven into the world with no fortress behind him into which to retreat should the battle go unfavourably. It is not to be wondered at that not infrequently he fell wounded by the wayside, and then for him and his children nothing remained but vagrancy or death, until at last a benignant State opened the doors of the workhouse—perhaps the most dreaded and hated institution this country has ever produced.

We now speak, it is to be understood, rather of the peasant than of the craftsman, though to a limited extent our remarks also apply to the urban worker. The craftsman had, however, his gilds and, later, his fraternities or corporations, which were able, to some extent, to succour him should he fall on evil days. He was to a considerable degree protected by the State. He had skill. The industrialism which he served, and of which he was the life-blood, was a living and growing organism. As a consequence his condition, until the whole future of that organism was destroyed by the introduction of mechanical power, was tolerable and in many ways superior to that of the peasant.

Agrarian Changes

For convenience we may perhaps date the agrarian changes of which we are now speaking from the Black Death, though we have little doubt it would have occurred

had there been no such widespread pestilence. The Statute of Merton, a statute passed more than a hundred years before that visitation, bears witness that even then the first steps in the change were being taken and the lords were commencing to enclose the wastes. The Black Death, however, hastened matters. The dearth of labour which for many years after was felt in all departments of industry bore with special hardness upon the industry of agriculture. The landowner looked with longing upon the old days of servile services. Those days were past, but by statute it was sought to place labour once more and to some extent at the command of the employer. Even so, however, there was not enough labour available. The landowner cut the Gordian knot by taking advantage of the prosperous condition of the English wool industry and turned his land from arable to pasture. The peasant looked also with eagerness toward the comparatively new class of the artisans and aimed at making his children craftsmen rather than agriculturists. Again statute repressed the desires of the peasant, but statute has never been able to oppose successfully or for long popular aspirations. The trek of the land-worker cityward grew in volume; the dearth of agricultural labour did not abate; the acreage under pasture steadily increased.

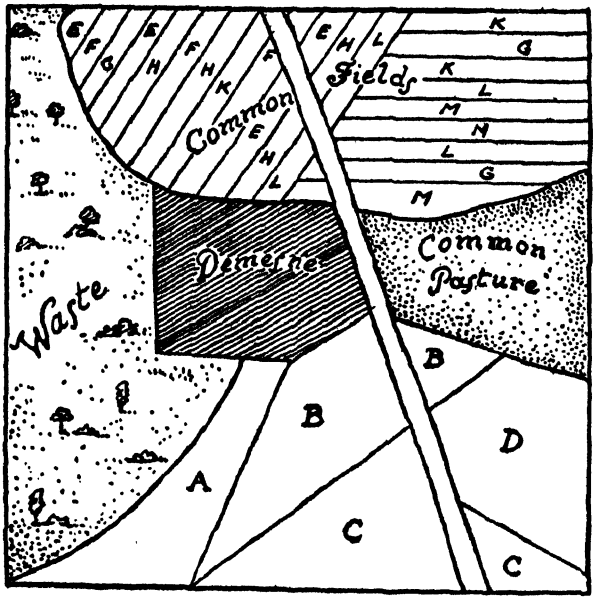
Meanwhile another cause contributing to the final result was beginning to assume importance. Trade was flourishing and many fortunes were being made. Civil war had gravely reduced the numbers, the power, and the wealth of the old aristocracy of birth based on land-holding. A new aristocracy of wealth was arising and was becoming implanted in all our shires and counties. Some of the new landowners of substance were men of the merchant class who had made a fortune and had then turned, as so many men did and do, to the land whereon to enjoy "the earth and the fulness thereof"; others had arrived at their status of large landowners in a different manner.

In order to understand the rise of this second class—the large working farmer, generally a stock-breeder

or farmer, or person working in convertible husbandry —we must consider once again the feudal system of land-holding.

The Manor

As we have already remarked, the unit of land-holding was commonly the manor, and within the manor there were always to be found the demesne lands, the home farm of



the lord ; the holdings of the sub-tenants, some of which were in villeinage and some in freehold; the common fields; the waste.

The way in which a manor was divided up is shown in the simplest possible manner in the above plan. There we see the demesne lands in the centre of a manor which we have made for simplicity's sake rectangular in shape. The various strips E—M represent the strips of land worked by the tenants in villeinage, whose cottages would be in the hamlet and would probably border the

road. Each, it will be observed, has several strips (only three for each are shown, but usually the number would be thirty or sixty) and the strips held, for example, by E, are not contiguous. Each tenant held several strips in order that he might cultivate his land in rotation, and yet cultivate each year the kind of crop most useful and necessary for him. The strips were not fenced from neighbouring strips, but were all on common arable fields, and were usually divided by furrows or banks of grass. The areas marked A, B, C, D, are closes which have been enclosed as a rule from the waste, and in the period of which we are now speaking are commonly held by their tenants in lease, but may also be held in freehold by earlier grant. The 'strip' portion is entirely arable, and the tenants are what we might now describe as the tenants of small holdings. They have, as a rule, the right to grind their corn at the manorial mill, bake their bread at the manorial bakehouse, brew their beer or press their cider at the manorial brewery or cider-press. They have also the right to pasture their sheep, etc., on the common pasture land, which is regarded as belonging to all the tenants and the lord of the manor in common. They have in addition various customary rights over the waste, *e.g.*, the common of turbary, or the right to cut turf for peat for their own hearth fires. If there is a river running through the manor lands the common of piscary, or the right to fish therein, is frequently owned; if there are woodlands, the right to feed their pigs therein and the right to gather wood is usually possessed.

In addition to the classes above named, there may be cottars having but a cottage and a small garden, or there may be squatters—persons who have built cottages or hovels on the waste and have not been dispossessed.

Two things at once strike one when considering the manor: (1) the great importance to the tenants in villeinage of the waste and the common lands; (2) the hopelessly unscientific, though fair, system of dividing up the copyhold tenants' arable land into a large number of

strips whereby the same tenant was the holder of scattered fragments widely separated the one from the others. At the same time the copyholders had a real and substantial position in a unit of great social and political power—the manor—and while they still held that share we hear but little of vagrancy and Poor Laws.

The copyholders were, however, not in the same strong position so far as their holding was concerned as the freeholders. They were protected only by the custom of the manor, and over that custom the lord could, in the medieval period, exercise considerable control. Indeed, as yet we can hardly speak of copyholding; many of the tenants were but recently emerged from serfdom, and their holding, which had been at will in return for services, was now at will in return for rent. Such tenants—and they formed the vast majority of the peasant population—could be dispossessed at will.

Enclosure

It was while our land laws were at this stage of development that the movement in favour of sheep-breeding and pasturage commenced. The labourers were reduced in number, their tenancies were in some cases terminated, and their strips granted to someone else in lease. Little by little, as England became more and more a meat-eating and less and less a cereal-consuming country, the breeding of cattle developed, and the need for large farms was felt. Again, the need for a particular user of land, and one different from that which had been customary, pressed most heavily on those whose powers of resistance were the least. The humble tenants of strips found their strips rearranged or their tenancies terminated. The farmer by lease obtained wider and wider lands. The lords' encroachments on the waste lands—an encroachment permitted by the Statute of Merton subject to the tenants being left 'sufficient' waste land—became greater and greater, and the sorry story of the first of the two great 'enclosure' episodes had begun.

To quote Archdeacon Cunningham:

> There can be no doubt that in some cases there was deliberate depopulating on the part of landlords who desired to get the whole of the area into their own hands and to use it in the way that gave them most profit or pleasure. The practice of granting land on leases of lives had become common, so that on an estate where the new system of land management was adopted, the tenantry could be gradually dispossessed without any straining of legal rights on the part of the landlords. . . . In very many instances, however, it would appear that the landlords were not the prime movers in the matter, but they were only to be blamed for giving permission to enterprising tenants to enclose. There is ample evidence that the process of differentiation was going on among the English peasantry and yeomen, and that while some felt the pressure of the new conditions severely, others were prospering greatly.[1]

It would appear that in agriculture, as in industry, the level plain of workers was beginning to form within the pyramid of society in general a fresh pyramid. As the master and the journeyman were growing farther and farther apart, so the peasant was turning on the one hand into a landless agricultural labourer, and on the other into a prosperous farmer.

The tendency thus to split up into two branches was increased when the wealthy burgesses looked to the counties wherein to spend a portion of their gains. The old family ties of squire or lord and man were now utterly dissolved; the personal equation counted but little, and in the great name of Mammon the labourer was conjured to depart; or, if he were permitted to remain, he remained as a labourer and not as a tenant of the land.

It must not, however, be thought that the peasant-proprietor ceased to exist. On the contrary, in the majority of cases he continued as in earlier ages to work his strips and to work on his landlord's demesne in return for rent on the one hand and wages on the other. The commons and the wastes were still available, though in

[1] *Growth of English Industry and Commerce.*

many cases to a diminished extent. It was not in the majority, but in the minority, of cases that the peasants were becoming landless; the minority, however, was an important one, and the labourers affected tended to become the flotsam and jetsam which the Poor Law system was designed to save.

Kett's Rebellion

There is much evidence that those at the helm of the State fully realized the dangerous nature of the trend of events. They had the example of Germany before them. They were, moreover, wise, far-sighted men of a higher level of ability than England had known for generations. But though they passed laws restricting sheep-breeding, though they issued decrees against all enclosures made since 1485, it was of no avail. The whole weight of society in Tudor days was to be found in the men of wealth and standing. Wolsey, More, Somerset, Cranmer, Latimer—all protested against what Professor Pollard has well called the individualist exploitation of the community, and protested in vain. The laws which had been placed on the Statute Book remained to a great extent dead letters; other laws which were drafted and pressed upon the Commons time after time by the member for Preston[1] were defeated either in the House of Commons or in the Lords. The ill work continued, and by 1548 it was estimated in the Supplication to the Commons that 300,000 persons had been thrown out of work. The peasants began to see little but starvation or slavery before them and theirs. The time was ripe for rebellion, and in 1549, under the leadership of Robert Kett, a dangerous revolt broke out in Norfolk, but ended, as had those other risings under Owain Glyndwr and under Wat Tyler, in defeat. The English labourer, unlike the peasant of France or of Germany, was beginning to be a person divorced from the land he tilled. The old customary holding of a virgate (thirty acres) or half-virgate was shrinking to a mere allotment,

[1] John Hales the younger.

if it did not actually disappear. The profits and common rights were being reduced. Merrie England was passing out and the workhouse and the Poor Law system were coming in.

Depreciation of the Currency

But the sorrows of the land-worker were not the only ills that befell the working classes in this age of comparative prosperity. The increase in the cost of living due to the depreciation of the currency caused wages nominally to rise slightly, but in fact to fall sharply. Both ills were caused at bottom neither by exceptional greed on the part of those who had, nor by exceptional folly on the part of those who had not, but by factors beyond human control.

The enclosing of the labourers' lands pressed heavily upon the generation that experienced it, even as did the enclosing of the commons two centuries later, but it must be recognized that had no alteration taken place in the ancient distribution of land the England of to-day would probably have been much less prosperous than she is. The old system could not have maintained itself against modern competition and must sooner or later have given way to scientific farming on the large scale. To-day in France one sees the result of vast numbers of small holdings in a land fully cultivated and in a peasantry overborne by what to an Englishman seems excessive toil. There the "merry larks are ploughmen's clocks," and the land-worker, often in the hands of usurers, works from dawn till sunset to produce a modern living out of a medieval holding. From that the Englishman has been saved, but in the saving he has been driven almost completely off the land. As Archdeacon Cunningham says,

> The form of enclosure which was being pushed on by enterprising tenants, who desired to have holdings in severalty, was a real improvement in agriculture, and provided an increased food supply; and no government could have seriously set about trying to stop it.[1]

[1] *Growth of English Industry and Commerce.*

The discovery of America, on the other hand, had results which no one could foresee, results which caused the increase in the production of the food supply to have little effect on the cost of food. In 1495 the price of wheat was but a fraction of a penny above four shillings a quarter, while a hundred years later it had risen to 18*s.* 4½*d.* Wages in the meantime had nominally increased by from 25 per cent. to 33⅓ per cent. As Thorold Rogers observes in *Six Centuries of Work and Wages*, "The work of a whole year would not supply the labourer with the quantity which in 1495 the labourer earned with fifteen weeks' labour." The work which Columbus had commenced in 1492 was destined to have the greatest and most magnificent of results, but the consequences for the moment were little less than disastrous to many of the workers. The new era of adventure and exploration brought to England sea-power, and in time a splendid colonial empire in which her population could expand to form powerful and wealthy states and dominions. But all that was as yet far in the future. The immediate result was more individual wealth and more widespread poverty.

Minor Causes of Poverty

It is to these two main causes that we look for the need for the State regulation of poverty. There were, of course, many minor factors, of which, perhaps, the most important were the dissolution of the monasteries and the debasement of the coinage under the second of the Tudors. On the other hand, the abominable persecutions then being perpetrated in the Low Countries under the Duke of Alva and the Spanish Inquisition, so graphically described in Motley's *Rise of the Dutch Republic*, and the later ill-treatment of the Huguenots in France, caused a flood of immigrants to find shelter in England, an immigration which on the whole was greatly to the advantage of English trade. New industries were introduced, old industries improved, but it can hardly be that the new influx did

not cause, temporarily, considerable unemployment among the native workers. The age was an age of change—change in thought, in religion, in outlook, in methods both of agriculture and of industry. Change is always apt to bear hardly on those trembling on the brink of destitution. The expropriation of a large part of the gild property had an effect, as Mr G. T. Warner has remarked,[1] not very dissimilar to that which would result were the Government to-day to confiscate all the funds of the benefit societies and sick-pay clubs.

Of these various causes one only could be dealt with in a completely satisfactory manner. The debasement of the coinage, which had compelled the Government to pay 25 per cent. on its loans, was tackled under Elizabeth. A new coinage was issued and the old called in. But the effect, so far as prices were concerned, was largely countered, as the improvement had been made possible, by that influx of American silver of which we have already spoken. Prices continued to soar and wages failed to keep pace with them. Poverty, destitution, and beggary became a more and more serious problem.

The remedies proposed were various and in many cases savage. The 'sturdy beggar,' that is to say, the unemployed worker, was regarded more as a criminal than as an unfortunate whose succour it should be the first duty of the State to secure. We doubt whether Thorold Rogers was justified in saying that during the whole period from 1563 to 1824

> The English law, and those who administered the law, were engaged in grinding the English workman down to the lowest pittance, in stamping out every expression or act which indicated any organized discontent, and in multiplying penalties upon him when he thought of his natural rights.[2]

We have seen that both under Elizabeth and under James I efforts were made to preserve to the workers a competent

[1] *Tillage, Trade, and Invention.*
[2] *Six Centuries of Work and Wages.*

measure of wages. Throughout the seventeenth and the first half of the eighteenth century the administrative part of the Government received, considered, and in many cases supported, petitions presented by working people which aimed at the establishment of a reasonable standard of life. At the same time, the State was slow to regard the out-of-work as anything other than at worst a criminal and at best a nuisance. Work was regarded as a duty, but it was not seen that that duty involved the right to work. This right was one always sturdily contended for.

But unemployment was common, the cost of living high, and the old charity of the monasteries and the old support of the gild chest were no longer available. The close personal relationship between squire and peasant was beginning to become attenuated. An age when everyone knew of everybody's business and when the rich could not be unconscious of the existence of the dismal hovels in which the man who was down was, with those dependent upon him, dying by inches was becoming uncomfortably aware that though a Cecil could recommend that those who were physically able to work and did not should be enslaved, wrong was rather suffered than committed by the indigent.

The Unemployed

But the age was rough and coarse. Parliament at first seemed to see no better way of dealing with the problem than by authorizing the infliction of savage punishments upon those who were idle without much considering the cause of the idleness. It was complained that idleness was the root of all vices, and in 1531 it was enacted that sturdy beggars should be thrashed "till the body be bloody."

Such repressive measures did not meet the case, and under Elizabeth we find the State pursuing two connected courses. On the one hand, the out-of-work is driven back to his or her parish, there to be set at work either by work being found or in a house of correction, or by labour in gaol; on the other hand, private charity is at first

organized for the benefit of the destitute, and finally, private charity proving insufficient, a system of State aid is developed.

The 39 Eliz., c. 4 (1597-8), "An Act for punishment of rogues, vagabonds, and sturdy beggars," somewhat extended by the 1 Jac. I, c. 7 (1603-4), may be regarded as a consolidating and amending Act dealing with the out-of-work—for it may be observed that the person punished need not be a rogue or a vagabond, or sturdy, or a beggar in the ordinary sense, but only as so defined by the Act. A person might be punished as a rogue, etc., because he or she departed from the parish in which he or she had lived in order to obtain work elsewhere.

> All wandering persons and common labourers being persons able in body using loitering and refusing to work for such reasonable wages as is taxed or commonly given in such parts where such persons do or shall happen to dwell or abide, not having living otherwise to maintain themselves, . . . shall be taken, adjudged, and deemed Rogues, Vagabonds, and Sturdy Beggars and shall sustain such pain and punishment as by this Act is in that behalf appointed.

The aforesaid "pain and punishment" is provided by the following section of the Act, which also expresses the general purpose of the legislature.

> And be it enacted by the authority aforesaid, that every person which is by this present Act declared to be a Rogue, Vagabond, or Sturdy Beggar, which shall be . . . taken begging, vagrant, wandering, or misordering in any part of this realm . . . shall . . . be stripped naked from the middle upward and shall be openly whipped until his or her body be bloody, and shall be forthwith sent from Parish to Parish by the officers of every the same, the next straightway to the Parish where he was born, if the same may be known by the party's confession or otherwise; and if the same be not known, then to the Parish where he or she last dwelt before the same punishment by the space of one whole year, there to put him or her self to labour as a true subject ought to do. . . . And the party so whipped and not known where he or she was born or last dwelt by the space of a year, shall by the

officers of the said village where he or she so last past through without punishment, be conveyed to the House of Correction of the limit wherein the said village standeth, or to the common gaol of that County or Place, there to remain and be employed in work until he or she shall be placed in some service, and so continue by the space of one year, or not being able of body until he or she shall be placed, to remain in some almshouse in the same County or Place.

The migrating labourer who was not in employment was thus dealt with. He, and it may be his wife and his children—for the Act punished also children of the age of seven years or upward in the same manner—were driven back either to their parish of origin or to the parish in which they had lived for a year, or to the parish through which they had last passed without being punished, there to be set at work for a year, or if too ill (despite their sturdiness !) to work until a place in an almshouse was found for them.

Even the sick were not, in certain circumstances, permitted to travel, for by Section 7 it was provided that:

No diseased or impotent poor person shall at any time resort or repair from their dwelling place to the City of Bath or town of Buxton . . . to the baths there for the ease of their grief unless such persons forbear to beg, and be licensed to pass thither by two Justices of the Peace of the county where such person doth or shall then dwell or remain and provided for to travel with such relief for and towards his or her maintenance as shall be necessary for the same person . . . upon pain to be reported, punished, and used as rogues, vagabonds, and sturdy beggars.

The Destitute

Idleness having thus been struck at, the State proceeded to develop machinery to support in some degree the destitute. The private charity which had been the centre of the system designed in former reigns had broken down. The need for charity was great. The State decided, therefore, at first to organize private charity and later to elaborate a system of public charity. At the same time, under the Poor Law system as finally established in the

reign of Elizabeth, some machinery was devised to prevent the evil for which charity was but a partial palliative.

The Poor Law

At the end of the reign of Edward VI two collectors had been appointed in every parish for the purpose of visiting the persons of substance in the parish with a view to ascertaining what contribution might be expected from each of such persons for the relief of the poor of the parish. The collectors were empowered to find employment for the poor at the charge of the fund thus collected. In Mary's reign the Act was renewed, and soon after Elizabeth ascended the throne an Act was passed providing that if the private person appealed to failed to subscribe the justices might demand from him a weekly contribution under threat of imprisonment. Almost simultaneously the question of apprenticeship and the fixing of wages was the subject of legislation.

As Thorold Rogers has said:

> There was only a step from the process under which a reluctant subscriber to the Poor Law was assessed by the justices and imprisoned on refusal, to the assessment of all property under the celebrated Act of 43 and 44 Elizabeth, c. 2. The law had provided for the regular appointment of assessors for the levy of rates, for supplying work to the able-bodied, for giving relief to the infirm and old, and for binding apprentices. It now consolidates the experience of the whole reign, defines the kind of property on which the rate is to be levied, prescribes the manner in which the assessors shall be appointed, and inflicts penalties on parties who infringe its provisions. It is singular that the Act was only temporary. It was, by the last clause, only to continue to the end of the next session of Parliament. It was, however, renewed, and finally made perpetual by 16 Car. I, c. 4.[1]

The Elizabethan Poor Law

The celebrated Act is short and its important clauses may usefully be reproduced *in extenso*. They run as follows :

[1] *Six Centuries of Work and Wages.*

Be it enacted by the authority of this present parliament that the churchwardens of every parish and four, three, or two substantial householders there as shall be thought meet, having respect to the apportion and greatness of the same parish or parishes, to be nominated yearly in Easter week or within one month after Easter, under the hand and seal of two or more justices of peace in the same county, whereof one to be of the *quorum*, dwelling in or near the same parish or division where the same parish doth lie, shall be called overseers of the poor of the same parish ; and they or the greater part of them shall take order from time to time, by and with the consent of two or more such justices of peace as is aforesaid, for setting to work of children of all such whose parents shall not by the said churchwardens and overseers or the greater part of them be thought able to maintain or keep their children ; and also for setting to work all such persons married or unmarried having no means to maintain them, use no ordinary and daily trade of life to get their living by ; and also to raise weekly or otherwise, by taxation of every inhabitant parson, vicar or other, and of every occupier of lands, houses, tythes impropriate or propriation of tythes, coal-mines or saleable underwoods, in the said parish, in such competent sum or sums of money as they shall think fit, a convenient stock of flax, hemp, wool, thread, iron and other necessary ware and stuff to set the poor on work and also competent sums of money for and toward the necessary relief of the lame, impotent, old, blind, and such other among them being poor and not able to work, and also for the putting out of such children to be apprentices, to be gathered out of the same parish according to the ability of the same parish ; and to do and execute all other things as well for the disposing of the said stock as otherwise concerning the premises as to them shall seem convenient : which said churchwardens and overseers so to be nominated, or such of them as shall not be let by sickness or other just excuse to be allowed by two such justices of peace or more as aforesaid, shall meet together at the least once every month in the church of the said parish, upon the Sunday in the afternoon after Divine Service, there to consider of some good course to be taken and of some meet order to be set down in the premises, and shall within four days after the end of their year and after other overseers nominated as aforesaid, make and yield up to such two justices of peace as is aforesaid a true and perfect account of all sums of money by them received or rated and assessed and not received,

and also of such stock as shall be in their hands or in the hands of any of the poor to work, and of all other things concerning their said office; and such sum or sums of money as shall be in their hands shall pay and deliver over to the said churchwardens and overseers newly nominated and appointed as aforesaid;

. . . . .

And be it further enacted that it shall be lawful for the said churchwardens and overseers, or the greater part of them, by the assent of any two justices of the peace aforesaid, to bind any such children as aforesaid to be apprentices, where they shall see convenient, till such man-child shall come to the age of four and twenty years, and such woman-child to the age of one and twenty years or the time of her marriage; the same to be as effectual to all purposes as if such child were of full age, and by indenture of covenant bound him or herself. And the said justices of peace or any of them to send to the house of correction or common gaol such as shall not employ themselves to work, being appointed thereunto as aforesaid.

Settlements

Thus was inaugurated a system of poor relief which continued without substantial modification until the reign of William IV and has had a direct effect on Poor Law administration even to our own day. The purpose of the framers of the Act was undoubtedly humane and was certainly in advance of anything hitherto enacted. Relief was made local and the district in which the person had declined into a state of destitution was made primarily responsible for his relief. The Act, however, was inefficiently administered. Some parishes treated their poor in a far better manner than others. Means were found by the industrious poor of migrating into those parishes, which thus had imposed upon them an unfair burden. As a consequence, parishes seem to have vied with one another how best to frighten away these unwanted inhabitants; as a further consequence the 14 Car. II, c. 12, was passed in 1662 empowering the removal of any person whom the churchwardens or overseers complained might become chargeable on the parish, if such complaint

was made within forty days of the person coming to live in the parish. The removal was effected under the authority of a warrant issued by two justices and was to the parish where the person was born or had last resided for forty days. The law of settlements thus begun still occupies an important place in Poor Law administration.

Administrative Abuses

The original purpose of the Act was destined to be hopelessly destroyed by the mismanagement of the overseers. As Lord Farnborough said :

> Since the reign of Elizabeth, the law had provided for the relief of the destitute poor of England. This wise and simple provision, however, had been so perverted by ignorant administration that, in relieving the poor, the industrial population of the whole country was being rapidly reduced to pauperism, while property was threatened with no distant ruin. The system which was working this mischief assumed to be founded upon benevolence; but no evil genius could have designed a scheme of greater malignity for the corruption of the human race. The fund intended for the relief of want and sickness—of age and impotence—was recklessly distributed to all who begged a share. Everyone was taught to look to the parish, and not to his own honest industry, for support. The idle clown, without work, fared as well as the industrious labourer who toiled from morn till night. The shameless slut, with half a dozen children—the progeny of many fathers—was provided for as liberally as the destitute widow and her orphans. But worse than this—independent labourers were tempted and seduced into the degraded ranks of pauperism, by payments freely made in aid of wages. . . . The manly farm labourer who scorned to ask for alms found his own wages artificially lowered, while improvidence was cherished and rewarded by the parish.[1]

Attempts were made from time to time to improve the administration of the law. In 1723 the churchwardens and overseers, in conjunction with the vestry, were given powers enabling them to establish workhouses; in 1782,

[1] *Constitutional History of England* (T. Erskine May).

by Gilbert's Act, districts were permitted to appoint Poor Law guardians in place of the overseers, and in 1819, by which time the number of persons in receipt of Poor Law relief was becoming a national danger, the overseers were placed, in such parishes as cared to adopt the scheme, under the direction and control of a body of substantial householders termed the select vestry.

Both the Act of 1782 and the Act of 1819 were, however, permissive Acts, and the schemes contained in them had only been put into force in a comparatively few districts; the evils of the whole system were becoming more and more evident and pronounced under the distress consequent upon the Napoleonic wars and the Agrarian and Industrial Revolutions of the eighteenth century, and in 1833 a Royal Commission was appointed to consider the whole subject.

Pauperization

The report of this Commission was a masterly exposure of the evils of a system caused by an initial wrong, benevolently conceived, and monstrously maladministered. We cannot refrain from certain quotations which indicate some of the many abuses that had grown up, though it should be understood that we are now speaking of things as they were, not in the time of the Tudors, but in the opening years of the nineteenth century.

Thus Mr Hickson, a manufacturer of Northampton and landholder in Kent, gave evidence as follows :

> The case of a man who worked for me will show the effect of the parish system in preventing frugal habits. This is a hard-working, industrious man, named William Williams. He is married, and had saved some money, to the amount of about £70, and had two cows ; he had also a sow and ten pigs. He had got a cottage well furnished ; he was a member of a benefit club at Meopham, from which he received eight shillings a week when he was ill. He was beginning to learn to read and write, and sent his children to the Sunday School. He had a legacy of about £46, but he got his other money together by saving from

his fair wages as a waggoner. Some circumstances occurred which obliged me to part with him. The consequence of this labouring man having been frugal and saved money, and got the cows, was that no one would employ him, although his superior character as a workman was well known in the parish. He told me at the time I was obliged to part with him, "Whilst I have these things, I shall get no work; I must part with them all; I must be reduced to a state of beggary before anyone will employ me." I was compelled to part with him at Michaelmas; he has not yet got work, and he has no chance of getting any until he has become a pauper; for until then, the paupers will be preferred to him. He cannot get work in his own parish, and he will not be allowed to get any in other parishes.

Again, Mr Nash of Royston stated that he had been forced by the overseer to dismiss two excellent labourers for the purpose of introducing two paupers into their place. Mr Nash added:

John Walford, a parishioner of Burley, was a steady, industrious, trustworthy, single man, who, by long and rigid economy, had saved about £100. On being dismissed, Walford applied in vain to the farmers of Burley for employment. It was well known that he had saved money and could not come on the parish, although any of them would willingly have taken him had it been otherwise. . . . The young men point at Walford [who had been driven to spend his earnings on a horse and cart and was endeavouring to earn a precarious living as a carter of corn to London] and call him a fool for not spending his money at the public house as they do, adding that then he would get work.

The reason for this extraordinary state of affairs is brought out in the evidence of Sir Harry Verney, who says:

In the hundred of Buckingham, in which I act as a magistrate, many instances occur in which labourers are unable to obtain employment, because they have property of their own. For instance, in the parish of Steeple Claydon, John Lines, formerly a soldier, a very good workman, is refused employment because he receives a pension. *The farmers say that they cannot afford to employ those for whom they are not bound by law to provide.*[1]

[1] Our italics.

Such cases of ratepayers conspiring (to use the word employed by the Commissioners) to deny the man who, in defiance of the examples of all around him, dares to save, and attempts to keep his savings, the permission to work for his bread were not universal, but were widespread and common to those parishes which by the opening years of the nineteenth century had become pauperized.

The Allowance System

In consequence of the system which had grown up under the Poor Law administration of paying different rates of wages to married and single men equally skilled, early and improvident marriages were rendered almost compulsory. A clergyman of Culworth stated that one of his parishioners had told him that he only married because under the labour rate he could not get work without. The parish relief, which was scattered broadcast—in Cholesbury, to give but one example of many, out of 139 individuals, only 35 persons, of all ages, including the clergyman and his family, were supported by their own exertions—was necessitated mainly by the maladministration of the whole system. Such relief, being in the majority of cases unneeded, corrupted those who received it, each one of whom tended to become "converted into an insolent, discontented, surly, thoughtless pauper, who talks of rights and income. . . ." Of such a one it was said:

> Some rude efforts he may at first make to shake off his state of servitude; but he finally yields to the temptation of the allowance payable and the scale, feels his bondage, puts off his generous feelings of industry and gratitude and independence, and
>
> . . . to suit
> His manner with his fate, puts on the brute.

Under the allowance system wages were fixed according to whether a man was married and to the number of his children. It mattered not in the least what he was worth. The original economic evils of serfdom were thus

recreated and even extended. As the Commissioners inquire:

> What motive has the man who is to receive ten shillings every Saturday, not because ten shillings is the value of his week's labour, but because his family consists of five persons, who knows that his income will be increased by nothing but by an increase of his family, and diminished by nothing but by a diminution of his family, that it has no reference to his skill, his honesty, or his diligence—what motive has he to acquire or to preserve any of these merits?

The Workhouse

The evils of outdoor relief were matched, or more than matched, by the maladministration of the workhouses. The 'poor-house' had become, indeed, a sort of almshouse packed with three distinct classes of people: (1) the respectable old and infirm poor; (2) children, mainly orphans; (3) criminals, prostitutes, and such other able-bodied folk as, having lost self-respect, preferred a life of laziness to a life of industry. The result was that respectable people deemed it the most dreadful of misfortunes, as meaning the loss of character and self-respect, to have to seek refuge in the workhouse, even though, to quote Mr Lee, "It is a common remark among our paupers that they live better in the house than they ever lived before." One can easily imagine the horrid thoughts that must have assailed the dying on the contemplation of the future of their children—orphans brought up in the workhouse, farmed out to contractors, apprenticed, or, rather, we would say, let on lease, to a master; the companions of the lowest, the encumbrance of their parish, the drudge of their employer.

The Commissioners made twenty-two recommendations, to none of which can we refer in detail, but all of which formed the basis of the new Poor Law, the purpose of which was, as in the case of the Act of Elizabeth, to grant relief to the destitute and to differentiate between the man who had become indigent through no fault of his own and the

man whose poverty was merely a mask put on to avoid work. The administration was placed under Boards of Guardians, subject to the control of a central board. Outdoor relief for the able-bodied ceased; large 'union' workhouses were established and regulated in a much more rigorous manner. The new system was not without its defects, but it did at least slay that "plague of pauperism" which was threatening to sap the self-respect of large sections of the working people.

Certain changes were found necessary as time passed. The Poor Law Commissioners became in turn the Poor Law Board and the nucleus of the Local Government Board, which was established in 1871, and in turn became the Ministry of Health in 1919. In 1905 another Royal Commission sat to inquire into two matters: (1) the administration of the Poor Law and (2) the relief of distress due to poverty and unemployment. The results of its labours were the passing of the Unemployed Workmen Act, 1906, and the Labour Exchanges Act, 1909; while the movement toward the adequate care and protection of those who may fall by the wayside through old age, sickness, or accident, and which has made such giant strides during the last three decades, has placed upon the Statute Book, among others, the following Acts: the Workmen's Compensation Acts, 1897, 1906, 1917, 1919; the Old Age Pensions Acts, 1908, 1911; and the various National Insurance Acts. All these we shall have occasion hereafter to refer to.

CHAPTER VI

A MEDIEVAL PERIOD

THE word medieval has many connotations. As applied to political history it sometimes means pre-Norman times, sometimes the era of the First Renaissance, and sometimes the period which stretches from Plantagenet to Tudor times. In the case of a history of labour it can be used conveniently to describe the period which stretches between that early age in which the generality of men were personally unfree and the later age which saw the divorce of the people from the land and the rise of the factory system.

We shall thus in this chapter be concerned chiefly with husbandmen and artificers; peasants who besides tilling and sowing and reaping turned an occasional hand to the loom; craftsmen who were continuing in the spirit of the gildsmen; rogues and vagabonds that represent the submerged tenth of the newly-freed labouring classes.

The decrease of villeinage, which by the end of the Tudor period was almost extinct, was the era of the origin of the poor. Serfdom at least supplied the serf with food and shelter; the greater freedom which emancipation brought might easily, and did in fact often, result in the absence both of shelter and of food, pointing the truth of that old aphorism: "Freedom and servitude, the one has many pains, the other no pleasures."

Throughout the whole of this medieval period, an era stretching, as it does, almost to the end of the eighteenth century, the most notable facts about the lives of the working classes were the complete simplicity and uneventfulness which, in the happiest circumstances, marked

them, and the terrible condition which might befall the most worthy should misfortune chance to throw them off the narrow path their kind commonly trod. It is, indeed, a matter of some difficulty fully to comprehend the frugality, the rusticity, the simplicity of those times, or the severity with which those, to-day deemed the unfortunate, were treated who fell into indigence through illness or lack of employment.

Material Resources

A few comparisons will enable us to realize the immense difference which exists between the material resources of the people of the fourteenth and the twentieth centuries.

In the early Middle Ages Colchester was a considerable town of 3000 inhabitants, and was the tenth city of England. Roughly speaking, its inhabitants amounted to a one-thousandth part of the entire population. In 1296 a valuation for taxation purposes was made, and in 1317 another valuation was made. These valuation rolls were examined in some detail by Sir Frederick Eden, who gives the following as the average contents of a house:

		s.	d.		s.	d.
A mazer-cup	valued at from		6	to	2	0
A bed	„ „	1	6	„	6	8
A tripod	„ „		3	„		9
A brass pot	„ „	1	0	„	2	6
A brass cup	„ „		6	„	1	0
An andiron	„ „		3½	„		8
A brass dish	„ „		6	„	1	0
A gridiron	„ „		6	„	1	6
A rug or coverlet	„ „		8	„	1	6
Total		5	8½	„	17	7

The above represented the furniture not of a rustic boor, but of a citizen, and evidences a complete absence of luxury. The same simplicity is shown by the valuations of two draper's shops, one of which was large and the other

small. The contents of the latter were valued at 6*s.* 8*d.* The larger shop contained the following articles:

		£	*s.*	*d.*
A piece of woollen cloth . .	value		7	0
Silk and fine linen . . .	„	1	0	0
Flannel, and silk purses . .	„	1	4	0
Gloves, girdles, leather purses, and needle-work . . .	„		6	8
Other small things . . .	„		3	0
Total . .		£3	0	8

A carpenter's stock of tools was valued at 1*s.*, and comprised two broad axes, an adze, a square, an auger (navegor or nawger). The entire movable wealth of the city, including household furniture and utensils, clothes, money, provisions, the stock-in-trade of all the tradesmen, the live-stock kept by the citizens, and frequently including a pig or two and sometimes a horse, was valued at £518 16*s.* 0¾*d.*

Of course, in those days the value of money was very different from what it is to-day. Even allowing £1 then to be worth £100 now (and economists set a much lower modern equivalent), the value of the movables of Colchester was about £52,000 of modern money, which gives as the total wealth of England in movable property at the beginning of the fourteenth century the sum of £52,000,000 of modern money.

Population

With these figures it is useful to bear in mind the number of people in England. It will also be instructive to give Gregory King's forecast of the population of England which he made in 1693, and compare his forecast with the actual figures. The question of population is one of great importance, for it is manifest that many schemes or aims which would be workable and desirable in a comparatively thinly populated country are absolutely out of the question in a country so densely peopled as Great Britain now is.

Gregory King's figures stating and forecasting the population, and the actual figures, are as follows:

Date	King's Figures		Actual Figures
1300		2,860,000	
1400		3,300,000	
1500		3,840,000	
1600		4,620,000	
1700	5,550,000		5,475,000
1800	6,420,000		9,168,000
1900	7,350,000		32,527,000
2000	8,280,000		

The State of Agriculture

The reigns of the first three Edwards, and particularly that of Edward I, saw a considerable increase in prosperity and distributed wealth. But as yet the only important source of national wealth was the land, and the science of agriculture was so little understood that a crop of from six to twelve bushels of cereals per acre was normal. While such a low productivity continued in the industry which supported nine-tenths of the people, it could not but be that the lives of the people were frugal in the extreme. To apply words spoken of the mid-eighteenth century to the workers of the whole of this medieval period we may say that:

> The domestic manufacturers were scattered over the entire surface of the country. Themselves cultivators and of simple habits and few wants, they rarely left their own homesteads. . . . If the comfort of the poor man is to be estimated by variety of wants, by his living in an artificial state of society, surrounded by all the inventions resulting from a high degree of civilisation, by having these brought to his door, and every facility afforded him for procuring them, the aboriginal and home manufacturer sinks very low when compared with the present race. If, on the contrary, comfort and domestic happiness are to be judged

by the fewness of a man's wants, with the capability of securing the means for their supply, the tables are turned in favour of the domestic manufacturer.[1]

It would appear that during the fourteenth century wealth so grew that luxury sensibly increased, but the troublous times which almost extinguished the aristocracy and eventually placed a Welsh prince upon the throne of England ushered in that period of mixed sunlight and shadow which William Harrison has so minutely and amusingly described in his *Description of England*.[2]

The Poor

Throughout the period the law permitted, as we have seen, the fixing of maximum wages, a device which Sir Frederick Eden regarded as "confessedly framed by the nobility, and, if not intended, certainly tending, to cramp the exertions of industry." Toward the end of this middle age it is true that the wage-regulation laws were falling into desuetude, but throughout the sixteenth and seventeenth centuries it would appear that a great proportion of the community earned less than they spent. Before the development of the Poor Law the result is seen in the number of rogues and vagabonds who, declining into theft, were hurried to the gallows. As Harrison says, throughout Elizabeth's reign the rogues "were trussed up apace," and he calculated that during Henry VIII's reign no fewer than 72,000 great and petty thieves were put to death. After the institution of a Poor Law system the effect is shown in the dimensions of the poor rate, which in 1685 was equal to one-third of the entire revenue. Throughout both rogue and worker are pinned down to subsist on the barest fare and in the simplest manner, so that Chamberlayne, even as late as 1702, could repeat and confirm the truth of the old saying that, "England was

[1] P. Gaskell, *The Manufacturing Population of England.*

[2] Most easily available in the form as edited by Lothrop Withrington and published in the Camelot series under the title *Elizabethan England.*

called the Purgatory of servants, as it was and is still the Paradise of wives, and the Hell for horses."

The Worker and the Land

The average worker throughout this middle age made his own clothes, his own shoes, grew his own food, kept his own stock. He was both husbandman and artisan, or, in the cities, artisan and allotment-holder. It was but rarely, and only in the case of some workers in London, that the craftsman or manual worker was entirely divorced from the land.

The first of the movements which were to result rather more than three centuries later in the almost complete separation of the workers from the land had begun. Whereas at first the serf cultivator of an earlier period had turned for a time into the peasant proprietor, so common even to-day in France and Germany, it was not long before attacks, at first isolated and later concerted, began to be made on his land-holding. Of this movement we speak elsewhere. It is material here, however, to observe that the earlier enclosures linked to more scientific farming resulted in greater productivity per acre, greater wealth to the larger farmers due to the export trade, hardly any reduction in the price of food, widespread unemployment, increased national wealth, increased national misery linked with an absolute monarchy, a decayed aristocracy, at first a feeble but later an increasingly powerful plutocracy, and general contentment due to the fact that though many were drowning the majority were sailing along a placid stream in much comfort.

Food

Throughout the period bread was the staple food and beer or "small drink" the normal drink of the working classes. In the North oatmeal was largely eaten, and, before the later enclosures began to take from the commoners the means of pasturing their cattle and to concentrate the stock in the hands of the larger landowners, milk

was a very important article of diet. It was only toward the end of this period that tea, coffee, or cocoa came into use. Tea had come to us in the Tudor period as a curiosity, but was becoming sufficiently common in 1658 for it to be advertised in the *Mercurius Politicus*. The first coffee-house was opened in London in 1652, and we find chocolate being advertised as a drink in 1657. None of these beverages was, however, within the means of the poor until more than a century later.

Speaking of the bread eaten by the workers in his time (1577-87), Harrison says that the husbandmen

> in some shires are forced to content themselves with rye, or barley, yea, and in times of dearth, many with bread made either of beans, peas, or oats, or of all together and some acorns among, of which scourge the poorest do soonest taste, sith they are least able to provide themselves of better. I will not say that this extremity is oft so well to be seen in times of plenty as of dearth, but, if I should, I could easily bring my trial. For albeit that there be much more ground eared now almost in every place than hath been of late years, yet such a price of corn continueth in each town and market without any just cause (except it be that landlords do get licences to carry corn out of the land only to keep up the prices for their own private gains and ruin of the commonwealth), that the artificer and poor labouring man is not able to reach unto it, but is driven to content himself with horse corn—I mean beans, peas, oats, tares, and lentils : and therefore it is a true proverb and never so well verified as now, that "Hunger setteth his first foot into the horse-manger."

According to Davenant, even a century later, and with a poor rate up to a third of the revenue, many died yearly of starvation. Harrison, when considering the times at which folks eat, dismisses the case of the poor by saying : "As for the poorest sort they generally dine and sup when they may, so that to talk of their order of repast it were but a needless matter."

When we turn to other pages of Harrison's *Description* we obtain a somewhat different picture, a picture of a

countryside flowing with milk, and stocked with butter and pork. What can we say of an age which regarded "white meats, milk, butter, and cheese . . . as food apertinent only to the inferior sorts," and of a writer who, having lamented the fact that the bread of the poor was not wheaten, proceeds to tell us that :

> The artificer and husbandman make greatest account of such meat as they may soonest come by, and have it quickliest ready, except it be in London when the companies of every trade do meet on their quarter days, at which time they be nothing inferior to the nobility. Their food also consisteth principally in beef, and such meat as the butcher selleth—that is to say, mutton, veal, lamb, pork, etc., whereof he findeth great store in the markets adjoining, besides sows, brawn, bacon, fruit, pies of fruit, eggs, etc. . . . In feasting also this lesser sort, I mean the husbandmen, do exceed often their manner, especially at bridals, purification of women, and such odd meetings, where it is incredible to tell what meat is consumed and spent, each one bringing such a dish, or so many with him, as his wife and he do consult upon, but always with this consideration, that the lesser friend shall have the better provision. This also is commonly seen at these banquets, that the good man of the house is not charged with anything saving bread, drink, sauce, house-room, and fire. But the artificers in cities and good towns do deal far otherwise ; for albeit that some of them do suffer their jaws to go oft before their claws, and divers of them by making good cheer do hinder themselves and other men, yet the wiser sort can handle the matter well enough in these junkettings.

The truth, however, seems to be that in the normal case, and throughout the whole middle period, the average working man lived very plainly, tasted meat but rarely, unless it were pork which he had himself reared, and relieved a diet of cereals, potatoes, milk, eggs, and vegetables (of which then as now he was a somewhat sparing eater, regarding many of the daintiest as fit only for swine) chiefly with fish, usually herrings.

That the conception of the Tudor workman as a mixture of Sir John Falstaff and one of Ostade's boors

is false may be seen from yet another quotation from Harrison:

> It may be that divers of them living at home, with hard and pinching diet, small drink, and some of them having scarce enough of that, are soonest overtaken when they come into such banquets; howbeit they take it generally as no small disgrace if they happen to be cupshotten, so that it is a grief to them, though now sans remedy, sith the thing is done and past.

Clothing

The clothes of the people were not merely home-made, but were made from material that was spun and woven at home, often from flax which was grown at home or from wool from the sheep of the farm. By 24 Hen. VIII, c. 4, every person occupying sixty acres was required to sow one rood with flax or hemp seed, and by 5 Eliz., c. 5, one acre in every sixty had to be so sown, the primary purpose being to produce the raw material on which the people might be employed in spinning and weaving in their homes. Moryson has told us that "husbandmen weare garments of course cloth made at home, and their wives wear gownes of the same cloth, kirtles [petticoats] of some light stuffe with linen aprons, and cover their heads with a linnen coyfe and a high felt hat, and, in generall, their linnen is course and made at home." This description, Eden says, was substantially accurate for the North Country of his own day—that is, the end of the eighteenth century. In Gaskell's words:

> The distaff, the spinning wheel, producing a single thread, and subsequently the jenny and mule, were to be found forming a part of the complement of household furniture in the majority of the cottage-homes of Great Britain, whilst every hamlet and village resounded with the clack of the hand-loom.[1]

Houses

The Tudor period saw a real advance in the direction of what may be termed home comforts. As Green remarked:

[1] *The Manufacturing Population of England.*

> It is from this period indeed that we can first date the rise of a conception which seems to us now a peculiarly English one, the conception of domestic comfort. The chimney-corner, so closely associated with family life, came into existence with the general introduction of chimneys, a feature rare in ordinary houses at the beginning of [Elizabeth's] reign. Pillows, which had before been despised by the farmer and the trader as fit only "for women in child-bed," were now in general use. Carpets superseded the filthy flooring of rushes.[1]

It is difficult to determine to what extent the new comfort descended to the lower ranks of society, but it can be said that domestic architecture, even in the humblest cases, greatly improved. The fireplace became a commonplace. Floor-boarding was usual. Table furniture became more elegant, pewter or even silver ware taking the place of wooden trenchers. The working classes did not yet use spoons and forks, but throughout the seventeenth century these articles became more and more common. The rough earthenware was soon to give way before the newly invented glaze. Glass, despite the window taxes, was turning the hut or hovel into something akin to the cottage of to-day. Furniture, though still more noticeable for its strength than for its beauty, was beginning to assume more elegant forms.

In the towns some attention was at last being given to sanitation. But though we may say with Mr and Mrs Hammond that

> To the people of Norwich or York in the fifteenth century their town was not a mere roof from the wind and the rain: it was a living personality, expressing and cherishing the instincts, tastes, beliefs, and corporate pride of the citizens widely and richly pictured,[2]

though we may deplore the loss of that old beauty, gathering in loveliness with age, which the destruction of our ancient towns and cities caused, yet we must recognize that the ancient town would be impossible to-day.

[1] *Short History of the English People.* [2] *The Town Labourer.*

Throughout this middle age, though as time passed more and more attention was given to sanitation, that subject was hardly understood, and the health of the people, rich and poor alike, was in this regard grossly neglected.

It was not, indeed, until well into the nineteenth century that any properly organized system was introduced into town-planning, and then for a season the standard of art and taste was so low that the horror of the resulting barracks was almost more terrible than the fevers or the plagues which the more beautiful and interesting medieval towns had engendered.

We obtain a view of the shocking conditions which sometimes existed from Dr V. A. Riecke's observations on the interments and disinterments of the churchyard of St Innocens, where at a time of plague from 1500 to 1600 bodies had been buried in a common grave creating a state of disease in the surrounding houses which developed into a pestilence in 1554. Other disorders were also caused by the same cemetery in 1737 and 1746, and in 1780 it was found that the cellars in all the houses in one of the streets bordering on this cemetery were full of noxious gases which would not support light.

The numerous plagues which broke out from time to time in the various medieval towns are indeed a sufficient proof that those old towns, lovely though they were to look upon, were often evil places in which to live.

Wages

Throughout the period, and even after the great decrease in the value of money which occurred in Tudor times, wages were very low, though a substantial rise occurred after the Civil Wars of the seventeenth century. The average earnings of an artisan in 1662 were but fifteen shillings a week. In 1641 the wage of a thatcher was sixpence a day with meals, but by 1684 the wage of an agricultural labourer had risen to a shilling a day, though the justices of Warwickshire endeavoured unsuccessfully to fix the maximum at eightpence a day.

Learning

Throughout the period of which we now speak the generality of men were entirely ignorant of that form of knowledge which is derived from books. Their religion was a religion that they were taught wholly by word of mouth. For a large part of the period the Bible was not to be obtained by the vulgar, and if obtainable was not written or printed in the vulgar tongue. Until half of this middle age had passed the Sunday school had not yet been thought of. The old gild schools and the monastic centres of learning had suffered severely under the Tudors. An age which gave to us a More, a Shakespeare, a Bacon, and a Newton left the people as illiterate as the Russians over whom Peter the Great ruled. But though from books they gained nothing, and from priests and ushers but little, they had still as their natural tutor the country-side with all its half-unfolded wisdom. The true rustic, dull and boorish though he may appear to those whose eyes are blinded by the glitter of a showy civilization, always had and still has a clear vision for the fundamental facts of life. The picture that we gather of these workers from their contemporaries is that of an unlettered, rough, hard-working, simple-living, God-fearing, clean and decent people, who clung to their little homes and when misfortune befell to their freedom and liberty of action, risking the whip, the house of correction, and even the gallows rather than become the prey of a grey-faced charity, which was all the Tudor and Stuart administrators could find to offer to the indigent and unfortunate.

The Spirit of the Poor

Few more noble struggles have been made than those which were carried through to the death by thousands of humble folk who, unable to find employment in their native villages, were compelled to choose between charity and the search for work in a land that loathed and feared vagrants. Few more sorry stories can be told than that of the way these poor folk were treated, not by some

ruthless conqueror, but by their own more fortunate fellow-countrymen. We have occasion elsewhere to advert to this matter, but in this present place we cannot forbear from a quotation from the Elizabethan canon.

