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Corruption and the Public Service Ethos in Mid-Victorian Administration: The Case of Leonard Horner and the Factory Office[*]

Ian Cawood

Abstract

While the problem of political corruption in the mid-19th century Britain has been much studied, the experience of corrupt behaviour in public bodies, both new and long established, is comparatively neglected. This article takes the example of one of the first inspectorates set up after the Great Reform Act, the Factory Office, to examine the extent of corrupt practices in the British civic state and the means whereby it was addressed. It examines the changing processes of appointment, discipline, promotion, the issues of remuneration and venality and the relationships between inspectors, the workers, the factory owners, the government and the wider civil service and the press and public opinion. The