> With us the poor is commonly divided up into three sorts, so that some are poor by impotence, as the fatherless child, the aged, the blind, and lame, and the diseased person that is judged to be incurable; the second are poor by casualty, as the wounded soldier, the decayed householder, and the sick person visited with grievous and painful diseases; the third consisteth of thriftless poor, as the rioter that hath consumed all, the vagabond that will abide nowhere, but runneth up and down from place to place (*as it were seeking work and finding none* [1]), and finally the rogues and the strumpets.
>
> For the first two sorts . . . there is order taken throughout every parish in the realm that weekly collection shall be made for their help and sustentation—to the end they shall not scatter abroad, and, by begging here and there, annoy both town and country. Authority is also given unto the justices in every county (and great penalties appointed for such as make default) to see that the intent of the statute in this behalf be truly executed according to the purpose and meaning of the same, so that these two sorts are sufficiently provided for; and such as can live within the limits of their allowance (as each one will do that is godly and well disposed) may well forbear to roam and range about. But *if they refuse to be supported by this benefit of the law, and will rather endeavour by going to and fro to maintain their idle trades*,[1] then are they adjudged to be parcel of the third sort, and so instead of courteous refreshing at home, are often corrected with sharp execution and whip of justice abroad. Many there are which, notwithstanding the rigour of the laws provided in that behalf, yield rather with this liberty (as they call it) to be daily under the fear and terror of the lash by abiding where they were born and bred, to be provided for by the devotion of the parishes.[2]

Our authority then proceeds to define "idle beggars" as such as are idle "either through other men's occasion

[1] Our italics.

[2] Harrison, *op. cit.* His division of the poor is obviously based on the findings of Bishop Ridley's committee.

or through their own default." By "other men's occasion," he means, "where some covetous man doth find such means as thereby to wipe many out of their occupyings and turn the same unto his private gains." We have seen in what manner many worthy and hard-working folk became, together with their wives and children, "idle beggars" through "other men's occasion." In an age which possessed 10,000 sturdy beggars at a time, which saw 300 to 400 thieves sent to the gallows annually, in which every roadway was infested by this sorry crowd of despairing searchers after work, and which produced some of the most luminous intellects of all time, it is matter for surprise that a better solution than the Poor Law of Elizabeth was not discovered. The solution is perhaps to be found in the words of Harrison, who, having with some sympathy described the case, concludes with the words, "Certes, in some men's judgment these things are but trifles and not worthy the regarding."

It is a notable fact that the two periods of our history when wealth most quickly grew—we speak of the ages when the Americas were discovered and when machinery and steam came into use—were both marked by the gravest misfortunes inflicted on large masses of innocent people. The fact would appear to be that these great economic changes, complicated in both cases by movements in favour of the consolidation of farms and live-stock, upset the accustomed balance and poise of society, and as is always the case when changes thus occur, bore with all their weight upon that portion of the community that had the least resources in either money or intelligence to support them.

Development of Resources

If we looked solely at the working of the Poor Law, however, we should bear away a false impression of the English working population as a whole. Though without doubt very many thoroughly industrious and worthy folk were positively driven to the gallows by force of hunger,

the fate of the majority was far more happy. The generality of men tended to become better off than they had been. Throughout the seventeenth century material possessions substantially increased. The resources of the world were beginning to be opened up to an expectant Europe. The Navigation Acts were stimulating the growth of a mercantile marine, the activities of the various Merchant Adventurers were discovering new sources of wealth, new objects of desire. During that century wages more than kept pace with the price of corn. Enclosures, though still continuing, were opposed both by the first two Stuarts and by Cromwell, and had not yet succeeded in turning the peasant into the agricultural labourer and divorcing the handicraftsman from the land. Great advances were made in the sixteenth and seventeenth centuries in domestic architecture and furniture. By the time Chamberlayne issued the first edition (1669) of his famous *Angliæ Notitia* the export, import, and re-export trade of England was already considerable. He could recount (in the 1708 edition) with some pride that : " We transport from our plantations in America besides what we consume ourselves of sugar, indico, tobacco, cacao-nuts, etc., besides the fish, pipe-staves, masts, bever, etc., from New England and the northern parts of America to £400,000 per annum." By the end of the seventeenth century " the meanest mechanics and husbandmen wanted not silver spoons and some silver cups in their houses."

Games

From the games played by the common people we gather that they were by no means without either leisure or amusements. The list of those available for the citizen and peasant as given by Chamberlayne is lengthy and has a curiously modern appearance. Football and cricket were even then, in conjunction with hand-ball, the favourite games. Golf (or goffe) appears high up in the list, and above cudgels, bear-baiting, bull-baiting, cock-fighting, bowling, or quoits. Skittles and shovel-board were also

very popular pastimes, while leaping, wrestling, and pitching of the bar are given a secondary place. Chamberlayne notes as a unique form of 'sport' peculiar to England the 'ringing of bells,' which, however, was common also in Brabant and Flanders.

France

In France, industry expanded considerably during the seventeenth century. Indeed, even as M. Renard describes the century which stretched between 1689 and 1789 as an English century, so we may regard the period of Louis the Great as a French period. The great reforms which such men as Laffémas, Montchrétien, and, above all, Colbert, attempted to effect in relation to the French industrial organization did not entirely succeed, largely in consequence of the deliberate policy of military aggrandizement pursued by the King and his advisers. Colbert, one of the most active, though not one of the greatest, of French statesmen, and one raised in the school of the great Cardinal Mazarin, early determined on the cleansing of the system of taxation, the development of trade and industry, and the organization of an effective navy. His and Riquet's improvement of the canal system did for France what the later activities of the Duke of Bridgewater achieved for England. He fostered manufactures in every way possible, establishing new industries, importing from abroad eminent craftsmen, forbidding emigration, and protecting inventors.

Colbert, however, was essentially a bureaucrat. He looked rather to the good of the State, and of a State in which the kingship occupied a pre-eminent place, than to the well-being of the worker. He desired to make France prosperous and independent as far as possible of foreign countries in matters of trade and manufacture. He set out in an orderly way to form an organization to obtain information, and with the information thus obtained to draft and enforce regulations to control and regulate French industry. It was in vain that the merchants of

France said to Colbert, when it was proposed to take measures to protect their interest, "Laissez-nous faire"—he refused to leave anyone alone. He regulated everything, and consequently Colbertism has become almost a synonym for State regulation of the severest, most bureaucratic kind.

Colbert's main steps were taken in 1664, 1665, and 1669. In the year first mentioned the Conseil du Commerce was established to consider the regulations of trade and industry. In the year following commissioners were sent into the provinces to gather from the masters and workmen all the details relating to their several trades. Colbert had expressed the belief that the French artisans, masters and men, would receive the commissioners with open arms. In this he was disappointed. Guy Poquelin and François de la Croix not infrequently met with serious opposition and on occasion were subject to deliberate boycott. In the result, however, by 1669 the regulations controlling industry had been substantially completed by the promulgation of four important ordinances.

Four years later, still pursuing his aim of obtaining fine workmanship, which he believed to be the essence of prosperous industry, Colbert obtained the issue of the ordinance concerning the gilds or *corps de métiers*, the purpose of which was to strengthen these associations in a manner which would enable them once again to exercise a useful and practical control over both masters and men.

That the system of regulation thus established by Colbert was cordially detested by the people is certain, that it achieved some important results is also certain, that it was gravely hampered by the circumstances of the reign in which it was devised is probable. Whether or not it was economically an essentially bad system is a matter of doubt. It would seem that, like all other systems of bureaucratic control, it tended to level all down to a monotonous mediocrity without great villains or great heroes in its piece; that it resisted alterations or improvements; and that it gave over the people to the privileged and shut and

barred the door to individual advance, and consequently eliminated a great part of individual incentive. It did, however, tend to very splendid and beautiful craftsmanship and for a century made France the dictator in all matters of applied art.

The Workshop

Meanwhile important changes had been taking place in the fabric of society. Industry was no longer entirely domestic. Wholesale manufacture was springing into being. In the factory of van Robais as many as 1692 workpeople were employed before the end of the seventeenth century. Many workers no longer lived or worked with their masters, and these were beginning to form a class apart. Their interests were becoming not merely different from, but opposed to, those of their employers. They were beginning to organize to defend those interests.

As yet, however, the divorce of man from master was the exception rather than the rule. Though, even in the time of Adam Smith, by far the greater number of the manufacturers, artisans, or handicraftsmen worked for a master, the usual workshop was but a small affair employing anything from two to a dozen hands. In such places master and man worked together. The apprenticeship system lived on throughout this period and underwent but slight change from the form it had taken in the fourteenth century. The period of apprenticeship tended at first to become shorter than it had formerly been and varied from four to eight years, but under the Statute of Apprentices seven years became the normal period in England. Often the number of apprentices that could be taken was strictly limited, sometimes to as few as one at a time. This matter, again, was regulated in England by the Elizabethan statute. The apprentice still lived with his master and was kept by him in food, clothing, and shelter, and was forbidden to leave his master's service or seek other employment.

Chamberlayne, writing in England in 1669, having observed that slavery was no longer part of the social order

in England, and that but few villeins were left, observes that "the nearest to this condition are apprentices." The apprentice, indeed, during the term of his articles was, in both England and France, placed very completely under the control and tutelage of his master.

At the end of his articles the apprentice in France no longer becomes the *valet*, but is now referred to as the *compagnon*. He still remained subject, however, to quote M. Levasseur, "to the laws of the corporations which the masters alone had caused to be made, and of which the principal provisions had always for their object the establishment of their authority and their privileges." The workman was required to look up to his master, obey him, and be faithful to him. If he failed in these duties fine and imprisonment were the punishments. Neither in France nor in England might he leave his employ without just cause; other masters might not employ him unless he had been discharged and could prove that he had completed his last job. The workman was frequently forbidden to work on his own account—and covins and combinations between workmen with a view to organized opposition to the master were interdicted.

It would appear that the tendency was for wages to increase in the second half of the seventeenth century and for such increase to be effective, that is to say, the purchasing power increased.[1] The hours of labour were not sensibly decreased. The day was still a true day.

[1] For a full analysis of the wages in France in the seventeenth century see M. Levasseur, *Histoire des classes ouvrières et de l'industrie en France avant 1789*, t. ii, pp. 394 *et seq.*

CHAPTER VII

EDUCATION

WE now approach in point of time the revolutionary epoch formed by the agrarian and industrial changes which occurred in the last half of the eighteenth and the first half of the nineteenth century. The present is, therefore, a convenient place in which to pause awhile and look backward upon the trend of education throughout those centuries about which we have been speaking.

We have seen that in the medieval period, and to an intensified degree in the era of serfdom, the life of the working classes was simple and narrow. Their needs were small, their opportunities few. It could hardly have been otherwise, for throughout these years both the peasantry and the proletariat of Europe were composed almost exclusively of unlettered men and women.

Generalizations on this matter must not, however, be pushed too far. Throughout the ages known to history there have been some systems of education devised by all communities that have achieved civilization. Civilization depends, indeed, upon the trained mind, and rises or falls according to the level of intelligence of the ruling classes. It is, of course, only within recent years that the masses have in any way been identified with the ruling classes or that their education has become a matter of political importance.

Brito-Roman Schools

Professor Haverfield was wont to say that the general level of education in this country was higher at the time of the Roman occupation than at any time up to the second

half of the nineteenth century. In those early days Britain, and in an increased degree Gaul, possessed numerous and excellent schools at which it is evident the working classes were taught at least the rudiments of grammar. The story of these early schools is only slowly being pieced together and it is not yet, and probably never will be, known what system of education was pursued. It can, however, be stated that in these Brito-Roman schools masters of eminence taught, that the school language used was Latin; that working people learnt to read and write at least, and that it was not uncommon for the upper classes to finish their education abroad.

With the decline and fall of the Roman Empire learning disappeared from the land. With the coming of Christianity the ancient fabric of knowledge began little by little to be re-woven. For one century Northumbria was in the van of European culture. In the ninth century that eminent West Saxon, Alfred the Great, made it one of the aims of his life to provide education for all free-born men of property. In the next century, Dunstan, the wise counsellor of Edgar the Peaceful and one of the earliest of our reformers, obtained the passing of a canon directing the priests "diligently to instruct the youth and dispose them to trades." But as yet it is not probable that the serf had any part in or gained any advantage from these reforms, and the whole machinery for educating the middle and upper classes was violently upset by the Norman Conquest.

The Medieval System

From the Norman Conquest to the Black Death it is almost impossible to believe that the ordinary working man could have received any education, for although it is evident from contemporary sources that on occasion even the serfs were seeking opportunity to send their children to school, and although in rare instances it is obvious that the children of the lowest orders became most highly educated, it is still true that a form of education which

ignored the vernacular tongue, which taught all it had to teach in either Norman-French or Latin, was useless to the child whose life was to be spent in a workaday world that spoke English.

The schools of all the centuries from the eleventh to the end of the fourteenth were, indeed, places wherein were trained the future monks and gentlemen.[1] Broadly speaking, and ignoring for the moment the gild schools, the aim of all the schools controlled by the Church was to train the man who would, when grown to maturity, be either a gentleman or a priest, using the term gentleman to mean one whose duties would be mainly concerned with government, either local or central, and war. Some other types, it is true, emerged. The lawyer, the administrator, the manorial factors and stewards, obtained their groundings in these early schools, but even these types were in the eleventh, twelfth, and thirteenth centuries almost identified with priests; none of them belonged to the same order of society as the masses.

The Gild Schools

The gild schools of later growth were founded to meet the needs of another class. To some extent free of ecclesiastical control, and working under the *ægis* of the newly-risen corporations, they taught the child of the gildsman. These schools acted as elementary schools for the children of merchants and craftsmen. In the earlier years they were neither numerous nor wealthy, though as time passed they grew greatly in strength.

Church Control

Apart from these gild schools the Church claimed absolute control over education. By the twelfth century the position had been reached that, apart from special franchise or charter, no man might keep school unless licensed by the Church, though in the opening years of the

[1] Girls' schools were, of course, early in existence, but they too trained the ecclesiastical and upper classes.

thirteenth century this licence could be obtained free. It was in that and in the preceding century that the First Renaissance began. The activities of the great Nominalist Roscellinus and his disciple Abelard had caused a break in the monastic traditions represented by Lanfranc and Anselm. The university of Paris arose distinct from the old cathedral schools. Already in the eleventh century, in Italy, the great university of Bologna had acquired a European reputation under Pepo and his successor Irnerius. A dispute between Becket and Henry II was destined to result in the founding of the university of Oxford by the scholars who had been compelled to leave Paris.

But it is not of the universities that we would speak. The *studium generale* was the Mecca of the studious classes, it had little concern with the children of the poor except that occasionally some bright child was assisted on his way to fame and fortune by the scholarships or fellowships which even in those early ages could be obtained.

It is indeed true that in origin the universities were designed as higher schools for the child of the poor man and for the rich, but it was rather for the man who intended to devote his life to learning that they catered. Such a class was recruited in insignificant numbers from the working population.

We must therefore turn aside from the consideration of those movements, such as that inaugurated by the Brethren of the Common Life in the fourteenth century, and the rise of the academies and universities in all parts of Europe during the centuries which stretched from the eleventh to the fifteenth, for they are movements connected but slightly with the life of the common people.

The Lollards

According to Mr de Montmorency we have to look to the struggle led by Wycklif in the fourteenth century for the turning-point in the history of education in England. Hitherto the control exercised by the Church had been almost absolute. The Lollards fought hard for liberty,

both in matters of conscience and in matters of education, and although their movement was in time suppressed it flourished exceedingly for many years. During the latter half of the fourteenth century two, and perhaps three, generations of school-children were being taught by men sympathetic to the Lollard teachings. The result is to be seen in part in the legislation of the opening years of the succeeding century.

The movement in favour of freedom in matters of education was given greater momentum by the improvement in the status of the labouring classes due to the Black Death. The serf was dying out and those who still remained were no longer the chattels they once had been. The State, the law courts, the corporations, were all leaning in favour of opening the schools to all who could pay, and of mitigating the iron rules concerning the licensing of schoolmasters. We find the City of London aiding schools unconnected with the Church. We find the State expressly stating that the unfree child might aspire to learning, despite the fact that in 1391 the Commons had petitioned the King "that it be ordained and commanded that neither native nor villein put his children henceforward to school in order that they may become clerks, and this in order to maintain and save the honour of the free men of the realm."

In the great case of the Gloucester Grammar School (1400) the judges laid down the momentous principle that "to teach youth is a virtuous and charitable thing to do, helpful to the people, for which the teacher cannot be punished by our law." The competition created by the unlicensed schoolmaster caused a sharp drop in the school fees charged. In the reign of Henry II, when Walter Map was sneering at the villeins for wishing to educate their "base and degenerate children," the fees at Gloucester Grammar School were forty pence or two shillings per child; in the reign of Henry IV they had dropped to twelve pence, but even so the sum demanded equalled a twentieth of the yearly wage of a master hind.

In another direction, however, the Lollard movement struck a heavy blow at education. When at length the strong arm of the State fell with full weight upon that sect, the unlicensed schoolmaster and the unorthodox schoolmaster were attacked. Very many schools were closed, with the result that in the fifteenth century there were fewer schools than there had been three centuries before. The suppression by Henry V of alien monastic foundations had a similar effect.

The Reformation

Little by little the scholastic organism recovered, but in its convalescence it became once more firmly grafted on to the Church. Then occurred the crushing blows which the Reformation rained on the Church and upon all things controlled by the Church. While Luther in Germany was bringing education to the doors of the cottage, Henry VIII in England was destroying church and monastery and school. As Mr William Page says :

> Up to the time of the Reformation nearly all education was maintained by the Church, and when the chantries were dissolved practically the whole of the secondary education of the country would have been swept away had not some provision for the instruction of the middle and lower classes been made by continuing, under new ordinances, some of the educational endowments which pious founders had previously founded.[1]

Prior to the Reformation it would seem, indeed, that, in the words of Mr Leach, " national education was in a far more flourishing state than it was at the opening of the nineteenth century." [2] This, in truth, is not high praise, but it serves to guard us from the common error of believing that the Tudors were the founders of grammar school tuition. Indeed, it has been remarked that " very few, if any, of the so-called Edward VI Grammar Schools had their origin in the reign of that monarch." A

[1] *The Yorkshire Chantry Surveys.*
[2] *Schools at the Reformation.*

consideration of the number of grammar schools in existence prior to the Reformation shows that there were more schools per head of the population then than in the middle of the nineteenth century. Thus, Essex possessed sixteen grammar schools for 11,000 people, and Herefordshire was almost as well supplied with its seventeen schools for 30,000 people.

Elizabethan Reforms

Under Elizabeth, however, an attempt was made to remedy a deplorable state of affairs. It is indeed marvellous that an age which saw the second great Renaissance, which was alive to all the wonders of the New Learning, which possessed on the Continent such great educational leaders and reformers as Luther, Melanchthon, Erasmus, John Sturm of Strassburg, Wolfgang Ratke, and, toward the end of this period, John Amos Comenius, an age which saw the spread of this learning, under the leadership of More and Colet, to Oxford and Cambridge, and thence outward to the schools of England, should have been the one which experienced the blight of ignorance spreading over the land. But it was so, and with this evil Elizabeth and her ministers struggled almost in vain.

In the words of Mr de Montmorency, " It was not the fault of the Elizabethan policy that it had to deal with machinery deliberately wrecked by the predecessors of the great Queen. All that could be done under such circumstances seems to have been done."[1] The universities were incorporated ; administrative abuses were corrected; the student was given special privileges under the labour legislation; elementary education was rendered more free, the secondary system purified. The complaints levelled by Harrison that fellowships went by favour to the rich rather than by merit to poor and rich alike were dealt with. But, as in the case of her Poor Law reforms, the Queen's educational reforms were to no small extent vitiated by maladministration.

[1] *State Intervention in English Education.*

As yet no system of State education existed. Learning was still reserved to those who could pay, except where pious founders had established free, or partially free, schools, and many of these had been dispossessed. Under Elizabeth, however, we begin to find serious efforts being made by local action to form funds with which to pay the educational charges of able, though poor, children. The schoolmaster was shown favour and was relieved of certain burdens borne by others in the matter of taxation. But as yet the whole educational machinery was but ill developed. Bacon could protest, and with good reason, at the absence of adequate funds with which to pay the salaries of masters or the cost of experiments. Science, which was now beginning to be something more than the toy of the alchemist, was still neglected. The poor man's child was still unlettered. It was not until 1649 that the first small State grant was made.

Poor Law Schools

It is, of course, in this reign, as we have seen, that the Poor Law system was so extensively developed. Under that system many poor children were settled by the parish, and there is some evidence that, as the result of local activities, efforts were early made to provide, free of charge, some rudiments of learning to the parish poor. Sometimes we find a parish schoolmaster appointed, his small salary being paid from the rates. Sometimes the school fees of the pauper child are provided. The extent of these activities, depending as they did upon the enlightenment of the local authorities, it is not easy at present to ascertain ; it would seem, however, that for a season a definite effort was made in some districts to provide the elements of education for the poor of the parish, but that these occasional and sporadic attempts to give free teaching died away and that the parish schools either ceased or degenerated into places at which the poor children were 'minded' by illiterates for an inadequate pittance per week.

EDUCATION

The Commonwealth

Under the Commonwealth Government it seemed, indeed, that national education might be achieved. Unhappily, the reform of our grammar-school system by Comenius had been rendered impossible by the outbreak of the Civil War, but in 1649 an Act of some moment was passed establishing for Wales commissioners empowered to appoint schoolmasters, to levy rates for their maintenance, to pay salaries not exceeding £40 a year, and to arrange for the pensioning of the dependents of deceased masters. First-fruits and tenths, to the maximum extent of £20,000 a year, were devoted to the cause of education in England, and £2000 a year was voted to Oxford and Cambridge.

With the Restoration, however, education in England and Wales once more most seriously declined. It was its connexion with the Church that again proved its undoing. In order that the King and the Church might be preserved the schoolmaster was pursued with tests and oaths. The result was that for a century the education of the people languished, and that by the end of the eighteenth century England was peopled by illiterates.

We will revert to this matter again somewhat at length later, but for the moment it will be well to journey over the seas the Pilgrim Fathers had crossed in search of freedom of conscience to see whether any crop had sprung from their sowing.

Early American Efforts

In point of date, the first step appears to have been taken in New England in 1636, when the small sum of £400 was voted with which to build and found the little school which was destined to become the famous Harvard University, so named in honour of its early benefactor John Harvard, who on his death at an early age in 1638 endowed the school.

Two years later a free school was established in the colony of New Haven, and in 1650, in Connecticut, one of

the most momentous advances was made in the direction of popular education by the passing of a local law which imposed upon parents and upon the masters of apprentices the duty of seeing that their children and charges were properly taught to read, to know the elements of their duty to the State, and to learn a short orthodox catechism. Failure to perform this duty resulted in the children being removed from their care and placed under masters by them to be taught until the age of twenty-one in the case of boys, or eighteen in the case of girls, was reached.

In addition to these provisions making education compulsory, steps were taken to establish an elementary school in every hamlet of fifty (later reduced to thirty) householders, and a grammar school for every unit of one hundred householders, thus anticipating by nearly a hundred and fifty years Condorcet's rejected plan for an elementary school for every four hundred households and secondary educational facilities in each of the one hundred and ten divisions into which France was to be divided. In 1690 two free schools were established.

In Massachusetts these provisions were followed and to some extent expanded by the local Act passed in 1692 entitled "An Act for the Settlement and Support of Ministers and Schoolmasters." By this law it was provided that:

> Every town within this province, having the number of fifty householders, or upwards, shall be constantly provided of a schoolmaster, to teach children and youth to read and write. And where any town or towns have the number of one hundred families or householders, there shall also be a grammar school set up in every such town, and some discreet person, of good conversation, well instructed in the tongues, procured to keep such a school; every such schoolmaster to be suitably encouraged and paid by the inhabitants.

As Mr de Montmorency, upon whose valuable work we have so often relied in what we have stated above, says:

> It is [more than two centuries] since the Legislature of New England determined to reproduce the grammar-school system of

Old England supported by a compulsory rate, and to supplement it with a compulsory primary system such as England was not destined to see even in theory until 1876.[1]

There was, however, a great and important difference between the new and the old. In New England the Dissenter was not a being to be feared and suppressed; learning was not chained hand and foot to the Church; the seeds of decay were not introduced into the grammar-school system. In Old England the Church was recommencing her assault upon free education, using that term in the sense of freedom to teach and to learn.

France

In France the course of events in early times was similar to that in England. In the words of Matthew Arnold:

> From the fifth to the fifteenth century the institutions founded for popular instruction bore little or no fruit, because instruction in Europe was up to that time nearly confined to one class of society, the clergy. From the very earliest times, indeed, a simple shepherd boy, like Saint Proclus of Berry, might enter a monastery school and become one of the learned men of his epoch; but it was on condition of embracing the ecclesiastical profession.[2]

In the fifteenth century there became manifest in France, as under the Lollards in England, a growing demand for instruction independent of the Church. In 1412, almost at the time the Gloucester Grammar School case was being decided in England, we find the inhabitants of Saint-Martin de Villers, in the diocese of Evreux, founding a school for their own parish. The bishop opposed the foundation, complaining that his privileges were encroached upon and that his own school at Touque was injuriously affected. The dispute was settled by the lay

[1] *State Intervention in English Education.*

[2] Cited from his report prepared for the Newcastle Commission.

founders consenting to vest the appointment of the new teacher in the hands of the bishop. On a later occasion the dispute again broke out and the courts upheld the ecclesiastical privileges. The school was closed.

Sixteenth-Century Demands

By the middle of the sixteenth century, however, the need for schools was so apparent that the States-General at its sessions held at Orleans and at Blois in 1560, 1576, and 1588 drew the French king's attention to the want of elementary schools. The Third Estate demanded that the clergy should be compelled to "instruct or cause to be instructed the children of the poor in all good learning, according to their capacity, even from their earliest years." This obligation, it was insisted, should not be evaded "on pretext of the negligence of parents and sponsors." Little was done, and though by an ordinance of 1560 it was decreed that "in every cathedral or collegiate church one prebend, or the revenues of the same, shall be permanently devoted to maintain a preceptor, and to give free schooling to the children of the place," the king, Charles IX, found the opposition of the Church too strong and was unable to enforce the ordinance.

Persecution of Heretics

A very different attitude, however, was adopted by the clerics in their zeal for the elimination of heretics after the revocation of the Edict of Nantes. What piety and the desire for the well-being of the people had been unable to secure, bigotry and the love of persecution in form achieved.

To quote once more from Matthew Arnold:

> The persecuting government of Louis XIV bethought itself of the village schoolmaster as a useful agent in the work of forcible conversion. A royal edict of December 13, 1698, gave orders to take the children of heretics from their families at five years old, in order to bring them up, by compulsion, in Catholic schools.

But these Catholic schools did not yet exist. The edict therefore proceeded to provide that:

> There shall be established, so far as it is possible, schoolmasters and schoolmistresses in every parish that is without them, in order to instruct the children of both sexes in the principal mysteries of the Catholic, Apostolic, and Roman Religion . . . in order, likewise, to teach reading and even writing, to all who might need them. To this end it is our pleasure [the edict continues] that in places where there are no other funds, there shall be a power of taxing all the inhabitants to raise stipends for the said schoolmaster and schoolmistress up to a sum of one hundred and fifty livres a year for a master, and of one hundred for a mistress.

Such a law even under a despotism was too repulsive to the national sentiments of humanity to be capable of being enforced. The village children of France were initiated neither in the mysteries of the Catholic, Apostolic, and Roman religion nor in the rudiments of letters.

The Voluntary Effort

In France, indeed, until the time of the Revolution, such education as was given to the poor of France was supplied neither by the State nor by the Church, but by religious or charitable associations. In this England and France again pursued the same path. In France by 1789 twenty such associations were engaged in teaching the children of the masses. Of these the Institut des Frères des Écoles Chrétiennes, founded in 1679 by Jean Baptiste La Salle, was by far the most important, though the Ursulines played a prominent part in the education of girls.

By 1785 the number of children taught by the Institut des Frères was about 30,000. At the time of the Revolution, their activities were suspended and they themselves dispersed. They were re-established by Napoleon, and in 1825 during the Restoration they possessed 210 houses. By 1848 they had in France 19,414 schools, and taught 1,354,056 children.

The Restoration in England

The so-called 'Cavalier' Parliament, which lasted from 1661 to 1679, has been described as being "more zealous for royalty than the King, more zealous for episcopacy than the Bishops." With this Parliament commenced that series of odious Acts against the Dissenters which struck so grave a blow at religious and intellectual freedom.

In 1661 all officers of corporations were compelled to conform to the rites of the Church of England. In the following year the Act of Uniformity required all schoolmasters and persons instructing youth to conform. Licences from the Church were rendered compulsory under pain of three months' imprisonment, a clause which was not repealed until 1846, though in the opening years of the nineteenth century, but not before, it had become practically obsolete.

Three years later yet another blow was struck. The Five Mile Act forbade any Nonconformist minister to come within five miles of any town wherein he had formerly preached or lectured, and all Dissenters, whether lay or clerical, were prohibited from teaching in any public or private school under penalty of a fine of £40 and imprisonment for six months.

The above Acts are only part of a long series, continued with intermission for many years, designed to destroy one form of freedom of opinion. The result was to usher in an era of intellectual sleep. The English peasant child of the eighteenth century had hardly the same facilities for acquiring the rudiments of knowledge as were given to the slave children of the Cape by the Dutch East India Company.

The attitude of the governing classes for the next hundred and fifty years may indeed be seen in the words of Lord Hardwicke when he said, "Though at the Reformation greater invitations were made to bring the poor to schools, that is not so proper now, for at present the poor had better be trained up to agriculture."

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The Charity Schools

The barrenness of the period would have been almost entirely unrelieved had it not been for the notable increase in the number of scholastic foundations established by private munificence in the closing years of the seventeenth and the opening years of the eighteenth centuries.

It is not impossible that this development was due, to some extent, to the attitude of the law-courts, which were beginning to regard somewhat closely the wide claims of the Church and the ecclesiastical courts to decide or control all matters relating to education. By Bates's case (1670) the master appointed by the trustees of a foundation was protected from expulsion by the bishop, and by Cox's case, decided thirty years later, a doubt was raised as to whether the Church had control over schools other than grammar schools.

Operating in the same direction was the treaty of peace, the so-called Healing Act, which Richard Baxter and Dean Tillotson drew up in 1674. This agreement was designed to bring about a *rapprochement* between the orthodox and dissenting Churches, and although the bishops refused to confirm the Act it evidenced a desire on the part of a respectable body of opinion within the Church to grant toleration to the Nonconformists. This party was subsequently strengthened by the elevation of Tillotson to the Archbishopric of Canterbury, and it is evident that in material parts the most rigorous of the laws against Dissenters were not commonly put into practice; otherwise it is hardly possible to conceive that any Dissenters could at this period have taught in any school.

The Voluntary Schools

The opening years of the eighteenth century were particularly notable for the number of charities which had for their object the foundation and endowment of schools. These endowed schools, however, though available for

the education of poor children, met the needs rather of the middle than of the lower classes, and it is to the so-called voluntary schools, *i.e.*, unendowed schools, the expenses of which were borne partly or wholly by public subscriptions and in some cases partly by small fees paid by the parents, that we have to look for the gradual spread of education among the masses of the people.

Early Efforts

Brougham, in his speech made in the House of Commons in 1820 on the occasion of the introduction of his Education Bill, stated that:

> Shortly before the revocation of the Edict of Nantes, in [1679], the most intolerant period of French history, was founded the first society in the world, and for a long time the only one, for the advancement of education; its founder was the celebrated Père La Salle, and the order was denominated "Les Frères des Ignorants,"[1] and their vow was to found schools.

That this was "the first society in the world for the advancement of education" is manifestly incorrect. Europe had seen three centuries before the splendid schools which had been founded by the Brethren of the Common Life. The Congregation of Christian Teaching had been established in 1592. Indeed, it is not necessary to journey to either other countries or other centuries to find earlier examples of private associations being established for the advancement of education. It is probable, from the general trend of his speech, that Brougham intended to restrict the application of his generalization to the education of the poor in elementary schools. Even so, however, Père La Salle had been anticipated in this country by Thomas Gouge, a Dissenter expelled under the Act of Uniformity, who devoted the remainder of his life to establishing schools in Wales at which poor children could learn to read English, write, and cast accounts.

[1] This is another name for the Frères des Écoles Chrêtiennes already referred to.

Gouge's activities appear to have commenced somewhere between 1670 and 1672 and three years later no fewer than 2225 children had been put to school.

The Society for Promoting Christian Knowledge

An even more imposing, and possibly connected, organization was developed in the closing year of the seventeenth century. The Society for Promoting Christian Knowledge, whose purpose was to teach poor children reading, writing, and the principles of the Christian religion, was indeed the most important educational force at work among the poor in England until the foundation, or rather the consolidation, of the Sunday schools by Robert Raikes in 1780.

The growth of the Society was surprisingly rapid. As early as 1713 Addison could speak of the institution as one "which of late years has so universally prevailed throughout the whole Nation." By 1715 there were 120 schools in London and Westminster alone, and in 1729 there had been established 1658 schools, at which 34,000 children attended.

As the eighteenth century progressed it would seem that the schools created by the Society for Promoting Christian Knowledge seriously declined in efficiency, and the chief part of the burden of educating the poor fell upon the Sunday schools. We are now, of course, entering into the era of the Industrial Revolution, when child labour was being utilized to its utmost and when for many children Sunday was the only full day available. We must not, however, compare the Sunday schools of those days with the modern Sunday school. In the eighteenth century the pupil could receive instruction in secular subjects on two evenings in the week as well as for five and a half hours on Sundays. The 'pupils' were often adults. Then as now the parents were not called upon to pay anything. By 1834 it was estimated that there were in England and Wales 1,500,000 persons attending Sunday schools.

The Nineteenth Century

The opening years of the nineteenth century are marked by a notable awakening of the public conscience in many departments of sociology. The violent upheavals of the French Revolution, the industrial and agrarian changes, and the Napoleonic wars were beginning to subside and the question of popular education became for a time acute. The attitude of Parliament toward Whitbread's Parochial School Bill of 1807 showed, however, that the governing classes were opposed in principle to the spread of education, for their opposition was based not upon the opinion, later held by Lord Brougham, that the voluntary effort had met the situation and rendered compulsory education unnecessary, but upon the view that it was dangerous to teach the "laborious classes" anything save, perhaps, enough of reading to enable them to piece out bit by bit the Bible.

The general desire among the people for more and better education expressed itself, however, in a great increase in the number of voluntary schools and in the number of children attending these schools. The activities of Andrew Bell and Joseph Lancaster had resulted in the development of two great organizations, the National Society for Promoting the Education of the Poor in the Principles of the Established Church throughout England and Wales, and the Royal Lancasterian Institution, which later became the British and Foreign School Society.

State of Education in Europe

The state of education in Europe in the first two decades of last century may be gathered from the speech of Brougham already referred to. This speech, based as it was upon laborious investigations, shows with admirable clearness the illiteracy of our people before 1803 and the gradual spread of education. Before 1803, *i.e.*, before the development of the new school system under Dr Bell and Mr Lancaster, only one in twenty-one of the population was placed in the way of education in day-schools.

By 1820 the proportion had only increased to the extent of one in sixteen. In France only one in twenty-eight was educated, and even that proportion had been reached only by recent improvements. In 1817 870,000 children received education in France, while in 1819 the number had increased to 1,070,000. In 1817 only one in thirty-five of the population of France was educated. Despite the decrees of 1795 establishing primary schools throughout France, in Brougham's words: "France was at that period [1817] in almost as bad a state in that respect as Middlesex, which was, beyond all dispute, the worst-educated part of Christendom."

In the smaller countries of Scotland, Holland, and Switzerland the position was better. Even at the end of the eighteenth century one in ten of the population of Scotland appears to have received some degree of education, a proportion which equals that attained by Holland in 1812. Switzerland was in still better case, for, according to the data supplied by Mr Dumont, there was in 1820 twelve times as much education given as in England. Not more than one in sixty of the populace was illiterate; in England one in five was illiterate.

The next few years, however, were fruitful in educational development. The first of the Factory Acts, passed in 1802, had been followed by numerous other Acts which we shall have occasion hereafter to refer to, all of which required that the child-worker should receive a certain measure of, or facilities for acquiring, education. At first the tuition supplied was so bad and unworthy as not to merit attention, but in time the compulsory clauses had their effect, and more and more children took advantage of those voluntary foundations which expanded as the need grew.

In 1828 a further impetus was given to education by the repeal of the Test and Corporation Acts. That cordial co-operation between Churchmen and sectarians which those laws had hitherto prevented was no longer impossible, and the result was such that when, in 1835,

Brougham addressed the House of Lords upon the Education Bill then before Parliament, it was to oppose compulsory education on the ground that the voluntary system had proved itself sufficient to meet the needs of the case. The returns upon which that speech was in part based showed that in the unendowed day-schools the number of children attending had increased from 478,000 in 1818 to 1,144,000 in 1835, and the number of schools from 14,000 to 31,000.

On the other hand, the endowed schools had for some time past been declining. As Lord Kenyon had occasion to remark in 1795: "Whoever will examine the state of the grammar schools in different parts of the kingdom will see to what a lamentable condition most of them are reduced. In some instances that have lately come within my own knowledge, there was not a single scholar in the schools, though there were very large endowments." Even after numerous efforts had been made to improve the administration and teaching in these schools, Brougham could note that in an age of great educational advancement the number of those attending the grammar schools had declined from 166,000 to 150,000.

Brougham and the Voluntary System

But we go beyond our present limits. The new educational movement which was becoming fully apparent in the first half of last century belongs rather to that great series of social improvements which we shall have to consider in the second part of this book. We cannot, however, terminate this brief account of the efforts voluntarily made to bring education to the masses without quoting those words of one who had done so much for the advancement of the cause of learning.

> Where we have such a number of schools and such means of education furnished by the parents themselves from their own earnings, and by the contributions of well-disposed individuals in aid of those whose earnings are insufficient, it behoves us to take

the greatest care how we interfere with a system which prospers so well of itself; to think well and long and anxiously, and with all circumspection and all foresight, before we thrust our hands into a machinery which is now in such a steady, constant, and rapid movement, for if we do so in the least degree incautiously, we may occasion ourselves no little mischief, and may stop that movement which it is our wish to accelerate. I know well the difficulties of maintaining the continuance of subscriptions first begun on occasions of public spirit excited, and beneficent zeal aroused. I know well—as do all men who have bestirred themselves, how little soever, with the purpose of benefiting their fellow-citizens—that nothing can be more perilous than to give contributors an opportunity of saying, what some will feel and others will be ready to urge—"we need not subscribe any more, for the Government, or the county, or the parish has stept in to educate the people, and will now maintain our institution." Let the tax-gatherer, or the county-assessor, or the parish collector, but once go his rounds for a school rate, and I will answer for it, that the voluntary assistance of men in themselves benevolent, and, indeed, munificent, instead of increasing, will soon vanish away; that the 1,144,000 now educated at unendowed schools will speedily fall down to almost nothing; and that the adoption of such a fatal and heedless course will sweep away those establishments which, at present, reflect so much honour on the community, which do so much good, and are calculated, with judicious management, to do so much more. Add to this, that in many parts of the country—and those the very districts where the people need instruction most—they are by no means anxious for it, nor very eager to send their children to school. Those persons who found and support schools are of infinite use in encouraging the poor to benefit by their exertions; and all this useful engine of improvement would be destroyed if the affair of education once were made a parish concern.

Lord Brougham's eloquent plea for the continuance of the voluntary effort and the exclusion of the compulsory principle was successful in its immediate object, and it was not until forty-one years later that the compulsory system was established by Act of Parliament. It is notable as showing the darkness from which the people had but recently emerged that so broad-minded an

educational reformer had been fully content to leave untouched a system which gave but a smattering of knowledge to less than one half of the population, and a system which was based rather upon the charity of the classes than upon the rights residing in the children of the masses to be taught, howsoever poor their parents might be.

CHAPTER VIII

THE AGRARIAN REVOLUTION

AT the time of the Whig Revolution England was in the main a country of commons and common fields; at the time of the Reform Bill England was in the main a country of individualist agriculture and of large enclosed farms." In these words the authors of *The Village Labourer* contrast England as it existed before and after one of the most important events which have occurred in all her history—the disappearance of the old English village society, with its common fields and waste lands, its domestic workers, its crofters and cottagers.

A movement which reached its highest point in the opening years of the nineteenth century had begun, as we have seen, centuries before. Harrison, indeed, writing of the decade 1577–1587, has told us of

> the daily oppression of copyholders, whose lords seek to bring their poor tenants almost into plain servitude and misery, daily devising new means, and seeking up all the old, how to cut them shorter and shorter, doubling, trebling, and now and then seven times increasing their fines, driving them also for every trifle to lose and forfeit their tenures (by whom the greatest part of the realm doth stand and is maintained), to the end they may fleece them yet more, which is a lamentable hearing.

A little later Edward Laurence was advising "noblemen and gentlemen" to endeavour to convert copyhold for lives into leaseholds for lives.

> The steward should endeavour to let all the small farms, let to the poor, indigent people, to the great ones. But it is unwise to unite farms all at once on account of the odium and the increase of the poor rates. It is more reasonable to stay until the farms fall in by death.

By these two methods of compelling forfeitures, by oppressive fines and by transmuting customary tenancies into leaseholds for lives which fell in on the death of the tenant, together with the rearrangements of holdings which were arrived at by friendly agreement between tenants and the lord, substantial areas had been enclosed throughout the sixteenth and seventeenth centuries. As Dr Usher, however, observes,[1] the earlier enclosures were partial; they included portions of improved waste lands belonging to the demesne farm, and parts of the open fields. They of necessity effected something of a transformation in the old agricultural technique and bore hardly upon the individuals who chanced to be dispossessed of their holdings and who fell almost inevitably either into a condition of dependence upon the parish or into vagrancy; but, unlike the enclosures which took place under the Enclosure Acts of the eighteenth and nineteenth centuries, they left the village as a social unit almost untouched.

Nature of the Enclosure Movement

This was so not because the areas enclosed were comparatively small before 1750—indeed, Dr Usher is of opinion that the case of Oxfordshire was not exceptional, and that throughout the country as much land was enclosed between 1600 and 1758 as was enclosed after 1758—but because the earlier enclosures, effected, as they were, not by Act of Parliament, but by private pressure or arrangement, merely transferred some villagers' holdings into the hands of the larger landowners, leaving the commons and wastes, though reduced in area, still existing and still able to play their accustomed part in an ancient polity. The enclosures under the private Bills which were rushed through Parliament in such numbers between 1750 and 1845 not only resulted in the enclosure of nearly all the open fields then remaining in England, but by taking manor by manor or village by village and completely

[1] *Introduction to the Industrial History of England.*

rearranging the holdings, dispossessing the squatters and many of the cottagers of their holdings and their quasi-customary rights, changing the common-field system of husbandry into the method of farming to which we are to-day accustomed, effected an entire change in the social fabric of the countryside. These enclosure Acts, indeed, brought to an end the era of peasant proprietorship, upset the ancient balance between supply and demand in such vital matters as milk and meat and fuel, and hastened that redistribution of population which the invention of machinery and the development of the fire-engine or steam-engine was already, before the end of the eighteenth century, bringing about.

As a result of the Agrarian and the Industrial Revolutions, England was changed from a country of rustic domestic workers into a land of urban factory hands, and this mighty change, with all its miseries and resulting gains and problems, took place in little less than a century. In this present chapter we will endeavour to describe the Agrarian Revolution; in the next we will consider the Industrial Revolution.

The movement of which we now speak is that which took place by virtue of the various enclosure Acts. Of these Acts the first appears to have been passed in 1606, two were passed in the reign of Anne, sixteen in the reign of George I, and 226 in the reign of George II. By the opening year of the nineteenth century, 1700 Acts had come into operation, while not less than 2000 were placed on the Statute Book between 1800 and 1844. Mr Levy has calculated that between 1702 and 1760 only 400,000 acres were affected, while in the next fifty years 5,000,000 acres were enclosed. Judge Bowen has reckoned that as regards Wales, by 1795, of the 5,100,000 acres in Monmouthshire and the Principality, 1,693,628 acres only of unenclosed waste or common lands existed, and of these 160,868 acres alone were capable of cultivation.

MOTIVES

The motives which inspired the legislature when passing these Acts have been very variously described. That class ignorance and selfishness inspired many of the petitions is susceptible of proof, but the view that Parliament, venal and representative as it was only of the class which gained from these enclosures, should have steadily pursued for one hundred years, and, indeed, for longer, a policy of mere robbery is not lightly to be accepted.

In endeavouring to form a judgment on the attitude and motives of the men who brought about the Agrarian Revolution it is well to consider what their views were and to what extent history has shown those views to be justified. It is also worth pondering what would have happened had there been no Agrarian Revolution. If, at the end of our inquiries, we find the present state of England to be better than it would otherwise have been, it is but just and wise to stay the flinging of missiles at the memory of those who brought about the change, though from the misery that change immediately created we may learn how to avoid the pitfalls our ancestors fell into. If, on the other hand, we come, as some writers would seem to have done, to the conclusion that the landowners of the enclosure period were merely selfish parasites, the question arises, and has been raised, as to whether the wrong then done should not be rectified.

A reference to page 137 will show that whereas in 1693 the population of England was expected to amount to 6,420,000 in 1800, and to 7,350,000 in 1900, it in fact amounted to 9,168,000 and to 32,527,000 in those years respectively. This question of population should be kept firmly in mind when considering the whole of the enclosure episode, for it must be accepted that the main objection to enclosure is that it drove the people off the land, a grievance which presupposes that apart from it the people could have remained on the land. It is apparent, however, that a system which was only capable

of supporting in the barest manner some 7,000,000 people could not have kept and fed more than four times that number.

ADVANTAGES

If we turn to contemporary writers [1] we find men of the highest mind and most sympathetic natures strongly pressing for enclosure, not because they gained thereby, but because they considered it to be for the good of the country. Thus, Bentham believed that by enclosures the country was making the most splendid strides toward prosperity and happiness. Sir Frederick Eden, who was very far from being a reactionary, has put the case for enclosure with much force. He says :

> The sum is, that the advantages which cottagers and poor people derive from commons and wastes are rather apparent than real : instead of sticking regularly to such labour as might enable them to purchase good fuel, they waste their time, either like the old woman in Otway's *Orphan*, in picking up a few dry sticks, or in grubbing up, on some bleak moor, a little furze, or heath. Their starved pig or two, together with a few wandering goslings, besides involving them in perpetual altercations with their neighbours, and almost driving and compelling them to become trespassers, are dearly paid for, by the care and time, and bought food, which are necessary to rear them. . . . There are thousands and thousands of acres in the kingdom, now the sorry pastures of geese, hogs, asses, half-grown horses, and half-starved cattle, which want but to be enclosed and taken care of, to be as rich, and as valuable, as any lands now in tillage.

That there is great truth in what he says can hardly be denied. It was not mere folly or greed which prompted the words :

> If the enclosure of waste-lands is facilitated . . . we shall have the merit of beginning a work of never ending and still increasing utility, as far as these epithets can be applicable to anything that is merely sublunary ; of setting our children an

[1] For an analysis of contemporary opinion the reader is referred to Dr Hasbach's *History of the English Agricultural Labourer.*

example worthy their imitation; and leaving them, at least, one instance of our providence, for which they may bless our memory.

It must be remembered that in 1685 not more than a half part of England was cultivated, and of this three-fifths were still farmed on the very inefficient common-field system. Although the science of agriculture advanced somewhat under the Tudors, the yield obtained was but a fraction of what it is to-day or of what it immediately became after the enclosures. Had the old system lived on, it must have befallen, if we assume that the population would in such circumstances have increased as quickly as it in fact did from 1800 to 1900, that the home supply of foodstuffs would have been even smaller than is to-day the case, while millions of peasants would have endeavoured to eke out a bare existence by working extraordinary hours as they do to-day on the Continent.

But the merely agricultural side of the problem, though it is the most considered by those who have written on the matter, is by no means the most important. As Eden quite rightly said when speaking of wastes and commons, "They . . . lie in the way of many improvements of the first importance." One of the most serious of their drawbacks from an economic point of view, though one not noticed by Eden, is found when we consider the mineral wealth of this country.

The great increase in prosperity which marked the later half of the nineteenth century was largely due to the intelligent use of inanimate power, and particularly the power derived from coal. England grew great and powerful on coal. It is impossible to say in what measure the exploitation of the coal and other mineral resources of this country would have been checked had the old common-field system continued, but it is worthy of remark that it is extremely difficult adequately and cheaply to exploit mineral resources under land the surface of which is owned by a great number of persons, and that owing to the form of our law, copyhold tenure, giving as it does the property

in the minerals to the lord and the possession of the minerals to the copyholder, is not favourable to mineral development.

To those acquainted with mining practice or mining law the proposition that enclosure facilitated mineral development does not require argument. Had there been no enclosures a great number of our coal mines would never have been sunk and we to-day should have been by so much the poorer.

That enclosures resulted in individual distress was at the time admitted, but Eden advances arguments which are at least respectable when he says:

> The distresses thus produced can be but temporary, whilst the advantages to be expected from a contrary system are such as promise to be permanent, as well as daily increasing. The argument seems to stand exactly on the same footing that the mills and machines for spinning cotton do, or any other machine or contrivance calculated to lessen labour. One of the immediate effects of all such improvements, no doubt, is to throw many industrious individuals out of work; and thus to create distresses, which are sometimes exceedingly calamitous. Still, however, as the only point of view in which a nation can regard such schemes of reform is to consider how far they actually do or do not promote the general weal, by raising the largest quantity of provisions, or materials for manufacture, at the least cost, their inconvenience to individuals will be softened and mitigated, indeed, as far as it is practicable, but by no means be suffered to counteract any new plans of improvement of great and real national utility. If this were not the proper line to pursue, it must be confessed, the Turks alone are right, in not suffering a printing press to be introduced into their dominions, merely because one of its immediate effects would be the depriving many thousands of unoffending, industrious hackney writers of the usual means of earning a livelihood; and all civilized Europe is in error.

Parliament

But although it is at least permissible to take the view that some of the supporters of the enclosure movement were actuated by the best motives and even that their

attitude of mind has been justified by events—for he knows little of history who looks back to the pre-enclosure period as to an Arcadian age—the mode in which the enclosures were secured calls for the severest censure and would have been impossible had Parliamentary government in this country reached maturity. It has, indeed, been stated that it was only the early development of Parliamentary institutions in England, which by a processs of evolution gave the legislative control of the country for a season into the hands of the landowners, that rendered it possible to break down peasant proprietorship in one country while leaving it almost intact in the more conservative countries of the Continent.

We are, indeed, at present concerned with an era in which the government of the country, both central and local, was almost entirely in the hands of the landholding classes. Although in theory elective, the House of Commons was in truth representative only of those who controlled the county and borough voters, few in number, who were open, if not to bribery, then to intimidation. Party divisions existed then as they do now, but such divisions were merely cleavages in the solidarity of a single class. The House of Lords was hardly more aristocratic in sympathy or more independent of the goodwill of the mass of the people than was the eighteenth-century House of Commons. The kingship, divested of much of its power and authority through the excesses of the Stuarts and the ascendancy of the aristocracy, was no longer able to play off the people against the landowners and the landowners against the people as it had done not infrequently in the past. For a season the masses were politically impotent. Measures could be, and were, passed to which nine out of ten of the people of the country were most bitterly opposed. Proposals which were received with acclamation by the working people as a whole could be rejected by overwhelming majorities, and on appeal to the hustings the party which had so outraged public desires could be returned to power.

Private Bill Legislation

But in dealing with the enclosure movement we are concerned not with public but with private Bill legislation. We are not dealing with the effect of a general Act which lays down a definite policy, but with a movement, originated by the landowning classes, supported by the economists and scientific agriculturists, which is given practical effect by the passing of thousands of private Acts of Parliament, each dealing with a concrete case and all together effecting the immense social change of which we have been speaking.

The course pursued by the promoters of these private Bills in the eighteenth and early nineteenth century has been described with much accuracy and completeness by the authors of *The Village Labourer*, but it is desirable shortly to indicate the general course of events. Up to 1774 an enclosure Act could be promoted and could become law, thereby affecting the property rights and the whole lives of a considerable number of people, without any of the persons concerned, except the promoters or their friends, being aware that any proceedings were being taken. In that year, however, the House of Commons made a Standing Order requiring that notice of an enclosure petition should be affixed to the church door in each of the parishes affected.

The petition thus referred to was the document which the promoters of the enclosure Bill submitted for the consideration of Parliament. The petition thus received was in due course referred to a Committee of the House. In such Committee it was considered in detail and upon the report of the Committee the life of the Bill depended. If the Committee reported in favour, the Bill became law, either in its original or in an amended form, almost as a matter of course, for it rarely occurred that it was lost in the Lords and it never was refused the Royal signature.

Around the proceedings in Committee, therefore, the fight between the promoters and the opposers centred. The art of packing the Committee with friends was an art

which was carried to some extremes, and was assisted by the usual custom of constituting the Committee by choosing those, being members of Parliament, who had a special knowledge of the district in question and of agriculture in general. It consequently befell that, all members of Parliament being then either of the landowning or wealthy classes, the personnel of the Committee was biased in favour of enclosure, which, whatever it did or did not do, certainly benefited the landowning classes. Worse than that, however, the members were hardly able from either experience or sympathy to understand the grievous blow which the enclosure Act would deal to many small proprietors, many of whom they regarded as little better than trespassers. As a result, in very numerous instances the interests of such persons were almost entirely ignored.

Opposition Ineffective

In consequence of the mode of forming the Committee the promoters were, as the authors of *The Village Labourer* put it, "masters of the situation unless some large proprietor stood out against the scheme." If there was some such opposition the opponent could generally be placated by the offering of favourable terms, not infrequently at the expense of those who could more safely be disregarded.

As for the commoners, their antagonism was of little avail. As we have seen, before 1774 the whole procedure could be completed without their being aware of the change impending, and the Bill, once passed, left them without remedy. Even after 1774 it was difficult for them to take effective action. The notice which would be attached to the church doors would be couched in legal language almost incomprehensible to the rustic mind. Even after many heated debates in the inns of the village nothing of service but only rancour would result. Occasionally an enterprising lawyer would organize village opposition, but it was no light task to tilt against the squire. The expense of private Bill legislation then as now was very

heavy. The gathering in of subscriptions of sufficient magnitude would be difficult. The collection of the facts necessary effectively to fight the promoters would be a task requiring both care and time. But the time available was short. Cases are known in which no more than six weeks elapsed between the presentation of the petition and the passing of the Bill.

The promoters on their side were of course fully prepared. Their case could be worked up and developed at leisure, and the petition presented only when the case appeared to be complete. The opposers, on the other hand, had in a few weeks to organize, to collect money, to collect facts, to take all the cumbrous steps necessary to fight what was little less than an elaborate and difficult lawsuit.

The result of so unequal a struggle was in the vast majority of cases a foregone conclusion. That such was in truth the case is to be seen from the Statute Book and from the fact that by 1845 practically no waste or common lands were left unenclosed in England.

The Commissioners

The enclosure Act having been passed the next step was to appoint commissioners or arbitrators whose duty it was to give effect to the Act by allotting to all persons having proprietary rights in the land in question allotments in lieu of their old holdings. The aim was to be just without being generous, and justice was regarded as a legal rather than as a moral entity. In other words, compensation was given only for the deprivation of legal rights. Customary rights, moral rights, these were ignored.

Compensation

It should, however, be carefully borne in mind that within this limit the enclosure awards were fair. As Dr Usher has said: "The actual enclosure award was designed to give each owner precisely the same amount

of land, or at least land of equivalent value; in so far as enclosure led to concentration of landholding the small proprietors must needs be bought out before or after the award." [1]

But though this was the aim, in practice the awards bore hardly upon the smaller proprietors in consequence of three main causes:

(1) After the enclosure it frequently befell that a commoner, who hitherto had had a small holding of common lands with commonable rights over the wastes, was given in lieu thereof land which, owing to the details of the award, he was not in a position to utilize effectively. Instead of being a peasant-proprietor member of a community he became the holder of an allotment on which, for example, he was unable to feed his pigs because no beech trees grew on his allotment, though many grew on the waste on which they formerly fed. The allotment would be in size but little larger than the total of his former strips, very little land being allotted in compensation of commonable rights which were regarded by the landowning class as rights of small value. As a result the allottee found himself in possession of a holding which was too small to earn a living out of as a cultivator, and the tendency was for him to sell, often under pressure, to the larger landowners and join the new army of landless farm-labourers.

(2) The allotments—that is to say, the land distributed by way of compensation for land and rights lost—were made in compensation only for rights which could be legally proved. The cottager was required to show, as the jargon is, a "good root of title." He had to trace back to some clear grant. The difficulty of proving title is the cause of the failure of the various Land Registration Acts which have aimed at simplifying conveyancing in this country, and it is no matter for surprise that in very many instances the small proprietors, who had no family lawyers, no muniment chest, and no knowledge of how

[1] *Introduction to the Industrial History of England.*

they came by their land, except that their fathers and grandfathers had held it before them, were unable to show a "good root of title," despite the manorial roll by which their tenure would in most cases be evidenced.

Again, in many cases, though the landholding could be proved, the customary rights appurtenant thereto either could not be proved or had been for a long time exceeded by the tenants. Thus, for example, it might be that a careful perusal of the title-deeds and the manorial incidents showed that Richard Roe was entitled by custom of the manor and in respect of his holding therein to pasture one cow, feed two pigs, and collect peat and wood as estovers, that is, as necessities for his own personal use, whereas in fact it might be found that Richard Roe and his father before him had pastured four cows and fed ten pigs, and had kept poultry and geese all on the commons and wastes, and had collected more wood and peat than he himself used. In such a case Richard Roe had without question exceeded his rights, but it is obvious that a strict insistence upon the letter of the law, breaking down, as it did, customary encroachments long regarded as rights, bore very heavily upon the generation of peasants which had to plead their case before the Commissioners.

Once, however, it was established that Richard Roe's legal rights were so and so, it was for that that he received compensation. The rights he had in fact exercised, possibly married upon, and based his whole mode of living upon in complete ignorance that he was doing anything wrong, were brushed on one side.

(3) In very many cases, and particularly in the case of the poorest members of the community, the peasants had title neither to land nor to commonable rights. This class, the squatters, were in law mere trespassers. The old kindly rule that a man who could put up a hut so that smoke issued from the hut fire the next morning might claim to stay on that part of the waste occupied by him was of no validity in law. Such a man received no allotment at all, and the stock he had collected had of necessity

immediately to be sold. The man himself became a landless labourer.

Resulting Evils

Many of the evil results which flowed from enclosure were unforeseen. Thus, for example, the staple diet of the peasantry had in the past been cereals, milk, cheese, and butter. The possession of cows by a vast number of small proprietors had rendered the supply of milk and dairy products easy to obtain, and as a consequence there was no need in the rural districts for any organization for the retail supply of such goods. The dairyman's business, as we to-day understand that form of retailing, hardly existed even in the large towns. After enclosures had practically compelled the small man to give up the keeping of cows a very great number of persons who hitherto had kept the beasts that produced the milk, butter, and cheese they used became dependent on others; that is to say, instead of being producers they became consumers. But the organization of trade as it then existed was not designed to meet the needs of a large consuming class or to distribute the products of a very small number of large producers. The large farmers took the line of least resistance and refused to turn retailers. They sent their dairy products away to the larger centres of population in wholesale quantities. The immediate result was that even those of the agricultural poor who could afford these necessities were in many instances unable to obtain them. We consequently find that, instead of milk, cheap tea brewed over and over again becomes the staple drink of the people. The effect on the health of the children in particular was for a time disastrous.

Again, that other necessity of the poor—fuel—was now increasingly difficult to obtain. The use of coal for household purposes had only commenced in Tudor times, and the poorer classes even at the end of the eighteenth century looked rather to peat and wood for their fires. These supplies they had been able with some trouble to collect

from the wastes, and they had in most manors been entitled to them as matters of right.

After the enclosures the position was entirely different. The small tenant's rights were limited to his own small plot of ground in the majority of cases. If he gathered wood, or peat, or even heather, gorse, or fern-stalks for firing he ran the risk of being proceeded against as a trespasser. He was driven more and more to purchase the expensive coal, the retailing of which was also, as yet, not adequately organized, or to give up the use of fuel. In practice he generally found it necessary to restrict his needs to the barest possible limits, and it too often happened that instead of the housewife baking her own bread as in the past, the labourer was compelled to resort to the baker, who supplied neither such wholesome nor such cheap bread.

A Household Budget

This, however, was by no means universally the case. Indeed, it is to be doubted whether it was common even in the less thrifty southern counties. There is preserved in the report of the Poor Law Commissioners who inquired in 1843 into the employment of women and children in agriculture the housekeeping expenses of an agricultural family living in Yorkshire. It gives the household budget of Joseph and Jane Allen, who had five children, one of whom was old enough to work. It was kept with great fidelity at the request of a friendly squire, who offered a present to the family if they would keep for a year a faithful record. It is consequently of greater value than the various budgets collected by Eden. The whole of the accounts are too lengthy to set out in full, but for the typical period extending from November 22, 1840, to December 13 of the same year the outgoings and incomings were as shown in Tables I and II.

The total housekeeping expenses for the year amounted to £49 11*s.* 10½*d.* and the total earnings of the man, his wife, and son to £50 12*s.* 6*d.*, so that the family saved

TABLE I.—OUTGOINGS

Period	Purchases	Price £	s.	d.
Week ending November 29th	3 stone of flour at 2s. 8d.		8	0
	Meat		2	0
	Sugar			7
	Yeast			3
	Candles			3½
	Butter			8
	Soap			3
	Milk			3½
	Shoes		5	0
	Cheese		3	0
Week ending December 6th	3 stone of flour		8	0
	Meat		2	0
	Sugar			7
	Soap			4
	Candles			7
	Milk			3½
	Butter			8
	Yeast			3½
	Tea and coffee		1	6
	Oatmeal			7½
	Salt			3½
Week ending December 13th	3 stone of flour		8	0
	Meat		2	0
	Sugar			9
	Candles			3½
	Soap			4
	Pattens		1	0
	Worsted			7
	Pots			7
	Yeast			3
	Tea and coffee			9
	Total for three weeks	£2	10	0½

£1 0*s.* 7¾*d.* In the yearly account appear various items of an exceptional nature, *e.g.*, £2 for house rent, £1 5*s.* to a tailor for clothes making, and again 10*s.* for tailor, 7*s.* for a hat for the man, 4*s.* 4½*d.* for 7½ yards of blue print, 1*s.* 1*d.* for cotton for shirts, 1*s.* for the making of a pair of gloves, 10*s.*, 5*s.*, and 4*s.* for shoes or shoemaking, numerous small items for worsted, cotton, and leather for boot-repairing, 11*d.* for a prayer-book, and 1*s.* for the schooling of the boy. Coal was purchased on two occasions and amounted

TABLE II.—INCOMINGS

Period	Person working	Work done	Wages
			£ s. d.
November 22nd to December 5th	Man	12 days	1 8 0
	Wife	10 days	6 8
	Boy	12 days	6 0
December 6th to December 13th	Man	6 days	14 0
	Wife	5 days	3 4
	Boy	6 days	3 0
Total for three weeks . .			£3 1 0

to a considerable sum. Fourpence a week was paid into a clothing club.

The above account gives the impression of being well kept, correct, and exhaustive. It belongs to an age when the more transient of the evil effects of the enclosure system were passing away. Bread and cheese, together with a small allowance of meat, with occasionally some bacon, form the staple diet. Tea and even coffee have come into common use. The Industrial Revolution had already swept away the domestic manufactures, and the items of purchase of textiles and even stockings are somewhat numerous, though small in amount.

REMEDIAL PROPOSALS

It is not too much to say that had Eden's advice been followed many even of the transient evils would not have been seriously felt. He had urged that :

> Whatever system of enclosure takes place, it might, perhaps, be advisable that some specific quantity of land should be laid off from every common that is to be enclosed and improved, not for the avowed paupers of the districts, but for its cottagers and labourers. If, in every township, thus gaining a fresh and large accession of cultivated lands, a competent portion of it were conveniently and judiciously laid out for a garden and a little croft, enough to maintain a cow or two, together with pigs, poultry, etc., and enough also to raise potatoes for the annual consumption of the family, together with decent and durable cottages ;—I cannot figure to myself a more pleasing or more advantageous state of society.

This was, in truth, a development of the allotment system (using the term not in the enclosure Act meaning) which was so strongly recommended by the Commissioners of 1843. In Mr Denison's report made in that year we read that :

> Some years back the labouring classes in Suffolk and Norfolk were much better off than they are now, owing to the very general employment of women and children in hand-spinning. That employment has been put an end to by machinery, and no other domestic manufacture has been found to supply its place. . . . The only thing I could find which at all supplied the place of the spinning was the allotment system. . . . All the persons to whom I applied for information on this subject spoke as favourably as possible in favour of the system.

Mr Clarke, in his evidence, expressed the opinion that if forty to sixty rods of land could be allotted to each cottager in agricultural parishes, it would go far to dis-pauperize them, while Mr Buchanan, another witness, stated that in Bulmer in Essex, which hitherto had been a parish almost wholly pauperized, allotments were made among seventy-three families, each of which received forty

rods of land for an annual rental of ten shillings. The result was that in a short space of time the situation was entirely changed. Bulmer became, instead of the worst, the best parish, and inhabitants noted for their thriftlessness competed one with another as to who should have the best allotment.

Proposals not Accepted

The aristocratic Parliaments of the eighteenth century did not, however, condescend to consider remedial measures. Their main aims—the concentration of holdings, the improvement of cultivation, the development of the food-producing resources of the land—were sound. The mode in which these aims were attained was unnecessarily cruel. Had they been the representatives of a watchful electorate it is probable that the enclosure Acts would still have been passed, but it is almost impossible to believe that they would have been passed in a form which so ignored the rights of those whose rights were fewest.

Distress

In the absence of any such remedial measures the acutest distress was felt in many districts. The effects of the enclosures were, indeed, complicated by the problems arising from the Industrial Revolution and the Napoleonic wars. These concurrent factors reacted one on another to cause the semi-pauperization of the peasantry and to usher in what has been described as "a period in the history of the Poor Laws which it is difficult to characterise in measured language—a period which reaches its climax during the Napoleonic wars, and which only ended with the great reform of 1834, the new Poor Law." [1] Of this period we have spoken elsewhere.

General Results

The Agrarian Revolution had as its most fundamental social effect the entire disruption of a system of society.

[1] Traill and Mann, *Social England*, vol. iv, p. 655.

The manor as a social unit practically disappeared. The rural worker became an agricultural labourer rather than a peasant-proprietor. On the other hand, the land was more scientifically farmed and produced more food. Improvements hitherto impossible were pressed on with. The wars, however, counteracted the increase in the supply of food. The cost of living rose rather than fell. The labourer, bereft of many of his rights, became poor, and the Poor Law system tended to make him a pauper. The workhouses for a time were full of peasant orphans. A proletariat had, indeed, been formed available for exploitation by the new industrial masters whom the invention of forms of machinery and power was now bringing into prominence. How these unhappy people were exploited we will next consider.

CHAPTER IX

THE INDUSTRIAL REVOLUTION

IN the opening years of the eighteenth century, at the time when Chamberlayne's son was producing the 1708 edition of the *Notitia*, the principal exports of Britain were butter, corn, cattle, cloth (woollen), iron, lead, tin, copper, leather, copperas, pit-coal, alum, and saffron. Chamberlayne felt it a matter for congratulation that the kingdom produced 5,000,000 chaldrons of sea-coal, 1,200,000 pounds of tin, 800 fodders of lead, and 800 furnaces of iron. A little more than a century later the exports of England amounted to £60,000,000. Cotton exports alone amounted to £18,000,000, and as the authors of *The Town Labourer* have said,

> A nation that had been poor and even backward in her roads now possessed three thousand miles of navigable canals besides her infant railways; the new Stock Exchange had been founded, and in two years alone no less a sum than a hundred and seventy millions had been subscribed for joint-stock companies.

MM. Renard and Dulac have well expressed the situation from an international point of view. Speaking of the characteristics which marked out those years, the capacity to organize industry and exploit all sources of wealth, they observe that:

> In the second half of the eighteenth century it was Europe, and amongst the European Powers, it was the United Kingdom of Great Britain in the first place and France in the second place, that possessed these characteristics in the most eminent degree. England was the mistress of the seas; one might almost say that, politically, the century which stretched between 1689 and 1789 was an English century. She had conquered the Indies; she reigned over the whole of North America; she had begun to

put her hand upon Canada; she had commenced to colonize Australia. Her ports, such as Liverpool and Bristol, had grown with an extreme rapidity; and it was no rare thing to find her wealthy merchants or financiers exercising a considerable influence in the House of Commons. France, though less prosperous, had seen Nantes, Bordeaux, and Marseilles enrich themselves with what was called *le commerce des îles*. The praise of commerce became a literary commonplace. Voltaire expressed this normal view when he wrote, "the business man enriches his country, gives from his counting-house orders to Surat and Cairo, and contributes to the happiness of the world." Sedaine, in *Le philosophe sans le savoir*, expresses the same thought when he says, "there is not a people, there is not a single nation, that the man of business does not benefit; he serves all and is served by all; he is the man of the world [*l'homme de l'univers*]." [1]

As in the case of the Agrarian Revolution, we must admit that if man's happiness is to be judged by the multitude of his possessions and the number of his desires the course of civilization was throughout the century sharply upward, but the changes which occurred, the displacements which followed, pressed with great hardness on many humble folk. Those who can only hobble are ill-used if they are compelled to race, and the coming of machinery brought with it new problems for the solution of which neither the classes nor the masses could advance any practicable plan.

Meaning of the Industrial Revolution

It is desirable, in the first place, to consider what is meant by the Industrial Revolution. It did not consist in the fact that from 1750 to 1840 and onward industry tended to become more and more an organism in which many men served masters. As we have seen, as early as the seventeenth century factories employing over a thousand hands existed on the Continent, and although the generality of employers had but few employees it is still correct to say that before the middle of the eighteenth

[1] We translate from MM. Renard and Dulac's volume entitled *L'évolution industrielle et agricole depuis cent cinquante ans.*

century 80 per cent. of all the workers in industry were employed by others. As M. Mantoux has informed us, organized industry on a large scale created neither the proletariat nor capitalism, but it helped to complete their evolution. As the authors of *The Town Labourer* put it:

> The normal worker before the Industrial Revolution was not an independent producer in the full meaning of the term. There were persons working in factories before this period; there were many more working for capitalist merchants, on whom they were entirely dependent for the supply of raw materials and the marketing of the product.

Nor is the labour of women and children a peculiar feature of industry after the Industrial Revolution. From the earliest times women and children have worked. Indeed, in the early ages of mankind it was upon them that the work of the world chiefly fell, and both in agriculture and in industry it is entirely a modern phenomenon to find female and child labour being restricted and subjected to regulation. In the old days, to take one important branch of industry—the making of textiles—the spinning was done almost entirely by women and children, the weaving of the yarn by men.

Nor is it peculiar to the new industrial system to find the workers operating in cramped, unhealthy, and unsuitable buildings. It was a natural development of pre-existing conditions. When a visitor called to see Bamford's father and ask him to leave his domestic loom and undertake the management of the manufactory for cotton goods at the Manchester workhouse the son tells us in his *Early Days* that "my father was called up from his loom in the cellar where he was at work." Many, if not all, of the evils of environment which in later years we associate with the out-worker were present in the case of the domestic worker, with the important exception that normally the domestic worker was a countryman, and however small or ill-adapted his workshop might be, he and his wife and children could escape from it and while away their leisure amid the green fields and hills and dales.

The chief differences to be found in conditions of life before and after the change are due to the following causes: (1) displacement of labour; (2) the massing together of population; (3) the development of discipline; (4) the speeding-up of work; (5) the destruction of leisure; (6) increased competition resulting in cutting of rates of pay.

The Standard of Life

As Gaskell, writing in 1836, said:

> At the present time may be seen a daily spread of knowledge, joined to a gradual depression in the scale of social enjoyments, vast and incessant improvements in mechanical contrivances, all tending to overmatch and supersede human labour, a system of toil continued unbroken by rest or relaxation for twelve or fourteen hours, in a heated mill, and an utter destruction of all social and domestic relations.[1]

On the other hand, those who continued to ply their ancient trade in competition with machinery and the new unskilled labour found that the cost of production had been so reduced that their labour no longer supplied them with the barest necessities. We find it stated in 1836 that "families, comprising nearly one million human beings dependent on hand-loom weaving, have been living in the lowest depths of poverty for years." When we consider the change in the prices paid for the weaving of a particular piece of cloth between the years 1795 and 1830 the reason for this destitution becomes obvious. These prices are as follows:

Price for Weaving Cloth

Date	Price £	s.	d.
1795	1	19	9
1800	1	5	0
1810		15	0
1820		8	0
1830		5	0

[1] *The Manufacturing Population of England.*

In each case the weaver had to spend a certain amount on disbursements. In 1830 these disbursements amounted to 1*s.* 3*d.*, so that the worker received 3*s.* 9*d.* for doing what thirty-five years before he would have received about 35*s.* for, and even in 1795 the lot of the hand-loom weaver was not roseate.

Change of Status

These facts are mentioned at the outset in order to show that whatever the evils of the system might be, however much the domestic worker might object to the rough and abrupt change that he was compelled to make, he had but little option in the matter. He had either to fall in with the new order of things, or go on the parish, or starve.

In truth, the old skilled hands, so far as spinning and weaving were concerned, were the last to be absorbed. The new processes required comparatively little skill and that of a kind different from the old. The spinner became to a considerable extent merely a machine-minder. The same sort of change took place in later years in such skilled trades as that of carpenter. It consequently befell that the new recruits were not spinners or weavers at all, but were frequently, in the case of adults, agricultural labourers, and, in the case of children, workhouse children, these forming the cheapest available sources of labour.

Growth of Population

The consequence was that we find the most astonishing displacement of population; and not only was there a displacement, there was also an enormous growth in the population. The reasons for this growth, which was sudden, are obscure. The authors of *The Town Labourer*, with a cynicism which is, perhaps, as cynicism usually is, unfair both to the poor and to the rich, consider that it was due to three causes: (1) under the existing Poor Law system pay greatly depended, as we have seen, on the number of children possessed by the person employed; (2) child labour being in demand, parents had children

in order to exploit them; (3) population increases with a decline in the standard of life, or, in other words, the poorer the person the more the children on an average.

It may of course be that the generality of men were so lost to all sense of natural fondness for their offspring that the above essentially sordid and debased motives actuated them, but it is at least permissible to conjecture that there were other and more worthy causes at work. The improvement in medical science had obviously increased the general standard of health so that of those born more lived to reach maturity and fewer died in early and middle life. Plagues became at first infrequent, then rare, and then non-existent. Sanitary conditions, though bad, were better than they had been in the medieval period. Human knowledge had for at least two centuries been making considerable progress in the conquest of disease and pain. These facts should not be suppressed even for the pleasure of painting a picture exclusively dark.

Again, the anti-conceptional practices which must be presumed to exist in all cases where the birth-rate is deliberately kept down by a whole people (apart, of course, from late marriages or celibacy, neither of which at any time was common among the masses) have always been opposed by the followers of John Wesley, whose teachings dominated, it might almost be said, the religious life of the working classes in the last quarter of the eighteenth century and the first half of the nineteenth century.

The Slum

Whatever may have been the cause, the fact is certain that the population rapidly increased. This, in conjunction with the displacement of population, caused towns to become cities and villages to become towns in the space of a few years. Houses, ill-designed and ill-built, were hurriedly constructed. Streets, badly laid out, inconvenient, dark, and unhealthy, were rapidly formed. The home environment of the worker had become debased. The slum had begun to exercise its vicious influence, not

occasionally in this or that large centre, but in the majority of the towns and cities of England. The evils flowing from the slums are still with us, and during the last century have worked incalculable harm, have debased to no small degree the *moral* of a section of our people, have destroyed character and health, and have proved festering sores from which every agitator can still draw his phial of infection.

Displacement of Population

At the end of the seventeenth century the whole of the urban population did not exceed 1,400,000. London embraced 500,000, Bristol 30,000, Norwich 30,000, York 10,000, Exeter 10,000, Manchester 6000, Sheffield 4000, and Birmingham 4000. By 1840 the majority of the population lived in towns and cities. The rural population had been reduced in numbers by the Agrarian Revolution, while the vast increase in the number of people had gone exclusively to swell the towns. The successive development of the textile, the iron, and the coal trades caused large masses of people to migrate to Lancashire and the West Riding, to the Black Country and the coalfields. Whereas in 1700, apart from Middlesex, the most populous counties were Somerset, Gloucestershire, Wiltshire, and Nottinghamshire, in 1800 the most populous were Lancashire, the West Riding of Yorkshire, Staffordshire, and Warwickshire.

There was even a revolution within the revolution, for whereas at first the earlier machinery was driven by water-power, causing factories to spring up by the side of running streams, the application of the steam engine, which had just been developed under the name of fire engine for the purpose of pumping water from collieries, to the driving of the cotton mills, a change which occurred in the decade 1785–1795, caused the streams in turn to be abandoned, and tended to cause factories to be built near the large centres of population in order that labour might the more easily be obtained.

Industrial Areas

With industry largely dependent on coal and iron, we find industrial areas developing. Whole districts are devoted to the same trade; cotton absorbs the energies of the larger part of Lancashire, as iron does those of Staffordshire. With coal now so much in demand the coal-mining industry rapidly grows, while the application of coke for smelting purposes and improvements in the methods of casting iron and steel give an enormous impetus to the metal trades.

The result of these changes upon the lives of ordinary men, women, and children can clearly be seen. We will take as an example the case of a commoner having his share in the common fields and his rights over the wastes in some manor in Somerset. At first he would be living frugally as a small peasant-proprietor. An enclosure takes from him his land and his rights over the waste and gives him in exchange a new and separate holding. He struggles on, combining with his own work, as in the past, the work of weaving the yarn his wife and children spin. At this stage his situation, if he and his wife are industrious, thrifty folk, may be described in the words used by Bamford of his own parents' home:

> At our little cottage home, everything was conducted in that plain, thrifty way by means of which a good housewife renders her cottage so comfortable, and her family so well provided, out of comparatively very small incomings. Our fare was of the simplest kind, and far from profuse, whilst our clothing, though cleanly and well mended, was such as would raise a smile amongst the mothers of these days [1848]; big boys, as well as big girls, very frequently wearing their infantile skirts until they became kilts, and these, too, not of the longest.[1]

The whole family above infancy would still work on their little patch of land and at the spinning and weaving, neither branch of their industry being capable alone of supporting them. Then occur the changes brought about

[1] *Early Days.*

by the development of machinery. The man finds that the price he formerly obtained for his work is reduced to a half, a quarter, an eighth. The time comes when he has to decide to abandon all his old mode of life, leave the old cottage, sell his land, and migrate to the great towns where the invisible force is at work which has reached out its hand to him in Somerset and has snatched from him and his their livelihood.

Or, again, we can imagine the squatter turned agricultural labourer with the enclosing of the wastes on which he had formerly lived. His wages, despite the high price of corn, are desperately small. He hears of the new means of earning wages, which, judged by his standard, seem wealth indeed. He and his wife, with rustic phlegm, talk over the subject for weeks. At last the time comes when their mind is made up and they too say good-bye to the countryside and join the new hive.

In the cases we have given there is change, there is hope, there are prospects. Sometimes the new recruits become wealthy and prosperous manufacturers—not in the old sense of workers by hand, but in the new sense of employers of labour devoted to making goods ; there is even some semblance of choice; but in the third kind of case we can picture there is no choice, no hope, no prospects discernible. The pauper children, the miserable workhouse orphans, the unhappy mites on whose labour the new order of industry at first was founded, were disposed of. They went where they were told, they worked as they were bid.

Change

As Archdeacon Cunningham in his *Growth of English Industry and Commerce* says:

> The whole face of the country was changed by the Industrial Revolution. In 1770 there was no Black Country, blighted by the conjunction of coal and iron trades ; there were no canals, or railways, and no factory towns with their masses of population. The differentiation of town and country had not been

carried nearly so far as it is to-day. All the familiar features of our modern life, and all its most pressing problems, have come to the point within the last century and a quarter.

The introduction of machinery, rendered possible not simply by a suddenly developed inventiveness, but by social and economic movements which had been gathering momentum for centuries, caused not merely a replacement of skilled by unskilled labour and a displacement of population from country to town, with the resulting separation of the industrial population from the soil and the herding together of masses of human beings, it also induced an instability in commerce and in life not hitherto experienced.

The Landless Worker

The whole of industrial society was in the melting pot. Sometimes a body of workers found their means of livelihood destroyed in consequence of machine competition. Such were, for instance, the calico-printers, who were thrown out of employment by the invention of the calico-printing machine. Other bodies of skilled craftsmen found themselves working in competition, partly with machinery and partly with unskilled labour. Such, for example, were the hand-loom weavers. Machinery had so increased the supply of yarn that many new weavers originally unskilled were given an opportunity of employment. Owing to trade fluctuations prices dropped, an excess of labour resulted, wages were cut, and grave suffering was caused. To what extent rates were cut in the weaving of cloth we have already seen.

Of course in past times there had been sudden fluctuations, there had been times of plenty and of dearth, but now an entirely new feature was apparent. The worker was dependent exclusively upon his employment and upon his earnings. The land no longer knew him. He could no longer eke out his slender resources with the products of his own agricultural labour. In bad times he fell

almost of necessity into the unfriendly arms of the Poor Law system. The old gild brotherhood had gone or, if still living, had no place for the new race of machine-tenders. The newly arising Friendly and Benefit Societies had not yet grown to considerable proportions, though already, before the end of the eighteenth century, their good effect was being felt. The new master, usually a man of humble origin, prepared to work himself and others like slaves, had neither the desire nor the power to act the part of the friendly squire and see to the needs of his dependents in times of dearth. Charity tended to be restricted to the Poor Law. Great bodies of men, perhaps for the first time in human history, though worthy, hard-working, and sober, could fall into hopeless indigence, could see their families starve, could inhabit cellars, could be pressed by all the miseries of want and be assailed by all the horrors of despair, withoutt heir plight being known to, cared for, or relieved by those others who in the same town and as a result of the same causes were rising into affluence.

Material Gains

We must not, however, be led astray into painting a picture that is wholly dark. It is a fatal mistake to regard the very real evils which sprang from the Industrial Revolution as material evils. It was not that the poor became poorer and the rich richer, for in truth it was not so. The whole tendency from the dawn of the Industrial Revolution to the present day has been for the average standard of life to improve so far as material resources are concerned.

It is true that, owing partly to war conditions, partly to the growth of a spirit of commercial adventurousness, partly to the business world being but slightly acquainted with the new forces which it was controlling, and partly to the general instability of society, financial crises were of somewhat constant occurrence. The black years of the early nineties of the eighteenth century are reproduced

for us in Bamford's *Early Days*. The common rhyme which runs:

> Our masters play us roguish pranks;
> Our bankrupt bankers close their banks;
> Which makes our wives and children cry,
> But times shall alter by-and-bye,

expresses at once that fear and that hope which were ever present with the working man of the period.

But though such financial crises, in conjunction with the replacement and displacement of labour, caused great suffering, the general tendency, on the material side, was upward. One of the great lessons that may be learnt from the Industrial Revolution is indeed this, that man's happiness does not depend upon material resources. It is a phenomenon worthy of notice that as man's control of matter improved, his dependence on material things increased. While being master he insensibly became the slave.

Spiritual Losses

Indeed, in calculating the gains and losses resulting from the factory system as a universal system affecting practically the whole of the working population, it is necessary to regard the lives rather than the incomes of men. On the whole, and even while the Industrial Revolution was still incomplete, the wages, the real wages, were higher than they had been in olden days, but, on the other hand, the lives of the workers were more bleak, due partly to the massing together of population in at best inartistic, and at worst horrible, environments, and partly to the speeding-up of work, the development of discipline, and the destruction of leisure.

The life of the working man, his wife, and family became for a season a life of work. Fate appeared to have nothing else to offer them. Uneducated, for as late as 1830 but a small percentage of the people could read or write, they were shut out from many of the higher enjoyments of life;

with long hours of work at high pressure they had but little energy for those innocent exercises which are a relief to both the body and the mind. The domestic relations were strained by the early age at which work commenced. The new kinds of employment, simple in nature and not calling for much physical strength, were, indeed, possible for children, and child labour was eagerly sought after.

The Workhouse Child

At first the workhouse was the main source of supply, both for the factories and for the mines. In the debate on the Parochial Schools Bill introduced by Whitbread in 1807, Sir Samuel Romilly incidentally remarked that it was then the practice to send parish apprentices as great a distance as possible, to some place where they had no friends who could attend to their situation. In some parishes in London it was the custom to send the parish children to the distance of some hundreds of miles and to contract with the proprietors of the cotton mills of Lancashire and other factory areas for so many of them, who were then sent off "in carts like so many negro slaves."

Even as late as the forties of last century it is manifest from the reports of the Commissioners who sat to inquire into the working of the mines that parish child labour was still being exploited in the most inhumane manner.

Child Labour

As the pressure of competition increased by the continuous trek of the rustic workers to the towns and by the growth of population, the tendency became more and more marked for parents to permit or to force their children to work from very early ages, both in the mills and in the mines.

Examples are known of children commencing work in the mines at four years of age. This matter will be considered in a later chapter, but it may be interesting to reproduce the account given before Hume's Committee

by a child of twelve of his average day. The quotation reproduces the boy's own words:

> Am twelve years old. Have been in the mill twelve months. Begin at six o'clock and stop at half-past seven. Generally have about twelve hours and a half of it. Have worked over-hours for two or three weeks together. Worked breakfast-time and tea-time, and did not go away till eight.
>
> *Q.*—Do you work over-hours or not, just as you like?
>
> *A.*—No; them as works must work. I would rather stay and do it than that anybody else should come in my place. I should lose the money.
>
> *Q.*—If over-hours are put on next week, shall you be glad or sorry?
>
> *A.*—It won't signify. I shall be neither glad nor sorry.
>
> *Q.*—Don't you play sometimes after work is over?
>
> *A.*—Yes, sometimes.
>
> *Q.*—Well, are you not sorry to lose that?
>
> *A.*—No, I don't mind about it. I had rather work as I do than lose any of my wages. I go to a Sunday school sometimes. I went first about a month ago. I have been every Sunday since. I can only read in the alphabet yet. I mean to go regular. There is no reason why I should not. I wants to be a scholar.

Hours of Labour

From the Report of the Factories Inquiry Commission, which sat in 1833, it appears that in Scotland in general the hours of labour for children were twelve to twelve and a half hours, though in some districts they were not less than thirteen hours a day for six days in the week, Saturday's short time being made up on other days. In the North-east of England the average was eleven hours, in Leicester, Nottingham, and Manchester twelve, in Leeds eleven, and in Birmingham and Coventry ten, or sometimes nine, but as the Commissioners found in Coventry and Birmingham, "there is no factory labour, properly so called, for the operatives, with few exceptions, work at their own houses."

As regards the adults, the hours of labour were sometimes more and sometimes less on the average than the

hours for children. Thus, in some of the coalfields the children laboured from one to two hours longer than their parents.

Distress

In times of depression, such as followed the termination of the Napoleonic wars, the long hours, combined with low wages and bad conditions, induced a condition of affairs that was truly lamentable. Thus in Hansard for 1819 we have preserved for us the statement signed by 1200 of the cotton weavers of Carlisle, which, in the words of the member who brought it to the attention of the House,

> discloses a state of suffering which cannot fail of commanding the pity and commiseration of all within and without these walls. They represent that, on working from fourteen to seventeen hours a day, and that for six days in the week, their earnings do not amount to more than from five to seven shillings, and that many of them can obtain no work whatever. They state their families to be destitute of food and clothing, and a prey to misery and disease. . . . They blame not their employers; the depreciated state of the cotton industry is the true cause of their sufferings. In despair of obtaining bread at home they ask you to expatriate them, to convey them to your colonies.

That is a picture of life when times were bad. It is a picture which, though evil, was not as dark as could be drawn of the state of affairs in rural England in the time of the Tudors, when, in a period of similar depression, thousands of industrious folk had been driven into beggary and from beggary to the gallows. It is also a picture of a transition stage, for it is manifest that as the factory system became more and more fully organized, as great and wealthy industrial concerns grew into a condition of financial security, so the lot of the workers improved, though it long continued to be a fact that the conditions of labour were fixed by a standard set, not by the best, but by the worst, employers.

The Factory

It is obvious from a perusal of the evidence of Hume's Committee that already the more enlightened employers were beginning to consider the welfare of their employees. It was found that

> the greatest number of bad cases occur in the small, obscure mills belonging to the smallest proprietors, and that the bad treatment of children is inflicted by violent and dissipated workmen, often the very men who raise the loudest cry about the cruelties to which children are subject in factories.

Speaking of one of these factories a witness said, " It seemed more to resemble a receptacle of demons than a workhouse of industrious human beings."

On the other hand, the pioneers of proper factory management were beginning to cut out a better path. While the reports of the old and small mills disclosed a uniform condition of dirt and danger, without ventilation or drainage or conveniences for washing or dressing, with low roofs and narrow passages and unguarded machinery, the later factories were superior in every respect. In certain examples, such as the Deanston Cotton Mill Factory in Perthshire, not only the factory, but the houses in which the workers lived, had been designed with an eye to the well-being of the operatives. In the words of the inspector:

> I can hardly say whether the construction of those houses, or the ingenious contrivances with a view to the conveniences of the people which Mr Smith has put into execution, or the cleanness and neatness with which the interiors of those nice cottages are kept by the workers, are the most to be admired. There are bits of garden ground attached to each of the houses. . . . The whole arrangements about this extensive factory, at which cotton-spinning, power-weaving, iron-founding, and machine-making are carried on, are obviously made with a view, as far as possible, to the substantial comfort of the people ; and a more cheerful, happy-looking set of industrious men and women, and of young people, is seldom, if I am not mistaken, to be found.

But as yet, for we are speaking of the period up to 1840, such examples were unhappily rare. Even such employers as John Fielden and Craig, who believed that hours should be reduced and who employed over a thousand hands, felt that individual effort toward the betterment of working conditions was impossible without Parliamentary assistance. As we shall see, in time the legislature was persuaded to move, but not until after a long and bitter struggle, during which time much useless misery was suffered by the working population.

Attitude of the Unreformed Parliament

The attitude of Parliament at this period is, indeed, only explicable on the ground that the governing classes regarded the masses as a distinct species planted around them by a Fate which had destined them to work and ask no questions. The small boy's philosophy, which was summed up in the words, "them as works must work," was applauded by the elders of the State, for it was also their philosophy of life for others. We get a good picture of the attitude of Parliament in the speech of Mr Davies Giddy on the Parochial Schools Bill, when he said:

> However specious in theory the project might be, of giving education to the labouring classes of the poor, it would, in effect, be found to be prejudicial to their morals and happiness; it would teach them to despise their lot in life, instead of making them good servants in agriculture and other laborious employments to which their rank in society has destined them; instead of teaching them subordination, it would render them factious and refractory, as was evident in the manufacturing counties, it would enable them to read seditious pamphlets, vicious books, and publications against Christianity.

It might, indeed, have been thought that even the ability to read would not enable "the labouring classes of the poor" to understand a Christianity which in its age-long course had strayed so far from the path cut for it by its Founder. It seemed that Condorcet's prophecies

for the future, made but a little while before when hiding from the guillotine,[1] were not likely soon to be fulfilled. He had thought that the future would bring: (1) destruction of inequality between nations as regards freedom and rights; (2) destruction of inequality between classes also as regards freedom and rights; (3) the improvement of individuals intellectually, morally, and physically.

The attitude of Parliament toward the poor which is apparent in the debates of the later eighteenth and earlier nineteenth century was no new thing. The publication of debates made it more apparent. In truth, however, it was no worse, perhaps it was better, than it hitherto had been. Thorold Rogers is probably justified in saying that "from 1563 to 1824 a conspiracy, concocted by the law and carried out by parties interested in its success, was entered into, to cheat the English workman of his wages, to tie him to the soil, to deprive him of hope, and to degrade him into irremediable poverty," except that the whole tendency of the Enclosure Act legislation was to drive the peasant from the land and into agricultural or other labour.

The Feudal Spirit

The governing classes were hardly influenced by the Industrial Revolution. The arrogance, the disdain, the absence of sympathy, the lack of understanding shown by the Houses of Parliament when considering measures which affected the working classes during this period do not spring from any development of the capitalistic spirit. Rather they are emanations of the feudal spirit. As yet, though financiers, merchants, and manufacturers were beginning to stand for Parliament, the vast majority of the seats in the Commons, and practically all the seats in the Lords, were in the hands of the old nobility who were untouched by the Industrial Revolution, for though some few peers took an active interest in the exploitation of the mineral wealth of their land and devoted some attention

[1] He was shortly afterward flung into prison by the supporters of freedom and equality in France, and died possibly of the effects of starvation.

to the new industrial methods, they formed but a small minority.

It consequently befell that even as the standard of factory life was set by the worst instead of by the best employers, those who desired Parliament to improve the lot of the working population had of necessity to rely upon a feudal body saturated not with the new, but with the old ideas as to the relationship of man to master. Such a body had no experience of the new conditions, no sympathy with the new industrialist or his master. Members looked down upon the generality of men from the height of their Olympian wisdom—and did nothing. Occasionally they moved. Sometimes sedition required suppressing, sometimes crime had to be looked to, sometimes the policing of the country gave rise to disquiet, occasionally outrageous cases of misery called for a momentary remark, at times the masters were supported—but the Houses of Parliament did not concern themselves to any considerable extent with the needs of the people.

The Lords and the Chimney-sweeps

The attitude of Parliament may be well seen in the case of the chimney-sweeps' boys. The wrongs which the chimney-sweeps' boys suffered had nothing to do with the Industrial Revolution. They had doubtless been wrongs that had been suffered ever since chimneys had been built in this country—that is to say, from the Tudor times. But the activities of certain humanitarians had resulted in the appointment of a Committee of Enquiry in 1817, when, for the first time, the wrongs suffered by these children became generally known. It was found that a terrible state of affairs existed; that the 28 Geo. III, a regulating Act, was practically a dead letter, that the eight-year age limit was ignored, and that infants of four, five, and six years were being employed in the dangerous and difficult work of cleaning chimneys by climbing up them and sweeping them with a brush.

It was given in evidence, and found proved by the

Committee, that many of these children were obtained by kidnapping or were inveigled out of workhouses; that in order to conquer the natural repugnance of the infants to ascend the narrow and dangerous chimneys, they were usually beaten, or pins were forced into their feet, or lighted straw used to compel them either to climb or succumb. It was found that children were used to sweep flues seven inches square, and that consequently the children had to be very thin, and, of course, had to work naked; that they were subject to sores and bruises and wounds and burns on their thighs, knees, and elbows.

It was also found that twelve years before Smart had invented a sweeping brush that rendered this particular form of labour unnecessary except in very rare cases of complicated flues which could be mechanically swept if registers were adopted.

Here, then, it would seem, was a case where Parliament could safely act. The Commons passed the Chimney-sweepers Regulation Bill. The House of Lords debated it. The Earl of Lauderdale, who obviously knew nothing about chimneys, sweeps, or boys, observed that:

> If machinery were to be employed, boys would still be exposed to as much danger as they were hitherto. He objected to this Bill because it was not fit for the Legislature to lay down rules of humanity to individuals; because, by doing so, the very principles of humanity would be rooted up: far greater cruelties would then be practised than any which the Bill meant to provide against. It was impossible, without great injustice and public inconvenience, for their lordships to legislate on subjects of this kind. It was somewhat of the same nature with the Bill for regulating the labour of children in cotton factories; and with the poor laws. These latter originated in a mistaken spirit of humanity, the attempt to enforce which by law had produced effects the very opposite of those which were intended.

Even Lord King, who supported, did so on the ground that the Bill met with the concurrence of the master chimney-sweeps. The Lords were, however, unable to agree with either the masters, or the Committee, or the

Commons. The Bill was rejected by 32 to 12. England was made safe for 'humanity.' The children were forgotten.

It was not until 1834 that the 4 and 5 Will. IV, c. 35, was passed, limiting the age of sweeping boys and providing certain safeguards in the case of apprentices—safeguards which did not appeal to Charles Dickens as being very efficient. Sixteen years later the 3 and 4 Vic., c. 85, which was amended in 1864, practically brought the use of child labour for sweeping chimneys to an end.

These later Acts were passed, like so many other factory and social Acts, after the Reform Act had sensibly modified the structure of Parliament. In the pre-Reform Parliaments it is no exaggeration to say that, apart from occasional philanthropists and humanitarians (usually business men or lawyers), nobody cared what became of the people as long as the people behaved themselves. It followed that the Industrial Revolution worked itself out in an unfortunate atmosphere in which the good master had far less chance of making his voice heard than the bad master. Such improvements as were from time to time effected were brought about solely by agitation by advanced men of all parties or by organized action on the part of the workers—a form of activity which, as we shall see, was gravely restricted and almost entirely destroyed for many years by the Combination Laws.

It consequently befell that organized industry became, as it were, pock-marked with various evils which men came to look upon as natural attributes instead of what in truth they were, the consequences of non-natural and diseased conditions. An attitude of mind grew up in which the man was regarded as a subject for exploitation and in which the master was regarded as an exploiter. The best masters saw otherwise; they fought hard for their main aims; little by little they obtained the recognition of the principles for which they fought—the right to a living wage, proper environment, education, good sanitary conditions, decent houses, and protection against unmerited poverty. For the

last seventy years the number of those who have supported these views has grown. Throughout the greater part of that period the government of the country has been mainly in the hands of the middle and capitalistic classes. Within that seventy years more has been done to improve the lot of the working man than was done throughout the rest of our history, though that history be taken back to the Neolithic period. *The opposition is not between the worker and the capitalist; it is between the man who works, who suffers, who experiences, who knows, and the man who never works, never suffers, never experiences, and never knows.*

CHAPTER X

THE RISE OF TRADE UNIONISM

AS Professor Marshall observes in his *Economics of Industry*, "a combination of a thousand workers has a very weak and uncertain force in comparison with that of a single resolute employer of a thousand men." But if the combination of a thousand be weak the authority and force of units are completely negligible. The social reorganization brought about by the Industrial Revolution, the break-up of the gilds, the distress experienced by the working classes, and the oppression exercised by a new type of master, ruthless in his pursuit of wealth, made it apparent even to the workers of the eighteenth century that for effective action to be taken organization was necessary. In the words of Sir Sydney Chapman:

> Trade unionism, broadly conceived, emerged from the general economic restlessness which inaugurated the Industrial Revolution. Whether in all cases or not a gulf lay between the combinations of the old order and those of the new, trade unions marked a distinct break with tradition.

The aims were different, the modes of pressing those aims were different, even the needs for combination were different from the aims, modes, and needs present to the gild brethren.

The Standard of Life

From very early times it had been recognized that on the one hand the worker was entitled to a reasonable standard of life, a standard varying with the period and, in general tending upward with the passing of the years, and that on the other some means were necessary in order to protect the worker against that free play of competition

which, if left completely unfettered, could but result in the standard of life being at best a fluctuating and at worst a degraded standard.

During the earlier ages of organized and free industry there was, as we have seen, no clear-cut line severing master and servant, employer and employed, and the interests of the two classes tending thus as they did to merge were adequately protected by organizations which to-day would be regarded as employers' associations—the gilds. With the increase of poverty and pauperism due to the economic changes of the sixteenth century, and with the gradual widening of the breach which separates the employing from the employed classes, a new movement becomes apparent in the legislation of the Tudors in England and, in a lesser degree, in the administrative activities of Colbert in France. From the end of the sixteenth to the end of the eighteenth century the State deliberately interfered with the free play of the rival forces in industry, with a view to attaining primarily for the workers (1) a reasonable standard of living; (2) proper training in the skilled trades; (3) employment.

It is true that the numerous statutes, commencing with the Statute of Labourers, which fixed, or created machinery to fix, the wages which must be paid arrived rather at a maximum than at a minimum wage. At the same time, such statutory regulation did in fact prevent wages being driven down below a reasonable level. It is also true that in 1512 an Act was passed which removed the obligation hitherto imposed upon the master to pay the statutory wage. On the whole, however, even before the Statute of Apprentices, the State did look with favour upon the regulation of wages, and although such regulation was of a kind that would not be regarded as satisfactory to-day, although the employing and wealthy classes occupied the controlling position in all disputes relating to wages, still the recognition of the principle of corporate or State or local regulation did prevent the standard of life being debased by the action of individual employers able and

willing to compete with others by virtue of the fact that by all available means they had obtained their labour in the cheapest possible manner. Under the earlier *régime* the standard was that of the employers as a class, under the practices which grew up after the Industrial Revolution the standard tended to become that which the worst masters were prepared to allow, or rather that which the worst, the youngest, and the most unskilled operatives were prepared to accept.

Individual Bargaining

As Judge Ruegg says in his *Law of Employer and Workman*, "We may safely assert that at the close of the eighteenth century State control had in general become superseded by individual bargaining, and the relationship of master and servant had become contractual." It is desirable to see how this position had been arrived at, the results it led to, and the steps taken to supersede in turn individual by collective bargaining.

It is necessary, in the first place, somewhat sharply to distinguish the old skilled workmen, such as hatters, tailors, carpenters, and goldsmiths, from the new factory hands and the miners who throughout the eighteenth century and the first four decades of the nineteenth century were regarded as forming a different and much lower class, whose status was indeed more widely separated from that of the skilled men than is the status of the labourer from that of the skilled tradesman of to-day. The old craftsmen retained throughout the Industrial Revolution something of the corporate organization which had been developed long years before. They retained something of the old corporate privileges. Except in the case of those craftsmen who were now in competition with the new machinery their standard of life was not substantially affected. They proved a powerful link with the past, and their strength was not entirely destroyed even during the repressive years which followed upon the passing of the Combination Laws of 1799 and 1800.

The new industrialists, on the other hand, had no prerogatives, no precedents, no traditions on which to rely or fall back. A new class, a poor class, an unskilled class, opposed on the one side to the masters and on the other side to the tradesmen whose place they were slowly taking, their sole strength lay in their mass, in their numbers, and in their manifest miseries, and without either State regulation or the power to combine such strength appeared only as weakness.

Appeal by Petition

Before the Industrial Revolution there had been but few stable combinations of workers. The craftsmen had been protected to some extent by their gild organization. Some sporadic journeymen's associations had arisen to deal with occasional grievances, but the more normal course was for the trade as a whole to appeal, in case of disagreement between the various ranks, for State interference. From time to time Acts were passed dealing with particular grievances in particular trades. More frequently petitions were received and considered. The attitude of the Government was that of benevolent interest, which occasionally took the form of economically disastrous State interference. Above all, the Statute of Apprentices had established machinery for the fixing of wages and had limited the number of apprentices. There is evidence, however, to show that the sections relating to the fixing of wages by justices had by 1766 at latest fallen entirely into disuse.

Absence of Stable Combinations

Before the Industrial Revolution few stable combinations of workmen are to be found. This is almost certainly due to the fact, pointed out by Mr and Mrs Webb, that the skilled handicraftsman possessed the prospect of economic advancement. The journeyman of to-day might be the master of to-morrow, and it was consequently not

to the interest of the able and ambitious workman, soon likely to be an employer himself, to support too strongly the demands of the employed. It has, indeed, been truly observed that:

> So long as industry was carried on mainly by small masters, each employing one or two journeymen, the period of any energetic man's service as a hired wage-earner cannot normally have exceeded a few years. . . . An incipient organisation would always be losing its oldest and most capable members.[1]

There was perhaps another though minor cause for the absence of combination. The craftsman had been used to regarding the Government as a body to which appeals could usefully be made if oppression or hardship were experienced. With the Industrial Revolution, however, everything was changed. A new class arose; the man could no longer look with reasonable certainty to becoming a master; Parliament no longer showed any disposition to interfere in the warfare which soon began to wage between the employer and the employed. It should be realized, however, that we now speak rather of the new unskilled trades, and in particular of the miners and the factory operatives. The attitude of Parliament did not so much change as did the circumstances to which Parliament had to address itself. The old forms of interference with the old trades could still continue, but in the case of the new trades it was shown time after time to be impossible and disastrous. The limitation of the number of apprentices, of the number to be employed, of the number of looms to be used, could no longer be insisted upon with the coming of a factory organization based on a new and powerful motive power costing great sums of money, working large numbers of looms, and inevitably resulting in the employing of tens, hundreds, or even thousands of workers, and in the production of commodities at a far lower price. In truth, the new circumstances found the governing, the employing, and the working classes without

[1] Mr and Mrs Webb, *History of Trade Unionism*.

any clear conception of the problems to be solved or the right way to solve them. The industrial wrongs of the second half of the eighteenth and the first half of the nineteenth century, and the subsequent struggle between capital and labour, with all the political upheavals resulting therefrom, are all due primarily to the fact that an epoch-making discovery came into a world utterly bewildered and absolutely unorganized to receive it.

Useless Proposals

To the solution of the more obvious of these problems the workers at first contributed nothing. If the governors were at a loss, so also were those who were governed. For a time the people looked to the old order; they sought the enforcement of the Statute of Apprentices; they urged the restriction of the number of persons to be employed by any one master; they in some cases opposed the introduction of machinery. Parliament was for a time not unsympathetic. Committees were appointed to consider whether the old forms of regulation could not usefully be applied. Each of such committees was, however, overwhelmed by the mass of adverse evidence. The workers had taken up an impossible position. The employers won all along the line. They were shown to have every argument on their side. To-day, looking back with all the calm dispassionateness of the historian, unaffected by the real miseries which were being suffered by the people who found themselves involved in the birth of a new order of industry, Mr and Mrs Webb—than whom no one is more sympathetic toward the aspirations of labour—have said:

> In fact, these proposals [of the workers] were impossible. The artisans had a grievance—perhaps the worst that any class can have—the degradation of their standard of livelihood by circumstances which enormously increased the productivity of their labour. But they mistook the remedy.[1]

[1] *History of Trade Unionism.*

Laissez-faire

The working classes had indeed taken up a false position, and the result was that Parliament began to be suspicious of nostrums which on examination proved to be fallacious. When Adam Smith produced his *Wealth of Nations* in 1776 and expounded the theory of the freedom of contract he but voiced opinions which experience had convinced the squirearchy of England and which theory had persuaded the revolutionaries of France were sound. He immediately became a force because he expressed what the majority of men had been thinking. From that time forward England became the champion of the theory of *laissez-faire*. The employer and the employed were left alone to fight their own battles.

The operatives, despite such victories as that which obtained the passing of the Spitalfields Acts of 1765 and 1773, soon saw that Parliament could no longer usefully be looked to, and thereupon arose three lines of activity: (1) the reform of Parliament; (2) the development of trade combination; (3) the enforcement of existing, though obsolete, laws.

The first and second of these forms of activity had, as we shall see, results of the first magnitude. The third failed in the law courts as the attempt to hark back to the old order of things had failed before Parliament.

Attempts to enforce the Old Laws

The Combination Laws of 1799 and 1800 prevented combinations for the purpose of raising wages and varying the conditions of labour, but they did not prevent combinations to enforce the law, and we consequently find numerous actions being started by various trade associations with a view to the enforcement of the Statute of Apprentices and other trade-regulating Acts which the researches of lawyers had but lately rediscovered. In 1811 it was held, however, that the Statute of Apprentices did not apply to industries which had come into existence since the Act

was passed and that the powers given to the justices were discretionary only. The new factory operatives were excluded as being outside the classes the Act was designed to protect, and the justices, who were without exception opposed to the fixing of wages in the textile trades at Sessions, were told that they might lawfully refuse to act in this capacity. The Statute was, in truth, virtually repealed, and in 1813 that part of the Statute dealing with wages was formally repealed by Act of Parliament.

Four years before (1809) a number of old laws[1] prescribing regulations for the manufacturing, sale, and exportation of woollen cloths, and the use of gig-mills, and the number of looms to be worked by any one master in the woollen trade, were all repealed after having been suspended from year to year.

It was, indeed, obvious that actions brought to enforce obsolete Acts were both expensive and futile. If any victory was scored the law was promptly altered. In truth, few cases were won. Sometimes, as in the case of the cotton weavers in 1804, legal action was supplemented by the weapon of the strike. But the strike was not as yet legalized, and inevitably involved the arrest and imprisonment of the leaders.

The old apprenticeship law was still, however, a part of the law of the land. There was a considerable mass of public opinion in favour of its retention, and a Select Committee appointed to consider the matter reported favourably. Parliament, however, was wedded to the theory of freedom of action between master and man. The Select Committee of 1811 had reported that:

> No interference of the legislature with the freedom of trade or with the perfect liberty of every individual to dispose of his time and of his labour in the way and on the terms which he may judge most conducive to his own interest can take place without violating general principles of the first importance to the prosperity and

[1] 13 Ric. II, St. 1, c. 11; 5 and 6 Edw. VI, c. 6; 2 and 3 P. and M., c. 11 and c. 12; 4 and 5 P. and M., c. 5; 43 Eliz., c. 10; 4 Jac. I, c. 2; 21 Jac. I, c. 18; 10 An., c. 16; 1 Geo. I, c. 15; 13 Geo. I, c. 23.

> happiness of the community, without establishing the most pernicious precedent, and even without aggravating, after a very short time, the pressure of the general distress, and imposing obstacles against that distress being ever removed.

In 1814 the Act 54 Geo. III, c. 96, repealed the remaining sections of the Statute of Apprentices, and with them, to use the words of Mr and Mrs Webb, "the last remnant of that legislative protection of the Standard of Life which survived from the Middle Ages."

Early Unions

Ever since the opening years of the Industrial Revolution there had been a notable amount of trade organization. The West of England woollen workers and the Midland framework knitters were the first to combine in associations having as their primary purpose the prevention of the reduction of wages. At first, however, the activities of these newly arisen bodies had but few practical results, except that they called into being a resistance which steadily gathered momentum, and which, having exhausted the resources of the common law and the law of conspiracy, eventually succeeded in placing on the Statute Book the Combination Laws of 1799 and 1800.

Combination Laws

These two laws, the second amending and expanding the first, rendered it criminal to combine for the purpose of securing a rise in wages, or the alteration of the hours or conditions of work. To prevent any employer employing or any employee from being employed, to strike or attempt to induce others to strike, to attend a meeting to attain these objects, or to spend money in furtherance of such purposes, was made punishable with imprisonment. The history of trade unionism for the next twenty-four years is mainly composed of the repressive steps taken under the Combination Laws and of the exertions of a comparatively small body of men to secure the repeal of the

Act of 1800. The mass of trade unionists, if we may now use that term, were concerned and occupied in the agitation for the reform of the Parliament which had passed the law.

Even before the passing of these general Acts a considerable number of repressive measures had been enacted for the purpose of forbidding combinations in particular trades. That branch of the law of contract which renders agreements void, as being against public policy, which are in restraint of trade was also used to eke out the somewhat slender law of conspiracy, which in earlier years had been concerned only with criminals and wrongdoers, but which was now utilized as a means of suppressing combinations. It must be remembered, however, that the age was one of great difficulty. The terrible excesses of the French Revolution had been witnessed. The ideals of the theorists had been seen, as they have since been seen in Russia, to end in a welter of blood. In France cruelties had been committed in the name of liberty, equality, and fraternity beyond anything experienced since the Thirty Years War. What was to have been an ideal state of society had crashed in ruins to the ground, and from those ruins a military dictatorship had arisen which plunged Europe into a devastating war and taxed the resources of Britain to the utmost to destroy it.

Aims of the Early Trade Unionists

In the early days of the new unionism the workers had aims which were directed against the whole industrial system. They were not pressing for collective bargaining with their employers on the other side of the table; they were pressing for a radical change in the whole structure of industry. In so far their aims were revolutionary, and the Government had some justification for taking the strongest measures in order to stamp out every form of sedition. The rulers of those days acted, it may be, in ignorance of the tenets of Confucius, but in accordance with his most cardinal principle, viz., that words should be given their proper meaning—that of the governors and governed it is the governor who should rule and not the governed.

Of the large number of Acts, legislative and administrative, and the dramatic prosecutions directed against the seditious, we do not propose to speak. It has become a commonplace to regard those upon whom the law of sedition fell most harshly as broad-minded and healthy patriots. It has perhaps been too little considered what would to-day be the state of England, of Europe, and of the world, had they had their way and had they succeeded in tearing in pieces the fabric of society in England. Such complex structures as civilizations—based as they are on the experiences, the sufferings, the ideals, and the thoughts of generations of men—are easily destroyed. Like the giant oak they grow slowly, but can soon be cut down. History has shown that, without any exception, progress is best attained when based on work, on reason, and on calm dispassionate judgment, and that reaction and decline flourish most happily in the fruitful soils of violence and bloodshed.

The fear of revolution, and of that collapse which was taking place on the other side of the Channel, had undoubtedly a repressive effect on the free institutions of Britain. Liberty of speech, of the Press, and of meeting was struck at time after time. The country at times wore almost the appearance of a conquered land in military occupation. Democratic institutions for a season withered and the combinations of workpeople were suppressed.

The Act of 1800 was not, however, universally enforced. It was rather a weapon in reserve than a weapon always in action. The masters were left to set the law in motion and frequently the masters were tolerant of the unions. It was, perhaps, only in the new factories, and especially in the textile factories, that the Combination Law was used as a means of oppression and repression. It was not often that the case was put as high as in the argument of counsel at the trial of the cotton-spinners in 1818 when he said: "All societies, whether benefit societies or otherwise, are only cloaks for the people of England to conspire against the State." In truth, the clauses against collecting and

benefit societies were early little better than dead letters, but the laws against combinations and strikes were often very rigorously enforced. As Francis Place says:

> The sufferings of persons employed in the cotton manufactures were beyond credibility: they were drawn into combinations, betrayed, prosecuted, convicted, sentenced, and monstrously severe punishments inflicted on them: they were reduced to and kept in the most wretched state of existence.[1]

The Combination Law was, of course, directed against combinations whether of men or masters, but, as Place pointed out when giving evidence before Hume's Committee: "It would be nearly impossible to prosecute a master to conviction. To prosecute at all, money must be raised; to raise money there must be a combination amongst the men, and then they may be prosecuted by the masters." If, as the law then stood, the men were to prosecute the masters, there would be a cross prosecution. The Combination Law compelled the men to give evidence against one another, and thus the prosecution was often effective; no law compelled the masters to give evidence against one another, and so a conviction was rarely obtained.

France

Of the steps taken by Place and his associates to abolish the Combination Laws we shall have to speak hereafter. It will be convenient at this point to retrace our steps somewhat and consider what had been happening in France and the now independent Republic of the United States of America.

The French, as we have seen, had from very early times possessed trade associations similar to the English gilds, and these associations were fostered and strengthened by the changes introduced by Colbert. The system of gild and State regulation introduced in the seventeenth century had been strongly opposed from the first by the masters and

[1] See his evidence before Hume's Committee.

by many of the men, who chafed at the restrictions and limitations placed upon them. In the eighteenth century Turgot arose to sweep away most of what Colbert had established, and in 1776 appeared Turgot's edict suppressing the gilds and declaring that

> God by giving to men needs and desires has rendered them dependent upon the products of their labour and has given as the right and possession of all men the right to work ; and this right is the first, the most sacred, and the most indestructible of all.

The revolutionaries completed what Turgot had commenced—the complete abolition of gild restrictions. The most sacred principle for which thousands of French aristocrats were sent to the guillotine was that the individual was free. Individual liberty, freedom from all the shackles of the past, from manorial, gild, and State regulations, this was the aim and ideal of the revolutionaries, and in their eagerness to secure individual liberty they completely destroyed collective liberty. In 1791 not only were the gilds suppressed; every combination, or assembly, or association, or organization connected with the advancement of the common interests of labour was also declared unlawful. Nineteen years later the Penal Code forbade any organization of more than twenty persons unless the consent of the Government had been obtained.

As Sir Sydney Chapman so well expresses it:

> The general object of revolutionary legislation, apart from its lighter treatment of employees, . . . had been to secure the individual in his rights as a man. It was natural that the reaction against the system of the *ancien régime* should be thorough. It was for succeeding generations to discover that the individual in having freedom thrust upon him by the famous law of March 17, 1791, had been in many cases deprived of the power of bargaining with the employer upon equal terms, if he were not, according to the extreme saying of Brentano, delivered over bound hand and foot to the caprices of the capitalists.[1]

[1] *Work and Wages.*

AMERICA

Before the Declaration of Independence (1776) there was nothing which can be described as a trade union, or even as a stable association of journeymen, in the Americas. The French Canadians were not industrially organized at all; the inhabitants of the States which subsequently became the United States were mainly agriculturists, and in so far as they were industrials they were organized in a manner not dissimilar to the old gild system. Wages were regulated. As early as 1630 the Court of Assistants of the Massachusetts Bay Colony had fixed the wages of artisans. Social, gild, or friendly clubs were formed to lend money to and help members. Life was simple, and industrial development was deliberately retarded in favour of agricultural expansion. The factory system had not commenced. The first factory was not built until 1787, and it was not until 1814 that the American Francis Lowell succeeded in inventing a power-loom. England had not unnaturally taken every precaution to prevent her inventions being copied abroad, and important restrictions existed which prevented the export of machinery. Such obstacles could, however, be overcome, as Place pointed out before Hume's Committee, and in 1794 Englishmen succeeded in smuggling the machinery necessary for the woollen industry into America. In 1797 the first factory was built for spinning and weaving flax. As in England, the earliest recruits to the new factories were young and unskilled workers; as in England, it was the coming of the factory system that induced the forming of trade unions.

But in America each of the stages in the development of trade unionism was somewhat later in time than in England. Although the Typographical Society of New York City and the Federal Society of Journeymen Cordwainers were in existence by 1795, and although certain organizations of a temporary nature are found even earlier, it was not until after the war of 1812 that the history of American trade unionism can be said to have commenced.

THE RISE OF TRADE UNIONISM

As Professor Carlton says, "Modern trade unionism was practically non-existent previous to 1824. Certain rudimentary organizations are found, but these were purely local, ephemeral, and confined to members of one trade."[1] In one direction, however, America appears to have anticipated England. The first union of unions, formed at Philadelphia in 1827, used the style of "The Mechanics' Union of Trade Associations," and although there is abundant evidence of the close relationship existing between unions in England, it is believed that the first union of unions did not come into being in this country until 1829.

As we should expect, though the need for trade unions became apparent with the rise of the factory system in America, the earliest associations were associations of craftsmen. Precisely the same course of events occurred in England. We see there as here the new order causing an upheaval among the old trades. Young unskilled workers begin to take the place of the skilled workers. The skilled workers, for their own defence, stir up the fire of their ancient gild organizations. New societies come into being based on the old, but their aims are impossible. They try in vain to bridge the abyss by bringing the sides together. The new associations accomplish but little because they belong, as their ideals belong, to an age that is rapidly passing away. Such organizations disappear, but not before they have assisted to bring into existence other societies and associations formed to remedy the grievances of quite a different class of man, the man who belonged not to the past, but to the present and the future—the factory hand.

These societies or trade unions arose in America some little time after Francis Place in England had secured for a time the complete repeal of the Combination Laws. The early years of the thirties of last century are perhaps the most important in the history of the birth of American trade unionism.

Owing to the late development of the country, it befell

[1] *History and Problems of Organised Labour.*

that the American unionist has not the same traditions of repression, secret meetings, and imprisonment as have those older unions which in England were assembling in wild and deserted places, on hill-tops and in woods, throughout the closing years of the eighteenth and the opening years of the nineteenth century. In America trade unionism hardly existed prior to 1824, and when it did arise it tended, as in France, and, at that period, in England, to be political in kind. The earlier working men's parties achieved nothing and rapidly disappeared. Again to quote Professor Carlton:

> The first working men's party appeared in Philadelphia in 1827 or 1828; but the most important political movement occurred in New York City. The New York party was organized in the spring of 1829, elected a State assemblyman in the fall, was split into three fragments within a few months, put three tickets in the field in the fall of 1830, and disappeared from view the following spring. . . . The first American labour movement was disrupted by entering the political arena.

The experiences of the earlier unionists were not lost upon their successors. The later trade unions kept aloof from politics, but used all their powers of persuasion and intimidation to obtain the support of politicians for their programme, which naturally has varied from time to time, but has from the very earliest days attached special importance to education.

Francis Place

Francis Place, the protagonist in the struggle for the abolition of the Combination Laws, had himself been a skilled tradesman—a leather-breeches-maker—and had subsequently become a master and a man of some wealth. He devoted himself with extraordinary assiduity and acuteness for years to the preparation of the case and to the selection of the court for the hearing of the cause of Freedom *v.* Repression which he finally succeeded in bringing to trial in 1824. The court was well chosen. Joseph

Hume, chairman of the Select Committee on Artisans and Machinery, was known to be one of Place's supporters. The personnel of the committee was well disposed toward the reformer. Years of 'lobbying' had not been spent in vain. An overwhelming mass of evidence was produced, and Place himself took the acceptable but, as events have proved, hopelessly fallacious line that the only thing that binds men together is repression.

But although Place himself was doubtless misguided in some essentials, he was primed with facts on matters of detail. That he was wrong in some matters of the first importance is obvious from the opinions expressed by him in his evidence. It is abundantly clear that Place looked to the abolition of the Combination Laws to bring peace to industry. "If the men could legally combine, disputes would seldom occur, but when they did they would be settled by compromise between the parties. Workmen dread a strike." He as equally clearly took the very just view that the great thing to aim at is industrial peace and goodwill between master and man, but his belief that the abolition of the Combination Laws would bring about this result has been shown to be wrong. It is not too much to say, and the statement is not made lightly, that each advance made by trade unions along the road to complete liberty of action has been marked by an increase in industrial unrest. Had Francis Place foreseen what has happened within these later years it is impossible to believe that he would have lifted a finger to secure the repeal of the Combination Laws. There was little popular support for the movement. The leaders of working-class opinion were more concerned with the movement for the Reform of Parliament, and Place himself declared that he was primarily actuated by a desire to bring about peace between employers and employed, to do away with strikes, and to create a spirit of compromise.

That he achieved a momentous, far-reaching, and desirable reform will doubtless be agreed by the vast mass of modern opinion, which, though it has seen the abuse of

trade union power, has also seen its use, has observed the improvements effected in social conditions, the advancement of the masses along the roads of civilization, education, prosperity, and happiness, which advancement has been brought about to no small extent by the activities of such unions. But that early nineteenth-century opinion would have tolerated the upheavals that have resulted; that Hume's Committee would have reported as they did could they have foreseen that less than one hundred years later the country would have been rent by strike after strike to secure results which to them would have appeared in some cases Utopian and in others cases childish, cannot be believed.

In the result, however, Place won all his points. The Committee reported, *inter alia*, as follows:

(1) That prosecutions have frequently been carried on under the statute and the common law against the workmen, and many of them have suffered different periods of imprisonment for combining and conspiring to raise their wages, or to resist their reduction, and to regulate their hours of working.

(2) That several instances have been stated to the Committee of prosecutions against masters for combining to lower wages and to regulate the hours of working; but no instance has been adduced of any master having been punished for that offence.

(3) That the laws have not only not been efficient to prevent combinations, either of masters or workmen, but, on the contrary, have, in the opinion of many of both parties, had a tendency to produce mutual irritation and distrust, and to give a violent character to the combinations, and to make them highly dangerous to the peace of the community.

(4) That it is the opinion of this Committee that masters and workmen should be freed from such restrictions, as regards the rate of wages and the hours of working, and be left at perfect liberty to make such agreements as they may mutually think proper.

(5) That the practice of settling disputes by arbitration between masters and workmen has been attended with good effects; and it is desirable that the laws which direct and regulate arbitration should be consolidated, amended, and made applicable to all trades.

(6) That it is absolutely necessary, when repealing the Combination Laws, to enact such a law as may efficiently and by summary process punish either workmen or masters who, by threats, intimidation, or acts of violence, should interfere with that perfect freedom which ought to be allowed to each party, of employing his labour or capital in the manner he may deem most advantageous.

The Repeal of the Combination Laws

The Government early took action. The Act 5 Geo. IV, c. 95, was placed on the Statute Book, and the Combination Laws of 1799 and 1800 were repealed. Almost at once strikes occurred all over the kingdom. A people that had been kept down for more than twenty years while wages had steadily declined and prices had risen took immediate advantage of their new-found liberty to press for a better standard of life and better conditions. Many emigrated as a consequence of the repeal of the emigration laws.

The employers, who had been taken by surprise by Place, were alarmed and, taking a leaf out of Place's book, obtained the appointment of a Select Committee to inquire into the effects of the 5 Geo. IV, c. 95.

The Committee recommended, after hearing much evidence which proved the widespread nature of the strikes which had occurred, the total repeal of the Act and the restoration of the common law. The report continues:

> Your Committee, however, in recommending that the common law should be restored, are of opinion that an exception should be made to its operation in favour of meetings and consultations amongst either masters or workmen, the object of which is peaceably to consult upon the rate of wages . . . or to settle the hours of labour, an exception which . . . will not afford any support to . . . that assumption of control on the part of the workmen in the conduct of any business or manufacture which is utterly incompatible with the necessary authority of the master, at whose risk and by whose capital it is to be carried on.

The recommendations of the employers' Committee were favourably considered, but were not all given effect to.

In 1825, however, the Combination Laws Repeal Act was amended and qualified by a new Act which created the offences of molestation and obstruction. The 1825 Act removed the immunity given by the Act of 1824 to combinations of workmen. Workmen might still be prosecuted for conspiracy in combination. Convictions for conspiracy to raise wages became, though not matters of frequency, matters of occasional occurrence.

It was at this stage that the law relating to trade unions remained for the next thirty-four years, until, in 1859, the Molestation of Workmen Act was passed in order to render it lawful to persuade workmen by peaceful means to abstain from working in order to raise their wages.

The Law of Conspiracy

In the sixties a notable change occurred; the franchise was now extended, and there was offered to the working classes some share in the political power which had been given more than thirty years before to the middle classes. At once the labour movement renewed political activity. In 1868 several working men came forward as candidates for Parliament, but all were unsuccessful. In the general election of 1874, however, of the thirteen trade union candidates put forward, two, Alexander Macdonald and Thomas Burt, were elected.

It was during this period, viz., in 1871, that trade unions had secured a definite though somewhat peculiar status. As a result, they were no longer illegal bodies and their funds were protected. But in many respects they were still weakened by the development of the common law rules relating to conspiracy, which were still available as a means of repressing trade combinations. The Courts had held that although the Act of 1871 had declared that trade unions should not be deemed unlawful associations merely because they were in restraint of trade and that their members as such should not be liable to criminal prosecution for conspiracy or otherwise, yet the Trade Union Act had not affected the common law, which still remained

available as a weapon of offence against trade union members.

It was, however, rapidly becoming apparent that trade unions and working-class combinations could no longer be repressed. For not only had their membership doubled between the years 1871 and 1875, but also conditions were altering in such a manner as to make trade unions really necessary in the interests of the people at large. Further, the leaders of working-class opinion were now uniting to the political agitation which pursued its course through trade unions an activity which sought to establish on a firm foundation these trade associations. There were, of course, as yet but two great parties in the State, Liberal and Tory, and the creation of a party identified with any particular class was as yet impracticable. We now find labour, at this period, identifying itself with Gladstonian Liberalism, though Gladstone had attacked the trade unions in 1871, when an Anti-Trade Union law was passed.

German Trade Unions

The course of events in Germany was not dissimilar; there the trade union movement originally arose in the sixties, and was the child of one of the wings of the Social Democratic party. After a struggling childhood it seemed doomed to final extinction when, in 1879, the Anti-Socialist law was passed which resulted in the dissolution of 108 trade unions within the next decade, and the changing of the activities of the remaining unions into those common to friendly societies. In 1889, however, the Anti-Socialist law lapsed and conditions were then such as existed in England after Place's successful agitation. Henceforward it was seen that the trade union movement was one which under modern conditions could not be destroyed.

The Need for Unity

What were these conditions? Their origin is to be found in the increased competition which now began to

be experienced between Great Britain, the United States, Germany, and France. Until about the middle of the nineteenth century the only great industrial country was Great Britain. She had profited enormously by the initial advantage which had been secured in consequence of her many engineering inventions, which had ushered in the factory system and which had brought unexampled wealth to great numbers of her people. At first, as we have seen, the change had resulted in much misery, which had in turn caused the creation of new trade combinations. The rise of these had synchronized with the revolution in France and the Napoleonic wars. The result had been repression grudgingly submitted to during a period of national danger. Within a few years of the removal of that danger active repression had been abandoned, but passive repression was resorted to for many more years and was submitted to by the people largely because the country as a whole was prosperous. It is true that in certain periods, particularly in the early forties of the nineteenth century, there were periods of trade depression and much misery, but regarding the years 1825 to 1865 as a whole, it was a period of trade expansion which saw a real increase in the value of wages and a real improvement in the conditions of work. These changes were, as we shall see, brought about by the activities of humanitarians effecting their aims through a Parliament whose power was based upon the middle-class vote. The middle or employing class were, in common parlance, doing very well. Business was good, profits were high, and out of their plenty they could be generous.

With the rise of America and Germany into the ranks of first-class manufacturing powers the position was changed. There was now keen competition, followed by a tendency to cut wages, and the working class began to see that combination was necessary unless their standard of life was to be degraded once more.

The movement would have been even more active were it not for the fact that, as a result of the vastly increased

production which was now taking place in consequence of this increase in competition, there was a notable fall in the cost of living which left the working classes in as good if not a better position than they had hitherto occupied.

The danger, however, was sufficiently apparent to cause increased trade union activity, and their first line of offence was political and was directed toward securing the legality of their activities. This was to a large extent achieved in 1875, when clauses were inserted in the Conspiracy and Protection of Property Act which provided that no combination among members of trade unions to do any act in furtherance of a trade dispute should be indictable as a conspiracy unless such act if committed by an individual would be punishable as a crime.

The Twentieth Century

From now onward for the next twenty-five years the trade union movement is not marked by any substantial change. The Labour Party as a political party had hardly become a notable force until after the beginning of the twentieth century. The trade unionist in the mass was a supporter of Liberalism. Industrial activity pursued the policy of compromise, and the standard of life of the employed was secured without resort to any notable strikes.

With the opening of the twentieth century, however, a change takes place. In Great Britain especially competition becomes more and more acute. The cost of living tends to become higher and higher. The imperative need to secure a proportion of the markets of the world checks or prevents a simultaneous increase in wages. The education of the masses creates a fruitful soil in which seeds of discontent, unrest, and impossible desires may be sown. The Labour Party begins to come forward as one of the distinct parties in political life; the strike becomes one of the commonplaces of industrial life. As Mr Craik has said:

> These strikes, which from 1910 to 1914 particularly were unsurpassed both in number and magnitude of operations, were conducted against all kinds of grievances imaginable—strikes for more wages, strikes for shorter hours, strikes because of the victimisation of one man, strikes because of the intolerable conduct of some petty official, strikes against the employment of non-trade-unionists, sympathetic strikes, strikes without trade union official sanction and in the teeth of the leaders' expressed opposition—of grievances and strikes there appeared to be no end.[1]

The trade unions had indeed been put in an extraordinarily favourable position by the passing of the Trade Disputes Act in 1906, which did in effect practically put them above the law. Henceforward no act done in pursuance of a trade dispute, whether such act were a breach of contract or a civil wrong, was actionable. As a result of their immensely strong legal position and of the great numbers of their members, which in England in 1913 amounted to four millions, being one million more than the number of trade unionists in America and one million two hundred and fifty thousand more than the number of trade unionists in Germany, the trade union and its leaders became organizations and persons exercising almost autocratic power.

Decentralization

With the coming of the War in 1914 a truce was declared for a season, but as time went on it became apparent that the members of trade unions desired a certain decentralization of authority, partly because they had not assented too readily to the statesmanlike decisions which their leaders had come to. The result was the development of a new 'shop stewards' movement, which secured not only more power to the local unionist, but also more control over the working conditions of the shop or factory in which the workers were employed. The movement thus inaugurated may probably be regarded as the first step in that democratic control of industry which

[1] *Short History of the Modern British Working-class Movement.*

is considered at some length in the concluding chapter of this book. It is intimately connected with the Whitley Councils which have recently been devised as a means of avoiding industrial warfare by creating machinery by which employer and employed can frankly discuss matters of grievance without the need to resort to the barbarous and archaic method of a trial of strength, which involves a serious loss to the combatants and much injury to the community. Neither Whitley Councils nor their relatives, the Pit Committees of our mines, nor the elaborate laws relating to the submission of disputes to arbitration under the Ministry of Labour have, however, as yet succeeded in eliminating that disastrous mode of compelling agreement by means of a strike or lock-out.

Direct Action

Within very recent years, indeed, the strike has become a weapon that is used not merely in industrial but also in political matters, and it is here that it behoves those who are concerned in the future development of the trade union movement closely to consider the trend of events. The political strike endeavours to secure the reversal of a decision made by Parliament or by the Executive which is responsible to Parliament. It would appear to be capable of justification only on the assumption that such decision of Parliament or the Executive is contrary to the wishes of the people and that the decision of the body striking is in accordance with the wishes of the majority of the people. Otherwise it is apparent that a minority of the community is dictating to the majority.

We have seen in the past that until the beginning of that epoch which we here describe as the Present man has been ruled by a minority, a minority representative of the noblest born, the best educated, and frequently the most cultured of men. We have seen that the exercise of such power by the minority has resulted in the repression of the masses and the continuance of long-endured wrongs. Little by little the minority has become larger and larger,

and as it has become larger the wrongs have become less and less. In the next part of this book, which is concerned with the Present, we shall see that slowly the minority has yielded power to the majority, which has won that power after constant struggles. That power is founded on the right residing in the majority of the people, irrespective of class or wealth, to decide how the country shall be ruled, what laws shall be made, and how obedience to those laws shall be secured. That is a priceless heritage. It constitutes at present what we call our liberty. If it is surrendered to a minority, to such extent as it is surrendered our liberty will be impaired. It was truly said by Burke, when speaking at the time of the proposed reformation of Parliament toward the end of the eighteenth century, that the Englishman was free as no other man was free, if you restricted the term Englishman to the privileged minority that ruled England. To-day we can more proudly say that Englishmen are free whether they belong to the minority or the majority. But that freedom will be lost if the political power now residing in the majority is surrendered to a section.

And here we should consider what section; we should consider whether it is more probable that a minority of the people composed of working men, led by working men with peculiar views—men some of whom appear to see in Russia to-day nothing but good, who are prepared to sweep Christianity on one side as an effete and mischievous creed, and are ready to subvert those institutions which have slowly grown up among us—is more likely to be benevolent or wise or just than were the squirearchy of the eighteenth century, the kings and bishops of the twelfth century, or the Cæsars and senators of the first century.

It is a matter for each man himself to decide. If he decide that he desires to have a voice in the government of his country, then he must regard as mischievous such movements as are involved in the formation of the Council of Action or in the declaration of strikes for political objects, which would remove from him the right to say indirectly

what should be done and so transfer to a trade union, of which he may or may not be a member, the right either to decide political matters or the power to involve him and his fellow-countrymen in loss and damage arising out of a political strike.

The whole question, indeed, seems to be concluded if once it appear that in fact our present Parliamentary system as a system does offer to the people of this country the power to rule according to the will of the majority. We hold the strong opinion that it does, but such matters are not to be settled by any man's opinion; they will be settled by the facts of the case. We will endeavour in the next part to state what are these facts. We will see what Parliament was and what it now is. We will see what its attitude was and what its attitude has been in these latter years. We will review a multitude of measures gathering in number as the years pass by, and, as the century proceeds, becoming more and more sympathetic toward the masses until at length no person is too poor or too oppressed to be the subject of attentive legislation. When we have concluded our review we will ask the reader to turn back and answer for himself this question: "Is the Parliament that now exists and has done these things mindful of the good of the people or is it not?" and having answered that question, we will ask him to consider this other one also: "Is it to-day elected by the people or is it not?"

If these questions are answered in the affirmative, he may desire to consider what is this impertinence that seeks to take from the people their right to rule themselves.

PART II
THE PRESENT

There is no greatness or dominion on earth so sacred but it must fall before the liberties of the people.

Extract from an Oxford sermon delivered 1781

PROLOGUE TO PART II

IT is the view of the supporters of gild socialism that "the crowning discovery of the nineteenth century was that democratic government made no difference to the life of the ordinary man; nominally self-governing, he remained in bondage." It is because we differ absolutely and altogether from this reading of the industrial and political history of the century that we regard the passing of the Reform Bill of 1832 as the starting-point of a new order of things destined very vitally to affect the well-being of the people at large and to bring about a far better condition of life than had been known before in the history of the world.

True it is that already before 1832 some measures of reform had been inaugurated by the same party and even by the same government that was responsible for the notorious Six Acts; true it also is that the Whigs accomplished very little in the direction of social legislation in the decade following the passing of the Reform Bill. A new Poor Law, a State grant for education, a valuable Factory Act, the introduction of cheap newspapers, penny postage, and railways were their most valuable constructive efforts. But in judging of the progress immediately attained two factors must be remembered. In the first place, the first Reform Bill was essentially a middle-class measure; it accepted the principle neither of the ballot nor of the working-class vote. It was not until many years later that the masses were enfranchised. The great and immense value of the Act of 1832 lay not so much in what it immediately accomplished, as in what it rendered possible. It did not complete the structure of democracy, but it laid the foundations and it laid them well.

In the second place, the Reform movement had so wholly engrossed the activities of the progressives both among the ministerial ranks and among the people at large that the passing of the Bill exhausted their programme. It consequently happened that some years elapsed before the necessary spade work had been done which rendered it possible to reform entirely and radically our industries, our home life, and our educational system.

When, however, one views the condition of the people at the beginning of Queen Victoria's reign and at the end one is confronted with a change so remarkable that one is compelled to inquire: "What was the cause of this immense improvement?" To different minds different reasons may suggest themselves. One of the purposes of this Part is to enable the reader to see the extent of the change and to decide the cause for himself. The writer may be permitted to express his view that it is due entirely to the original establishment and subsequent extension of democratic government, bringing in its train, as it did, the increase and spread of education, improvements in environment of work and of life, and the more scientific examination of the problems of government.

In place of rule by dynasties or cliques we now have more and more, both in theory and practice, the rule of able men, the elected of the people, dependent for their power on the people. At first the masses are excluded, they are ignorant, they are downtrodden. But as they rise both to power and to some knowledge—still, alas! too small—which enables the gift of power to be something that is a true donation and not merely a loan, they influence more and more the trend of legislation. Their peculiar difficulties and misfortunes begin to be more and more considered. With the disappearance of the last effective check on the popular aspirations with the Parliament Act of 1911 and the passing of the Act giving universal adult suffrage the way would seem to be open for the full expression of the will of the people through the medium of legislative activity.

PROLOGUE

Dean Farrar once summarized the change which came over the face of industrial England during the reign of Queen Victoria. His words, marked by that eloquence for which he was famous, are worthy of remembrance.

> When the reign began, apprentices were often treated with brutal injustice. Greedy sweaters, uncontrolled by any legal enactment, ground down the faces of the poor; women, half-naked, yoked to trucks like horses, and boys, half-naked, crawling on all fours like dogs, beginning their labours often at seven years old, grew double, with hideous deformity and depraved morals, in the black galleries of mines. Can we wonder that the intensity of misery was accentuated by a fierce hatred of employers? Consider the alleviation produced by Lord Shaftesbury's Ten Hours movement alone, and by the Factory Acts. Only think of the triumphs that have been won in this generation for the children of England. . . . When the reign began, little paupers were beaten and starved; naval apprentices in coalboats and merchant vessels were subject to horrible barbarities; the poor little climbing boys, grimed with soot and skin disease, were maimed and suffocated in choked and crooked chimneys; children were worked in cotton mills for unbroken hours which would have been crushing to grown men. They were brutally treated in brick fields, in canal boats, in agricultural gangs, in pantomimes, in dangerous performances, in the hands of beggars and hawkers and acrobats. Waifs and strays, criminal and semi-criminal—unwashed, untaught, unfed—weltered in an atmosphere of blasphemy and gin, in lairs and dens of human wild beasts, such as are now swept away by the merciful hand of law. Like a vernal breeze, the spirit of mercy has swept through these lurid mists of contagion, which on every side were stagnating into pestilence.

Not only have children found protectors, not only have conditions of labour for child and adult been rendered tolerable, and even easy, since the passing of the Reform Bill, but the State has considered with increasing care and knowledge the condition of life of the people. The old dens and filthy courts and cellars have in no small measure been pulled down, and decent houses have replaced them; to the child growing up in a fairer environment than its

parents knew the way has been opened to knowledge and to learning. The tendency has been on the one hand from the slum to the garden city and on the other from the ill-natured 'minding' in the dirty factory shed to the well-regulated and controlled tuition of the modern school; from the secret reading of forbidden tracts to the free perusal of all kinds of books now rendered easy of access even to the humblest through the medium of the public libraries.

Poverty is still with us, but it almost seems as though its incidence has changed. The Poor Law has been cleansed of many of its most degrading features, and the State has begun to search for new weapons with which to combat the demon of want. The aged, who once were permitted to sink into unmerited indigence and to suffer an indignity that through the whole of their lives they had toiled to escape, are no longer left to the workhouse, but are treated as workers who have earned their pension. The unfortunates who have suffered injury through accident are no longer permitted to sink into the gutter; they are compensated on a scale which the employers of the early years of last century would have regarded as wildly generous. The worker who falls sick and who has not kept up his club subscriptions is no longer compelled to add to the miseries of illness the fevers of anxiety while he watches his sticks of furniture being removed to pay for the necessities of life; he has now secured to him a small income during illness and has the right to call for medical aid. Whether the aid given is of the best depends upon the public conscience of a great profession. The worker who is confronted with unemployment is no longer the victim of inevitable disaster; he also has secured to him a small income while the hard times last.

The improvements that have been effected in the circumstances of life of the workers during the last century must, indeed, appear to anyone who will fairly judge the conditions then and the conditions now to be immense. What are the causes of these improvements? Have they been secured by combines and strikes? Have

they been won at the point of the sword? Are they the creatures of fear or of justice? Each must hold his own opinion on these matters, but it is clear that the Factory Acts, the Education Acts, the Workmen's Compensation Acts, The Old Age Pensions Acts, the National Insurance Acts, the Public Health Acts, and the Housing Acts were measures secured solely by political means. The mainspring in almost all the above cases is to be found, not in strikes and combines, but in agitations conducted by humanitarians, who used every available means to bring the evils to be combated before the attention of the legislature. The legislature in turn gave effect partially to the wishes of the humanitarians in order to obtain political credit in the country. It is therefore apparent that the activities of men like Shaftesbury took the course and secured the effects they did because there was now on the one hand a Parliament that listened and on the other hand a people that controlled. It is only in these later years, after most of the grosser abuses have been removed, that organizations of labouring men have attempted to exercise notable political pressure, and even in these later years their activities have mainly been concerned with the very proper but narrow subjects of wages and hours.

Throughout this notable century, though great reforms have been most fiercely fought for, the fighting has been by speech and reason; no appeal has been made to arms. The people are now firmly in the saddle, omnipotent in the State. They have achieved the end which the whole course of history pointed to as inevitable. It remains now to be seen whether they will use their power to oppress or to elevate; to pull down or to raise up. We have no doubt that an educated democracy will use its powers gently and that, despite present troubles, we are nearing despised Utopia. The way does not lead past the precipice of class warfare—we have seen enough of *that*—it leads through the groves of education, of sympathy, and of understanding.

CHAPTER XI

REFORM

THE era which saw the social fabric of industrial England unravelled and rewoven into a different pattern was one in which, despite the boasted antiquity and freedom of our Constitution, the people were politically powerless. The same forces which suppressed the earlier unions, which dispersed the corresponding societies, and which passed the enclosure Acts, were unassailable behind the stockades of property.

Parliament, that splendid invention of the thirteenth century, the *quondam* opponent of monarchical absolutism, had at length, after its many battles, fallen captive to an aristocratic clique which viewed almost with equal dislike and disdain the pretensions of those nabobs, those despoilers of the East, who sought in their retirement to purchase their way to power, and the proletariat who, being alike ill-educated, docile, and poor, were passed by as beings at best to be patronized and at worst to be oppressed. It was not until more than sixty years of organization, agitation, and effort had brought the aims of Wilkes and Wyvill into the realms of practical politics that Grey accomplished, almost by accident, what the genius of Pitt had failed to secure and what neither the energy of Wyvill, Place, Cobbett, and Attwood, the persistence of Cartwright, the wisdom of Bentham, nor the influence of Bedford or Holland had been capable of effecting. The great Reform Bill of 1832 became law after passing a House of Lords notable for the absence of every Tory peer. With that passing the old system died out in England as surely as it passed from France with the falling of the Bastille, an event heralded

by Fox as the greatest and most glorious fact in all history. The past was dead, the present had arrived, and with it that sovereignty of the people which but less than a century before had been the daring hope only of the visionary.

The Unreformed Parliament

Before that change in the representation of the people was effected Parliament was a body of 513 gentlemen elected by about 200,000 persons, mostly bought. The franchise, based as it was on an antique order and upon populations long since changed, was notable only for its absurdities. Cornwall which had already declined to something of its present rank could claim rather more than three times as many members as Lancashire, now risen to the position of the second county of England, and but one member less than the whole of Scotland. Sir Philip Francis could make the jest that he had been unanimously elected by the vote of the sole elector of Appleby, while at Bossigny one family alone could decide who should be returned as member. In some of these ancient boroughs the "sole manufacture," to use the words of Burke, was "in members of Parliament," and their streets could be traced only by the colour of the corn.

Corruption

Not only were many members representative of little more than an imaginary electorate, not only were such electors as there were openly and shamelessly bribed or intimidated or overwhelmed by imported voters, but the members were in turn bought by pensions, places, or contracts. The bribery of the electors was, of course, a well-known and recognized fact. The right to nominate to a seat in Parliament, like to-day the presentation to livings, that monstrous and evil system, was occasionally advertised for sale; it was included in the assets of bankrupts; it was apprised sometimes at as low a figure as £2000, sometimes, as in the case of Camelford, at as much as £16,000 or £32,000 for two seats. So well

known and recognized was the pecuniary value of the right, so near was it judged to the ordinary rights of property, that Pitt, when in 1785 he sought leave to introduce a Reform Bill, expressed the idea of forming a fund out of which to buy out the thirty-six rotten boroughs that he desired to be disfranchised.

The bribery of members was equally recognized and was considered not only honourable but necessary to the proper conduct of government. Holland, when told that Wyvill was agitating for the abolition of placemen and pensioners, expressed his surprise that one who had been represented to him as a sensible man could favour such a movement when Wyvill himself held by inheritance a sinecure at the Customs worth £1000 a year. The result of both causes was to place all political power in the hands of very small cliques who could at once control the electors and the elected. The aim of the reformers was at first to purify the elected and then enlarge the electorate. These aims, as we shall see, were achieved at widely separated times.

Ignorance

Before the condition of political affairs thus induced can be fully comprehended it must be borne in mind that in the eighteenth century the people were of necessity completely ignorant of politics. The newspapers were few and, thanks to the sixpenny stamp duty, too dear for the people to purchase; debates in Parliament might not be published, and although newsmen sought by devious ways to acquaint the country with the salient facts, it was rather the county than the country which had either the learning, the leisure, or the means to read the proceedings thus disclosed by the language of suggestion and innuendo. Public meetings were at first almost unknown phenomena, and later were suppressed. Communications whether by road or post were so poor, tardy, and rare that unified action was difficult and national sensibility non-existent. As in the Middle Ages, one Englishman might look upon another,

as all but a few years ago he looked upon the foreigner, as some one very different from himself and consequently as some one to be feared, disliked, or despised according to the mettle of his mind.

Forms of Franchise

Of the various forms of franchise which were in existence during this period the county franchise based on a freeholding assessed to land tax and worth forty shillings by the year was the widest, including as it did everyone with certain exceptions who had a freeholding. Even so, however, that numerous class the copyholders, descendants of the old villeins and now tending to disappear under the pressure of the enclosure movement, was excluded. In other words, the class that suffered most severely from the Agrarian Revolution was, as a class, disfranchised.

When we turn to consider the conditions of the boroughs the position is worse. Of the two hundred and three boroughs fifty-nine were scot-and-lot or potwalloper boroughs, sixty-two were freemen boroughs, thirty-nine burgage boroughs, and forty-three close corporations. The nature of these electoral units we must shortly consider.

The first form of borough franchise was broad. It might, indeed, be said that every male adult resident who was not a pauper had a vote. The potwalloper vote was possessed by everyone who controlled a doorway, supplied himself with food, and possessed a fireplace at which to cook his meals; scot-and-lot franchise depended on the payment of church and poor rate and upon residence within the borough for six months.

In the freemen boroughs a somewhat narrower franchise had developed. There the voters were the successors of those old gildsmen upon whose activities the original prosperity of the borough had in past times probably depended. But now, with a gild system long since decayed, the freemen bore little or no resemblance to those of past times. They no longer represented the industrial or trade

population. Their status could be achieved by birth, marriage, apprenticeship, or election.

The burgage boroughs and close corporations elected their members on an even smaller franchise. The latter, a self-elected corporation, chose the member without any regard for the wishes of the townsfolk whose representatives they were only by a fiction; the franchise of the former was exercised only by those who were possessed of burgage tenements, tenements which frequently were unconnected with habitations and sometimes were notional merely. Thus in the case of Old Sarum there were no houses in the constituency and the member was returned by seven burgage holders.

Property, not Persons, Represented

As Mr Veitch remarks in his valuable *Genesis of Parliamentary Reform*, it was estimated in 1793 that seventy-one peers, together with the Lords of the Treasury, could absolutely nominate ninety members of the House of Commons; and that ninety-one commoners could nominate eighty-two members and procure the return of fifty-seven. Rather fewer than two hundred persons were thus in a position, if they cared to act in concert, to secure a majority in the House. Under such a system the country gentleman was naturally regarded as the corner-stone of responsible politics; the labouring man and the poor man were regarded as persons who, having no stake in the country, were not entitled to have an opinion upon its government. As Chatham frankly observed in 1776, "people are apt to mistake the nature of representation, which is not of persons, but of property, and in this light there is scarcely a blade of grass that is not represented."

It was this attitude of mind which rendered the continuance of a system, admittedly venal and corrupt, acceptable to a large body of respectable opinion not unmindful of the aims, ideals, and philosophy of the French reformers. It was considered that in matters of government power should directly increase with property and with intellect.

The people were regarded as too irresponsible, as a result of their poverty and of their ignorance, to be permitted to take any share in the business of government. Public opinion rarely existed in anything but a latent form, and when it did attempt sullenly to assert itself it was ignored as a thing possessing neither value nor power.

Early Reformers

The first steps which were taken to secure the reform of Parliament are connected with the names of John Wilkes and Horne, later known as Horne Tooke, when, as a means of securing the payment of the debts of the famous editor of the *North Briton*, the Society of the Supporters of the Bill of Rights was founded in 1769, to be followed, after the quarrel between Wilkes and Horne, by the organization by the latter of the Constitutional Society.

The intervening year (1770) had been notable for Chatham's tentative efforts toward reform. Animated, perhaps, as much by dislike of the nabobs as by love for purity of administration, he had deplored the "notorious decay of the internal vigour of the Constitution," had confessed himself a convert to the principle of triennial Parliaments, and had without effect proposed an increase in the number of county representatives. In the same year Dowdeswell failed to secure even a hearing for his Bill to disfranchise the revenue officers, and in the year following John Sawbridge's Bill to shorten the duration of Parliaments was lost.

It was, indeed, hardly to be hoped that while the Whigs —the only friends of reform—were sharply divided into opposing camps anything useful could be achieved. The proposal to disfranchise the revenue officers was diametrically opposed to Chatham's aims. He desired to dish the wealthy merchants by increasing the strength of the county; the revenue officers, public servants under the control of an aristocratic administration, had proved their loyalty to their masters time after time in the past. The passing of Dowdeswell's Bill would have meant a noticeable advance

in the direction of purity of government, and though it was lost it continued to form a part of the Rockingham policy.

As yet, despite the eloquence of Rousseau and the heart-searchings which the quarrel with America had caused in the more progressive statesmen, any question of radical reform was outside the bounds of practical politics. When in 1776 John Wilkes moved for leave to bring in his Bill to give the people just and equal representation, he was treated with amused contempt, and although in the same year the notable John Cartwright, the 'Father of Reform,' commenced his long campaign, it was economic rather than franchise reform which became a subject for serious consideration.

The Economic Reformers

With war without, with the threatened loss of the American colonies, with dissatisfaction within, due to the exclusion from office of the most eminent statesman of the time, the views of those who urged that the prime need of the State was an administration based upon neither royal favour nor bribery, but upon merit, were acceptable to a strong and respectable body of opinion. At first matters moved slowly. In 1778 and 1779 Sir Philip Jennings Clerke was unable to secure a hearing for his Bill to destroy one form of corruption by excluding from Parliament the Government contractor, but in the latter year a political organizer of the first order, in the person of Christopher Wyvill, at first a parson and later a Yorkshire squire, enters upon the stage. He obtained the support of a large part of the county in Yorkshire and secured the presentation of a petition signed by nearly 9000 freeholders urging upon Parliament the need for the abolition of another form of corruption, the place and the pension. A similar petition was presented through Burke by Bristol, and in Yorkshire a definite plan of campaign was organized, a committee was formed, and a corresponding association was created in the year following.

In the same year (1780) an innovation was made by

Wyvill, who called a national convention at which various counties were represented by delegates. At that meeting it was agreed to press upon Parliament the need for more county members, shorter Parliaments, and the abolition of corruption, and steps were taken to develop an organization in the country. The pattern of the Yorkshire association was copied in other counties, and some success was achieved in Parliament, where Dunning secured the passing of his famous resolution: "That the influence of the Crown has increased, is increasing, and ought to be diminished."

The result of a motion moved by Thomas Pitt almost suggested that economic reform would be achieved, but no action was taken, and, despite the eloquence of Burke, his Bill to reform the departments of State was rejected. In the Lords the Duke of Richmond's more ambitious measure in favour of radical reform was negatived without a division.

The failure of Burke, despite the delivery of a speech of the utmost grandeur, to cure the State of a disorder "which," to quote the orator, "loads us more than millions of debt; which takes away vigour from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our constitution,"[1] was due to motives the strength of which he perfectly appreciated.

> Very few men of great families and extensive connections but will feel the smart of a cutting reform in some close relation, some bosom friend, some pleasant acquaintance, some dear protected dependant. Emolument is taken from some; patronage from others; objects of pursuit from all. Men, forced into an involuntary independence, will abhor the authors of a blessing which in their eyes has so very near a resemblance to a curse. When officers are removed, and the offices remain, you may set the gratitude of some against the anger of others: you may oppose the friends you oblige against the enemies you provoke. But services of the present sort create no attachments.

[1] See his Speech on the Œconomical Reform, *Collected Works* (1808 edition), vol. iii, p. 231.

> The individual good felt in a public benefit is comparatively so small, comes round through such an involved labyrinth of intricate and tedious revolutions; whilst a present personal detriment is so heavy, where it falls, and so instant in its operation, that the cold commendation of a public advantage never was, and never will be, a match for the quick sensibility of a private loss.

Against the bias of interest Burke in vain pleaded the wish of the people, the need of the State, the example of France. It was in vain that he reminded the House that "there is a time when men will not suffer bad things because their ancestors have suffered worse. There is a time when the hoary head of inveterate abuse will neither draw reverence nor obtain protection." It was useless for him to threaten that "early reformations are amicable arrangements with a friend in power; late reformations are terms imposed upon a conquered enemy: early reformations are made in cold blood; late reformations are made under a state of inflammation." The House would have none of his reform.

With failure apparent in Parliament the reformers redoubled their activities. The Society for Constitutional Information was formed of responsible men whose aim was to create a powerful body of opinion by the dissemination of knowledge, and although Burke took occasion to laugh at them as the friends of those publishers who found their more worthless stock lying heavy on their hands, there can be little doubt that the flood of pamphlets and booklets which this society let loose had its effect.

With the dissolution of Parliament in 1780 the efforts of the reformers received a sharp check. The new House was antipathetic. Three Bills were presented and were rejected, but when, after the American disasters, North was at last driven from power in 1782 and Rockingham and Burke held office, the day of the economical reformer had arrived. Burke's Bill to reform the departments of State and reduce pensions and places, Crewe's Bill to disfranchise revenue officers, and Clerke's Bill to disable contractors from sitting in Parliament, were all passed.

Radical Reform—First Stage

With the success of the economical reform movement a cleavage in the Whig ranks is visible. The followers of Lord Rockingham were satisfied that all the aims that should be pursued had already been secured. The friends of Chatham, already strengthened for a season by the entrance of William Pitt into Parliament in 1781, were prepared to support those ardent souls who were now pressing for a radical change in the basis of representation.

At first, though Wyvill and Cartwright were most active behind the scenes, William Pitt became the protagonist in the House of Commons, and although he failed in 1782 to secure the appointment of a committee of inquiry the result of the division on the motion was not such as to cause the reformers to despair of early success.

It was now decided once more to engage in vigorous propaganda work throughout the country. The Society for Constitutional Information, strengthened by the meeting at the Thatched House Tavern in 1782, which Pitt attended, was once more active; the county associations were resuscitated. The towns were circularized; constitutional societies were founded in the provinces. But as yet it was to the upper classes that the reformers looked almost exclusively. The era of Place or Cobbett, of the thronged meeting and the cheap press, had not yet arrived, and although the mechanic was kindly patted on the back his hand was not sought—for it was powerless. As Mr Veitch observes, "Reform, now and for some time to come, was demanded, not by the tradesman and the artisan, but by the country squire and the professional man."

As the result of this activity, Parliament was in 1783 assailed by numerous petitions, and for a time after the death of Rockingham and the accession to power of Shelburne, later Marquess of Lansdowne and a friend of reform and of Pitt, success appeared possible; but Fox held aloof and early in the year combined with North to

form a coalition ministry fatal to reform. Before the end of the year, however, the coalition had collapsed, and Pitt succeeded only to find a party divided and the unity of the reformers lost in their disagreements on matters of general politics.

Pitt's Reform Bill

In the April of 1785 Pitt found himself strong enough to attempt reform and asked leave to introduce a measure which had as its underlying purpose the formation of a fund of £1,000,000 out of which to accumulate the means wherewith to buy out the thirty-six rotten boroughs representing seventy-two seats which it was proposed to distribute among the counties and London and Westminster. The result was a bitter disappointment. The House refused leave by a majority of 74 and Pitt never afterward attempted to secure any measure of Parliamentary reform.

A new factor was indeed approaching destined very sensibly to affect the outlook of both the progressives and the reactionaries. The sullen waters which had long been gathering were to burst forth in the torrent of the French Revolution, which swept away old landmarks not only in the country where that torrent raged, but in England and Europe also.

Radical Reform—Second Stage

At first—from the fall of the Bastille to the flight of Louis XVI—a very considerable body of progressive opinion, even among the aristocratic classes of England, looked with hope and admiration upon a movement in which they thought they saw the prospect of immeasurable blessings for the sons of men. Freedom and liberty became talismans which caught the imagination of many ardent and noble minds. The attitude of England was not unlike that which we in our day witnessed when the Tsarist autocracy was overthrown and constitutional government under the leadership of the young and eloquent visionary Karensky for a moment became an established

fact. But in the eighteenth century the feeling was more intense ; the events were nearer at home and were not confused in the turmoil of an anxious and wasting war. Their like had never before been seen, and men were entitled then to hold hopes which more than a century's experience shows now to be ill-founded. As Mrs Penninck wrote: "I have seen the reception of the news of the victory of Waterloo and of the carrying of the Reform Bill, but I never saw joy comparable in its vivid intensity to that occasioned by the early promise of the French Revolution." [1]

At the same time there were many that feared, and that fear was replaced by hatred and disgust when from constitutional activity the revolutionaries passed in 1792 to the most violent deeds of bloodshed. Freedom and liberty were strangled in the horrors of the Terror. The result, so far as reform in England was concerned, was at first to stiffen resistance and finally to create a movement of repression and suppression before which the forces of reform melted away.

To the large body of interested politicians who naturally opposed Parliamentary reform, the French Revolution, even in its earlier and more constitutional phase, provided a ready excuse with which to avoid the advances of the reformers. When in 1790 Henry Flood sought to introduce a reform Bill, to which he had secured the conditional support of Fox, the revolution in France was made an excuse for ignoring a measure which in any case would have been defeated. Even in the country the fear of moving too fast and of sliding into anarchy rendered it impossible to revive the county associations, and although the excitement caused by the Westminster election and the subsequent trial stirred the public interest anew, this was more than matched by the flight of the French King on June 20, 1791—a flight which ushered in the new *régime* in France, broke up the Jacobins into two parties, led the way to that republicanism which resulted in the

[1] Quoted from Mr Veitch's *Genesis of Parliamentary Reform.*

proclamation of a republic on September 22, 1792, and filled the English supporters of the Revolution with dismay.

Pitt's Repressive Measures

It was now that the Government of Pitt determined on the suppression of those reform societies which had been corresponding with the Jacobins of Paris and had been exchanging platitudinous generalities and international courtesies with the constitutional revolutionaries. It is true that these correspondences largely ceased before the republican movement had begun to show itself. Talleyrand had, in fact, arrived at a just estimate of the situation when he wrote:

> The truth is, the mass of the nation is generally indifferent to all these political discussions which cause so much stir amongst us; attached to its constitution by ancient prejudices, by habit, by continual comparison of its lot with that of the people of other states, and finally by prosperity, it does not imagine that anything could be gained from a revolution of which the history of England makes it fear the dangers.

But despite the imaginary nature of the threat to ordered government, the outbreak of war between England and France on February 1, 1793, determined Pitt to secure what in recent years has so often been referred to as the solidarity of the home front. All forms of agitation and propaganda, even of a kind and for a purpose which in his earlier years he had most warmly espoused, the chief minister now determined to destroy. His policy of repression, it has been well said, was so readily supported by the majority of the people, despite the failure of many of the State prosecutions, as to render repression almost unnecessary.

In Scotland the prosecutions for sedition were strongly pressed by Dundas. Pamphleteers and publishers were singled out for attack, and some of the sentences were of a most savage nature. The young advocate, Thomas Muir, a man of promise whose only offence was activity

in the pursuit of Parliamentary reform, was sentenced to transportation for fourteen years, and T. F. Palmer was transported for seven years after a trial at which the judge directed the jury that they should consider whether agitation to secure universal suffrage was not in itself sedition, universal suffrage tending to subvert the constitution.

The convention which had been called in 1793 was forcibly dissolved, and in the year following the secretaries of the London Corresponding Society and the Society for Constitutional Information were arrested. The societies were broken up, and with the passing of the two Treason Acts in 1795 all movements for reform were rendered both hopeless and dangerous. In 1797 Horne Tooke wrote to Cartwright that the cause of reform was dead and buried, and although Cartwright expressed his belief in its resurrection, few possessed his optimism. Indeed, despite the activities of Place, Cartwright, Bentham, and Cobbett—ill-assorted names—in the first decade of the nineteenth century, it was not until after Waterloo that the reform movement showed any signs of active revival. Even, as in 1792, Pitt gained popular acclaim for resisting Grey's motion in favour of the reform which but a few years before he had himself proposed. By 1812 so little interest had the people in internal politics and so anxiously were all eyes turned to the struggle on the Continent, that in the election of that year only two counties were contested.

Radical Reform—Third and Final Stage

After Waterloo the destruction of the external threat created once more a vivid interest in internal politics. As Mr J. R. M. Butler has observed : " In the course of the next few years [reform] was vehemently canvassed from many points of view with a zeal, a bitterness, and a passionate sense of reality, such as it had never aroused before." [1]

At the one end of the scale Bentham, appealing to reason

[1] *The Passing of the Great Reform Bill.*

and demanding secret, universal, equal, and annual suffrage, was leading a small and select band of intellectuals; at the other end Francis Place and Cobbett were seeking after the support of the masses from which both had sprung. Cobbett, to realize his aims and to justify the saying of Francis Jeffrey that "the people have far more wealth and far more intelligence now than they had in former times; and, therefore, they ought to have, and they must have, more political power," had issued his paper, the *Political Register*, with the news cut out so as to avoid the stamp duty, at 2*d.*, and could remark as a result that "the labouring classes seemed as if they had never heard a word on politics before." The great towns of the North, Leeds, Manchester, Sheffield, and Birmingham, which, in the movement of 1783, had stood by apathetically, now began to show a desire so keen that before the end of 1819 the so-called Peterloo 'massacre' had occurred as the result of the successful attempt made by the authorities to arrest Henry Hunt while addressing a mass reform meeting at Manchester.

Of course, as yet no trade combinations were possible as a means to a political end, though many of the leaders of working-class opinion were bending all their energies to secure reform, were indeed casting more weight into that struggle than into the fight for the repeal of the Combination Laws or the improvement of the factory system, but the newspapers were beginning to exercise a moulding effect upon popular opinion and, in conjunction with the development of the political meeting, were rendering it possible slowly to enlighten the people.

The Need for Reform

The alteration in the distribution of the population, the grouping of masses together, making, as these changes did, the old franchise a palpable anachronism and arousing some rude form of mass-will, were creating an atmosphere in which it was difficult to argue against reform of the boroughs.

In the counties, as Mr Veitch has well said:

> The agrarian revolutions, which had in part preceded the industrial revolution and which continued alongside of it, struck [a] crushing blow at the comfortable doctrine of virtual representation. It could no longer be urged with even a show of reason that the interests of the great landowners who enjoyed direct representation were identical with the interests of the villagers, who no longer shared in the cultivation of common fields or worked their separate holdings in the intervals of manufacture, and who were now, therefore, not even 'virtually' represented.[1]

The need for reform could hardly have been better shown than by the events of 1819. At the general election of that year the Tories, whose late activities had aroused a popular anger rare in our political annals, had been opposed by the Whigs, whom the vast majority of the people desired to see in power. The people, powerless to affect the issue, had to stand by and see their enemies returned once more to power, a power they exercised to pass the notorious Six Acts.

So strong was the feeling of the country at this juncture that Lambton, later to become the first Earl of Durham, could say when urging Grey to take a strong line: "In the present state of the public mind we should sink ten thousand fathoms deep if we were to hold a meeting and not make reform a principal and leading topic."

Grey, however, was sensible of the impossibility on the one hand of securing the passage of a Reform Bill while the Tories remained in power, and on the other hand of establishing a Whig administration while the King remained alive if reform were made a fundamental part of their programme. Assured though he was of the popular demand, he was not satisfied that it would be possible to win over that class whose influence alone counted, and expressed a doubt whether he or even Lambton would live to see reform accomplished.

[1] *The Genesis of Parliamentary Reform.*

But so powerful was the current of popular opinion that even the Tories began to doubt whether more liberal institutions would not soon become inevitable. Then suddenly the picture changes. Two factors, the one of the most sordid kind, resulted in the populace forsaking all active interest in the cause. The improvement of trade, the disappearance for a season of the cause of economic discontent and the popular enthusiasm for the cause of Queen Caroline, brought about what has been described as the "truce between Parliament and people."

But gradually the democratic movement gathered a fresh and increasing momentum. Lord John Russell and Lambton both proposed measures of reform, one of which was lost only by 31 votes, though in 1822, thanks largely to the eloquence of Canning, a similar proposal was rejected by a majority of 105.

Any hopes that could have been held in the years from 1815 to 1825 were lost once more in the financial crisis which, combined with widespread strikes consequent upon the repeal of the Combination Laws, caused a distress which, by creating unrest, once again stiffened the backs of the reactionaries. The Tories, strongly led by Lord Liverpool, had both the power and the wish to impose their will upon the people. With the death of Liverpool in 1827 this strong position was impaired, for the great question of Catholic emancipation became a matter of critical importance and one upon which the continued existence of the administration was seen more and more to depend.

Catholic Emancipation

With Peel and Wellington both opposed to Catholic emancipation and Canning in favour of some of the aspirations of O'Connell, the Tories were seriously weakened, and it was only the Danaian assistance of the Whigs which enabled Canning to form a ministry, destined in turn to be destroyed by the death of Canning in the August of that year. For a short period the Goderich ministry was

in office, but early in 1828 the Duke of Wellington, who but a short while before had declared that he would be insane to exchange the *rôle* of leader of armies for that of the leader of a party, accepted the duty of forming a new and exclusively Tory Government.

Once more the question of Catholic emancipation became the dominant topic. Already weakened by the defection of the Canningite section of his forces, owing to a dispute with Huskisson, the unsoundness of the Tory position had been proclaimed by the success of Lord John Russell and the Whigs in securing the repeal of the Test Act when Daniel O'Connell, a Catholic and therefore unable to sit in the House of Commons, was elected member for County Clare as the result of the activities of the Catholic Association. To test the feeling of the country, if the feeling of the country could indeed then be tested, Peel resigned his seat at Oxford. He was defeated in his old constituency by a candidate standing for the 'Protestant' interest. But so strong was the feeling for Catholic emancipation in Ireland, and so critical the situation, that the Government, with the aid of the Whigs, passed the Catholic Emancipation Bill, at the same time disfranchising the forty-shilling freeholders.

The passing of the measure raised the worst passions in the High Tory ranks and split the party at a time when, as Mr Butler observes, "the stoutest union was needed to stem the rising tide of democratic feeling."

The Moulding of Public Opinion

As yet, however, the feeling in the country in favour of reform was too amorphous to persuade such a cautious leader as Lord Grey to stake all upon a bold declaration of policy. The Whigs, though united on the question of Catholic emancipation, were divided upon the far more vital issue of Parliamentary reform. The King was antagonistic, and the activities of the Radicals and the indiscretions of such Radical leaders as Cobbett, now avowedly preaching a class war, were antipathetic not only to the

King and the Tories, but to many of the Whigs also. With Grey, indeed, it has been well said that "political liberty did not mean political equality."

The first definite movements in the direction of reform did not therefore occur in Government circles, but among the masses of the people. Once again we are in an atmosphere of political organization with such men as Place, Cobbett, and above all, Attwood, to the fore as the moulders of public opinion and as the engineers of the machinery by means of which expression was given to that opinion. By means of the press and by meetings held in all parts of the country, the question of reform had already been brought prominently before the masses when a great impetus was given to the popular movement by the formation, on January 25, 1830, of the Birmingham Political Union by Thomas Attwood, a wealthy banker and a man to whose activities the final success of the movement was in no small measure due.

The avowed object of the B.P.U. was "to obtain by every just and legal means such a reform in the Commons' House of Parliament as may ensure a real and effectual representation of the lower and middle classes of the people in that House." It, in fact, secured in some degree that union between the aims of the middle and of the lower classes which hitherto had not existed, and by showing the way to other towns and districts of the country greatly strengthened the hands of the reformers.

Unlike the associations founded by Wyvill, which had as their backbone the county, the political unions which now sprang up all over the country were essentially expressive of the desires of the masses, and as was usual in such cases, their strength was greatest when trade was at its worst and distress was most pronounced. To many of the leaders of the Whigs, indeed, it seemed that the whole of the solidarity of the unions depended less upon political than upon economic grievance, and it was not unnaturally thought that with a revival of trade the popular movement in favour of reform would collapse.

THE EVENTS OF 1830

In any case, with a king upon the throne who was unalterably opposed to progressive democracy and with a party in power united in its desire to resist reform, any attempt to pass a measure even of moderate reform was impossible, and neither Blandford's nor Russell's Bill, introduced in February 1830, achieved any success, though Russell's very moderate proposals were only lost by 48 votes in the Commons. The true temper of the House was, however, shown by the rejection of O'Connell's Bill in favour of universal suffrage, which was introduced on May 28, and was lost by 306 votes.

In the following month George IV died, and with the accession of the sailor-king William IV one great obstacle to reform was removed. The election which followed in the July of 1830 was seen to be a critical one. The price of seats rose enormously. Sometimes as much as £20,000 or £30,000 was paid for a single seat. But though money fought hard for the retention of the old order, the spade-work of Place, of Cobbett, and of Attwood was beginning to tell. They were shortly to receive unexpected assistance from an extraordinary and unprecedented event.

Europe has in the past been not unacquainted with revolutions, and such revolutions, resulting as they almost invariably did in many excesses and much bloodshed, have proved over and over again the greatest enemies to progress. We have seen how the Terror had extinguished the hopes of the early reformers. But now the tyrannies of Charles X had resulted in a spontaneous rising which in three days had overthrown the monarchy and placed the middle and lower classes of France in the position of power. The *Edinburgh Review* showed a clear foresighted vision when it declared: "The battle of English liberty has been fought and won at Paris." Brougham could point the moral in a sentence so typical of the man: "The French glorious revolution is most advantageous

to our cause, because it denounces wrath and destruction on those who would by force withstand the popular opinion." Its very moderation underlined the lesson and disarmed the moderate men who throughout our history have exercised so commanding a place in the councils of the nation.

With the reassembling of Parliament it was generally agreed that affairs had taken on a different aspect. Many Tories, unmindful of the attitude of their chief, were for moderate reform. The temper of the people was sufficiently obvious, although in those days a general election did not declare from the housetops which party had won and which had lost. On November 2 Wellington declared himself.

Wellington's Speech

During the debate on the Address in answer to the King's Speech, the Duke, answering in detail the speech just delivered by Grey, found occasion to remark as follows:

> The noble Earl had alluded to the propriety of effecting Parliamentary Reform. The noble Earl had, however, been candid enough to acknowledge that he was not prepared with any measure of reform, and he could have no scruple in saying that his Majesty's Government was as totally unprepared with any plan as the noble Lord. Nay, he, on his own part, would go further, and say that he had never read or heard of any measure up to the present moment which could in any degree satisfy his mind that the state of the representation could be improved or be rendered more satisfactory to the country at large than at the present moment. He would not, however, at such an unseasonable time enter upon the subject or excite discussion, but he should not hesitate to declare unequivocally what were his sentiments upon it. He was fully convinced that the country possessed at the present moment a Legislature which answered all the good purposes of legislation, and this to a greater degree than any Legislature ever had answered in any country whatever. He would go further and say that the Legislature and the system of representation possessed the full and entire confidence of the country—deservedly possessed that confidence—and the dis-

cussions in the Legislature had a very great influence over the opinions of the country. He would go still further and say that if at the present moment he had imposed upon him the duty of forming a Legislature for any country, and particularly for a country like this, in possession of great property of various descriptions, he did not mean to assert that he could form such a Legislature as they possessed now, for the nature of man was incapable of reaching such excellence at once; but his great endeavour would be to form some description of Legislature which would produce the same results. The representation of the people at present contained a large body of the property of the country, and in which the landed interests had a preponderating influence. Under these circumstances, he was not prepared to bring forward any measure of the description alluded to by the noble Lord. He was not only not prepared to bring forward any measure of this nature, but he would at once declare that as far as he was concerned, as long as he held any station in the government of the country, he should always feel it his duty to resist such measures when proposed by others.

This absolute denial of all reform resulted, to use the words of Lord John Russell, in a "dangerous excitement" among the people. The words are apt, for although there were riots in various parts of the country, it was rather to hunger and distress than to political feeling that acts of rebellion and insurrection could be traced. The refusal of the Duke of Wellington to have any hand in the reform of Parliament, though it weakened his administration and eventually resulted in its downfall, did not at the moment cause any overt acts of rebellion. But the air was electrical. The slightest incident might at any moment have precipitated a revolution. The state of the country, so belauded for the perfection of its constitution, was indeed deplorable. The Russian ambassadress could report of this period that "The aristocracy rolls in wealth and luxury while the streets of London and the highways of the country swarm with miserable creatures covered with rags, barefooted, having neither food nor shelter." Starvation was a matter of daily occurrence. Distress, both rural and urban, was a commonplace. The

Government, placed in power by a narrow clique, was opposed to the wishes of the vast majority of the people, and was so contemptuous of that opinion as to flout it deliberately.

There is abundant evidence to show that the Duke's speech on reform was to some extent unpremeditated and had not been discussed with his colleagues. Its delivery caused consternation to many of them, and it was realized that the Duke had gone too far. Subsequent events showed that the administration could not survive the popular clamour that arose. By November 16 the King had been forced to send for Lord Grey.

Lord Grey

From now onward the history of the passing of the first Reform Bill centres around this cold and cautious aristocrat, who in his own age was regarded as the man who had sold his class and who lives to-day as a far-sighted statesman who safely guided the frail craft of reform past the shoals of interest and the rocks of party strife. As Sir George Trevelyan has observed, it is almost impossible for people now living to realize the difficulties of the task Grey accomplished in 1830-2, the immensity of the chasm which he bridged, or his need for stressing the conservative elements of his Government in order to persuade the King and the aristocracy to surrender to the people.

On the one hand stood as enemies the Tories, on the other hand the Radicals. To approach the Radicals was to render it impossible to obtain royal support, for even William, though more liberal than his predecessor, both feared and hated the Radicals. To put forward a moderate measure meant a split within the reform ranks; to hazard a measure of a radical nature appeared hopeless. But despite all difficulties, Grey succeeded in forming a coalition ministry strong in texture and sufficiently progressive to fight for, or at least to tolerate, a Reform Bill which almost equalled the desires of the Radicals. It would, however, have been fatal to let it appear that the Bill was dependent

upon Radical opinion or support. No Radicals were included in the Cabinet, which was almost exclusively aristocratic in personnel. The illusion was skilfully created that a 'safe' Government had arrived with a 'safe' measure which would not go uncomfortably far. It was generally believed by the Tories that Grey would play for safety and that his very caution would destroy his party before the year was out.

By February 1831 the Bill had been drafted, agreed, and submitted to the King for his provisional approval. Grey had indeed played for safety, but in his view only a measure of the most extensive description, a bill which would gather to its support an immense volume of opinion throughout the kingdom, could possibly succeed in forcing its way through the mass of opposition that would be placed in its path. The draft prepared by Lord John Russell and agreed to by the Cabinet was indeed far-reaching. The nomination boroughs were swept away without compensation; boroughs of which the population was below a certain minimum were disfranchised; the county members were increased; a £10 property qualification was created for all boroughs. Borough-mongers and rotten boroughs were simply swept aside. It should be noted, however, that the vote was given not to the working classes, but to the middle classes. The working classes had to wait another thirty-six years before they in turn were enfranchised.

By January 30, 1831, the King and the Cabinet had both been committed and on the 20th of the next month the Tory leaders met at Peel's house and decided not to offer any resistance on the introduction of the Bill, the contents of which were not known to them, but were believed to be of a mild kind.

Introduction of the Bill

On March 2, 1831, Lord John Russell introduced the Bill into the House of Commons. The occasion was one of the most dramatic in Parliamentary history. To

all it was apparent that a turning-point had been reached in the constitutional history of the country, perhaps in the history of the democratic institutions of mankind. Around there sat men who owed their seats and their power to influence, money, and corruption, and who were aware that the passing of the measure meant their political death; there were other men who for long years had struggled with all the strength of their will and mind for those very principles which but yesterday had seemed as far off as ever, but now had sprung as from some magic box complete in every part. Derisive laughter and amazed delight, both were called forth by Lord John's simple reading of the clauses. When at length the schedules containing the names of the destroyed boroughs were reached the anger of the borough-mongers and their satellites reached its height. But the anger thus created was a thing small and altogether contemptible beside the vast, widespread, and overwhelming joy which was apparent among the people when the terms of the Bill were at length known. The leaders of the working classes, men such as Francis Place and Cobbett, were enthusiastic in the support of a measure which, though not radical in name, was radical in nature. The Tories regarded themselves as betrayed. The clergy of the Church of England determined to fight to the last the battle of their patrons.

Grey was not unmindful of the forces arrayed against him. In the Commons he had but little support, and in the Lords the Reform Bill appeared to have no chance of being passed without serious and fatal amendment. It seems to have been the deliberate opinion of the chief minister that before the Bill could be placed upon the Statute Book a further appeal to the country would have to be made. In such an event it was of the utmost importance that he should go to the country as a minister in power, for in that event the ministerial influence so important in the rotten boroughs would be cast on his side. The subsequent events of 1831 up to the time of the dissolution of Parliament are mainly concerned with

the manœuvres of Grey on the one hand and of the Tories on the other to obtain or prevent a dissolution before resignation.

Dissolution of Parliament

That the Bill could not be passed without further moral support obtained from the country was apparent when, on March 22, 1831, the second reading was carried by one vote. On April 19 the ministry was at length defeated on an amendment and Parliament was suddenly and dramatically dissolved.

Both the form and mode of this dissolution are notable. It has for centuries been a recognized part of the constitution that the king has the right both to summon and dismiss Parliament, and although the exercise of that right has become a matter more and more controlled by the advice of his ministers, it is a prerogative which had never been directly encroached upon by Parliament itself. At this juncture, however, the Tories had reached a state of rancour in which constitutional observances were lightly regarded, and a motion was under consideration in the House of Lords directed against dissolution.

Grey realized at once that a valuable weapon had been placed in his hands. He was not slow in pointing out to his Majesty how gross an attack had been made upon the Prerogative. The King was visibly affected, and hearing that the royal coach was not immediately available, declared that he would resort to a hackney cab rather than delay by a moment a personal visit to the House of Lords.

The King's sudden appearance at a critical juncture was itself a notable event, but the text of the message he came to deliver is one that should not lightly be forgotten by those who live in a free democracy. "My lords and gentlemen, I have come to meet you for the purpose of proroguing this Parliament, with a view to its immediate dissolution. *I have been induced to resort to this measure for the purpose of ascertaining the sense of my people.*"

These words were prophetic of a future age. They

mark the transition from the past to the present. The people were at length coming into their own. Hitherto the masses had had to stand by and see Governments they detested returned to power; they had had to see measures affecting their happiness, their well-being, their very lives, flung out or treated with amused contempt. Even now, when, as many thought, the fate of the country and the prosperity of all depended upon the passing of the measure introduced by Grey's Government, the vast majority of the people had to stand on one side and observe their enemies buy up votes under their very noses. In Scotland rebellion was narrowly averted. In England every effort was made by argument and social pressure by the people to obtain the return of reform candidates. The efforts of the reformers were not in vain. The Government was returned with a majority of 136 pledged to support the Bill.

The New Reform Parliament

Even now, however, the way was not clear. Many things had been said and done in the course of the elections which had opened the eyes of those who hitherto had not seen whither they were tending. The King was alarmed; the less progressive elements in the Cabinet were with difficulty restrained from declining to go either so far or so fast. But Grey succeeded in standing firm and in persuading his followers that it was necessary for all to stand together, for they were irrevocably committed.

The Lords

By July 6, 1831, the Bill had passed the House of Commons by a majority of 136, and after deliberations in Committee drawn out to the fullest extent by the opponents of the measure, during which the temper of the populace grew more and more heated, the Bill was at length introduced into the House of Lords early in October. For five days it was debated and was eventually thrown out by a majority of 41.

It was too late. The time had passed when resistance

could more than delay for a short period a measure which all sections of the community, apart from the narrow privileged classes, demanded. As Sir George Trevelyan remarks: "The one real chance for the Tories of successfully resisting the Bill was to provoke a class war, which would end in rallying all the 'haves' to close their ranks in self-defence against the 'have-nots.'" But in truth this danger was mitigated by the fact that both 'haves' and 'have-nots' were joined in enmity against a privileged class whose powers controlled the destinies of both.

For a time, however, matters assumed an ugly appearance. The King refused to create peers in quantity; the Government refused to recede; the people showed their desires and displeasure in riots and demonstrations. Apart from politics the condition of the country was deplorable. Strikes, want, illness, and disturbances marked this fateful year. A new Bill, designed to enable the Lords to save their face by passing it as a thing different, though in truth the same as that already rejected, was introduced and passed in the Commons in the December of 1831, and when the House adjourned for the Christmas recess it was still uncertain what the fate of the Bill would be.

The opening month of 1832 is marked by manœuvres on the part of Grey to obtain the King's provisional assent to the creation of peers should the Lords prove immovable. That consent was obtained on January 15, 1832. In April the Bill was again debated in the Lords and the second reading was carried by a majority of nine in the early morning of April 14. At length the way appeared to be open to the passing of the measure, but the opponents of the Bill had not yet exhausted their resources.

The Fall of Grey

It was now generally agreed that the Bill must be passed substantially in the form as drafted, but the Lords determined that it should not be passed by the Whigs. It appeared that the Bill would be lost in Committee, and when the King was pressed to create peers sufficient to overcome

all obstacles he, despite his approval in the preceding January, declined to exercise his power. This involved the resignation of Grey's ministry, but the King requested it to remain in office until a new ministry could be formed.

The news that Grey had fallen and that the Duke was likely once more to be entrusted with the government created an outburst of rage among the people which showed its intensity in its very coldness. That revolution would have broken out and swept all before it in a torrent of seething discontent is apparent. But the masses could not believe that the King and the aristocracy were so ignorant of the true state of the people's will or so unmindful of the weight and force of the people's anger as to be prepared to refuse that which was demanded with a unanimity almost complete.

Grey's Return to Power

Neither rioting nor disturbances broke out, but work was suspended, and up and down the country all classes were organizing so that rebellion might be universal and complete immediately the reactionaries entered office. So clear was the intention of the masses, so dangerous the position of those who should attempt to withstand it, so useless further resistance, that Wellington found it impossible to form a Cabinet, and on May 15 Grey was again sent for.

It was the King's hope that, now that the last Tory effort to influence the course of reform had proved abortive, Wellington would assist him by abandoning all further opposition, but the Duke maintained his attitude. It consequently became necessary for the King to compel the further progress of the Bill, and he finally declared that: "His Majesty authorizes Earl Grey, if any obstacles should arise during the further progress of the Bill, to submit to him a creation of peers to such extent as shall be necessary to enable him to carry the Bill." The threat proved sufficient, and on June 4, 1832, the Bill passed its third reading and three days later received the royal assent.

Results of Reform

The effect of the Reform Bill of 1832 was to alter entirely the centre of gravity of English politics. The cynic may declare that in effect it was now necessary to bribe millions instead of hundreds of thousands, but the truth is rather seen when we observe why bribes are given. In the days before the Reform Bill government was in the hands of a clique which bribed a narrow electorate to supply willing tools to carry out that clique's desires. The clique was composed for the most part of men of the highest character and respectable attainments, inspired with a true love for the country they knew. They desired to extend the power and prestige of that country. But they were ignorant or careless of the wants and desires of the majority of the inhabitants of the country. In a word, their country was a land peopled with landed proprietors possessing retainers, and the masses were regarded as an inconvenient excrescence on the body politic. When the clique bribed they bribed to secure the interests of their order.

The House of Lords, the stronghold of this clique, had ceased to be a body representative of the ancient nobility of the realm. As J. R. Green so well remarks, up to the beginning of the nineteenth century the House of Lords

> had been a small assembly of great nobles, bound together by family or party ties into a distinct power in the State. From this time it became the stronghold of property, the representative of the great estates and great fortunes which the vast increase of English wealth was building up.[1]

It is manifest that such being the state of the case, with a plutocracy in control, it could not have remained possible for the masses which served that plutocracy, and whose private interests were in some measure opposed to those of their masters, to remain under the sole political control

[1] *Short History of the English People.*

of their antagonists. The interests of the governing class were not merely not identical with the interests of the people, they were frequently definitely opposed thereto. That fact made itself abundantly clear. The House of Lords for the first time became definitely Conservative. Measures were passed restraining combination; abolishing ancient measures designed to secure a standard of life without substituting anything therefor; the wage-earner was denied education, compelled to work for long hours and at insufficient wages; he was exploited and abused. The governing clique was beginning to take the view that the interest of the country was best advanced by regarding the rights of property rather than the rights of the people. The electorate was bribed to return to power those who would protect not the people, but the people with property.

Under the new *régime*, as modified from time to time, it has without question been the desire of successive Governments to attract votes. Measure after measure has, without doubt, been put upon the Statute Book by men firmly convinced that the measure was not calculated to serve the best interests of the country. Such Acts have been offered to the electorate as bribes. But this form of corruption is very different in its effect from the former kind. It secures the passing of measures acceptable to the people, and it degrades the corrupters rather than the corrupted. In it, however, one observes the principal danger of democratic government.

It is the good fortune of England that she has been consistently progressive, but has progressed slowly. Had adult suffrage been granted in 1832, as many desired, it is not improbable that the evils of the change would have outweighed the good. The masses of the people were then almost completely ignorant; they would have fallen a ready prey to any demagogue prepared at all costs to purchase power. Their voting power could have been exploited to the uttermost in the interest of private gain and national ruin. What absurdities and excesses might have resulted is apparent to a generation which has seen

the effect of giving political power to the illiterate peasantry of Russia. They fell a prey to those who would most vilely corrupt.

Extension of the Franchise

In Great Britain, however, political sagacity, or, it may be, the presiding genius of our race, saw fit to order otherwise. Political power was at first placed in the hands of the middle classes already sufficiently educated to be able to choose their representatives with discretion. With the spread of education the time came when the class of persons competent to vote was greatly extended, and the newcomers were in turn accepted into the ranks of the politically free. It has been the good fortune of this country that the power to vote has followed in the path of the power to vote intelligently. Had it been otherwise, England, instead of being in the van of democratic progress, might have proved an awful example to which all the supporters of autocracy could have pointed.

Subsequent History of the Reform Movement

The year 1832 saw the passing not only of the great Reform Bill, but of Acts extending the representation of the people of Scotland and Ireland. Thirty-five years later the electoral franchise of England and Wales was further extended by the Reform Act of 1867, the borough franchise being given to all householders as well as to lodgers occupying lodging of the annual value of £10, and the county occupation franchise was reduced from £50 to £12. The county representation was strengthened at the expense of the boroughs. In the following years similar provisions were passed for Scotland and Ireland.

As yet, of course, all voting had been open. The need for a secret ballot had been one of the main demands of the Radicals at the time of the great reform movement, but it was a demand to which the King was unalterable opposed. It soon became apparent, however, that steps must be taken to avoid the evils of bribery and

intimidation, which were rather encouraged under a system whereby a wide franchise was united with public voting. It was not until 1872 that, after much agitation, the Ballot Act was passed; by this the hustings and the old system of open voting were both abolished.

Not until many years later was any substantial change effected either in the respective powers of the two Houses or in the electoral basis. As a result of the Budget struggle of 1910, however, the gauntlet was thrown down by Mr Asquith, the Prime Minister in a Liberal administration, and as a result the power of the House of Lords was greatly curtailed by the Parliament Act of 1911. To such an extent, indeed, were the powers of the House of Lords reduced that its reform as a part of the legislative organism became but a question of time if it were to be left in existence as an effective Second Chamber. This question of reform was subsequently inquired into by the Committee of Inquiry whose report was issued in 1918.

To-day, with the passing of the various franchise Acts of 1918 and 1920, political power is exercised by the vast majority of the adult members of the community. The battle which long raged over women's suffrage has been fought and won; the question of adult suffrage for men has been settled. It can now be said that, so far as Great Britain is concerned, she is a true democracy. The same tendency toward a wider and wider franchise is visible in other countries also.

CHAPTER XII

THE FACTORY

THE decline of the gilds and the old gild system, the shifting of the centre of gravity from the countryside to the town, the invention of the steam-engine and the development of the factory system—these, among other and less important causes, made it apparent in the early years of the nineteenth century that the doctrine of *laissez-faire* might result in evils so widespread, in a standard of life so reduced, and in oppression so great that it behoved the State on behalf of the community generally to regulate or control in some degree the circumstances under which the worker toiled.

The factory system had already brought in its wake a system of society lacking in coherence, in which the unit could be lost, and in which class distinctions tended to become more and more clearly marked. The material difficulties in the way of transition from worker to master became steadily greater. A linking-up of humanity to the machine, an increase in production tending to wealth ill distributed, to cutting prices, and to unemployment, caused both physical and material misery. To these were added the spiritual losses due to vile environments and untutored minds. The peasant had left the countryside to work in fearful surroundings for long hours, often for low wages, and was called upon to live in noisome streets, in damp and bare cellars, and to his own self-questioning "Why?" he could give no answer.

At first the legislature, aristocratic in nature, listened rather to the voice of the economist than to the despairing cry of labour. It was fearful of undue interference lest

it should cripple industry on the one hand and starve the operatives on the other, for in the early years of last century it appeared to be the view of not a few economists and of a great number of business men that life had nothing to offer the 'lower orders'—particularly the children of the working classes—but a choice between overwork and underfeeding; they would seem to have been born under a star which doomed them always to work too hard or to eat too little.

State Regulation

It is to the credit of England that in this matter of State regulation of industry she was a pioneer, for, as Mr Sidney Webb has said:

> Of all the nineteenth-century inventions in social organization, factory legislation is the most widely diffused. The opening of the twentieth century finds it prevailing over a larger area than the public library or the savings bank; it is, perhaps, more far-reaching, if not more ubiquitous, than even the public elementary school or the policeman.[1]

State regulation in its widest form goes beyond what is commonly understood to be included within factory legislation. Indeed, if by State regulation we mean the regulation by the State of the circumstances in which the worker as such shall be protected, it includes workmen's compensation legislation, laws relating to national health insurance, to unemployment, to conciliation and arbitration, and might indeed be made to embrace most of the social legislation of the past century. We do not, however, use the expression in this wide sense, nor in the too narrow sense in which it becomes coterminous with factory and workshop legislation, for we include that wide body of law which is concerned with the regulation of mines and quarries—a form of regulation which has become even

[1] See his preface to *A History of Factory Legislation*, by Miss B. L. Hutchins and Dr Harrison.

more diffused than factory legislation proper, being found, as it is to-day, in every district controlled directly or indirectly by Europeans [1] in which mining is carried on, even in such wild and savage countries as Nyassaland, Uganda, Ashanti, and Nigeria.

The chief purposes of the gild regulations relative to hours and conditions of labour, the training of apprentices,

[1] It may be of convenience to the reader to have before him a list, so far as the United Kingdom is concerned, of the various Factory and Workshop Acts and the various Acts relating to mines and quarries.

Factory and Workshop Acts: 42 Geo. III, c. 73 (1802); 59 Geo. III, c. 66 (1819); 60 Geo. III, c. 5 (1819); 6 Geo. IV, c. 63 (1825); 10 Geo. IV, c. 51 (1829); 10 Geo. IV, c. 63 (1829); 1 and 2 Will. IV, c. 39 (1831); 3 and 4 Will. IV, c. 103 (1833); 4 Will. IV, c. 1 (1834); 7 Vic., c. 15 (1844); 8 and 9 Vic., c. 29 (1845); 9 Vic., c. 18 (1846); 9 and 10 Vic., c. 29 (1847); 10 and 11 Vic., c. 70 (1847); 13 and 14 Vic., c. 54 (1850); 16 and 17 Vic., c. 104 (1853); 19 and 20 Vic., c. 38 (1856); 23 and 24 Vic., c. 78 (1860); 24 and 25 Vic., c. 117 (1861); 25 Vic., c. 8 (1862); 26 and 27 Vic., c. 38 (1863); 26 and 27 Vic., c. 40 (1863); 27 and 28 Vic., c. 48 (1864); 27 and 28 Vic., c. 98 (1864); 30 and 31 Vic., c. 103 (1867); 30 and 31 Vic., c. 146 (1867); 33 and 34 Vic., c. 62 (1870); 34 Vic., c. 19 (1871); 34 and 35 Vic., c. 104 (1871); 37 and 38 Vic., c. 44 (1874); 41 Vic., c. 16 (1878); 46 and 47 Vic., c. 53 (1883); 51 and 52 Vic., c. 22 (1888); 52 and 53 Vic., c. 62 (1889); 54 and 55 Vic., c. 75 (1891); 55 and 56 Vic., c. 30 (1892); 58 and 59 Vic., c. 37 (1895); 60 and 61 Vic., c. 58 (1897); 1 Edw. VII, c. 22 (1901); 3 Edw. VII, c. 45 (1903); 7 Edw. VII, c. 10 (1907); 7 Edw. VII, c. 39 (1907); 9 Edw. VII, c. 22 (1909); 1 and 2 Geo. V, c. 21 (1911); 5 and 6 Geo. V, c. 54 (1915); 8 and 9 Geo. V, c. 32 (1918); 8 and 9 Geo. V, c. 61 (1918); 10 and 11 Geo. V, c. 62 (1920); 10 and 11 Geo. V, c. 65 (1920).

Coal Mines Regulation Acts: 5 and 6 Vic., c. 99 (1842); 13 and 14 Vic., c. 100 (1850); 18 and 19 Vic., c. 108 (1855); 23 and 24 Vic., c. 151 (1860); 25 and 26 Vic., c. 79 (1862); 35 and 36 Vic., c. 76 (1872); 49 and 50 Vic., c. 40 (1886); 50 and 51 Vic., c. 58 (1887); 57 and 58 Vic., c. 52 (1894); 59 and 60 Vic., c. 43 (1896); 3 Edw. VII, c. 7 (1903); 5 Edw. VII, c. 9 (1905); 8 Edw. VII, c. 57 (1908); 1 and 2 Geo. V, c. 21 (1911).

Metalliferous Mines Regulation Acts: 35 and 36 Vic., c. 77 (1872); 38 and 39 Vic., c. 39 (1875); 54 and 55 Vic., c. 47 (1891).

There should also be noted the Boiler Explosions Acts of 1882 and 1890, the Notice of Accidents Acts of 1894 and 1906, the Fatal Accidents Inquiry (Scotland) Act of 1895, and the numerous Truck Acts.

and the observance of holidays, etc., were, as we have seen, to prevent unfair competition and degradation of craftsmanship; the purpose of the State legislation, commencing with Henry VI and culminating in the Elizabethan labour laws, was to discourage laziness, promote a general diffusion of available labour, compel the doing of a given amount of work for a limited wage, and devise means of dealing with the problem of the poor and the destitute. Generally speaking, the policy both of the gilds and of the Tudors followed the line of fixing maximum wages and minimum hours. The policy of the factory legislation, commencing with a special kind of labour in a limited class of factory, was to protect the worker by fixing maximum hours and, in time, and by means of a distinct group of Acts, minimum wages. State regulation, however, developed far beyond these limits, so that to-day, in our factories, workshops, bakeries, and mines, there have been created rules whereby it is difficult for even the most reactionary employer to degrade the standard of life of his employees. The last citadel of the reactionary will fall when all the so-called sweated industries have been brought within the Trade Board Acts.

It should be observed that the conditions of work in the sweated industries approximate much more closely to the conditions obtaining in the old craft shops of the gild period than to those existing in the modern factory. In the chain-making, cheap furniture, and seamstress trades we often find to-day the few workers employed by a working master, all handicraft workers, following their employment in a small room or cellar, possibly attached to some shop. The fact that we to-day speak of such employments as the sweated industries should warn us against too readily regarding the invention of the machine, the rise of the factory, and the building of the dividing line between master and man as being the causes of labour unrest or as conducing to a degradation of labour. We should not too readily look back upon the gild period as to a Golden Age.

Child Labour

But though the general tendency has throughout historic times been upward, this tendency has from time to time been subject to sharp checks. There can be little doubt that, despite the fact that the eighteenth century was largely an English century, when England was prosperous and was speedily obtaining control of that great Empire which to-day is hers, the condition of a considerable part of the working classes, and particularly of the women and children of those classes, tended to become progressively worse as the century grew older. Some of the causes of this decline in the standard of living we have already examined. Of these causes there can be little doubt that one, the apprenticing of pauper children, did much to degrade the lot of the working classes generally by setting up a vicious kind of labour competition and a low standard of employing morality. Already, by 1778, Adam Smith could contrast the lot of the craftsman and the labourer in husbandry in a manner which showed that the superior condition of the craftsman no longer existed. Eleven years before a Committee of the House of Commons had thrown light on the terrible conditions prevailing among the parish apprentices. The work of Dr Percival in the last decade of the eighteenth century and his inquiries into the cause and spread of those infectious disorders which so frequently arose in the manufacturing districts brought home to the educated public the need in its own interest of such State control as was necessary to prevent the exploitation and ruination of infant life. Philanthropists, learned societies, political thinkers, and lawyers began to turn their attention to the child worker, while still maintaining the theory of freedom of contract and the policy of *laissez-faire* in all their completeness so far as the adult worker was concerned.[1]

[1] We so entirely agree with the views of Miss Hutchins and Dr Harrison expressed at p. 13 of their most valuable *History of Factory Legislation* that we quote: "The evils and horrors of the Industrial Revolution are

The First Factory Act

The views of the humanitarians of those days first found legislative expression in the "Act for the Preservation of the Health and Morals of Apprentices and others employed in Cotton and other Mills and Cotton and other Factories," which was passed without serious opposition in 1802.

This Act applied only to cotton and woollen mills and factories employing twenty or more persons, and as regards the clauses relating to hours, clothes, lodging, and education, it applied only to the apprentices employed in such mills and factories. The sections of the Act may therefore be conveniently divided into two parts: (1) those relating to cotton and woollen factories and mills; (2) those relating to apprentices employed therein.

As to (1), the Act required that every room and apartment belonging to such factories and mills should be properly ventilated and should be limewashed at least twice a year. The justices of the peace at their midsummer sessions were empowered to appoint two visitors to visit such factories and mills to see that the Act was being properly carried out and to see that the sections relating to apprentices were being obeyed. The visitors were empowered, should they find infectious diseases prevailing, to require the employer to call in medical assistance. Copies of the Act had to be exhibited in a conspicuous place in every one of such factories and mills, and penalties were incurred by every employer who obstructed the visitors or failed to carry out the provisions of the Act.

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often vaguely ascribed to the 'transition stage' brought about by the development of machinery and the consequent 'upheaval.' But the more we look into the matter, the more convinced we become that the factory system and machinery merely took what they found, and that the lines on which the Industrial Revolution actually worked itself out cannot be explained by the progress of material civilisation alone; rather, the disregard of child life, the greed of child labour, and the maladministration of the Poor Law had, during the eighteenth century, and probably much further back still, been preparing the human material that was to be so mercilessly exploited."

As to (2), the master was required to supply his apprentices with two complete suits of clothing, with suitable linen, stockings, hats, and shoes, one complete new suit being delivered to each apprentice once at least in every year. The apprentice was not to be employed or compelled to work for more than twelve hours a day (reckoning from 6 A.M. to 9 P.M.), exclusive of meal times, and after certain dates no apprentice was to be employed at night (*i.e.*, between 9 P.M. and 6 A.M.). Every apprentice was to be taught reading, writing, and arithmetic

> in some part of every working day, for the first four years at least of his or her apprenticeship . . . by some discreet and proper person, to be provided and paid by the master or mistress of such apprentice, in some room or place in such mill or factory to be set aside for the purpose.

On Sundays the apprentices were to be given religious instruction for one hour at least. On weekdays their instruction had to be given in their working hours. Male and female apprentices were to be provided with separate bedrooms, and not more than two apprentices might sleep in the same bed.

If the resolutions put forward by Dr Percival for the consideration of the Manchester Board of Health in 1796 be examined, it will be seen that the Act struck at most of the evils therein described. It sought to increase health and advance the education of apprentices by improving ventilation, preventing overcrowding, night work, and excessive day work, and offering some opportunities for secular and religious education. It fell short, however, of Dr Percival's proposals in that it was of very limited application, affecting as it did a limited class of factory and a limited class of labour. The poor labouring child who was not apprenticed could still be employed at night or for sixteen or seventeen hours a day, and could be left in complete ignorance. The adult was still, to use an older phrase, at mercy. These grave defects in the Act were soon to become evident.

Wrongs and the Public Conscience

During the next few years certain tendencies became apparent, some due to the Act, others due to distinct causes. On the one hand, many employers showed a preference for children who were not apprentices so that they would be free of the restrictive sections in the Act dealing with apprentices, while at the same time some of the more enlightened justices showed a desire for an extension of the restrictive clauses to such 'free' children. On the other hand, whereas at the time of the passing of the Act the power employed for the working of the machines was almost exclusively water-power, with the result that the mills and factories were in remote valleys, and the demand for pauper apprentices, who could be sent anywhere, was consequently high, by 1810 Watt's steam engine, introduced some nineteen years before, was becoming widely used, factories were beginning to spring up in the more populous districts, and local labour was being drawn upon. A result of the change was that the pauper apprentice was now available for that other form of exploitation—apprenticeship to the butty in the coal-mines of which we shall hereafter have to speak.

Despite the fact, however, that this period was one of industrial oppression, there can be little doubt that the public conscience was slowly awakening. Mr Justice Grose can be found in 1801 using words singularly similar to those employed by an advanced labour leader in 1919, when laying down the principle that if a trade cannot be carried on economically without overdriving and underpaying those employed therein, it had better not be carried on at all. They differed only in their views as to what amounts to overdriving and underpaying.[1] Mr Justice

[1] The miners' leader we refer to is Mr Vernon Hartshorn. Compare also the dicta of Mr Justice Gordon in Adelaide and Mr Justice Burnside in Western Australia: "If any particular industry cannot keep going and pay its workpeople at least 7*s*. a day, it must shut up." "If the industry cannot pay the price, it had better stop, and let some other industry absorb the workers." These dicta belong to the twentieth century.

Grose was considering the case of a girl of fifteen who had been worked for such hours and supplied with such poor food that she had become deformed and disabled for life; the twentieth-century labour leader was considering the case of an adult male working eight hours a day and earning £3 a week. The principle was the same; the application different.

The Industrial Reformers

The cause of reform received an immense impetus with the arrival of the first of the three great successive protagonists in the battle for fair conditions for labour—Robert Owen, Lord Ashley,[1] and John Fielden. To these three men and to the publicists Richard Oastler and M. T. Sadler more than to any other man or group of men must be assigned the credit for the improvement which was effected in the working conditions of the masses during the first half of the nineteenth century.

Robert Owen, himself an employer of labour, was persuaded that there was an *optimum* working day—that is to say, that output did not progressively increase with increase in hours. He experimented and found that practice supported theory. Alike, therefore, as a humanitarian and a practical man of business, he was firm in the view that the extraordinarily long hours then being worked by children and adults were good for neither the employer nor the employee.

As a result of his enthusiasm and energy many, though by no means all, of the obstacles always found in the path of the reformer were overcome, and in 1819 the second of the Factory Acts was passed, though in a form very different from that which Owen had drafted.

The Act of 1819

This Act, "to make further Provisions for the Regulation of Cotton Mills, Factories, and for the better Preservation of the Health of young Persons employed

[1] Afterward Earl of Shaftesbury.

therein," limited the age at which children might be employed in cotton mills to nine, and no child under sixteen years of age might be required to work for more than twelve hours a day, exclusive of meal-times, such twelve hours to be between 5 A.M. and 9 P.M. The section forbidding night work in such cases was amended by an Act passed in the next session, which permitted the employment at night of young persons who had been thrown out of work in consequence of the mill in which they worked being destroyed by accident or fire—a provision which gave expression to the view, so strongly opposed at all times to that of the early reformers, that limitations on the hours of work were really inhumane as they tended to unemployment and starvation.

The fixing of a minimum age below which children could not be employed was a distinct advance. It applied, it is true, only to the textile industries, but it established a principle of far-reaching importance. More than twenty years were to pass before the child of four and five years of age was to be excluded by Act of Parliament from work in the mines, but throughout the intervening period the current was set steadily in favour of the elimination of infant labour and of the fixing of a maximum number of hours during which a child could be employed.

The Ten-hour Agitation

We do not propose to consider the Acts of 1825, 1829 (two), or 1831, for they include no new provisions of any importance, being in the nature of amending Acts. It is necessary to advert, however, to the Act of 1833, for this piece of legislation marks a stage in the great battle for a ten-hour day which convulsed industrial England for twenty years.

As far back as 1784 the justices at the Manchester Quarter Sessions had proposed a ten-hour day. They were, however, far in advance of their time, and although signs were not wanting in the opening years of the nineteenth century to show that the more progressive reformers

were in favour of a reduction, it was not until 1818 that the operatives began actively to press for a ten and a half and later, in 1830, for a ten-hour day.

In an outline such as the present it is impossible to consider, save in the briefest manner, the stages in this memorable struggle. We cannot stay to describe the local committees which everywhere sprang up, the invective of Oastler, the agitation conducted in Parliament and outside by Lord Ashley, John Fielden, and Michael Sadler. Time after time the reformers returned to the charge, time after time they were repulsed. The local organizations, despairing of success, sometimes almost melted away, sometimes threatened violence. But always the organization was revived and led on once more by the tenacity, ability, and self-sacrificing enthusiasm of those great men who consecrated their lives to this reform.

Conditions of Work

As the authors of *A History of Factory Legislation* say:

> While political economists were propounding their theories of the advantages of *laissez-faire* and freedom of contract between employers and employed, the men who were brought face to face with industrial conditions recognised that there was no such thing as freedom of contract.

Even such an investigator as Dr Kay, who was himself opposed to any State interference with the hours of labour, thus describes the condition of the operative:

> Whilst the engine runs the people must work—men, women, and children are yoked together with iron and steam. The animal machine—breakable in the best case, subject to a thousand sources of suffering—is chained fast to the iron machine, which feels no suffering and no weariness.

It was just this fact which so sharply distinguished the condition of the worker in the factory from the condition of the ancient handicraftsman. As we have seen, the gilds fixed a day as from dawn to sunset, and no evidence exists to show that such hours were regarded as oppressive or injurious to health or happiness. But the hand-worker

could within wide limits set his own pace. The machine-tender had the pace set for him, and a day's work which under the old system had been tolerable became intolerable. No longer did the master work side by side with the man, encouraging him by his example. The limited liability company, separating yet more widely the employer from the employed, was beginning to be thought of. Life for the worker was becoming a drab monotony of toil; craftsmanship in which a man could delight was being replaced by machine-minding, which could appeal to no professional instinct and which at best could be looked upon only as an occupation necessary for the earning of a livelihood. The worker began to feel that life, in so far as it was made up of distasteful work and sleep, had little to offer that was worth the acceptance; a widespread feeling of grievance existed and the way out was searched for. That way out was found, as we see the matter, in the workman claiming the right to some leisure. It was in time grudgingly conceded. The battle then centred round the question as to the amount of leisure, and that battle still continues.

The ten-hour agitation had been in existence for some time before Michael Sadler found it possible in 1831 to introduce a Bill into Parliament which was primarily designed to protect the adult and, indeed, the male adult operatives, though much stress was placed by its champions upon the iniquity of employing children for an excessive number of hours. When, however, this charge was met by the Act of 1833 (for Sadler's Bill never became an Act, though its introduction was the cause of the setting up of a Select Committee of the House, a Committee which collected most valuable evidence which proved the foundation upon which the later legislation was based), which prohibited the employment of persons under thirteen years of age [1] in any of the various

[1] Sec. 8 of the Act of 1833 made the age limit vary on a sliding scale according to date. Six months after the passing of the Act it was eleven, eighteen months after the passing of the Act it was twelve, thirty months after the passing of the Act it was thirteen.

mills or factories indicated in the Act for more than eight hours a day, the adult workers who had been most actively in favour of a general ten-hour day were positively opposed to the Act, believing that it meant the continuance of an adult day of unlimited length.

Subsequent events show, however, that their fears were unjustified. The fixing of a maximum eight-hour day for children, of a twelve-hour day for persons under eighteen, the abolition of night work in the case of young persons, the appointment of inspectors to see that these and the other factory provisions were duly carried out, had many and widespread results.

In the first place, the restrictions imposed upon the use of child labour caused the employers to search for other forms of cheap labour, and they usually found a substitute in women's labour, which steadily became more and more common in the mills and factories to which the Factory Acts applied. In the second place, a greater knowledge of factory conditions, obtained by the Government through the inspectors, enabled more accurate data to be accumulated as to the evils of the system, their symptoms, and cure. In the third place, with a very cheap form of labour cut off to a certain extent, a greater burden was placed upon management to organize their works in such a manner that the cost of production should not be adversely affected by the higher wage bill. In other words, inventiveness, organizing ability, and administrative excellence had to make up for what was lost on the wage bill.

It was this last fact that was insufficiently taken into account by the numerous economists and business men who saw at first in the limitation of the hours of child labour, and later in the limitation of the hours of adult labour, national, local, or individual ruin. No more important principle can be grasped by anyone interested in the relationship between employer and employed than that which may be expressed as follows:

Industry to-day, and under what may be called the

modern factory system, is composed of two main parts: (1) management; (2) labour. The success of an undertaking, or of a group of undertakings, depends upon the cost of production of the articles produced and upon the quality. The lower the cost of production and the higher the quality the more successful the concern. But to obtain low productive cost and high quality in competition with other equally good workers, it is necessary for the two parts, management and labour, to work hand in hand. If the men employed on the labour side decline in efficiency, the men employed on the management side must make up the leeway by greater inventiveness, greater organizing ability, greater efficiency all round. If they succeed in doing this, then the net result and the net degree of prosperity of the undertaking or group of undertakings remain constant. Shortly put, as the worker becomes less efficient management must become more efficient. Clearly a point is reached when management cannot make up the leeway. When that point is reached the decline in the efficiency of the worker must stop or the standard of life will be of necessity degraded.

Factories and Mines

At the time of the Factory Act of 1833, as at the time of the passing of Lord Ashley's Act, 1842, the factories and the mines were, in the generality of cases, not managed at all as we to-day understand the term. An occasional bright exception existed, but in the general case the concerns were small, ill-equipped, indifferently organized outgrowths from the old system under which man and master worked together in a small way of business. To obtain a satisfactory economic result under such an inefficient system of management the persons employed on the labour side had to be intensely 'efficient'—that is to say, had to produce at very low cost. This meant long hours at low pay. Industry lived on the workers and management could blunder along in any manner.

When, however, in the interests of the community, and in especial in the interests of the women and children whose lives were being rendered intolerable, the legislature found it necessary to set a maximum limit to hours and a minimum limit to wages, management awoke, rubbed its eyes, and got to work. As a result, though wages have mounted higher and higher, though conditions of life have enormously improved, though a degree of leisure had already been won before the War, England, and not only England, but Europe and America generally, were in 1914 more prosperous than ever before. It is necessary, however, to note that there is a limit beyond which managerial efficiency cannot be expected to go, and although this limit may not yet have been reached it is not far distant.

Cheap Labour

Less than a hundred years ago it was quite clearly the opinion of many eminent and humane men that the overworking of children, of women, and of men was a regrettable necessity. Macaulay expressed the view that "the overworking of children is not the cause but the effect of distress." Poulett Thompson regarded, on economic grounds, the Short Time Bill as an "evil." The economists generally regarded as fatal any attempt to interfere with the freedom of man to make such agreements with man as he was able. The working of the 1833 Act proved the contrary. It did not destroy trade, it did not result in starving children; the little children whose freedom of contract had been interfered with grew up better educated, better in physique, more efficient, less of an encumbrance upon the community.

But, as we have seen, the employers, still not awake to the need to increase the efficiency of management, cast around for other cheap labour and alighted upon that of women. The use of woman labour had indeed been encouraged for some years by the fact that in the textile industries labour had been to a large extent family labour. The same

applied to a more limited extent to work in the mines, at least as regards certain districts. As a result of these two factors each pulling the same way, it became necessary to consider the protection of woman labour. It was early apparent to the Government, as a result of the inspectors' reports, that women were often being overworked. A working day of from 5 A.M. to 8.30 P.M. was not uncommon, and this, be it observed, in an evil, dust-laden atmosphere at machine-minding. The most terrible disclosures were, however, made before the committees or commissions which sat from time to time in the thirties and forties of last century to inquire into the conditions of the coal industry.

Ashley's Act

Lord Ashley's Bill, which became law in 1842, was, as we have pointed out in *The British Coal Industry*,

> the outcome of the report of the Commissioners for Inquiring into the Condition of Children Employed in Mines, a report based on a lengthy and close inquiry into the condition of mine labour, and one which expresses in a clear and graphic manner the appalling conditions existing in the fourth year of the reign of Queen Victoria.

The hours of labour for all classes employed in the mines were long, but those worked by women and children were excessive. In the Oldham district adult male coal-getters worked nine, ten, and eleven hours a day, but the children laboured for two hours more, sometimes for as many as fourteen or fifteen hours a day. In Derbyshire thirteen to sixteen hours were reckoned a day's work, eight hours being half a day's work. Children were found working in mines at four and five years of age. Numbers were under seven; the majority commenced work between the age of eight and nine. They received a very small wage—generally something between five shillings a week and five shillings a month.

The conditions of the work were bad. As one of the

witnesses expressed it, the work was "worse than the slavery of the West Indies." The men frequently worked naked, and had as companions in toil women and girls who wore nothing but their shift or perhaps a pair of ragged trousers. The women were employed in dragging the colliery 'tubs' containing coal along the haulage roads underground. Often, indeed usually, the 'roof' of these roads was so low that the women had to crawl on all fours; sometimes children instead of women were thus employed. The labour was excessively hard, the 'tubs' frequently not even being provided with wheels, but with skids, running not upon rails, but over slush and mud. Some of these children were found by those who went to investigate working ankle-deep in water or crawling through pools.

No provision was made for education, and most of those engaged in the industry were deplorably illiterate. Where a desire existed on the part of a parent to have a child taught the rudiments of knowledge, it could only be gratified at the expense of the child's sleep, for as a rule the children rose at 3 A.M., went down the pit at 4 A.M., and did not return home until 4.30 or 5, or even 6 P.M. Thus any attendance at the night school could only be at the expense of the small allowance of sleep permitted. Of play, for the majority of these unfortunates, there was none.

But if the lot of the children driven into the mines, sometimes by the laziness and selfishness, more frequently because of the poverty and want of their parents, was bad, that of those orphans who had been left to the tender mercy of the Poor Law Guardians was even worse. They were apprenticed.

Apprentices and the Butty System

The apprenticeship evils were widespread and are well described by Charles Dickens in *Oliver Twist*. Many of the most noisome trades were largely carried on by recruits obtained *via* apprenticeship from the workhouses

of the country. In the words of the Midland Mining Commissioner:

> These apprentices are paupers or orphans, and are wholly in the power of the butties[1]; such is the demand for this class of children by the butties that there are scarcely any boys in the union workhouses of Walsall, Wolverhampton, Dudley, and Stourbridge; these boys are sent on trial to the butties between the ages of eight and nine, and at nine are bound as apprentices for twelve years, that is, to the age of twenty-one years complete; notwithstanding this long apprenticeship, there is nothing whatever in the coal-mines to learn beyond a little dexterity, readily acquired by short practice; the orphan whom necessity has driven into a workhouse is made to labour in the mines until the age of twenty-one, solely for the benefit of another.

These poor apprentices were frequently treated with the greatest cruelty, compelled to work in the most dangerous places, supplied with the commonest and worst of food and clothing, and paid no wages at all. The life of the butty's boy, toiling, to use Lord Bolingbroke's expression, "confined in the close vapours of these malignant minerals," poor, oppressed, degraded, unlettered, heathen, contrasted ill with that of the plantation indentured servants, the criminals of Botany Bay, or the Negro slaves of Virginia.

Under Lord Ashley's Act, as finally passed in 1842, it was made illegal to employ, as from a date stated, any women or female children in mines underground. The apprenticeship of girls for work in the mines was forbidden, and the age limit for boy apprentices was fixed at ten years, the length of the apprenticeship being limited to eight years. Truck was rendered more difficult, and by the very limited recognition of the principle of inspection (though at first only social inspection) the way was opened for those Mines Inspection and Regulation Acts

[1] Working contractors or gangers who contracted with the mine-owner to raise coal at so much a ton and were responsible for employing and paying the persons employed by them to get the coal.

which did so much to raise the mining industry to its present high level of technical achievement.

Regulation of the Mining Industry

Of the various Acts (1850, 1855, 1860, 1872, 1887, and 1911, etc.) by which the coal-mining industry has been regulated we do not propose to speak, nor shall we advert to the various Metalliferous Mines and Quarries Regulation Acts. Suffice it to say that at present the safety of the miner has been the subject of constant thought and of vast numbers of detailed regulations; that the principle of the exclusion of women from work underground has been consistently maintained and proved to be sound; that the age limit for children has been raised and the hours of labour fixed; and that in addition to the limitation of hours for children the principle of a legal day, viz., at first eight and now seven hours, has been recognized in the case of mine workers generally [1] in the coal-mines. By the Minimum Wage Act of 1912 the principle of a minimum wage has been recognized in the case of underground workers, and in recent years the mining industry has led the way in industrial legislation.

The disclosures made before the committee which sat to inquire into the employment of women and children in mines sensibly affected British industrial policy all over the world, for not only in the United Kingdom is the employment of women underground forbidden, but throughout the overseas dominions and possessions the same attitude has been adopted, even where there is a native working population, as in the case of Nigeria.

Nor did it affect British policy alone. All over the world legislation has sprung into being designed to protect woman and child labour employed in the mining industry.

[1] That special class, the firemen, examiners, and deputies (synonymous terms), have of necessity to work rather longer hours than the rest. It should also be noted that the seven hours is not from bank to bank. To obtain the actual day's work half the winding time should be added.

Female Labour

The case for the restriction of female labour was stronger in respect of mines than of factories and mills. Indeed, the question of the complete exclusion of women from industry did not arise. The problem was different. The progressive view was not that women should not work at all, or that they should receive the same wages as men, but that they should not have to work for such long hours, or for such low wages, or under such dangerous conditions as hitherto. Above all, it was desired to prevent women from being exploited or used as a means whereby to degrade the standard of life of workers generally.

Various measures were proposed between 1841 and 1844 for the protection of women. At one moment it seemed that both youths and young women under twenty-one were to be treated alike and that adult men and women were also to be on a level so far as hours of labour were concerned, but by the Factory Act of 1844 it was enacted: "That no female above the Age of Eighteen Years shall be employed in any Factory save for the same Time and in the same Manner as young Persons may be employed in Factories."

The Act also contained valuable provisions designed to check abuses which had crept into the administration of the earlier Acts, especially as regards age certificates. It made eight the minimum age at which a child could commence work in a factory, and provided that no child might be employed in any factory more than six and a half hours, except in certain exceptional cases. In silk factories a seven-hour day for children was established.

Thus, by 1844 woman labour had been abolished so far as underground mining was concerned; a minimum age limit below which children might not be employed either in mines or factories had been established; maximum hours beyond which (*a*) women and young persons, (*b*) children, might not be employed had been fixed.

MEANING OF 'FACTORY'

As yet, however, it should be fully understood, these legislative checks on the unfair exploitation of defenceless labour were of limited application. Certain mines and certain factories and mills alone were affected. The tendency, however, was to give a wider and wider meaning to the word 'factory.' At first it was restricted to include only cotton and woollen mills and factories employing three apprentices at least and twenty or more other persons. By 1833 it included besides cotton and woollen mills and factories any "worsted, hemp, flax, tow, linen, or silk mill or factory wherein steam or water or any other mechanical power is or shall be used to propel or work the machinery in such mill or factory." Even, then, however, the provisions of the Factory Acts did not apply to any part of the processes of fulling, roughing, or boiling, or to the packing of goods manufactured, or to lace factories, or to any other kind of factory except those above mentioned. The Act of 1844 hardly extended the meaning of the word 'factory,' though it did include factories for hair and jute working. It expressly excluded factories or parts of factories used solely for the manufacture of lace, hats, or paper; or solely for bleaching, dyeing, printing, or calendering, for packing, or for repair work in connexion with either the machinery or fabric of a factory.

In the year following (1845) a special Act was found necessary to regulate the labour of children, young persons, and women in print works, while in 1846 rope works were expressly excluded from the operation of the Factory Acts. It was not until 1860 that the Factory Act Regulations, in so far as they affected the employment of women, young persons, and children, were extended to bleaching and dyeing works; in the following year lace factories were brought into the list of factories to which the Acts applied. Two years later (1863) a special regulating Act dealt with labour in bakehouses, while in 1864, by the Factory Acts Extension Act, a definition was given to the word 'factory'

which was more consonant with what we to-day commonly understand by a factory. Even by this Act, however, only the following manufacturing processes were brought within the Factory Acts' provisions: (1) the manufacture of earthenware (except bricks and tiles other than ornamental tiles); (2) of lucifer matches; (3) of percussion caps; (4) of cartridges; (5) the employment of paper-staining, and (6) of fustian-cutting. Three years later (1867) a 'factory' was defined as including:

> (1) Any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on: (2) any copper mill: (3) any mill, forge, or other premises in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel: (4) iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on: (5) any premises in which steam, water, or other mechanical power is used for moving machinery employed (*a*) in the manufacture of machinery; (*b*) in the manufacture of any article of metal not being machinery; (*c*) in the manufacture of india-rubber or gutta-percha, or articles made wholly or partly in india-rubber or gutta-percha: (6) any premises in which any of the following manufactures or processes are carried on; namely, (*a*) paper manufacture, (*b*) glass manufacture, (*c*) tobacco manufacture, (*d*) letterpress printing, (*e*) book-binding: (7) any premises, whether adjoining or separate, in the same occupation, situate in the same city, town, parish, or place, and constituting one trade establishment, in, on, or within the precincts of which fifty or more persons are employed in any manufacturing process.

Later Factory Acts

Apart from certain amplifying and amending Acts, such as the Factory and Workshop Act of 1870, which defined the terms 'print works' and 'bleaching and dyeing works' in a wide manner, the definition of 'factory' may be said to be substantially complete with the passing of the 1867 Act. In the same year, however, an Act was passed for regulating the hours of labour for children,

young persons, and women employed in workshops as distinct from factories, and a workshop was defined in the widest possible terms as

> any room or place whatever, whether in the open air or under cover, in which any handicraft [*i.e.*, any manual labour exercised by way of trade or for purposes of gain in or incidental to the making of any article or part of an article, or in or incidental to the altering, repairing, ornamenting, finishing, or otherwise adapting for sale any article] is carried on by any child, young person, or woman, and to which and over which the person by whom such child, young person, or woman is employed has the right of access and control.

In future the principal Acts dealing with the regulation of industry were called not 'Factory' Acts, but 'Factory and Workshop' Acts; the most important of these were the Acts of 1878, 1895, and 1901.

State Interference

Though, as we thus see, there was a steady extension of the provisions of the Factory Acts so as to embrace more and more industries, the Government in one matter of the first moment remained adamant. It refused consistently to limit the hours of labour of adult males. The Short Time Committees which were formed to agitate for a ten-hour day pressed constantly not only for a ten-hour day for children and women, but also for one for male adults. Nay more, they were inclined to resent a restriction of hours that applied to one only of these groups as tending to render the realization of their main hope, the limitation of the hours of adult labour, more difficult.

But though at no stage in the history of factory as distinct from general labour legislation did Parliament deviate from the broad view that State interference with industry should be as slight as possible, and so far as maximum hours was concerned should be restricted to the hours of children, young persons, and women, the whole tendency of the factory legislation was to make the conditions of labour

generally better and still better. In view of the long-continued and bitter struggle that was waged over the ten-hour day there is a tendency to regard the Act of 1847 as a turning-point, but in our view the turning-point was reached when the principle of limiting the hours of children was established. From that moment the extension of that principle both in the direction of the classes to fall within it and in the direction of a reduced maximum hourage was merely a matter of time. It is therefore to the Act of 1833 rather than to the Act of 1847 that we look to find the pivot of the legislative control of our industrial system.

The Relay System

The Act of 1833 limiting the hours of young children to eight and the hours of young persons (as in the case of the earlier Acts) to twelve had been received sullenly by the operatives, who had been pressing for a general limitation of hours to ten. The Act of 1847, limiting the hours of women and young persons to ten hours a day, was received with rapturous delight. The mere similarity in the hours claimed and fixed appears almost to have persuaded the rank and file of the movement that they had achieved their object, whereas in fact the Act itself accomplished little owing to the existence of two factors: (1) the depression of trade; (2) the relay system.

The years 1846–7 marked a time of great depression in trade in both England and America. So far as the cotton and woollen mills were concerned hardly fifty per cent. were working full time. The Act when it came into operation declared a limit which the condition of trade would in any event have prevented the generality of employers from exceeding. To such an extent was this the case that had it not been for the jubilations and congratulatory meetings which took place throughout the country the Act would have come into operation unnoticed.

The trade depression was, however, a temporary matter only; the Act was permanent in its nature and applied

however flourishing trade might be. But with the revival of trade the employers sought means of evading its provisions, which many manufacturers truly believed could not be put into practice if a profit was to be made. Already, owing to the loose wording of the Act of 1844, the view had been taken by many that a relay system was not illegal; that is to say, that although the individual worker's day might not exceed ten hours, the end of such worker's day could be more than ten hours from the beginning of another worker's day. Thus, it was the practice in some factories for persons working in the same room each to come and leave at a different hour, with the result that it became practically impossible for the inspectors to enforce the law. Some of the inspectors strongly contested the legality of the system, but the magistrates in many instances took the view, subsequently endorsed by Baron Parke in the case of Ryder *v.* Mills, that the relay system was legal. As a result of this decision Mr Saunders reported in 1849 that:

> Nothing but one uniform set of hours for all persons employed in the same mill in each of the protected classes can effectually guard such operatives from overwork. I find the truth of this proposition confirmed over and over again.

The Act of 1850

Once again agitation had to be resorted to, to give effect to the plain intent of the legislature and to obtain obedience to an Act of Parliament obviously designed to promote the well-being of the people at large. Lord Ashley was once more to the fore and was supplied with much useful ammunition by the inspectors, and as a result the compromise Act of 1850 became law. This Act, described in *A History of Factory Legislation* as "an important turning-point in the history of English factory legislation," provided that in future

> no young person, and no female above the age of eighteen years, shall be employed in any factory before six of the clock in the morning or after six of the clock in the evening of any

day (save to recover lost time, as hereinafter provided), and no young person, and no female above the age of eighteen years, shall be employed in any factory, either to recover lost time or for any other purpose, on any Saturday after two of the clock in the afternoon.

It will be observed that in consequence of the above the weekly hourage was sixty-eight, but such hours included meal-times, which were to be taken between 7.30 A.M. and 6 P.M. But although the ten-hours' limit had thus been sacrificed, the much more valuable recognition of the principle of a legal day had been obtained. But a legal day, be it observed, only applied in the case of the employment of women and young persons. Three years later it was extended to children.

The Act of 1874

The conditions of labour established by the Acts of 1847, 1850, and 1853 remained almost unmodified for many years, although, as we have seen, numerous Acts were passed extending the application of the Factory Acts so as to include other industries. In 1872, however, the Factory Acts Reform Association was organized, mainly for the purpose of securing the passing of an Act to limit the hours of labour to fifty-four a week. So successful were the activities of this Association that early in the year following Dr Bridges and Mr Holmes were appointed by the Government to inquire into the conditions existing in the textile districts, and, those Commissioners having reported in favour of legislation reducing the hours to fifty-four a week, a Bill was introduced into Parliament in that year limiting the number of hours for which women and young persons might work in any one week. The Bill was not framed in any way to limit the hours during which persons might work either at the commencement or at the end of the day. The day might begin at six and end at six, or at seven and end at seven, but two hours had to be allowed for meals and rest. No one who was within the protected classes might be worked for more than four

and a half hours without a meal, nor might such person be employed at work for more than ten hours for the first five days of the week, nor more than six hours on Saturday. The total quantity of work which the employer got was thus to be fifty-six hours a week. An extra half-hour was to be employed in cleaning at the end of the week. Half-timers could only be employed for the half of fifty-six hours, either by being employed half the full time each day or the full time on half the days. The age limit for children was altered from thirteen to fourteen, unless the child could produce a certificate showing that he had attained to a certain degree of education, though no specific standard was fixed. The operation of the Bill was strictly limited to the textile trade, though Mr Assheton Cross,[1] in moving the second reading, indicated the possibility of extension.

Despite, however, the fact that the Bill was based upon the report of Commissioners specially appointed to inquire into the facts of the case, and that it had the full support of the Government, Mr Fawcett moved the following amendment: "That in the opinion of this House it would be inexpedient to pass those portions of the Bill which impose new legislative restrictions on the number of hours during which adults are to be permitted to work." The main point made by the Member for Hackney was that, although the Bill nominally applied to women only, its real effect would be to place a Parliamentary limit on the length of the day's work, and its general application would be precisely the same, in the great majority of cases, as if in every clause after the word 'woman' they had inserted the word 'man.' To say that women should leave a factory at five o'clock, and that their labour should be dispensed with for a certain time, while the men should continue at work, was to proceed upon a supposition just as unreasonable as that a steam-engine should go on working without fuel, for the labour of the men and women in our factories was inseparably intertwined.

Mr Fawcett in the course of his speech adopted the

[1] The Home Secretary—later Viscount Cross.

doctrine of a distinguished member of the Government who but lately had thanked God that in England people are not governed by logic. The opposition was certainly not guilty of logic. The main argument adduced against the Bill was one of principle, which, if sound, struck at the limitation of hours generally. The principle of limitation of hours, however, had long been conceded, and the only point at issue was whether the detailed application of that principle was to be altered. Further, as Mr Stanhope pointed out and as the petitions in opposition bear witness, if the limitation of the hours of women can be regarded as involving in practice the limitation of the hours of men, so also does the limitation of the hours of children. The House was not happy at finding itself transported to "those lofty regions of political economy" which have so frequently been proved to be too rarefied to support life—at any rate labouring life. The Bill was passed into law and came into operation on January 1, 1875.

In introducing the above Bill the Home Secretary had said: "Nothing would give him greater satisfaction than to be able to place before the House a measure to consolidate the whole of the Factory Acts, which were in such a state of confusion." Two years later the first step to achieve this end was taken when a Commission was appointed to inquire into the question of the consolidation of the Factory Acts. The Commissioners in due course presented their report, which contained 113 majority recommendations, together with a minority report by The O'Conor Don.

The most important perhaps of these numerous recommendations were to the effect that with certain amendments the Factory Acts, 1833-74, the Rope Works Act, 1846, the Lace Factory Act, 1861, and the Workshop Acts, 1867-71, should be consolidated, that the places of work should, as in the Workshops Regulation Act, 1867, include open-air places, that not only mining and agriculture, but all domestic employments, "by the occupier of a room used also for the purposes of a dwelling-house, if there

are no protected persons but adult women employed, and they do not, in addition to inmates, exceed two in number," should be excluded from the operation of the consolidating Act, that the limits of hours for labour should be in all factories and workshops 6 A.M. to 6 P.M., 6.30 A.M. to 6.30 P.M., 7 A.M. to 7 P.M., or, in some special trades, 8 A.M. to 8 P.M. or even 9 A.M. to 9 P.M. all the year round, such hours to include two hours for meals in factories and one and a half hours in workshops (thus continuing the existing law); that the regular school age of all children should be from 5 to 13 years, and half-time attendance should be conceded as a privilege to all children beneficially and necessarily employed; that no child under ten years of age should be allowed to be employed in labour regulated by the consolidating Act, and certificates of birth endorsed by the certifying surgeon with his certificate as to the child's general fitness for employment should be required in all cases of first employment of persons under sixteen; that sanitary and safety provisions should be extended in scope and made more effective in the manner indicated; and that numerous relaxations of the law in respect of particular trades should be made.

The following important recommendations as to the absolute prohibition of certain kinds of labour in certain kinds of works were also made:

(1) The prohibition of the employment of children and young persons in occupations tending to destroy health, such as silvering of mirrors by the mercurial process, white lead manufactures, etc.

(2) The prohibition of the employment of girls under sixteen in all occupations unsuited to their age and sex, such as brickmaking, work in salt works, etc.

(3) The prohibition of the employment of children in all occupations unsuited to their age, such as fustian-cutting, metal-grinding trades, glass-melting and annealing, dipping matches, etc.

In France, under the Factory Law of 1874, there was a general prohibition of the employment of children in

dangerous and unhealthy work, and the recommendations of the Commissioners on this point were largely based upon the French code.

Several witnesses who appeared before the Commissioners would have gone further and urged the desirability of prohibiting women from working at various forms of especially heavy or dirty work, such as nail-making, chain-making, coke-picking, but the Commissioners did not consider that it was necessary to prohibit the employment of women in any trade except those from which they were already excluded, *e.g.*, employment in mines underground, in glass-making, and in the processes of melting and annealing glass.

The recommendations of the Commissioners were the starting-point of a new type of consolidating factory and workshop legislation (what we may term the consolidating Acts) which cast into the form of a code the law relating to employment in factories and workshops. For our present purpose these consolidating Acts are unimportant, for they merely applied or extended principles already well established.

These principles were substantially the same as those adopted in France. The legislature, as the guardian of the nation's health and well-being, had interfered between employer and employed along the following lines:

(1) Insanitary and dangerous conditions had been prohibited.

(2) A certain degree of education had been made compulsory.

(3) Government inspection had been instituted.

(4) In the case of women, young persons, and children a legal day had been established.

(5) Women, young persons, and children had been prohibited from engaging in certain kinds of work.

(6) Age limits had been fixed below which in the various industries to which they applied children were not permitted to work.

It will be of interest, perhaps, to see to what extent other countries had journeyed along the same road.

French Legislation

By a law passed on March 22, 1841, "relative to child labour in factories, works, or workshops," it was forbidden in France to employ children under the age of eight in certain kinds of factories, etc., *e.g.*, in all employing twenty workpeople or using mechanical power. From the age of eight to twelve, in such cases, children might not be employed for more than eight hours out of the twenty-four. From twelve to sixteen years their day's labour might not exceed twelve hours, such hours to be worked between 5 A.M. and 9 P.M. No child under the age of thirteen years might legally be employed at night in the above-mentioned kinds of factories, works, or workshops except in special emergencies such as breakdowns of the water power; night-work of children (*i.e.*, young persons) between thirteen and sixteen years of age was only permitted in cases of necessity. Provision was made for the certification of age by civil officers. School attendance was made obligatory until a magistrate (*maire*) had certified that the child had received a certain measure of elementary education.

Power was given to the administration to extend the classes of factories, etc., to which the law applied, to raise the minimum age, reduce the hours of labour, determine the classes of labour which on account of their danger or unhealthiness were unsuited to child labour, together with many powers of less importance.

Inspectors were appointed and provision made not unlike those already in existence in England for the carrying-out of the law. In consequence, however, of the wide powers given to the administration the law was much more elastic than in England, for substantial changes could be made without recourse to a new Act.

By a decree made on September 9, 1848, the working day for all workpeople employed in factories and workshops was limited to twelve hours of effective work, but

exceptions could be imposed upon this general law by administrative action. This decree repealed one made on March 2 in the same year reducing the duration of the legal working day and suppressing piece-work. The latter part of the decree was now abrogated and the former part modified. Three years later, by a decree made on May 17, 1851, certain exceptions were imported into the general rule laid down by the first section of the decree of September 9, 1848,[1] and in 1866 a special decree was found necessary to deal with the question of the hours of labour of those employed in silk-spinning mills.

In France throughout the forties, fifties, and sixties of last century a considerable number of decrees were made dealing with the question of dangerous, unhealthy, and disagreeable trades, classifying trades in accordance with the degree of danger, etc., attached thereto, and excluding certain types of labour from certain of such trades. These we do not propose to touch upon, as in 1874 a law was passed dealing generally with the labour of children, girls, and women in industry. This law, which we have referred to as the French Factory Act of 1874, had originally been presented by M. Ambroise Joubert in June 1871 and had been considered and debated in 1872, 1873, and 1874, on May 19 of which year it was finally passed. It was founded on the fact that the law of 1841 had not been fully carried out in practice and was an insufficient protection for the classes it was desired in the interest of public health and well-being to protect. M. Joubert's proposals were in turn based upon the inquiries of a Commission which had been appointed in 1867 and which reported in 1870 after most carefully surveying the existing factory legislation of foreign countries.

From the report of the Commissioners it is clear that the place of honour in the list of the countries which had considered the well-being of factory operatives was given

[1] In particular it was permitted to the employer to employ people for more than the legal maximum number of hours in cases of breakdown in the machinery, etc.

to England, the health and general level of intelligence of whose people were favourably commented upon by the inquirer, M. Tallon.

The German legislation, on the other hand, is, not perhaps unnaturally, in view of the date on which the report was presented (1870), regarded as being based on the German desire to produce as much cannon fodder as possible by protecting child life in order that the child might develop into the soldier.[1]

The French Factory Act of 1874

The French Factory Act of 1874 contained the following among other provisions:

Children and girls (*filles mineures*) might not be employed in industrial work in factories, buildings, works, mines, shipyards, or workshops, except under the following conditions:

(*a*) They must have reached the age of twelve, except in special cases where ten was the limit.

(*b*) Up to twelve the maximum number of hours was fixed at six; after twelve at twelve, both periods to include a rest period.

(*c*) No child under sixteen might be employed on night-work, and no girl or young woman under twenty-one years of age might be employed in any factory or workshop at night. Night-work was defined as work from 9 P.M. to 5 A.M.[2]

(*d*) Children up to sixteen and young women up to twenty-one were not to be employed on Sundays and public holidays.

[1] *Vide* Dalloz, *Recueil Périodique*, 1874, pt. iv, p. 89: "L'Allemagne, de son côté, depuis longtemps attentive à toutes les mesures qui pouvaient ranger sous ses drapeaux de nombreux soldats, n'a pas hésité à règlementer rigoureusement le travail des enfants." A very similar motive was assigned by M. Cousins to the Prussian Government in encouraging popular education, in his report at the time of the passing of the French Education Law of 1833.

[2] Certain minor exceptions are made to this and to the other provisions of the law.

(*e*) Girls and women were not to be employed at work in mines underground, nor were children under twelve to be so employed.

(*f*) A certain degree of elementary education was made necessary.

(*g*) Children below the age of sixteen might not be employed in certain dangerous or unhealthy trades, in particular the manufacture and manipulation of explosives, corrosive and poisonous substances, the sharpening or dry polishing of metals, glass, etc., white lead, or certain work in which mercury is used (silvering mirrors, etc.).

(*h*) All machinery was required to be so protected as to secure the safety of children employed.

Special provisions were, of course, made for the carrying-out of the law, a certain amount of police surveillance being allowed in addition to the power of inspection given to the fifteen divisional inspectors who were now appointed.

The above law, together with the decrees issued thereunder in conjunction with the laws of November 2, 1892, and March 13, 1900, as subsequently extended by the Labour Code, established the principles upon which factory legislation is based in France. The law of 1892, indeed, although in its first and most important section it defined with greater precision (1) the kind of labour, (2) the type of workers, (3) the categories of the works to which the law applied, did not materially alter any of the principles already established. The age limit was raised to thirteen years, and women as well as children were excluded from certain dangerous and unhealthy work or were only permitted to do such work under special regulations as to safety, hygiene, etc. Generally speaking, therefore, we may say that the French followed the English in the matter of factory legislation, but they did not protect quite to the same extent the special classes to which the English Acts particularly looked.

Switzerland and Belgium

In Switzerland the chief restriction on the employment of child labour appears to have been in the direction of the fixing of an age limit. Such limit varies with the industry in question, and is sometimes twelve, sometimes thirteen, and sometimes fourteen years of age. The Belgians closely follow the French system, and have legislated in order to secure the safety and healthiness of factories, the instruction of children, the imposition of an age limit, the fixing of maximum hours in the case of children under fourteen and of a higher maximum in the case of young persons of from fourteen to eighteen years, and the interdicting of night-work in the case of the protected classes.

United States

In the United States of America statutes have been passed from time to time in most if not all the states, having in view the same reformatory purpose, or kindred ones, as the English Factory Act of 1833 and the others of like character which followed it. The right of the states to pass such Acts is sustained under the police power. The subjects covered by this legislation are summarized by Mr Stimson [1] as follows:

> The preservation of the health of employees in factories by the removal of excessive dust, or for securing pure air, or requiring fans or other special devices to remove noxious dust or vapours peculiar to the trade; statutes requiring guards to be placed about dangerous machinery, belting, elevators, wells, air-shafts, etc.; statutes providing for fire-escapes, adequate staircases with rails, rubber treads, etc.; doors opening outwardly, etc.; statutes providing against injury to the operatives by the machinery used, such as laws prohibiting the machinery to be cleaned while in motion, or from being cleaned by any woman or minor; laws requiring mechanical belt shifters, etc., or connection by bells, tubes, etc., between any room where machinery is used and the engine room; laws aimed at overcrowding in

[1] *Labour Legislation of the United States*, Sec. 45.

factories, and at the general comfort of the operatives; and many special laws [relating to] railways, mines, and other special occupations.

Such provisions follow rather upon the precedent set by the later English Factory and Mines Regulation Acts, but in addition there are in certain state statutes (as, for example, the Massachusetts Acts, c. 508, 1894, and c. 494, 1898) provisions restricting the employment of women and children and limiting the number of hours they may work. Some question has been raised as to the constitutionality of these state Acts. It has been urged that they constitute class legislation. In particular, as regards the protection extended to women, it has been strenuously contended that as women are equal before the law as regards their power to contract, no effort to restrain their freedom of contracting can be tolerated. Such an argument is a return to the views expressed by some economists in England more than a century ago. It is an argument which tends to weaken as labour becomes stronger, for it is manifest that under modern labour conditions the health and well-being of the community demand that the future generation shall not be crippled before birth nor in its early youth. It is the protection and not the restraint of the employee that is the object of the Factory Acts, as it is the purpose of those Acts which have, for example, forbidden persons to buy poisons except under very stringent regulations. The good of the community demands that in some circumstances the private citizen's freedom should be restricted; it demands that women and children should not be allowed to do that which, if persisted in, will not merely injure their individual health, but will degrade the character and stamina of their generation.

The Provisions of the Peace Treaty

The modern tendency is nowhere better shown than in the Treaty of Peace which concluded the Great War and which contains so many clauses designed to advance the well-being of the workers. Though the labour clauses of

Part XIII of that treaty are by no means restricted to what may be termed factory legislation, this appears to be a convenient place in which to produce what is perhaps the most important and authoritative pronouncement of the fundamental principles which should guide modern labour legislation that has yet been made.

The new spirit which to-day inspires Governments in dealing with the problems of labour is, indeed, well reflected by the preamble to Part XIII of the Treaty of Peace with Germany, which is as follows:

> Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice:
>
> And whereas conditions of labour exist involving such injustice, hardship, and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease, and injury arising out of his employment, the protection of children, young persons, and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organization of vocational and technical education and other measures:
>
> Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own country;
>
> The High Contracting Parties, moved by sentiments of justice and humanity, as well as by the desire to secure the permanent peace of the world, agree to the following.

Then follow the chapters which detail the organization to be permanently established for the promotion of the objects set forth in the preamble. Such organization is of two parts: (*a*) a general Conference of Representatives of members of the League, (*b*) an International Labour

Office. That, later, is charged with the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour together with such other powers and duties as may be assigned to it by the Conference of Representatives.

The Treaty then continues:

The High Contracting Parties, recognizing that the well-being, physical, moral, and intellectual, of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the League of Nations.

They recognize that differences of climate, habits, and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance:

First.—The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

Second.—The right of association for all lawful purposes by the employed as well as by the employers.

Third.—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

Fourth.—The adoption of an eight-hours day or a forty-eight-hours week as the standard to be aimed at where it has not already been attained.

Fifth.—The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

Sixth.—The abolition of child labour and the impositons of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

Seventh.—The principle that men and women should receive equal remuneration for work of equal value.

Eighth.—The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers resident therein.

Ninth.—Each state should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations: and that, if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

The Conference of Representatives has power to make recommendations to the members of the League relative to labour legislation, or to draft international conventions for ratification by the members of the League. Conventions which are ratified by members of the League must be applied to such members' colonies and protectorates, with certain exceptions based on special local conditions.

The first meeting of the Conference was fixed to take place in 1919 at Washington. The agenda agreed upon was as follows:

(1) Application of the principle of the eight-hours day or the forty-eight-hours week.
(2) Question of preventing or providing against unemployment.
(3) Women's employment:
    (*a*) Before and after child-birth, including the question of maternity benefit;
    (*b*) During the night;
    (*c*) In unhealthy processes.
(4) Employment of children:
    (*a*) Minimum age of employment;
    (*b*) During the night;
    (*c*) In unhealthy processes.

(5) Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night-work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

Already certain advances have been made in consequence of the activities of the League, and those who have perused the reports prepared by the organizing committee for the various international labour conferences will have been struck with the informed sympathy and understanding which pervades the preparatory work of the League. In no age, indeed, could the historian more truly say with Macaulay :

> The more carefully we examine the history of the past, the more reason shall we find to dissent from those who imagine that our age has been fruitful of new social evils. The truth is that the evils are, with scarcely an exception, old. That which is new is the intelligence which discerns and the humanity which remedies them.[1]

[1] *History of England.*

CHAPTER XIII

THE HOME

AT the passing of the Reform Bill some steps had already been taken to ameliorate the conditions of labour of certain sections of the working population employed in certain kinds of work, for although the important Acts of 1833 and 1847 lay still in the future the ground had been broken by the Factory Acts of 1802 and 1819.

When, however, we turn to consider the home environment of the people of Britain at the commencement of Victoria's reign, we find a condition of affairs so evil as to be almost incredible. The housing conditions confront us with wrongs that match, and more than match, the villainies that were being perpetrated under the butty system in the mines, and that had been effected through the pauper apprentice system of earlier times. In this branch of our subject we also find that as yet, though sporadic efforts had been made to lessen the evil, no effective action had been taken to secure by legislation any improvement in the lot of the people.

For the greater part of one hundred years, indeed one might even say for more than a hundred years, a general shifting of population due to the Industrial and Agrarian Revolutions had been linked to an increase of population extraordinary in its magnitude, which had combined with an indifference on the part of the employer, the employed, and the municipal authorities to bring into being a state of congestion, of squalor, and of hideous disorder in family and town life that affected to no small extent the lives of the working classes throughout the nineteenth century and which has left us even to-day the evil legacy of the slums.

The problem which the early reformers who worked for better and healthier houses and towns were confronted with was not new in principle, but only in intensity. As we have seen, throughout the Middle Ages the towns of this and other countries were ill-planned and insanitary. While populations remained constant both in numbers and in position the evils resulting can be gauged simply by the plagues and fevers thus engendered; but when the population was doubled, trebled, and quintupled in the space of a generation, and when the congested areas rapidly shifted, first to this place and then to that, to ignorance was added the cupidity of the jerry-builder, with results so deplorable as to shock the modern mind.

General Conditions

Liverpool has since the first half of the eighteenth century been among the pioneers of sanitary reform, and was prominent in the movement which finally secured the passing of the various Acts designed to secure a better home environment and a happier and healthier populace. It is instructive, therefore, to turn to the evidence of Dr Duncan given before the Health of Towns Commission. There we find that out of 160,000 persons belonging to the working classes and living in Liverpool in 1841, no fewer than 56,000 were housed in courts and 20,000 in cellars. These cellars were ten to twelve feet square, generally flagged—but frequently having only the bare earth for a floor—and sometimes were less than six feet in height. There were frequently no windows, so that light and air could gain access to the cellar only by the door, the top of which was often not higher than the level of the street. Ventilation was out of the question. These cellars were, of course, dark, and from the defective drainage they were also very frequently damp. Sometimes there was a back cellar, used as a sleeping apartment, having no direct communication with the outside air, and dependent for its light solely on the twilight of the front apartment. From General Kyffin-Taylor's speech in the House on

April 18, 1913, it appears that even in 1864 there were in Liverpool 22,000 insanitary houses, and out of a population of 100,000 no fewer than 30,000 lived in cellars.

In Manchester and Salford matters were little better. A large proportion of the population lived in cellars, 10,000 of which contained no furniture of any kind. The condition of the industrial towns of Lancashire has been graphically described by Engels, as a warning to his countrymen of Germany, who were then beginning to tread the path of industry, not to follow in England's footsteps. Whole rows of houses were found built in half dried-up watercourses, chosen to save cost of foundations, and inevitably crippling the inhabitants with rheumatic disorders. No loveliness existed anywhere. Gardens were banished. Barrack-like buildings were the best that were offered the people. The back-to-back principle, being cheap, found much favour. Hygiene and sanitation were alike ignored. The environment in which nine-tenths of the youths and maidens of England grew up was deplorable. In Bury it appeared that out of a population of 20,000, 773 families slept three or four in a bed; that 209 slept four and five in a bed; in 67 cases more than five slept together, and in a few cases more than six.

In Bristol in some instances as many as eight people were found living in one room. In Newcastle-upon-Tyne 140 families lived in thirty-four houses in one street, and 230 families in fifty houses in another. Camborne, in Cornwall, was at times so crowded that seven, eight, nine, and even ten and eleven persons slept and took their meals in one room.

The Slums of London

In the Metropolis itself conditions were even in 1884 still worse. In Clerkenwell, at 15 St Helena Place, a house containing six rooms was occupied by six families, and as many as eight persons inhabited one room. At 1 Wilmington Place there were eleven families in eleven rooms, seven persons occupying one room. At 30 Noble

Street four families of twenty-six persons in all were found inhabiting six rooms. A small house in Allen Street was occupied by thirty-eight persons, seven of whom lived in one room. In Northampton Court there were twelve persons in a two-roomed house, eight of whom inhabited one room. In Northampton Street there was a case of nine persons in one room. At 5 Bolton Court a family of ten persons occupied two small rooms. At 36 Bowling Green Lane there were six persons in an underground kitchen. At 7 New Court there were eleven persons in two rooms (fowls also were kept in these). In Tilney Court, St Luke's, nine members of a family, five of them being grown up, inhabited one room, 10 feet by 8. In Lion Row there was a room 12 feet by 6, and only 7 feet high, in which seven persons slept. In Summers Court, Holborn, there were two families in a room 12 feet by 8. At 9 Portpool Lane there were six persons in one small back room. At 1 Half Moon Court, in a three-roomed house, were found 19 persons, eight adults and eleven children, and the witness, who had much experience of the neighbourhood, said that he could hardly call that house overcrowded, as he knew of a case of twelve persons in one room in Robin Hood Yard, Holborn. The list can be extended indefinitely.

The Earl of Shaftesbury, indeed, when giving evidence before the Royal Commission on the Housing of the Working Classes, which commenced to take evidence on March 11, 1884, and which issued its first report in the following year, said, when describing the condition of London at times within his memory, "I have seen once, but only once, four distinct families in one room, each occupying a corner."

Sanitary Conditions

The evils of overcrowding were sufficiently grave, so grave that Lord Shaftesbury observed: "If I were to go into the details of the [moral] consequences of overcrowding, particularly in single rooms, very few people

would believe what I said." The misery inflicted on the unhappy dwellers in these cellars, alleys, and courts was sufficiently horrible. But it is when we turn to consider the sanitary conditions of these dens that we reach the very nadir of human degradation. Lord Shaftesbury, who had spent the greater part of a long life in inquiring into the condition of the working people, must be our witness for many of the revolting particulars that we must mention, and it is desirable, therefore, to indicate in some slight measure the character of this witness.

The Earl of Shaftesbury

Lord Ashley, later Earl of Shaftesbury, who had done so much already to improve the conditions of work of the people, turned his attention in 1842 to the question of the housing of the working classes, and as a result of his activities secured the establishment of the Labourers' Friend Society, which later developed into the Society for Improving the Condition of the Labouring Classes. Ashley strongly held the belief, already given expression to by Owen, that efficiency depended upon moral and physical qualities, both of which in turn depended upon environment. He could have subscribed whole-heartedly to Owen's simple philosophy, described by Mr Fay as consisting in the view that "environment is the cause of differences in character, and environment is under human control. If the care of inanimate machines yields such high profits, how much more will be yielded by the care of animate men and women?"

But Lord Ashley, unlike Owen, was not a manufacturer, and he was not concerned at all with profits. He was a humanitarian who would have struggled to secure his ideals had he been persuaded that there would result a decline in the profits accruing to the industries. He approximated rather in outlook to Owen in his middle period when the Manchester man was endeavouring to settle his rural communities at Queenwood, but, unlike Owen, he never permitted idealism to run away with him.

He never fell into the error of assuming that human nature was perfect or that unpractical schemes could by insistence be foisted on an unwilling world. He proceeded by modes calculated to convince the minds of responsible and sober statesmen, and his methods secured more widespread and lasting reforms than were achieved by any other man of his generation or, perhaps, of any generation in our history. Even Bentham, from whose mind flowed many of the purifying streams which have done so much to cleanse our national life, secured perhaps less than the great and noble Earl of Shaftesbury.

The State of the Metropolis

This, then, was the man on whose answers to the questions put to him by the Commissioners of 1884 we now rely. He it was who struggled to secure better housing, largely by means of individual enterprise, convinced as he was that the conditions he had seen not merely conduced to individual moral and physical degradation, but were a potent factor in the birth and growth of plagues and pestilences. The condition of life in the single-room tenement may be gathered from the following extract:

> *Q.*—In cases where there are so many persons in a single room, how do they practically live? Do they take their meals in that one room?
>
> *A.*—Yes, they take their meals in that one room. They, if there be more than one family, each use the fire in succession, if they have a fire; but they live there and they perform every function of nature there without any exception. Many of the worst places have been swept away. I do not believe you will find in London many of them now, but formerly there were a great many long alleys, and when I used to go into them if I stretched out my arms I struck the walls on both sides. They are very long, like a tobacco pipe. In those alleys lived 200 to 300 people, and there was but one accommodation for the whole of that number, and that at the end; and I do not hesitate to say that it was so tremendously horrible that one could not even approach that end. I went with Dr Southwood Smith, and, accustomed as he was to that sort of thing, we could not possibly

go into the rooms at the bottom of the alley, but we were obliged to speak to the people through the windows above.

Q.—The air was so foul?

A.—The air was dreadfully foul. The sun could not penetrate, and there never was any ventilation. Many of those places are swept away by the operation of the existing laws.

. . . . . .

Q.—I suppose the inhabitants were packed tighter somewhere else?

A.—A great many of them went into houses that were already overcrowded.

Lord Shaftesbury later describes "the famous Frying-pan Alley, near Holborn, now swept away." He says:

I inspected the whole of Frying-pan Alley, and I am happy to say that such a thing does not exist now in London, and could not exist, because the attention of the officer of health and others would be called to it, and it would be abolished. Frying-pan Alley was a very famous alley in Holborn, like one of those that I have described to you; it was very narrow, the only necessary accommodation being at the end. In the first house I turned into there was a single room; the window was very small, and the light came through the door. I saw a young woman there, and I asked her if she had been there some little time. "Yes," she said, "her husband went out to work, and was obliged to come there to be near his work." She said, "I am miserable." "What is it?" I asked. "Look there," said she, "at that great hole; the landlord will not mend it. I have every night to sit up and watch, or my husband sits up to watch, because that hole is over a common sewer, and the rats come up, sometimes twenty at a time, and if we did not watch for them they would eat the baby up." I am giving you that as a typical instance of what went on in London at that time. That could not exist now.

Again, speaking of his visit with Dr Southwood Smith to a cellar dwelling in Tyndall's Buildings, the Earl says:

I went into a low cellar, and there I saw what your Lordship [the Marquess of Salisbury] will hardly believe. There was not so much wood in it as would make a faggot. There were a woman and two children there, but the striking part of it is this: from a hole in the ceiling there came a long open tube

supported by props, and from that flowed all the filth of the house above, right through the place where this woman was living, into the common sewer. Nobody paid the least attention to it. There were no health officers, and no people looking after the matter; and I believe much of that sort of thing occurred in London which could not occur now. Again, in another place I had heard that there were people living over cesspools. I could not believe it possible, but we went there, and in the room there was boarding upon the floor; upon that boarding were living a woman and three children We lifted up the boarding, and there was the open cesspool immediately underneath, not one foot below the surface of the room in which these people were living; and so mighty a cesspool was it that it took an hour to clean by means of the machine.

The Water Supply

To us, accustomed as we are to a water supply so excellent that it is a matter for harsh criticism if a house is found without water properly laid on, it is almost impossible to imagine the state of affairs in the middle of last century in London. Then the water was supplied to the majority of the dwellers in the poorer districts only once, or sometimes twice, a week. In particular courts there was a stand-pipe put up, and the water came up at a certain time and flowed for twenty or twenty-five minutes. All the vessels were arranged in single file on either side to catch the water, and some old woman was posted at an upper window to shout and give notice when the supply was coming on. The people then rushed to get as much water as they could before the flow ceased; and many of them had to take it home and put it under their beds, where it absorbed the noxious atmosphere. This was the water they had to wash with, cook with, and drink.

Transport

In those days in London there was no adequate transport. There were no motor-buses, no Underground. A few old horse-buses plied for hire toward the end of the period, but for the main part the poor man had of

necessity to walk to his work.[1] It inevitably followed that the workman had to live near the scene of his labour, and if it befell, as it generally did, that the district in which he worked was a district of court and alley he had to inhabit these places. He could not get out to the country. When considering the mid-nineteenth-century slums we must not visualize them as occupied exclusively by the submerged tenth.

Pigs or Sties

These dwellings were often the 'homes' of respectable and hard-working men and women. Of course, the opponents of radical reform then as now declared that it is the pig that makes the sty and not the sty the pig. Lord Shaftesbury dealt with this argument and expressed the social consequences of a wretched home environment in words which even now are worthy of remembrance. In his evidence before the 1884 Commission he said:

> I am sorry to say that I have both heard and read remarks that are very injurious to the masses of the people, and likely to prevent any reforms being made on their behalf, to the effect that they are so sunken, so lost, so enamoured of their filth, that nothing on earth can ever rescue them from it. Now, I am certain that a great number of the people who are in that condition have been made so by the condition of the houses in which they live. I have no doubt that if we were to improve the condition of the dwellings there would be a vast number of very bad cases who would continue in the filth in which they began; but I am sure that no small number might be rescued from it by being placed in better circumstances, might have greater enjoyment of health, and might thus be much improved in their general condition. This is the operation of it: at the time that these alleys that I speak of existed, we have known from observation and evidence, a number of young people came up to London in search of work. A young artisan in the prime of life, an intelligent, active young

[1] Provisions for cheap workmen's trains were first made in the North London (City Branch) Act and the Metropolitan Act, 1861, though it is believed that certain railway companies voluntarily made certain reductions in favour of workmen some years before that date.

> man, capable of making his 40*s.* or 50*s.* a week, comes up to London; he must have lodgings near his work; he is obliged to take, he and his wife, the first house that he can find, perhaps even in an alley such as I have described. In a very short time, of course, his health is broken down; he himself succumbs, and he either dies or becomes perfectly useless. The wife falls into despair; in vain she tries to keep her house clean; her children increase upon her, and at last they become reckless, and with recklessness comes drinking, immorality, and all the consequences of utter despair.

We have dwelt at some length upon the evils of the housing system which existed in this country in the middle of last century because it appears desirable for the reader to be impressed with the immense improvements that have been effected—improvements which the existence of bad conditions in certain areas which remain to-day is apt to cause to be overlooked. We well remember that one of the reports issued by the Coal Industry Commission in 1919 said of the miners' houses: "There are houses in some districts which are a reproach to our civilization. No judicial language is sufficiently strong or sufficiently severe to apply to their condemnation." We are aware that grave wrongs still exist, but if the evidence upon which the above stricture was based, and justly based, is examined and compared with the evidence given thirty-five years before, it will be seen how great an improvement has taken place.

Distress and *Laissez-faire*

In some times of especial distress—times which frequently occurred before the repeal of the Corn Laws prevented those enormous fluctuations in the price of wheat which, as Cobden once observed, resulted in either the farmer being ruined or the people starved—the miserable inhabitants of these sordid dwellings had cold and hunger added to their misfortunes. At one time we find a considerable part of the entire population of Rochdale sleeping on chaff beds without covering and attempting to live on

incomes ranging from sixpence to one shilling and tenpence *per week*. In another town we find a poor rate of fifty-six shillings in the pound. In another, people buying pennyworths of mutton.

As Dr Gibbins has told us:

> In Stockport and Manchester more than half the master-spinners had failed before the close of the year 1842, and dwellings to the number of three thousand were shut up. Five thousand persons were out of work and walking about the streets in idleness and want. In Burnley, another manufacturing town, the guardians were obliged to write to the Secretary of State to say that the local distress was quite beyond their management, and a Government Commission with special funds had to be sent down without delay. Provision dealers, we are told, were subject to incursions from wolfish men prowling about for food for their children, or from half-frantic women with a baby at the breast, or even from parties often of a dozen poor wretches rendered desperate by hunger, who levied contributions upon the various shops.[1]

Such had become the condition of affairs and such had remained the depravity of the common folks' environment that we can but wonder at the apathy which was shown by the Government and Parliament. We must remember, however, that it was an age in which all the more considerable of the economists and political philosophers were ranging themselves on the side of freedom of contract and non-interference. As Mr J. J. Clarke well expresses it in his work, *The Housing Problem*:

> During the greater part of the period which elapsed between 1760 and the passing of the Public Health Act of 1875, those responsible for the government and administration of our cities seem to have been blind to the need for the exercise of forethought and care, and as a nation we entered upon a period of growth and change quite unparalleled in our history, without any kind of governing principle of town development, and with an almost complete absence of responsibility for good administration. . . . Political philosophers were committed to a policy of individual liberty exaggerated until it meant social anarchy.

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[1] *Economic and Industrial Progress of the Century.*

Landlords and manufacturers were eager to build up fortunes, and, whilst tenacious of rights, were forgetful of duties. Municipalities were so ineffective and corrupt that in 1835 a Municipal Corporation Act had to be passed to lay anew the foundations of good municipal government. The people were so careless of their homes that we search almost in vain in the records of the earlier labour unions for any word of protest against the squalor of the streets and alleys in which the working classes lived.

The First Reformers

The movement begun by Lord Ashley and later expanded by Mr Chadwick, which had as its direct purpose the sweeping away of these deplorable conditions, proceeded in time along three main roads: (1) the replacing or improvement of individual houses; (2) the replanning of entire areas; (3) the improvement of sanitation. They were supplemented at later times by schemes which, working along separate lines and dependent upon individual endeavour, were designed entirely to recast the form town life had hitherto taken, and which sought to add the health and beauty associated with rural retreats to the social amenities of the city. We shall therefore have to trace in the broadest outline the improvements effected by the Public Health Acts, the Torrens and Cross Acts, and the later consolidating and amending Housing Acts, and the much later activities of such reformers as Ebenezer Howard and Cadbury and Lord Leverhulme, who invented, or gave expression to, the idea of the garden city. We must also touch upon the activities of those philanthropists, such as Peabody, Guinness, Rowton, and Sutton, whose benefactions have done so much to improve the housing of the poorer classes in our great cities.

Early Measures

The Earl of Shaftesbury had begun his agitation for better housing conditions, as we have seen, in 1842. It was not, however, until nine years later that Parliament

was induced to pass the Common Lodging Houses Act and the Labouring Classes Lodging Houses Act of 1851. The former Act provided for supervision and inspection; the machinery of the Act was under police control and the measure achieved a considerable amount of good. The latter Act permitted public authorities to build houses for the people. Its terms were reasonably wide, but it proved a dead letter. No one was interested. No one cared. Neither the municipal authorities nor the trade unions concerned themselves in the matter. Strange as it may appear, there was no public clamour for better conditions. The Act achieved nothing owing entirely to absence of motive or incentive.

From now onward, however, there is an almost continuous series of Acts dealing with either housing or sanitation. Indeed, the earliest Nuisances Acts date from the forties, but Sir Benjamin Hall's Metropolis Local Management Act and the powerful Nuisances Removal Act were passed in 1855. A whole series of Housing Acts was begun in 1866, in which year was also passed the valuable and important Sanitary Act, subsequently amended and finally replaced by the Public Health Act of 1874.

The Torrens and Cross Acts

The Torrens Act of 1868 and the Cross Act of 1875 mark the commencement of two series which, proceeding along different lines, together dealt with the evils which in later years Parts II and I of the Act of 1890 were designed to remove. By the Torrens Act of 1868, which was amended in 1879 and 1882, local authorities were given the power to inspect and condemn individual houses. The purpose of this series is, indeed, adequately expressed in Section 14 of the Act of 1879, which states that purpose to be:

> (1) The providing, by the construction of new buildings, or the repairing of existing buildings, the working classes with suitable dwellings, situate within the jurisdiction of the local authority.

(2) The opening out of closed or partially closed alleys or courts inhabited by the labouring classes, and the widening of the same by pulling down any buildings, or otherwise leaving such open spaces as may be necessary to make such alleys or courts healthful.

As a result of the passing of these Acts substantial minor improvements were effected in some of the worst quarters of our cities and towns. But the remedy was essentially of a piecemeal nature, and in many places radical treatment rather than pruning was called for. The great industrial centres of the Midlands and the North had sprung up like mushrooms, and the defects were not limited to this and that house, but to whole quarters, whole towns, whole districts. A population which in the Middle Ages would have manned an important city was now festering in the forgotten slums of some discarded area. The principle that had been followed by the framers of the series known as the Torrens Acts, after William Torrens McCullagh Torrens, was continued, but was extended by the new and valuable provisions contained in the so-called Cross Acts.[1]

The purposes of this latter series are indicated in the preamble to the Act of 1875, which is as follows:

Whereas various portions of many cities and boroughs are so built, and the buildings thereon are so densely inhabited, as to be highly injurious to the moral and physical welfare of the inhabitants:

And whereas there are in such portions of cities and boroughs as aforesaid a great number of houses, courts, and alleys which, by reason of the want of light, air, ventilation, or of proper conveniences, or from other causes, are unfit for human habitation, and fevers and diseases are constantly generated there, causing death and loss of health, not only in the courts and alleys, but also in other parts of such cities and boroughs:

And whereas it often happens that owing to the above circumstances, and to the fact that such houses, courts, and alleys are the property of several owners, it is not in the power of any one owner to make such alterations as are necessary for the public health:

[1] Named after Sir Richard Assheton Cross.

And whereas it is necessary for the public health that many of such houses, courts, and alleys should be pulled down, and such portions of the said cities and boroughs should be reconstructed:

And whereas in connexion with the reconstruction of those portions of such cities and boroughs it is expedient that provision be made for dwellings for the working class who may be displaced in consequence thereof:

Be it enacted, etc.

Working of the Earlier Acts

For a time many and valuable improvements were effected, particularly by the Act of 1875 as amended in 1878, but it was soon apparent that it was in danger of becoming a dead letter for the same reasons that had killed Shaftesbury's Act of 1851. There was still no motive for action. Popular opinion was apathetic; municipal bodies kept an eagle eye upon the rates and were apt to forget, as people are apt to forget to-day, the evils of the slum. As in the Tudor period, the wrongs of the submerged tenth caused no riots, no disturbances, no commotion, no trouble. They were submerged. They were careless of everything. They had learnt from experience what imagination and insight had taught Mr Justice Day, that "Drink was the shortest way out of Manchester"—or of any other slum area. By 1884 Cardinal Manning could state that "in the last four years there have been two years during which no effort whatever has been made to put them [the Cross Acts] in operation; . . . in two years there has been in each only a single case."

Private Activity

The latter half of the century had, however, been notable for the activities of numerous philanthropists who had interested themselves in improving the housing conditions of the working classes, and who worked quite independently of Acts of Parliament. Of these we can mention only a few typical cases. In France, as early as

1860, M. Godin-Lemaire, a manufacturer, had established his Familistère de Guise for the housing of his workpeople and their families. Flats, three or four stories high, were built and let out at the very low rental of three and ninepence per month per room; nurseries for the infants, and schools for the children as they grew up, were provided without additional charges. The financial result was that M. Godin-Lemaire received six per cent. on his capital outlay. The social effect was that throughout twenty-four years the police had nothing to complain of in the behaviour of the inmates.

Four years later (1864) the first block of the Peabody Buildings was opened in Spitalfields, London, and was quickly followed by others that were constructed in Chelsea, Bermondsey, Islington, and Shadwell. They were the result of the benefactions, amounting to £500,000, which George Peabody, the wealthy American who had in his youth joined as a volunteer to oppose the English fleet which had entered the Potomac and was threatening Washington, began in 1862 to present to the city of London for the benefit of the poor.

The next great benefaction was not made until 1889, when Sir Edward Cecil Guinness, later Lord Iveagh, formed a trust fund of £250,000 for the erection of working-class dwellings. It was while examining the conditions of life in the poor districts of London for the purposes of this charity, of which he was a trustee, that M. W. L. Corry, first Baron Rowton, determined to do something to alleviate the squalor of the common lodging-houses then in existence, and in 1892 the first of the Rowton Houses was opened at Vauxhall.

An even more splendid benefaction was made in 1896, when, on the death of William Richard Sutton, the sum of £2,500,000 became available for the building of model dwellings in the larger cities of England and especially in London. Long before this, however, much admirable work had been done by societies which were not definitely philanthropic in nature. But both the Building Societies

(which began as early as 1809) and the Co-operative Societies rather aimed at enabling the individual to build or improve his own house than at dealing with the problem presented by overcrowded and insanitary dwellings.

The Proposals of 1885

The Royal Commission which inquired into the whole subject in 1884 and 1885, after mature deliberation eventually issued a report which contained the most complete recommendations. Administrative reforms; sanitary reforms; housing reforms; the clearing of congested districts; transport difficulties; legal anomalies; rating questions; the special problems of the rural districts —all were considered as a concrete whole. The immediate result of these labours was, however, insignificant. The Act of 1885 achieved practically nothing, and five years later it was found necessary to pass the Housing of the Working Classes Act, 1890. In the words of Mr Clarke:

> The Act contained little that was new, and far less than the Commissioners had recommended; it was rather a consolidating Act, collecting and revising such measures as had been adopted in the Torrens Acts and Cross Acts. . . . With the amending Acts of 1900 and 1903, it constituted until 1909 the chief legislative measure for housing reform.

It gave power to clear large areas, "dangerous to health"; to remove buildings "unfit for human habitation"; to erect buildings in the areas thus cleared; and, in the case of towns, to erect workmen's dwellings on areas not hitherto built upon. This later power contains the germ of town-planning; the two other chief powers were valuable, but were reduced to no small extent by the insertion of the words "dangerous to health" and "so dangerous and injurious to health as to be unfit for human habitation," for, as the Select Committee in 1906 pointed out, it was found difficult to get magistrates to convict, for many defects, though serious in themselves, may not be directly injurious to health.

The Committee of 1906

The Act of 1890 was also primarily intended to cope with the evils of the towns and was only incidentally applicable to rural districts. This, coupled with the shrinking of the rural population and the absence of public interest, caused the Housing Acts to become a dead letter in many rural parishes. The powers were sufficient, but, in the words of the Select Committee of 1906, "the authorities who have been entrusted with the carrying out of the Acts in rural districts have, generally speaking, deplorably failed to fulfil their obligations."

The result of the recommendations of the Committee of 1906 was the passing of the Housing and Town-planning Act, 1909, which, besides strengthening the machinery for rural improvement, made much more extensive provision than had formerly been the case for the designing and carrying into effect of town-planning schemes.

Town-planning

The Housing and Town-planning Act, 1909, went considerably beyond any of its predecessors, and was perhaps the first serious attempt made in this country to secure not merely the abolition of positively dangerous and unhealthy conditions, but also the amenities which are to-day associated with a well designed and constructed town or city. In this connexion it will be convenient to consider the steps that had already been taken to this end by other countries.

The need for legislation along the lines pursued by our Public Health and Housing Acts had, of course, been felt in other countries also, but, with the exception of France, that need had never been so insistent as in England. The United States of America did not have to grapple to anything like the same extent either with the problems of overcrowding or with the difficulties due to the construction in early times of insanitary cities, and although an Act of Congress passed in 1879 dealt with sanitary conditions, and was followed in the eighties of last century by numerous

Acts passed by the various state legislatures, the question of housing never reached there the same importance as in the United Kingdom.

Germany, on the other hand, had risen to industrial and commercial importance comparatively late in life and was able to, and in fact did, profit from the mistakes committed in England. The same may be said of many of the other European states.

But although Housing Acts as they were understood in the seventies and eighties of last century by British reformers do not occupy such an important position in the lists of foreign enactments as in the Statute Book of England, the still more advanced principle of town-planning was first given expression to on the Continent.

Continental Schemes

The first measure to achieve the regulation of the planning of building areas was an Act passed by the Italian legislature as long ago as June 25, 1865. It anticipated by nine years the similar legislation of any other country, and up to the year 1911 had never been modified or amended. Next in order of date comes the Swedish Building Law for Towns Act of 1874, but it is the Prussian Town-planning Act of the following year which perhaps occupies the most important place in the legislative history of this subject. This Prussian Act, though originally applying only to the Kingdom of Prussia, was subsequently adopted with slight modifications by the other states of the German Empire and is responsible for the admirable building schemes which have resulted in German towns and cities being models of construction. In Germany the power to enforce the law was placed very much in the hands of the police and the local authorities; in Sweden Town Commissioners work out the town plans which then only require the Royal assent; in Italy the central State authority alone can command the execution of a town-planning scheme, by means of either a special Act or a Royal decree or a decree of the Prefecture.

THE ACT OF 1909

In England, under the Act of 1909, the Local Government Board (now the Ministry of Health) must approve the scheme, and in case of objection the scheme must be laid on the table of both Houses and is suspended if either House presents a petition in opposition.

Throughout the British Empire a vast number of Townships and Town-planning Acts have been passed. Such Acts, though pursuing the same aims, are of the most varied kinds so far as details and machinery are concerned, and it is impossible even to indicate them. It may, however, be observed that in this matter the Orange Free State led the way by the passing of the Townships Act of 1874.

The powers of the authorities in the United Kingdom have, of course, been widely extended by the very recent amending Act of 1919 in conjunction with the Acquisition of Land (Assessment of Compensation) Act, 1919, but the Acts of 1890 and 1909 still remain substantially intact. The detail of all this legislative activity cannot be expressed in a short compass, but, viewing the matter broadly, it may be said that the following position has been reached. The local authorities or the State have now full power to acquire land for building and to build thereon; to destroy individual houses if unfit for habitation; to clear slum areas; to raise funds and to subsidize building operations. They have the power, and, what is more than the power, the desire, so to plan the new buildings thus erected that the home environment of the people shall not merely conform to a minimum standard necessary for the public health, but shall also make for improvement in the moral or psychical well-being of the inhabitants. Not only in England, but throughout the civilized world, there is now a general feeling which is in harmony with the view expressed by Dr Robertson, the Medical Officer of Health of Birmingham, who said:

> No single condition in the lives of the masses has such a damaging effect on health, or does harm in so many other ways, as bad

housing. It is for this reason that I feel strongly the need of raising the standard of 'housing,' so that every human life may enjoy the advantages of a healthy house in healthy surroundings.[1]

The Garden City Movement

If one examines the plans that are now put forward for the housing of the working classes, if one considers our modern suburbs and compares the conditions which now exist with those which were inquired into by the reformers of only seventy years ago, one must be struck by the immense advance that has already been achieved. In assigning the credit for that advance prominence must certainly be given to the name of Ebenezer Howard.

It was in the closing years of the nineteenth century that Mr Howard, a reporter at the Royal Courts of Justice, conceived the scheme to which he subsequently gave expression in his books *To-morrow* and *Garden Cities of To-morrow*. In 1899 the Garden City Association was founded in England and has since conducted a pioneer movement which has been followed with interest in most of the countries of the world. The first efforts of this association followed upon the admirable work carried out by Mr George Cadbury and Lord Leverhulme at Bournville and Port Sunlight respectively, but they gave expression to something more than the ideal housing of the workpeople employed in a particular factory or business. At Letchworth an attempt was successfully made to build up in an entirely rural district a manufacturing city that should at once meet all modern requirements in respect of business convenience, while at the same time providing the inhabitants, even the poorest, with a happy, a healthy, and a beautiful environment. Letchworth, indeed, stands by itself, for the other so-called 'garden cities' are really only examples of admirable town-planning schemes and do not aim at containing within themselves all the complex parts which go to form a modern industrial town. But as yet the movement is young, and signs are not absent

[1] *Housing and the Public Health.*

to show that it is vigorous. Its one city stands already as an example, and beyond that the idea which Mr Howard gave to the world has already resulted in a complete change in the ordinary methods of town extension and estate development.

The Present

But although the tendency has been steadily upward, and although the type of house being built even before the War was immeasurably superior to the kind which had found favour a few decades earlier, as may be seen from Dr Savage's *Rural Housing*, there still remain many gross abuses to be removed. We speak not of the after-War house shortage, which presents a temporary problem, but rather of the conditions which still exist in our cities and rural districts and which have come down to us as an evil legacy from the past. Thus, for example, the author of *Amongst the Agricultural Labourers*, when speaking of the conditions existing in a certain village typical of many others, and writing in the twentieth century, could say:

> The cottages in this village are in the most awful state of dilapidation that it is possible to conceive. They are to be seen in every stage of ruin, from the cottage that is barely tenantable to the heap of rubbish that marks the spot where a cottage formerly stood. One I inspected consisted of four rooms, two up and two down, with what had been formerly a small brew-house and wash-house. . . The front room downstairs, which was the best, measured 15 feet 8 inches by 8 feet 2½ inches, the height being 5 feet 10 inches. . . . A crazy staircase, that threatened to give way at every step, led to the room above. . . . The roof was in holes, and the ceiling, which was cracked and blistered to an almost inconceivable extent, had been falling to bits for years. No repairs had been done to this or any other room by the landlord for years. Old skirts and rags are hung over great holes to keep out wind and rain. But in spite of every precaution, the place in bad weather and in winter is a swamp. . . . The 'room' below is no better than a yard, and is open to the weather on two sides. Of the brew-house only the walls remain; the door and the roof have rotted away.

But even such examples of bad housing in the rural districts can still be more than matched by the deplorable conditions which exist in the slum areas of our cities. No inconsiderable part of our population is still being born and reared amid surroundings which sap the health of mind and of body. Our people have still to bear the burden created by the existence of vast masses of men and women who have grown to maturity in an environment which renders it impossible for them to be good citizens and difficult for them to be human beings. An overburdened generation, loaded with debt by the greatest war in history, is heroically endeavouring to cope with this insistent problem. A future generation will reap the fruits of our activities.

CHAPTER XIV

THE MENTAL HORIZON

WHEN last we glanced at the progress, or rather lack of progress, which had been achieved in the educational development of the masses, we saw that at the end of the eighteenth century the vast majority of the people of Europe were illiterate and had available to them practically no means of attaining to any high degree of culture. We have seen that in the New World new and more fruitful ground had been broken, but that in England the efforts of Brougham had been relaxed and the principle of State intervention had been abandoned for the time being in favour of a continuance of voluntary effort.

Our present account will start from the time, shortly after the Reform Bill had been passed, when Mr Roebuck presented to the House of Commons proposals relating to State intervention. But in view of the fact that we are concerned to describe, though in broadest outline, the history of the masses rather than the history of education, it will be necessary in the first place to consider the general state of the mental environment of the people at that time, and as in such matters we get no complete picture of that state by regarding individual nations solely, we must view the condition of affairs not only in England. We will therefore retrace our steps somewhat, in order to describe what had already been achieved in Prussia and the states of Germany, and in France.

Prussia

There can be little doubt that in Europe the leading place, historically, in all matters relating to popular educa-

tion was for many years occupied by Prussia. Luther succeeded in effecting what in this country the Lollards attempted too early—the release of the citizens from the spiritual despotism of Rome. In England a similar movement, which, however, never possessed the same vitality, broke against the will of a king who, though willing to overthrow the supremacy of the Pope, was not desirous of altering substantially the tenets of the national Church.

The Reformation in England, though it gave to the people a Bible in English which all were permitted to read, did not confer upon the masses an education which enabled them to take advantage of the gift. In Germany it was otherwise.

From the time of the Lutheran Reformation the German parent had imposed upon him as a religious duty an obligation to see that his children attended at school for the purpose of being trained in a knowledge of their duty to God and man. In the words of Mark Pattison: "From the time of Luther's address to the municipal corporations of Germany, 1524, this has been so recognized whether it was enforced by enactment or not."

In the sixteenth and seventeenth centuries, however, the education given was religious, and it was not until the eighteenth century that the children were taught to write and to calculate. For a time such compulsion as there was came exclusively from the Church in the form of consistorial edicts which began to be issued at least as early as 1573. But when, in the beginning of the eighteenth century, Friedrich Wilhelm began to issue royal ordinances for the regulation and improvement of elementary schools, we find "these ordinances assuming, not enacting *de novo*, universal school attendance of all unconfirmed persons." In Würtemberg, indeed, the duty had been made a legal and binding obligation as early as 1649.

In 1763 a further step forward was taken when by the *Allgemeines Landschulreglement* of that year the period during which children were to attend school was definitely fixed

at from five to fourteen years of age; but this, though rendering the duty more precise, merely enacted what had long been the recognized practice. Again to quote from Mark Pattison's report:

> Compulsory education in Protestant Germany never had to contend with an adverse public opinion; not because the spirit of personal liberty is wanting, but because, since Protestantism began, there has never been a time when it was not thought part of parental duty to have the children properly instructed.

There, as in America, the religious difficulty, which has at all times in England proved such a stumbling-block to universal compulsory education, did not exist. Sectarian animosity had but little vitality. The Protestants, Catholics, and Jews were capable of division into well-defined groups, and the kind of trouble which arose from the practical difficulty of establishing a system of religious instruction which would be agreeable to such sects of one religion as the Wesleyans, Baptists, Congregationalists, and Presbyterians was in no sense present.

Under the Prussian system as eventually developed toward the end of the eighteenth and the beginning of the nineteenth century, a system of education had grown up which is notable for its universality and the length of time for which the pupils remained under tuition. Here again Germany was fortunate in that it developed into a great industrial country very late in the day, so that it escaped many of the evils which were present during the pioneer period in England. The factory school in Germany neither attained the importance, nor offered the same spectacle of abuses, as it did in this country.

The educational system of Germany is also notable for the sharp division which was made between the internal affairs of the school and matters external. The latter group of activities relating to the management of school property, the enforcement of attendance, statistical returns, and investigations of charges against the teacher were regulated by a board of management under civilian control

and subject in a very considerable degree to the will of a civil officer termed a *Landrath*. At the head of all was the Minister of the Interior in conjunction with the Minister of Public Worship.

On the other hand, all internal affairs relating to teaching and discipline were under ecclesiastical control. The clergyman of the parish was *ex officio* in the position of an inspector, and was in turn subject to supervision by that higher ecclesiastical dignitary—the superintendent of the circle. By the middle of the nineteenth century nearly all the schools of Germany were denominational, and a Catholic priest would have charge of a Catholic school and would not interfere in any way with a Protestant or Jewish school. In the few mixed schools which still existed in the poorer districts, the pupils were divided into groups, and each group had its appropriate ecclesiastical superior.

The laws which were passed in the various states of Germany to control the education of children were throughout the first sixty years of the nineteenth century exceedingly numerous and cannot be treated of here. The result, however, is well shown in the following table for 1856, given in the reports issued by the Newcastle Commission.

Province	Number of Children of School Age	Number of Children in the Public Elementary Schools	Number of Schools
Prussia	440,897	370,942	4,487
Posen	241,017	213,487	2,095
Pomerania	222,169	209,231	2,506
Silesia	525,993	503,468	3,722
Brandenburg	375,331	355,313	2,936
Saxony	340,907	337,416	2,779
Westphalia	255,808	249,771	1,836
The Rhine	529,843	507,605	3,820
Hohenzollern	11,286	11,239	111
	2,943,251	2,758,472	24,292

To the above numbers attending public elementary schools must be added the number of children attending private elementary schools, viz., 70,220, which gives a total of 2,828,692, and shows that out of the entire child population of the Kingdom of Prussia only 114,559 were not at school. In most of the other states of the German Confederation the results were not quite so good, though in Würtemberg they appear to have been even better.

It may therefore be said that by the middle of the nineteenth century the most essential parts of the educational problem had been solved in Germany, and that for many years before the proportion of illiterates must have been extremely small. We know to what use for both good and ill the German State subsequently put the multitudes of intelligent men and women that formed the masses of their people. The Germans built up great industries; they formed from small beginnings a powerful empire notable for the birth, growth, and development of many admirable social institutions; they were on the high road to material success in many of the most important departments of life when they unloosed a war destined to pull them from the high place they had attained.

France

In France, as in England, the education of the people was for many centuries almost exclusively in the hands of the Church, though, unlike England, France kept a firm grip on the right residing in the State to determine, in the ultimate case, what education should be given and to whom.

In the opening years of the French Revolution, good promises were held out that the ignorant masses should at last be enabled to attain to at least some measure of the culture which comes from books. These fair promises, like the proposals of Turgot and Condorcet, were destined to achieve nothing. Indeed, at first the Convention appeared to possess destructive capacities only. It was easy to decree that the property of all endowed seats

of education should be sold, and that the profits should go to the State; it was a simple matter to break up all the religious associations devoted to teaching. These things were effected, and in the name of liberty all colleges and faculties were dissolved.

It must not be thought, however, that the Convention was opposed to popular education; far otherwise. But for a time in France, as in Russia under Soviet rule, theories of abstract liberty were permitted to destroy free institutions. The ideal that a free state could not permit the existence within its organism of corporate bodies forming an *imperium in imperio* was the peg on which was hung the destruction of everything that hitherto had opened its doors to learning. The activities of the revolutionaries were so fatal that Fourcroy could exclaim that France was lapsing into barbarism. It was only when the tragedy and horror of the Terror were lifting from the scene that there is dimly perceptible the development of those constructive conceptions which were to give to the educational world those two important organisms—the normal school and the polytechnic.

On October 25, 1795, appeared the most memorable of the revolutionary laws relating to public instruction, the law of the 3rd of Brumaire, year IV. This law, founded on a remarkable report by Daunou, organized everything connected with instruction. It was concerned not only with primary schools, central schools, special schools; it also regulated the public museums, the public libraries, and the Institute. For primary schools it established a state of things which endured, with little change, until 1833.

But when the terms of this law are examined it will be seen how far the revolutionaries had receded from those idealistic schemes which they had formerly announced. The State was to have supported education with munificence; schoolmasters were to have been among the honoured of mankind; salaries were to have been high; every child was to have had open to him the way not only

to the rudiments of knowledge, but to the learning of the *savants*. In fact, the State now contributed nothing but the schoolhouse, often merely a cellar; the schoolmaster was paid what he could get from the local authorities; the child was to read, to write, to calculate, and to understand the elements of the republican beliefs. In the words of Guizot, the French Revolution contributed to the cause of popular education "a deluge of words and nothing more." It did, however, as Matthew Arnold truly observed, render it impossible for any future Government to establish a system of education which was not lay and which was not national, and so removed from the future course of education many of the obstacles which continually impeded progress in England.

It was not until the Ordinance of February 29, 1816, had been passed that any State contribution was given to education. By that ordinance the small annual grant of £2000 was made a charge on the Public Treasury. In 1829 this grant was doubled; in 1831 it had increased to £28,000, and by 1832 had reached the respectable total of £40,000.

In the following year (1833) a law was passed which founded in France for the first time a system of national elementary education, and which, in the words of Guizot, "repaid the debt which the country owes to all its offspring so to train them that they may become human beings." By the *Ordonnance du Roi* relative to elementary education issued in the July of 1833, a general system of national education under the control of local authorities, subject to the control in certain points of the Minister of Public Instruction, was established. The schools so set up were either elementary or normal schools, though the founding of higher schools was not excluded. All private schools were thrown open to inspection and were required to be healthy. The local authorities were ordered annually, in the August of each year, to consider the state of those children who ought to be given free education in a primary school.

The law was admirable, but its execution left much to be desired. There was no local wish for schools. The officers of the communes frequently opposed the officials whose duty it was to inquire into the state of education. They complained that the money the State offered could be better used for the repair of the roads. In 1834, out of the total of 36,826 commune only some 20,000 were supplied with schools, and of these barely one-half possessed school premises of their own; in the other half the school was held in any available building—a barn, a cellar, a stable, or in the open air. Even when the communes did possess its own schoolhouse it was often some dilapidated hovel useless for other purposes—windowless, fireless, reeking with damp. In one case it was found that eighty children were being instructed in a room twelve feet square. Epidemics not unnaturally reduced the child population of France yearly.

But a start, which in its manifest defects was matched, or more than matched, by the schools of England twenty years later, had been made, and the subsequent history of French popular education proceeded upon progressive lines, so that to-day France is among the most highly educated countries of the world.

England

Such was the state of affairs in the two chief countries of Europe when, shortly after the passing of the Reform Bill, Mr Roebuck made his apologetic speech in support of national education before the House of Commons on July 30, 1833. He was under no misapprehension as to the temper of his audience:

> It would be idle to hope that a subject like general education could engage their [the politicians'] favour, or even occupy their thoughts. Its results are distant—the benefits to be expected from it can only be attained by the slow operation of time, patience, and industry. There is nothing to raise the wonder and admiration of the ignorant many. No party, no individual purposes can be served by promoting it. Nought can be obtained by its assistance

but the pure, unalloyed benefit of the community at large. No wonder, then, that it has been so long, so steadily, so pertinaciously neglected.

Roebuck's Speech

But the times were changing, and it was on the ground that with the passing of the Reform Bill the old order of things had also passed that Roebuck based his case.

> If, as heretofore, the majority of mankind were content to be a slumbering mass, an inert and utterly inactive body, then the policy [of non-interference], as a selfish policy, might possibly be defended. But this is no longer the case. The business of government is not, and can no longer be, the affair of a few. Within these few years a new element has arisen, which now ought to enter into all political calculations. The multitude, the hitherto inert and submissive multitude, are filled with a new spirit. Their attention is intently directed toward the affairs of State. They take an active part in their own social concerns, and however unwilling persons may be to contemplate the fact, anyone who will calmly and carefully watch the signs of the times, will discover, and if he be really honest and wise, will at once allow, that the hitherto subject many are about to become paramount in the State. I speak not now in the character of one desiring or fearing this consummation, but merely as one observing the passing events around me, and I mention the coming circumstance in the same spirit as that in which an astronomer would predict an eclipse; to me the result appears inevitable; and I therefore cast about me to learn in what way this new force may be made efficient to purposes of good, and how any of its probable mischievous results may be prevented.

The State grants Aid

The appeal thus made, supported by references to the recent French ordinance, achieved but little. The State declined to make itself responsible for the education of the masses, but a small concession was made to the progressives by the grant of £20,000 to the two great voluntary associations, the National Society for the Education of the Children of the Poor in the Principles

of the Established Church, and the British and Foreign School Society.

The State grant was made dependent upon the collection of private subscriptions. No Treasury grant was to be made to any school unless at least half of the estimated expenditure was met by private subscription. This principle of basing State contributions on local contributions continued to be a prominent feature of State intervention in England even after the passing of the Education Act, 1870, and did not disappear until 1876.

Voluntary Activity

From now onward voluntary effort, aided by small but increasing Treasury grants, was for many years the basis of such elementary education as was available for the children of the masses. In addition to the activities of the above-mentioned associations the Wesleyans had numerous denominational schools, while in all the factory districts a considerable proportion of the child-workers received some slight tuition in the schools set up under the Factory Acts. In addition, there were a number of private schools which, as we shall see, were rather of the nature of places where children were 'minded' than schools in the proper sense of the term.

Looking back upon the activities of the voluntary associations, one sees a number of most worthy men and women devoting their lives and their abilities to the service of education. One observes the heads of the training colleges spending their strength in grappling with the desperate task of training teachers in three months; of teachers, ill-equipped and wretchedly paid, endeavouring to instil some small measure of culture from their own limited stock into the minds of children who came to them from bad environments and needy homes, who were crowded together in small and unsuitable schoolhouses in mixed sexes and ages, and who devoted but a short space of their lives—frequently not more than 150 days—to the pursuit of 'knowledge.' It would ill become us, therefore, to cast

aspersions or slights upon the work of the faithful band who did their best to reach the minds of the multitude of children who attended the voluntary schools during last century, but it must be stated that they failed, and failed completely, to 'educate' the masses. The fault, we are persuaded, was not theirs. They laboured, and they laboured hard, to give of their best. They asked for none, and received none, of the prizes of learning. But their best was of necessity a poor best; their task, stupendous as it was, was beyond their powers. As a result, popular education in this country has never, in our opinion, got on to the right lines even to-day. As a revulsion from the few poor facts that once were taught, we now have children being instructed in the rudiments of all manner of subjects for which they can have no use and of which they can only acquire a smattering. The philosophy of education, though fully understood by many engaged in elementary education, has never been the dominant pursuit of the system as a whole. The child of the masses even to-day is not educated. He is not taught to think for himself along right and just lines. He has no inkling, save in rare cases, of the majesty of the world in which he lives or of the potential greatness of his own nature. But compared with a hundred or even fifty years ago the advances made have been considerable. But we enter a *caveat* against the view that the spiritual advances have been as great as the material improvements.

Brougham's Proposals

The grant established in 1833 continued without change until 1839, when it was increased to £30,000 and a Committee of Council was appointed to superintend the expenditure of the sums thus publicly contributed. In the same year Brougham again introduced a Bill designed to secure the aid of the rates in support of popularly controlled elementary education. But although the religious instruction aimed at in this measure was based upon the Bible and not upon particular creeds, both the National Society and the Established Church vigorously opposed it

on religious grounds and secured its rejection. The same opposition was able to secure the defeat of the Government proposals for founding a normal school for the training of school teachers. In one other direction, however, an important step forward was now taken.

Hitherto the voluntary and private schools had alike been entirely free from Government inspection, or inspection of any sort. In some cases, as a result, very serious abuses had arisen. Many years afterward, as we shall see, even after inspection had been instituted, the schools were unsuitable, the rooms crowded, the books and materials necessary for instruction deficient, and the teachers illiterate or uncultured. Before inspection was established the position was still worse. Inspection by, or on behalf of, the Government was first established in 1839.

Four years later Sir James Graham attempted, but failed, to secure the inclusion of compulsory education clauses in his Factory Bill. Once again religion was the ground on which the proposals were combated, though now the fear of high rates was added to the fear of low morals. The clauses were lost, and Graham was convinced that a national scheme of education was an impossibility and should be finally abandoned as hopeless.

The Voluntary Effort—Results

The success which had attended the voluntary effort and the abuses which had grown up under the system of *laissez-faire* consistently pursued by successive Governments are alike reflected in the voluminous and exhaustive reports issued by the Newcastle Commission which commenced its inquiries in 1858 and issued its report in 1861. By that date the annual Treasury grant had reached the not inconsiderable figure of £800,000. Many schools were still uninspected and several of the poorer districts were still without any educational facilities worthy of the name. The statistical results may perhaps be stated with sufficient accuracy as follows:

Of all the children in this country the majority attended

school for less than 150 days in a year, and 40·96 per cent. attended for less than one year. Of those who attended for more than one year the following table shows the percentages:

Period of Attendance	Percentage of Whole
Less than two years	24·21
„ three years	14·82
„ four years	9·52
„ five years	5·65
More than five years	4·84
	Total 59·04

With regard to the wealthier districts, the schools established by the National and British Associations were doing admirable work and were successfully teaching the majority of the children the rudiments of learning. Taking the country as a whole, however, it was shown that about one-half of the child population went to school, and of this one-half, a quarter, or an eighth of the whole, were being successfully taught the 'three R's.'

The advance made between the years 1856 and 1860 had not indeed been notable. In 1856 42 per cent. attended less than one year, 22 per cent. one year and less than two, 15 per cent. two years and less than three. The establishment in that year of the office of Vice-President of the Committee of Council to represent education in the House of Commons had thus had no appreciable effect.

Condition of Factory Schools

Of the children who fall within these statistics and are shown as receiving 'education,' many were half-timers attending factory schools, their school fees being contributed in whole or in part by their parents. Of these schools we obtain a picture in the evidence given by Mr Horner,

a factory inspector, who said: "I have been in many such schools, where I have seen rows of children doing absolutely nothing." In one school, where there were sixty-two factory children, the master had been appointed because he had met with an accident in the mill; in another, where the appointment had been due to the same cause, the master could not read the Bible without making mistakes; in another, where the school was a cellar, the master had been a soldier and was quite uneducated, and the children did and learnt nothing; in another, eighty children were crammed in a room 15 by 15 feet, used partly as a barber's shop. Out of 426 schools in one factory district 76 could be classed (on the standards of those days) as good; 26 as tolerably good; 146 as indifferent; 112 as less than indifferent; and 66 as deplorably bad, or, in the words of the Commissioners: "positively mischievous, as deceptions and a fraud on the poor, ignorant parents who pay the school fees."

Even in many National and British schools, owing to the inadequate state of their funds, the evil existed of infants being admitted with children of more advanced age, solely to make up the teacher's salary, rendering direct and frequent communication between the teacher and the child, that essential in education, wholly impossible.

Newcastle Commission Reports

The activities of the Newcastle Commission had as their chief result the accumulation of a vast mass of interesting information. An excellent *précis* of their recommendations has been made by the Right Hon. T. J. Macnamara in the following words:

> 1. That all assistance given to the annual maintenance of schools should be simplified and reduced to grants of two kinds. The first of these grants should be paid out of the general taxation of the country, in consideration of the fulfilment of certain conditions by the managers of the schools. Compliance with these conditions was to be ascertained by the inspectors. The second was to be paid out of the county rates, in consideration of the attainment

of a certain degree of knowledge by the children in the school during the year preceding the payment. The existence of this degree of knowledge would be ascertained by examiners appointed by county and borough boards of education. . . .

2. That no school should be entitled to these grants which did not fulfil the following general conditions: The school would have to be registered at the office of the Privy Council, on the report of the inspector, as an elementary school for the education of the poor; the school would have to be certified by the inspector to be healthy and properly drained and ventilated and supplied with offices; and the principal schoolroom must contain at least eight square feet of superficial area for each child in average daily attendance.[1]

Of these proposals those which related to local rate aid were not given effect to; those which made State contributions dependent on results were adopted and proved the guiding principle of the so-called Revised Code, which was described by its parent, Mr Lowe, as a code that would secure either economy or efficiency. "If it is not efficient it shall be cheap; and if it is not cheap it shall be efficient." Which end was secured appeared to be a matter of the utmost indifference.

The Act of 1870

So far it will be seen that the passing of the Reform Bill had done little for education. But in this and in other matters of social reform it must be remembered, to employ the expression used by Mr Binns,

> that the House of Commons was still elected by a very small proportion of the adult population; even after the Reform [Bill] of 1832 only one adult male in seven possessed the suffrage. It was not until 1867 that any popular election became possible, and the new national education policy dates from this time.[2]

The Newcastle Commission had had an opportunity of considering the truth of the off-repeated view that not

[1] See his appendix to Mr Binns' *A Century of Education*.

[2] H. B. Binns, *A Century of Education*.

only did the common people not press for education, but they were positively antagonistic toward it. They established the fact that tens of thousands of poor and illiterate parents were only too anxious to give their children advantages which they themselves had been denied. We have recorded for us cases where parents, frequently the mother, had toiled and scrimped and saved to find the few pence necessary to educate the children; of sweated labour still more sweated in order that the rising generation should escape the miseries the parents had suffered. This attitude was consonant with what we know of human nature, its boundless capacity for sacrifice in a cause dear to it. It was also according to human nature that parents, often needy and usually hard-working, should not be anxious to pay for instruction for their children that was education only in name. Much of the opposition that was discovered was found on inquiry to be opposition not to education in general, but to the kind of education then being given: the herding in small schoolrooms; the control of illiterate schoolmasters; the withdrawing of children from employment in order that they might simply waste their time. Time after time witnesses declared that such opposition as existed was directed to the manner and not to the principle of education.

With the passing of the Ballot Act and the prospective increase of the franchise, it became more and more apparent that the adequate instruction of the people was a national necessity. Roebuck's vision in 1833 had been beyond the range of most men, but now the nearest-sighted could see that the masses were marching to power. The question only remained whether the power was to be in the hands of a semi-illiterate multitude who would fall victims to the demagogue and the inspirer of class passion, or of an educated people capable of exercising a balanced judgment. The proposals which had been spurned in 1833 now became obviously right.

By the Act of 1870 the voluntary system was in effect abandoned, though it continued in operation for many

years thereafter. For the first time the cost of education was placed to some extent on the shoulders of the rate-payer, and as a result, as Brougham had foretold, the ability of the voluntary associations to secure their subscriptions gradually declined. The Education Act of Forster supplemented the voluntary system by erecting local school boards which were empowered, if they thought fit, to build board schools which could secure an income partly from the State and partly from the local rates. For rate aid to be secured it was necessary that there should be local control and no religious teaching which involved the teaching of a religious catechism or religious formulary distinctive of any particular denomination.

In the words of the Right Hon. T. J. Macnamara:

> The two systems, the old and the new, grew apace together. New denominational schools sprang up under the Act of 1870—in thirty-five years the Church school enrolment rose from 1,173,345 to 2,305,949; the Roman Catholic from 74,122 to 339,554; and the new board schools began to cover the more neglected part of the educational field.[1]

The Modern Phase

From now onward education began to extend both in scope and in direction. The University ceased to be an institution which lay entirely beyond the reach of the masses. The University Extension movement, which may, perhaps, be traced back to the extra-mural lectures which were delivered in 1847, was given the impetus which firmly established it by the discussions which raged around education at the time of the introduction and passing of the Education Act, 1870. The new courses of lectures intended for adults which were begun in Liverpool in 1870 and attained great popularity in the Midlands in the year following were at length given official recognition by the University of Cambridge in 1873. From that date the University Extension movement may be said to have been

[1] *Op. cit.*

founded. It has since been supported by the other principal universities, and now occupies a not inconsiderable place in the formation of opinion and the development of culture in this country.

The University Extension movement hardly belongs, however, to the masses. It is primarily middle class. The working man has been approached rather by means of special institutions such as the Working Men's College, founded in 1854 by Frederick Denison Maurice. Further, a great impulse was given to popular technical education, using the term 'technical' in the widest sense, by the passing of the Technical Instruction Act, 1889, which gave effect to the recommendations of the Royal Commission on Technical Instruction (1880-1884). Despite these advances, however, both adult and secondary education were shown to leave very much to be desired at the time of the sitting of the Bryce Commission of 1895.

As yet there was no coherent and comprehensive organization in existence. The central authority was in the hands of widely different and somewhat antagonistic bodies. The child, however able, who commenced his education in the elementary school had no clear road before him. There were serious breaks in the chain. The secondary system could not be regarded as a link between the elementary school and the University. The masses in general might, perhaps, be regarded as literate, but could not be considered as educated. From 1891 it may be said that free education was universal except among the upper classes, that the curricula of the free schools tended to expand, and that some facilities were now in existence for acquiring technical instruction, and that, largely as a result of voluntary effort, many and valuable lectures were being given up and down the country on subjects suitable for the instruction of adults.

By the end of the nineteenth century a central authority had been formed. The Board of Education had replaced the Education Department, the Science and Art Department, and the Education branch of the Charity Commission.

Three years later, by the Act of 1902, a national system was developed capable of wide expansion. As a result the voluntary system, which had struggled on after the passing of the Act of 1870, became, contrary to the intention of the framers of the Act, practically dead. An elaborate universal free system had taken the field. The subsequent years, up to the passing of the Act of 1918, are not noticeable for the passing of any measures of major importance. Such Acts as the Education (Provision of Meals) Act, 1906, bear witness to a spirit very different from that which had inspired the legislature one century before, when an Education Bill had been thrown out of the Commons because it was feared that to teach the 'lower orders' how to read was to invite revolution. What will be the effect of Mr Fisher's admirably conceived Education Act remains still to be seen. At no time in our history did we require more absolutely a well-informed and instructed people. At present, however, one feels that Britain is but on the threshold of popular education. Much spade-work has been done, but the harvest has yet to be gathered.

In the words of Professor Adamson:

> The years between 1870 and 1903 witnessed a development of English public instruction which has no equal in our history; it affected education of all grades and was particularly, though not exclusively, marked in the sphere of administration. When the twentieth century opened, the country possessed apparatus of a complete national system administered by local and central authorities, with the Minister of State at the head, who in fact, though not in name, held powers approximating to those of Minister of Public Instruction in foreign governments. The legislation of 1902-3 which founded that system is, however, not a goal but a starting-point. The machinery is there; the country has yet to decide for exactly what purposes and how best the machinery shall be employed; as witness the Act of 1918. The nation's failures and successes in the field of education have been made manifest in the course of the Great War. With those lessons to instruct policy, and machinery at hand to give it effect, the greatest chapter in the history of British education lies in the future.[1]

[1] *A Short History of Education.*

CHAPTER XV

THE ATTACK UPON POVERTY

THE primitive condition of mankind is one of poverty, ignorance, and helpless subjection to the forces of nature. The history of civilisation narrates the steps by which man, in part at any rate, has emerged from this original state of disability. Man is not naturally rich, nor wise, nor free. Wealth, knowledge, and liberty are the gifts of civilisation. Personal liberty, the institution of property, the right of exchange, and the enlargement of the intellectual horizon which security creates, are the elements out of which, in the course of history, civilisation has proceeded."

With these words Thomas Mackay commences the final volume of the *History of the English Poor Law* begun by Sir George Nicholls. The words are apt to introduce a consideration of the attempts which modern governments have made in their assault upon the citadel of poverty, for they seem to explain why for so many years poverty was looked upon as an inevitable concomitant of our present mode of life, and as constituting the natural penalty which nature inflicts upon the failures, the ignorant, and the helpless.

For centuries, as we have seen, after poverty became a vital factor in the national life of Europe, the Poor Law palliative was applied in a manner destined inevitably to prostrate still more absolutely those who were driven to receive this charity of the State. Even in the early nineteenth century both French observers and our own minister, Canning, looked upon the Poor Law rather as a preventive of revolution, as a kind of insurance scheme against national upheaval, than as a method of saving human beings

from the consequences of failure inducing want and often resulting from fortuitous circumstances beyond their own control.

The Old Order

At the time of the Poor Law Amendment Act, 1834, a vacillating system which oscillated between the extreme repulsion of the poor and the extreme attraction of the destitute had created a Poor Law administration which, as we have seen, threatened to destroy the moral fibre of the people. It has been well said that the Georgian poor laws had succeeded in many districts in giving to the labourer and his family the security of servitude. But the age was long past in which a free people was prepared readily to see the country relapse into that hierarchy of varying status from which it had emerged three centuries before. A law which confined the labourer to his parish, dictated who should be his master, and awarded wages not in accordance with services, but in accordance with wants, was manifestly incapable of living in the freer air introduced by the passing of the Reform Bill.

As Mr Senior has said: "Before the Poor Law Amendment Act, nothing but the power of arbitrary punishment was wanting in the pauperised parishes to a complete system of prædial slavery."[1] This, perhaps, is an exaggeration, for though in theory the labourer was tied to the land almost as securely as in the days of serfdom, in practice he did migrate in his thousands and hundreds of thousands to other districts and to other employments. But in so far as the State could act it did act in the sense described and in the direction of the deliberate pauperization of the labouring classes of the country.

The truth of the matter appears to be clear. Up to the Act of 1834 the Government of the country was not *interested* in the poor. It occasionally had cause to fear the destitute, it sometimes found it necessary to placate them. Its attitude was that of the timid man to the tramp

[1] *Historical and Philosophical Essays.*

on a lonely country road. It flung a pittance to a threatening mob which it would cheerfully have eliminated had it known how to effect so desirable a result. With the coming of the franchise the sentiments of the Government were changed, though at first not sharply. The earlier electorate represented the middle rather than the working classes. The pauper still remained a bogy; but the poor rate had to be reduced. In course of time, and with successive broadenings of the elective basis, the poor have been regarded in a more and more favourable light, until in the closing years of the nineteenth century the principle began to be accepted that one of the most important of the duties of government consisted in the *prevention* of destitution.

Poor Law Reform

The aims of the Poor Law Commissioners of 1834 were, however, strictly limited to reforms of the Poor Law system. Their main purpose appears to have been the separation of the problem presented by the able-bodied but destitute person from that created by the orphan, the sick, the insane, and the aged, and the abolition of the evils consequent upon the existence of mixed workhouses, full of all manner of persons, some mad, some infantile, some senile, some honest but unfortunate, others dishonest and debauched. The Speenhamland system was definitely departed from, and outdoor relief was based on a new principle.

These aims have not been attained completely. The mixed workhouse still exists. As the minority report of the Poor Law Commission, 1905-9, points out:

> Of the 50,000 children who are in Poor Law Institutions in England and Wales, there are still 15,000 living actually inside General Mixed Workhouses. We found that in Scotland, where it is commonly assumed that the Poor Law children are either boarded out or maintained upon Outdoor Relief, there were 1845 children in the General Mixed Workhouses, or not far short of as many in proportion to population as in England itself. In

> Ireland, out of 9000 children maintained in Poor Law Institutions, no fewer than 8000 are in the General Mixed Workhouses, where their condition is worse in that they do not even go out to the public elementary day school, but are taught in the workhouse premises. Nor is it otherwise with the sick and the aged. Of the uncounted host of inmates of Poor Law Institutions who are so sick or infirm as to need nursing or medical attendance—estimated [in 1909] to number in the United Kingdom at least 130,000—more than two-thirds are in General Mixed Workhouses. Of the 140,000 persons over sixty in Poor Law Institutions, only a thousand or two in England and Scotland, and none at all in Ireland, are in the separate establishments recommended by the Report of 1834, where "the old might enjoy their indulgences without torment from the boisterous."

The responsibility for this result, a result deplorable from many social aspects, was due primarily to the attitude adopted by the majority of the local authorities, who ignored the recommendations of the Commissioners of 1834, the representations of successive Local Government Boards, and the general trend of Poor Law legislation. They had the power, and, in the interest of the ratepayers, they not unnaturally exercised that power with a close regard to cost. As the minority report above quoted states:

> To the Boards of Guardians of 1835, as to their successors in many a subsequent decade, it seemed a wanton waste of money to maintain a series of separate small institutions, all having vacant places Within a few months we see the attempts given up, and all the classes of poor huddled into a single building.

As regards outdoor relief, the Report of 1834 most sharply distinguished between the case of the able-bodied and the non-able-bodied. In respect of the former class it was recommended that outdoor relief should cease, and although the cessation was not effected immediately, the tendency has been steadily to restrict the amount of assistance thus given to the able-bodied, until by the end of the nineteenth century it might be said that such relief had ceased to exist.

The non-able-bodied, however, called for different treatment.

> [The ancient] system of granting doles and allowances to the non-able-bodied poor, accepted by the Royal Commission of 1834, has never been prohibited by the Local Government Board, and has accordingly continued with its authority down to the present day [1909]. The sum thus distributed is now very large, approaching in the United Kingdom no less than £4,000,000 sterling annually. It has during the past fifteen years greatly increased, and it is at present, taking the whole United Kingdom, probably greater than at any time since 1834. More than two-thirds of the whole of the paupers are, in fact, in receipt of Outdoor Relief.[1]

This system developed, however, not so much as the result of a coherent centralized scheme as in consequence of the activities of the local Boards of Guardians. It was to the local authority that the poor had to look, and various local authorities had varying standards. In some districts outdoor relief ceased to be offered almost as completely to the non-able-bodied as to the able-bodied poor. In such districts the only relief was the workhouse—usually a mixed workhouse.

Such was, in broadest outline, the condition of Poor Law relief at the time when the Poor Law Commissioners commenced, in 1905, their gigantic task of inquiring into all aspects of the Poor Law question.

As a result of their four years' labour, a most valuable series of reports was issued, some differing largely from others, but all unanimously in favour of a radical change in the whole system. The principles of 1834 were now jettisoned *en masse*; an effort was at last made to construct a system which should be human and humane.

The New System

A new impulse was now given to various movements which had already gathered considerable momentum, and which were concerned with the elimination of fortuitous destitution. Of these movements that concerned with

[1] *Minority Report*, cited.

the avoidance of poverty due to loss of wage-earning capacity as a consequence of accident was at once the earliest in date and the most universally adopted. In this department of social science Germany first invented the system of compulsory insurance which has since won world-wide approval.

The German Accident Law

The German Accident Law, which commenced in 1884, was based on the fact that modern conditions of labour involve of necessity a high accident rate, and such circumstances are not met by a law, built up to meet different circumstances, which gives the injured worker a claim to damages only in cases where the person injured can establish that the employer was himself at fault.

The German Imperial Liability Law of 1871 continued to recognize the principle that an employer's liability must depend on the presence of fault in him, but the Law of 1884 was inspired by the following quite different principles: [1]

1. Proceeding from the assumption that he who creates an 'enterprise,' that peculiar structure of human beings, things, and forces, and induces human beings to labour among arms of steel moving at uncanny speeds, establishes a source of danger and becomes responsible for damage resulting from this source. Under this theory *employer's fault* need not be proven. The fact that injury has been caused establishes a right to compensation.

2. Convinced that in many cases the resources of the individual employer would not prove equal to the enormously increased liability, and that, therefore, the existence of the employer as well as the compensation of the injured worker would be jeopardized, *individual responsibility* was eliminated, and in its stead was placed the collective responsibility of the industry.

3. To carry out this idea large industries, as well as agriculture, commerce, and crafts, or small industries, were organized into employers' associations grouped according to callings. That is, legally incorporated self-governing bodies were formed, which

[1] We quote from a translation of an official memorandum which appears in Messrs Schwedtman and Emery's *Accident Prevention and Relief*.

every employer was *compelled by law* to join. Upon these organizations was placed the responsibility of carrying and administering the accident compensation system, and to this end they were invested with far-reaching legal powers.

4. Accident prevention, being of greater importance and larger social value than compensation, was also placed in the hands of these employers' associations, with the necessary legal authority for enforcement of rules.

The principle of compulsory insurance thus commenced has tended somewhat to extend at the expense of the opposing system of optional insurance which for many years was the characteristic of the English compensation system. In 1908 Sig. Luzatti, on behalf of Italy, and M. Millerand, representing France, signified their acceptance of the compulsory principle, which was also recommended by the Committee on Workmen's Compensation which sat in London in 1920.

But the grand principle that was established in 1884, and which has since been adopted by every civilized country, was that the worker should be compensated almost automatically for the loss he had suffered through being injured while at work. That principle is of immense importance; the particular machinery for giving effect to it is comparatively unimportant.

The English System

In England the question of workmen's protection and compensation was under discussion long before the German Accident Law was passed. Thanks largely, however, to trade union activity, the English, by pursuing the impossible ideal of the prevention of accident, failed to solve the simpler problem of the prevention of destitution due to accident. It was not until 1897 that a measure was passed to compensate those whom Joseph Chamberlain referred to as "the wounded soldiers of industry"; it was not until 1906 that the principle underlying the German Accident Law was definitely appropriated by Mr Asquith, who said when introducing the well-known measure of that year:

"Where a person, on his own responsibility and for his own profit, sets in motion agencies which create risk for others, he should be civilly responsible for the consequences of what he does." Unlike Germany, however, England has hitherto consistently refused to require compulsory insurance as distinct from compulsory compensation. As we have seen, recent recommendations tend toward the German system.

The first proposals which were made in England to protect the injured worker were conceived in the spirit of the factory legislation—that is to say, it was sought to protect the employee by penalizing the employer. Thus in 1846 the Select Committee on Railway Labourers supported the proposal to impose upon railway companies the obligation to compensate their employees who had been injured, by pointing out that by so doing the loss would fall upon those who could best prevent the injury. The same attitude was adopted at the Trade Union Congress of 1877, when Thomas Halliday, the miners' leader, opposed a proposal to press for compensation on the ground that prevention and not compensation was wanted, and that the best way to secure this was to make the employer responsible. The idea that the making of the employer responsible was the best way to prevent accidents was in later years the basis of much of the opposition to any form of accident insurance, which it was realized would result in shifting the liability on to insurance associations.

In truth, however, the responsibility of the employer under the law as it stood in the first seven decades of the nineteenth century was small enough.

Under the common law of England, as developed by the Courts in the nineteenth century, a workman impliedly ran the risks of his employment, and the negligence of a fellow-servant, or even of a foreman or supervisor, was deemed to be one of those risks. The master was liable for personal negligence, but, apart from that, a workman who suffered injury in the course of his work found himself in

the generality of cases without a remedy against anyone. He was left with diminished earning powers to fight the battle of life unaided. The harshness of the old common law was somewhat mitigated by the passing of the Employers' Liability Act of 1880, but under that Act the workman could only recover damages and could recover damages only in certain circumstances.

The fact that damages and not compensation was recoverable marks the main distinction in principle between the Act of 1880 and the Act of 1897. Damages connote the commission of an actionable wrong; compensation is payable where an accident has befallen even though no one is at fault. In the vast majority of cases the happening which injures the workman is a mere mishap, is no wrong, and consequently was not provided for in the earlier legislation. Further, under the Act of 1880 the workman and his employer could 'contract out'—that is to say, could agree that the Act should not apply. For many years the trade unions endeavoured to secure the repeal of the section which permitted contracting out, and this and other flaws were sought to be removed by Mr Asquith's Employers' Liability Bill of 1893, which was eventually lost through the insertion of unacceptable amendments by the House of Lords.

Workmen's Compensation

A bolder course was pursued four years later, for as Lord Brampton said:

> It was felt by the Legislature that it would be but just and right to confer upon a large class of workmen, whose necessities compelled them to seek employment in certain specified dangerous occupations, in the course of which accidents, not always possible to be guarded against, are of frequent occurrence, some purely casual, others, no doubt, attributable to negligence or default of fellow workmen whom it would be idle to sue, or others whose identity could not be established, a right to claim compensation to a moderate or limited amount in respect of the loss of such wages as they were incapacitated from earning in consequence of accidental

injury, upon mere proof of the accident and its resulting loss, irrespective of its cause.

Another object was to impose the obligation of providing such statutory compensation upon those to whom good sense would naturally point as the fittest persons to bear it, and to define for the convenience of injured workmen seeking compensation the persons from whom they are entitled to claim it, and, further, to provide a simple proceeding, entailing comparatively trifling expense, by which such compensation might, if necessary, be enforced. To carry out these very laudable objects the Act of 1897 was passed.

At first, however, the principle of compensation was applied only to certain dangerous trades or to work in buildings exceeding a certain height. Industrial disease was not a subject for compensation. The scope of the Act was widened in 1900 to include agricultural workers, but in 1906 a Workmen's Compensation Act was passed extending the protection hitherto afforded to special classes of employed persons to practically every kind of manual worker and to non-manual workers, whose income did not exceed a certain maximum.

In the words of the Committee appointed in 1919 to inquire into the working of the system thus inaugurated:

> The new Act abandoned the principle of excluding all workmen not expressly included, in favour of the plan of extending the Act to all employments with some few specified exceptions; and industrial diseases were brought within its scope.

Benefits were unaltered, but certain technical improvements were effected in the machinery of the Act, and it is the system thus established that has formed the pattern which other countries have in many cases followed.

The Act of 1906 was not concerned with the prevention of accidents. The prevention of accidents remained as it had been for more than half a century the care of the Home Office, and the subject of numerous Factory and Mines Regulation Acts. The Workmen's Compensation Act concentrated upon securing to the injured man and his family a limited weekly support depending on his

earnings and turning on the principle that in case of mishap employed and employer should share equally the pecuniary loss resulting; in the case of death the dependents were to receive a certain sum of money calculated in certain cases upon the earnings of the deceased and never exceeding the maximum of £300.

Henceforward all employed persons, with certain insignificant exceptions, the most important of which were share fishermen and non-manual workers receiving more than £250 a year, who were injured by an accident arising out of and in the course of their employment, or who contracted certain specified diseases as a result of their employment, were, or in the case of death their dependents were, entitled to compensation. Since the Act has been in operation tens of thousands of persons who in the Middle Ages would have become beggars or vagabonds, and who in the era of the Poor Law would have sunk into permanent pauperism, have been enabled to tide over misfortune and to return once more to their former occupations without having to suffer the destruction of their homes due to a casualty.

Social Gains

Experience has shown that the good thus obtained did not result in any heavy charge upon industry. Under the proposals made by the Committee on Workmen's Compensation in 1920 the benefits to be paid were very sensibly increased, indeed were more than doubled, but it was calculated that in the case of the coal trade such increase would not cause the price of coal to rise by more than twopence a ton. In fact, of course, the risk of loss by accident has been shifted to insurance associations, the employer's liability being measured by the premiums that he pays—a liability which varies trade by trade and according to the number of accidents suffered in any particular mill or factory. There has been little or no evidence to show, however, that the care for safety has either increased or decreased as a result.

When we consider the insurance figures we see at once what a mighty weight has been removed from the working population by the passing of these Acts. In the eight years 1911-1918 no less a sum than £14,586,207 was paid out by insurance offices alone under workmen's compensation policies. If to this formidable sum we add the amount paid by mutual insurance societies and by uninsured employers, we obtain the measure of the loss from which the working classes have been saved in only eight years in the United Kingdom alone.

The merit of this new movement is so obvious that, it is believed, it has been adopted in every civilized country in the world in some form or other. The two patterns have been the German system of compulsory compensation and insurance on the one hand and the British system of compulsory compensation and optional insurance on the other hand. It may be said that the general trend is in favour of the German plan. Year by year we find the system becoming more and more developed, whether we regard great states such as America, important industrial dominions such as the Union of South Africa, or Crown Colonies such as Nigeria. Under British rule in numerous cases limited benefits of a like nature have been extended to native races as well as to white employees. Throughout our overseas dominions we find not only the principle of compensation for accident established, but also compensation being granted for incapacity due to industrial disease, while simultaneously elaborate measures—such, for example, as the Miners' Phthisis Act, 1919, of the Union of South Africa—have been designed for the prevention of, and compensation for, particular diseases special to certain employments.

Health Insurance

The establishment of workmen's compensation did much to eliminate one great cause of destitution, but it hardly touched the problem of poverty due to sickness. In such cases, apart from the very limited number of

illnesses due to industrial disease, the worker was left very largely dependent upon his own resources. It is true that ample facilities existed for insuring against such risks through the great Friendly Societies, sick-pay clubs, and the like, but experience showed that in a very great number of cases those nearest the border-line of poverty were the most likely to leave themselves unprotected in the case of illness. With some this was due to thoughtlessness and thriftlessness, with others, such as casual dock-labourers, it was due primarily to persistent poverty and recurring periods of absolute want. In both cases it resulted in the State being constantly confronted with masses of broken men and women whose condition was such that when bad times and bad health combined they fell into hopeless misery.

In this department of social reform Germany again led the way. The innovation was not made without resistance. When in the eighties of last century the National Insurance legislation was under discussion in Germany it was declared by many that the burden upon industry would result in economic chaos. The critics were, however, confounded by the course of events, and in 1910 Dr Kaufmann declared:

> The course of events has justified the authors of the Industrial Insurance legislation. During the last two decades German national economy has experienced an almost unexampled development, and by the raising of its physical, intellectual, and material condition the working class has participated in this development. It was no accident that the period of this great expansion synchronized with a radical improvement in the condition of the workers, for the two are intimately connected.

Again, Dr E. Muensterberg, formerly director of the Berlin Poor Law Administration, has left it upon record that:

> There can be no doubt that the Insurance Legislation has raised the standard of life of the industrial population and also that of the poorer classes. The public poor funds [similar to our poor rates] have unquestionably been relieved by the insurance laws. Even where the expenditure on paupers shows no decrease it is acknowledged that, without this social legislation, such expenditure would have been far greater, since the major part of those insured

would have needed poor relief. It cannot be denied that the General Insurance Legislation has exerted an enormous influence on the public care of the poor in every direction. In consequence of the Sickness Insurance Law in particular all industrial workpeople, and, to a large extent, the members of their families as well, have been lifted above the necessity of seeking poor relief in time of sickness. To this extent the relief afforded to the poor funds has been absolute.

Despite the success of the German Sickness Insurance legislation, the principle was not adopted in England until 1911, when, thanks mainly to the activities of Mr Lloyd George, the National Insurance Act of that year was passed. This Act, which has since been substantially amended and extended, was designed to effect two great ends:

(1) Insurance of the working population against sickness, breakdown, consumption, and unemployment.

(2) A reduction of the number of paupers, with consequent reduction in the poor rate and in the expenditure on Poor Law administration.

There can be little doubt that in the main these aims have been achieved. There can also be little doubt that the administration of the Act and the amending Acts has been marked by notable abuses. We are concerned, however, only with principles, and in principle the National Insurance scheme represents a substantial step forward. On its unemployment side it has since the passing of the Act of 1911 been greatly extended and now forms a valuable protection against unmerited poverty.

The Minimum Wage

It is, however, of little service to elaborate machinery to save a man from indigence due to lack of earning capacity resulting from temporary causes if such man when employed is in receipt of a wage so low as to be unable to support him and his dependents in a reasonable standard of life. Accident, sickness, and unemployment insurance law must thus be supplemented by provisions requiring the

payment of what has come to be known as a 'living wage.' As Mr Philip Snowden has observed in *A Living Wage*:

> The trend of all industrial and social legislation for more than a century has been in the direction of the establishment of a Living Standard. Various motives have entered into the support of such legislation. The moral appeal, the industrial and social economy of healthier conditions and of a better educated working class, the political and trade union pressure of labour, have all contributed.

In speaking of a 'living standard' Mr Snowden here means something far wider than a living wage. A wage is only one part of the numerous particulars that conjointly establish the standard of life. Conditions of work, home environment, mental environment, are as important in some respects as the *quantum* of the wage earned. How such conditions and environments have been changed for the better we have already seen. But in another sense they are less important than the existence of a living wage, for upon that must depend the others. Poverty carries with it in its train all material miseries, and though it may spur the genius to works of supreme grandeur its effect on the mind of the common man is dulling and depressing.

But though this be so, though the full advantage flowing from Factory, Housing, and Education Acts cannot be secured to the man permanently on the edge of destitution, though tens of thousands of men and women were employed in industries known as 'sweated,' it was not until quite recent years that the Government passed legislation designed to secure a living wage to all.

There were, in fact, powerful and unexpected opponents to any such course of action. The trade unions, which in the last few decades of the nineteenth century grew to such power, were inclined to rely on their power of bargaining; the employers raised the age-old cry that wages higher than those then paid meant ruin for their industry. The operatives themselves were among the humblest, the poorest, and the feeblest of mankind. Once again, as at the time of the regulation of mines, it was

through the activities of humanitarians working through the power of Parliament and the benevolence of a democratic Government that this principle of the minimum wage was established by the passing of the Trade Boards Act, 1909.

Long before then, in 1891, and again in 1893, it is true, Parliament had recognized the right of certain persons in Government employ, viz., persons employed in naval establishments, to receive a living wage. But the Act of 1909 went much further than that. For the first time since the repeal of the Tudor legislation the State definitely interfered with the fixing of wages, and now it interfered for the purpose of establishing not a maximum but a minimum rate of wage.

The application of the Act was, of course, limited. Only those trades specifically mentioned, viz., certain forms of tailoring, box-making, machine-made lace or net finishing, and chain-making, together with such other trades as might be added by Order, were included. By the amending Act of 1918, however, the Minister of Labour is empowered by special Order to apply the principal Act to any specified trade to which it does not at the time apply if he is of opinion that no adequate machinery exists for the effective regulation of wages throughout that trade, and that accordingly, having regard to the rates of wages prevailing in the trade, it is expedient that the principal Act should apply to that trade.

It thus appears that the policy of the State as regards wages is to look primarily to free bargaining between those representing the employers and the employed. This system has within very recent times been strengthened and elaborated by a vast number of converging factors, by the organization of the opposing parties, the development of conciliation machinery, the institution of arbitral tribunals. Where, however, despite such machinery, free bargaining cannot operate satisfactorily, either because of the unorganized state of the trade or for other reasons, then there is available as a last resort the Trade Board legislation which establishes or permits the establishment

for such trade of a minimum wage sufficient to prevent the destitution of the workers.

The principle of the minimum wage has, of course, been introduced into the jurisprudence of many other states. It is always impossible, within reasonable limits, to consider such matters comparatively. The mass of legislation, especially within recent times, on any one subject of social improvement is so great as to defy analysis in a short space. An occasional example can alone be given.

In all matters relating to a minimum wage Australia has taken a leading part. Many years ago the Commonwealth fixed £110 per annum as the minimum wage for all Government employees who were adults, women as well as men. Later this principle was extended to various kinds of private employments, though, of course, the rate has varied.

Thus, for example, legislation was passed in Victoria as early as 1896 which established a minimum wage for certain trades, viz., clothes-making, boot-making, furniture-making, and baking. Its scope was subsequently extended, and in 1905 a consolidating Act was passed. The English Act was modelled upon the experience of Victoria.

In England it is also necessary to refer to the 'panic' legislation which followed after the great coal strike of 1912. The Coal Mines Minimum Wage Act of that year was not desired by the miners and was opposed by the owners. The Government were fearful of its probable consequences, but in the words of Mr Asquith:

> His Majesty's Government are satisfied, after careful consideration, that there are cases in which underground employees cannot earn a reasonable minimum wage, from causes over which they have no control; and they are further satisfied that the power to earn such a wage should be secured by arrangements suitable to the special circumstances of each district; adequate safeguards to be provided to protect the employers against abuse.

It will be realized that this Act proceeded from very different motives from those which inspired the Trade Boards Act. It conflicted with the principle of free and fair bargaining, it regulated wages in an industry notable

for the exceptional strength of its trade-union organization, it resulted directly from a strike, and it has, in our opinion, been of disservice to the industry and to the community.

Old Age Pensions

The various measures that we have already considered have gone far to remove the possibility of fortuitous indigence. Neither these nor any other Acts of Parliament, however, are capable of saving more than the waifs and strays of industry. National prosperity must to-day, as in past ages, be the result of the ability and industry of the generality of men. The strike, recognized even by Mr Snowden as a thing which "never did bring much substantial gain to the workers," the policy of ca' canny, the antagonism between the two parts of industry, capital and labour, these may offer obstacles to progress and prosperity more fatal than any that have yet been overcome. But the solution of these problems is in the hands of the masses themselves. A benevolent Government can do but little.

But in one further particular the State has succeeded in removing the great fear which has hitherto overshadowed the lives of the workers. The problem of an unprovided-for old age is no modern one. Formerly those who were unthrifty or unfortunate were abandoned to the care of their children or to the shelter of the workhouse. The course of their lives rendered it almost impossible to save any considerable sum of money, and only too frequently it befell that in the declining years the hard-working and respectable old man or woman was condemned, for imprisonment could hardly have been worse, to associate with the loose, the rowdy, and the degenerate inhabitants of the workhouse. This last indignity has in no small measure been removed by the various Acts which have granted and extended the pensions now paid to all workers who reach a certain age without being chargeable on the rates. Such people have run a hard race, and the prize now reserved to them, if small in amount, is one that is merited, is earned, and is appreciated.

CHAPTER XVI

TENDENCIES

WITHOUT aspiring to prophecy it may be useful, now that we have surveyed in broad outline the history of Labour, to endeavour to determine the probabilities of the future from the happenings of the past. As Professor Carlton has observed:

> The trend of events in the past and present may furnish aid in discerning in a general way the direction in which we are moving. A study of industrial and social evolution provides some reasonable foundation for a tentative discussion of the present tendencies affecting the relations existing between labour, capital, and the general public. The evolution of political authority since the fall of the Roman Empire has been carefully studied by historians and publicists. Lagging behind in the shadow of this development is a somewhat similar transformation in industrial affairs. The latter movement is less spectacular, and up to recent times has never attracted much attention. In their political evolution the most progressive Western nations have passed from exploitation, barbarian-warrior control to absolute centralized management, on to the admission of the commercial and manufacturing interests to participation in governmental functions, to the use of the constitutional form of government, and finally to the modern democracy with its broad suffrage provisions. A similar evolution may be traced in the realm of religion and in the family life. The industrial world is the last stronghold of the despotic principle.[1]

We have taken the above passage from the writings of an American economist of some note, because we believe that the most important movement in the world of labour to-day is that which desires to see the nationalization of industries, and because on this issue it is desirable to

[1] *History and Problems of Organised Labour.*

distinguish between revolution and evolution, and to see whether the aim desired should by now have been attained in the course of evolution. If not, then we may assume that to achieve that aim at once revolutionary means, in either the social or the industrial world, must be resorted to, and it therefore remains to be considered whether the end justifies those means.

Definitions of Nationalization

When considering such a question as nationalization of industries it is of the first importance to define terms. Nationalization has, indeed, been given at least three broadly different meanings, and these meanings have all been confused. In Germany, in connexion with the State coal mines which have been said to have been nationalized, nationalization simply means State ownership with bureaucratic control. In this sense also the postal, telegraph, and telephone systems of this and many other countries may be described as nationalized; in the same way the railway systems of Belgium and of certain parts of France have been the subjects of nationalization.

In all the above cases the persons employed in the industry in question are not peculiarly interested or considered. They have no more control than in the case of private concerns. These State concerns when resolved into their parts turn out to be huge monopolistic trusts differing only from capitalistic trusts in the fact that even if profits are made they go not to the advantage of any individual, but to the profit of the State in general.

A second kind of nationalization is that which was pressed for by various industrialists in South Africa who desired to see State mining introduced into the goldfields of South Africa, particularly in the case of the East Rand goldfield. Here, as in the case of the first kind of nationalization above mentioned, the form of nationalization desired was State ownership with bureaucratic control, but it differed in this, that the aim of those who pressed for State ownership was to carry on the business not so much for

the purpose of profit-making as for the benefit of the persons employed in the industry, or, rather, for the benefit of the white labour employed in the industry. This form of nationalization was rejected by the State Mining Commission for the Union of South Africa, which issued its majority and minority reports in 1917.

The third, or perhaps we should admit the possibility of more than three variants by saying a third, form of nationalization is that which emerged as a result of the deliberations of the Coal Industry Commission which sat in London in 1919 to consider the nationalization of the coal-mining industry of Great Britain. This form of nationalization may be described as the democratization of industry, whereby the ownership is in the State as shareholder, and the direction and control is partly in the State, partly in the worker, and partly in the consumer, the interests of those who supply the money and the labour and of those who purchase the product of the industry being thus alike safeguarded. By a small majority this form of nationalization was recommended by the Coal Industry Commission for the consideration of Parliament, but the recommendations were rejected by the Coalition Government then in power, whose decision appeared to be subsequently ratified by public opinion as expressed both in the public Press and in the industrial world by the refusal of trade unionists to allow the issue thus created between the miners and the Government to be made the ground for a general strike.

It is of this form of nationalization that we at present more particularly speak, though it should be understood that, in considering it, it is necessary to postulate that if sound it would of necessity involve the nationalization not merely of the coal industry but of all industries, and if unsound in respect of the one industry in relation to which it has been most critically examined, it would be also unsound for all other industries. In other words, nationalization as a principle is either good for all industries or good for none.

It is necessary to make one more preliminary remark.

One may hold strongly to the view that nationalization is a thing of the future, and is a form of industrial organism which offers great advantages to the State and the workers, without admitting that it is either desirable or possible at the present moment. In the same way a visionary in the fourteenth or even in the early part of the eighteenth century might have looked forward with fervent hopes to a time when the control of states should be in the hands of the subjects of those states. Such a reformer might have struggled and fought for the immediate rise of a free democracy. Had he done so, either he would have fought in vain, or, had he won, he would not have advantaged the people. For the rise of a free democracy capable of exercising effective control over national destinies depends not so much upon the machinery of government as upon the mental and spiritual development of the citizens who form the state. To give adult suffrage, or, in other words, to hand over the control of the machinery of government to a people that is unlettered and superstitious, that is unacquainted with foreign affairs and ignorant of internal conditions, that is incapable of forming an ordered judgment either on the ends to be pursued or as to the means to accomplish such ends, would be to create not democracy but disorder.

It is therefore necessary not only to consider whether a proposition for social betterment is theoretically sound, granted a perfect state of society; it is also important to see whether society is perfect or, if not perfect, sufficiently developed to make the end pursued not only possible but expedient. To attempt to foist on an unprepared people political or social forms for which the fabric of their society is not designed is to invoke a form of revolution and to risk shattering the whole structure. It is as though, desiring to improve a building, one should impose upon the ancient foundations new stories which those foundations were never intended to carry. The result would not be a skyscraper, but a heap of ruins. No more perfect example of the desolation resulting from attempting to achieve

political and social progress without taking count of the existing structure of society is to be seen than in the Russian Revolution, where the granting of what appeared theoretically to be a constitution giving absolute freedom in politics, society, and industry resulted in a despotism in which liberty of opinion and action was absolutely destroyed. There, indeed, we have seen what was intended to be the splendid edifice that should replace the absolutism of Tzardom crash into a mere heap of disordered fragments in which neither rich nor poor could find shelter.

In considering the question of nationalization we shall consequently regard the matter first from the point of view of a society that is sufficiently developed to receive it and then we shall endeavour to determine whether our social state as it exists to-day is so sufficiently developed.

Efficiency the Test

Industry, it may be assumed, should exist for the benefit of the people at large. It should, therefore, at once produce goods as cheaply as possible in as large a quantity as possible. Those engaged in industry should receive wages that are as high as possible in return for work carried out through the minimum number of hours. These aims, stated dogmatically, are all desirable; they are also mutually destructive. It is therefore necessary for the reformer to balance each one against the others until it is found what are the best hourage and wage that will produce the most suitable quantity of products at the most just cost.

It will be apparent that, without going into any detail, the *optimum* in each of these various directions cannot be reached unless there is present on the part of all concerned the maximum efficiency. To take a simple case, if we regard an absolutely efficient factory in which is working an absolutely efficient workman, such workman will produce more articles at a less cost than would a poor workman operating in an ill-equipped factory. Such articles could consequently be sold at a less price; and if it were so desired, the workman, instead of turning out so many

articles at such a small cost, could work fewer hours at the same wage, or could work the same hours for a higher wage.

Efficiency, therefore, becomes the test whether this or that form of industrial organization makes for the public good. For the maximum efficiency to be achieved it is necessary to have maximum efficiency in management as well as in labour, in distribution as well as in production, in development as well as in the exploitation of that which is already developed.

What, then, is likely to make for the maximum efficiency? It will be observed that in considering the advantages to be arrived at we have looked almost entirely at material advantages: many and cheap products; high wages; reduced hours involving much leisure. We have chosen these benefits as ones that are obvious and make a natural appeal to those who live to-day in a material world. But the acceptance of these advantages involves the further acceptance of material gain as the main motive force of human activity. It follows as a consequence that material rewards form the best incentive to efficiency.

Let us, therefore, see how such propositions fit in with the theory of nationalization. It is possible that in a perfect state of society in which men were all possessed of a high level of education, imbued with a desire to serve their generation, in which duties were recognized with the same force as rights, and in which it was considered to be dishonourable not to give of one's best during the hours one was labouring for the State, men would achieve the maximum efficiency without supervision or control. In such a Utopia the labour half of the machine would run smoothly and safely without either oiling or guards. It is possible, also, that the most able men would come forward and place their brains and abilities at the service of the State without thought of private fortune or personal aggrandizement. It might then be that inventors would produce their schemes and devote their leisure and their ideas to the service of humanity for nothing; that

managers would be content to become as efficient as possible solely in order that the community might benefit from their knowledge and experience; that capital would be diverted into the channels where it was most needed without regard to the profits that would accrue so only that a reasonable return was secured. To state these possibilities is to show, however, how far we are yet from a state of society in which the material incentives now offered by commercialism or capitalism could safely be dispensed with.

When we get down to the hard bed-rock of actualities a very different stratum of fact is discovered.

Efficiency of State Control

It has been strongly urged both in England and elsewhere that the experiences of the War have proved that the State direction of industry results in a vast increase in the production of things necessary for the well-being of the State. In the words of the Report of the South African State Mining Commission of 1917:

> At the present hour political thought is dominated by the facility with which States, in pursuit of divers State interests, sacrifice the lives, the property, and the well-being of their subjects. The manifestation during the War of the omnipotence of States over their subjects was frequently referred to in evidence as pointing to the necessity of States exercising similarly extensive activity in the time of peace for the purposes of industrial development. . . . It was frequently asserted in evidence that the exigencies of warfare had settled once and for all the question as to the respective advantages and disadvantages of public and private enterprise. The measures adopted by Governments in industrial organization to secure material for military purposes were accepted as marking the close of the era of industrial organization under the control of the private firm or the public company.

There can, of course, be no doubt that the State control of industries for war purposes did achieve very notable results in the production of war material and in the growth and transport of the necessities of life. How great that

achievement was in Britain may be gathered from Sir Leo Chiozza Money's interesting book, *The Triumph of Nationalization*. It is only possible, however, to compare like with like. One cannot, for example, compare a hippopotamus with a pearl; the hippopotamus may be much larger without being more valuable. It is also apparent that the whole circumstances of industry during war and during peace are fundamentally unlike. The Government War effort was carried on regardless of convenience or cost; practically the whole man-power of the country was diverted into immediately necessary and ultimately absolutely useless work; shells were produced in gigantic quantities and at enormous cost; the public credit was widely broken into to sustain for a few years an effort which, if maintained even for a decade, would have plunged the world into universal ruin. Is it in any way possible to compare such activities with peace-time commerce? Is it possible to ignore the fact that, as a result of the necessary and valuable steps taken by Governments to meet an overwhelming peril, the cost of living has increased threefold, many people are without houses, half the nations of Europe are trembling on the verge of bankruptcy, and the British National Debt is counted in terms of thousands of millions?

In view of these considerations it appears necessary for the purpose of clear thinking to brush on one side war-time experiences altogether. The whole circumstances were extraordinary, and both life and money were then disregarded. Rather let us compare like with like and see how in times of peace the State control of industries compares with private control so far as efficiency of management is concerned.

The most valuable comparison which can be made is probably between the working of the State and the private mines of Germany, but if such examples as the working of the telephone system of America or Great Britain under private management and under public control were resorted to, it would be seen that even in simple businesses involving

little more than organizing and administrative ability the comparison does not favour State control.

In Germany State coal-mines have been worked for more than a century, and at the time of the outbreak of war in 1914 a substantial part of the coal output of that country was derived from State mines. Between the years 1881-1910, while the output from private mines increased from 44,865,000 to 125,916,000 tons per annum, that from the State mines increased from 9,596,000 to 20,002,000 tons per annum. The State mines thus produced roughly one-sixth of the amount of coal obtained from private mines, and formed therefore an important branch of the industry.

Now, it may be assumed that the test of efficiency in management is to be found not in the gross output, for that may depend upon the size of the concern, but in the output per man employed, and when this test is applied over the twenty-two years from 1889 to 1911 it is found that whereas under private ownership in Germany the output went up from 247 to 253 tons per man per annum the output in the State mines commenced at the comparatively low figure of 239 tons per man per annum and dropped to 223. It will therefore be seen that whether in respect of productivity in any one year or over a series of years, State ownership and State control of the German type has proved itself to be less efficient than private ownership; and such comparative inefficiency has become greater with the passing of the years.

Had this low productivity resulted in the workers employed in the industry being better treated in the matter of either wages or hours the loss to the consumer would in some measure have been compensated by the gain to the producer; but, in fact, the workers in the State mines were paid less for the same number of hours of work, with the result that the cost of production in the State mines was before the War about the same as, though slightly higher than, the cost in private mines. When we turn from coal to metalliferous mining in Germany we find that the State mines are uniformly carried on at a loss.

It is because of such considerations as these that the Chief of the Bureau of Mines in America cabled at the time of the sitting of the South African State Mining Commission that:

> In the United States the Government policy towards mining and other industries has tended, as evidenced in the mineral and land laws and anti-trust legislation, towards the rewarding of industrial effort and the encouragement of competition rather than towards State operation or socialistic effort.

Experiences

When we consider the experiences of other countries that have experimented with State ownership and control of industries we find that the results obtained have not been exceptionally good or in any way superior to those attained under private ownership. Whether we consider the State mines of Tasmania, Victoria, Queensland, South Australia, New South Wales, New Zealand, Holland, or Austria-Hungary, or the efforts made by the Dutch Colonial Government in Banka Islands and by the English Colonial Government in Nigeria, we discover either a lack of success or results not superior to those obtained by private ownership working under similar conditions. It is true that in the Netherlands the wages paid in State mines during the years 1911 to 1914 were slightly higher than in the case of privately owned mines, varying from 4·65 shillings to 4·98 shillings per day for underground men as against 4·23 and 4·92 shillings respectively in the case of privately owned concerns, but the output per man was substantially lower, varying from 211·1 tons to 257·9 tons per annum as against 273·5 and 285·6 tons. Here again, as in the case of Germany, the State proved less able to overcome exceptional difficulties, the output per month in 1916 having dropped to 13·65 tons as against the 18·3 tons obtained under private enterprise.

In certain isolated cases exceptional financial results have been secured under State management, but only in circumstances most favourable to profit-making. Thus,

during the Boer War the late South African Republic confiscated and worked certain gold mines in the Witwatersrand under the direction of the then State Mining Engineer. Naturally, the best and most paying mines were selected, and these mines had already been developed and equipped and were in perfect running order. The best stopes were worked; no development was carried on; stores found were used and not replaced, or charged out against working costs. The inevitable results were that high profits were secured, but the mines themselves were exhausted and rendered far less valuable. The next attempt on the part of the Transvaal Government to mine, this time for tin in the Pietpotgietersrust district, under normal conditions had a very different sequel, as did the activities of the Nigerian Government in the exploitation of the oil deposits of Southern Nigeria.

Collateral Advantages

Indeed, it may be said that experience hitherto has shown that the State control of the industry of mining, an industry which we take for the sake of example because it is the most important and the most complex industry that has hitherto been nationalized to any extent, can only be justified on the ground that by that means only can certain collateral advantages be secured; it cannot be justified on the ground that by its means the industry itself has been rendered more efficient.

The collateral advantages aimed at have in the past been numerous and diverse. In Germany the Silesian State coal-mining industry was begun by Frederick the Great in order to supply the State smelting works with coke, and the metal-mining industry, which, as we have seen, was originally carried on at a loss, was commenced in order to supply employment to miners thrown out of work by the refusal of private capitalists to continue working mines which showed no profit and held out no hope of profit in the future. These mines were also used to give work to discharged soldiers. In later years the State coal-

mining industry of Germany was extended for the same reason that the coal-mines at Port Elizabeth, Liverpool, and Seddonville were sunk by the New Zealand Government, viz., to ensure a regular and cheap supply of coal to the State railways and to protect the State in particular and the consumer in general from trade combines which threatened to increase the cost of coal—a most worthy object which, however, could be achieved, it would seem, by legislation such as the anti-trust legislation of the United States. The Victorian State mine, on the other hand, was opened chiefly owing to a strike which occurred in a neighbouring State from which the bulk of the coal supply had hitherto been obtained, while the Argent Flat Mine in Tasmania was developed for experimental reasons, for, all the mines in the Zeehan District having been worked out and closed down, the Government was approached to sink a deep shaft to ascertain if the deposits existed at a depth below those attained by private enterprise.

But although the existence of collateral advantages may offer a reasonable ground for nationalizing a particular industry, it is no ground for nationalizing all industries. To carry on one industry at a loss may in some circumstances be prudent; to carry on all at a loss inevitably involves national bankruptcy. But, as we have seen, nationalization as a theory of industrial organism must be true for all or none. As a theory it must stand or fall on the general and not on the particular case.

Workers' Control

The experiments in nationalization which we have above glanced at have given results by which we can test the first and second forms of nationalization. We have seen, however, that under the third form of nationalization as above defined the control would not be solely in the hands of the State, but would be divided among the State nominees and those appointed by the workers and the consumers. It is therefore desirable to consider whether efficiency would be increased by this composite control.

There has been little experience hitherto of complex concerns being carried on either by workers or by their nominees. The Co-operative movement, as it is understood in this country, is hardly a case in point, for in that case the workers are in combination simply in the position of an individual capitalist; the shareholders exercise no more control than do the shareholders of any ordinary trading company; the managerial staff are chosen because of individual technical skill, not because they are the chosen of the workers. The nature of the experiences of Russia, where, it would appear, serious efforts have been made to run industrial concerns by councils of workmen, is as yet too little known to enable safe conclusions to be deduced therefrom, but there is every sign that the attempt has resulted in a complete economic and industrial catastrophe, which has doubtless been accentuated by the political misfortunes of that unhappy country. The experiences in Italy, during the 1919–20 crisis, in so far as they go, point the same way.

It is, however, probably unjust and certainly unwise to argue from the experiences of countries that are either on the brink of or plunged in the midst of revolution. We are consequently thrown back upon the probabilities of the case in any endeavour to foresee the effect upon efficiency of workers' control. It would certainly be a matter for surprise if a financier, or a commercial magnate, or a director, or a company secretary could go into the factory and undertake without training the work of the skilled mechanic and rival him in the production of articles of manufacture the surprise at such an achievement would be due to the fact that skill in one department of life is not usually proof of skill in an entirely different branch of activity. By what inversion of reason, therefore, is it to be supposed that the skilled mechanic or the unskilled labourer could bring new strength and wisdom to the deliberations of a board of directors or could secure the more efficient management of industries? If he did not achieve this miracle, how could his advent either improve the lot of the workman or meet more surely the needs of the

consumers? For the same reasons it is not obvious how control by consumers could increase efficiency.

The Need for Efficiency

It may of course be urged that the well-being of the community rather than the efficiency of industry should be the goal to be aimed at, and that the triple control we have been considering would secure this aim by giving to the people the control of capital rather than to capital the control of the people. It may, however, be demonstrated that well-being and efficiency are mutually dependent terms. It is of little purpose to assume the control of capital in the name of the people if by so doing the condition of the masses is degraded; it matters little who rules so that the people are advantaged.

That efficiency and well-being depend the one upon the other is a maxim of economics which no one has yet succeeded in disproving. That efficiency has hitherto been most securely attained by the offer of material advantage is the experience of all mankind; that in a better and wiser condition of society other, purer, and more powerful motives might be found is an attractive possibility which has not yet reached the stage of probability. Whether with the spread of education and the creation of a true and universal corporate spirit it will ever be possible to replace wealth by more worthy incentives the future alone can show. The present, it would seem, can be best employed by endeavouring with all the means available to increase efficiency by improving the well-being of the people. Already important steps have, as we have seen, been taken to this end; other and valuable efforts are at present being made by all the civilized nations of the earth. The end is not yet, and the years that lie before will probably see improvements in the conditions of life which at the time of the Reform Bill would have been regarded as Utopian. Such advances will not, however, be secured cheaply. The spread of education, the increase of leisure, the perfecting of living and working environments, all draw either

upon the pool of labour from which all wealth comes or directly upon the wealth thus derived. All progress, therefore, appears to depend in the last resort neither upon forms of government nor upon the desire to govern benignly, but upon the readiness of all to give of their best in brains or toil in the directions in which their activities are devoted.

The End and the Means

But even assuming that the whole fabric of the industrial organism does require to be entirely re-woven; even assuming that Mr Webb is justified in making his dogmatic pronouncement that "The situation which has to be faced is that, at the present moment, that system [the Capitalist System], as a coherent whole, has demonstrably broken down";[1] the question remains in what manner the change is to be effected.

At the moment the civilized world is presented with two alternatives. Either we must have revolution or we must allow the slower but more sure processes of evolution to carry us through to the destined end.

The dangers, the miseries, the losses involved in the acceptance of the first alternative are certain. The world has experienced them not once but many times. We have seen, not once but many times, noble aims stirring passions which, once aroused, passed beyond control, and which resulted in excesses and atrocities and retrogressions very different from the ends envisaged by the men who set the evil thing in motion. But when we ask for what certainties are these ascertained and known evils to be suffered we find ourselves in the realm not of fact but of opinion. It is merely this or that man's opinion that this or that advantage will accrue.

Revolution is indeed the expression of active opinion pressed home and violently enforced by the few. When once an opinion has been adopted by the many so that it may be said to be accepted, it no longer, in a democracy,

[1] *A Constitution for the Socialist Commonwealth of Great Britain.*

becomes necessary to resort to violent means. The way is clear, the tree falls of its own weight and age and needs no ruthless hewing away. It falls because it is rotten, not because somebody thinks that it is rotten and ought to be cut down.

But evolution is acceptable as a policy for those who believe real wrongs exist only on the supposition that the opinion of the many is the dominant factor in our political life. It is useless to look to evolution to remove such wrongs if the people, though needing and desiring change, are powerless to effect that change by the peaceful expression of their desires. Evolution as an acceptable principle to modern man is thus dependent on the effectiveness of our political system as a democratic system. It has become the fashion with certain thinkers whose minds are bent toward the Left to regard modern democracy as a snare and a delusion. But we ask very seriously the questions: Is our present political system a fraud? If it is, why is it?

Modern Democracy

Democracy, in the true sense, as a system of government, is a thing of very recent growth. England, a country that may be regarded as a political pioneer, has only within the last few years arrived at the stage of adult suffrage. Long after the Reform Bill had been passed political power was exclusively in the hands of the upper and middle classes. When at length the masses were admitted to a share in the direction of the country's destinies it was only on a narrow franchise, seriously impaired as regards effectiveness by the very real powers remaining to that close corporation the House of Lords. Even, however, with a very imperfect form of democracy as yet established, with all the forces of bribery and intimidation still unloosed, we have seen that notable advances were made in our social life throughout the middle period of the nineteenth century. Since the extension of the franchise and the strengthening of the power of the House of Commons have been effected, political power

has been utilized more and more in order to improve the conditions under which the masses live and work. That such is the fact may be learnt by all who will peruse the Statute Book, by all who will contrast the conditions of to-day with the conditions of the last generation. This fact opposes a strong argument to those who say that the people can find no hope in the development of democracy, but must go beyond and look for salvation in the rude destruction of ordered institutions.

The Hope for the Future

Even as we see little gain flowing from movements which would violently interfere with political development, so also the tendency toward class antagonism so clearly evident to-day is, we believe, a vicious tendency. There are, it is true, many thousands to-day who are sympathetic toward the opening words of the constitution of the Industrial Workers of the World: "The working class and the employing class have nothing in common." The whole trend of history would appear, however, to show that mankind in general, and the masses in particular, have reached their present state, a state immeasurably superior to that of primitive man, through those who have sought to raise up the unfortunate rather than through those who have endeavoured to pull down the fortunate. Evolution has been based upon sympathy rather than upon hate. The fundamental conceptions of those who would level by pulling down are founded in hate, and, unless we are to witness a reversal of the processes of evolution, cannot finally prevail. They can, however, cause grave temporary troubles and can place a clog on the wheels of progress.

We look rather to the general spread of education, true education that informs the mind and teaches it to reason, as the great hope of the future. Man long ages ago emerged as the grand selected animal to whom the power of thought and ordered analysis of causes and effects was given. Through the ages he has toiled along the road

that Nature then opened to him. He will find his final salvation when, discarding the methods of the brute, he at length directs his course of action according to his reason, and when that reason is cultivated to its highest and is equipped with knowledge. That is the grand movement that will most surely solve our present ills.

A LIST OF SELECTED BOOKS

THE following short list gives the books and editions which it is believed will prove of the greatest interest to the general reader. Blue Books and official publications are not included. A good bibliography of such publications, which are extremely numerous and often very valuable, will be found in the Catalogue of the Library of the Labour Department of the Board of Trade (now the Ministry of Labour).

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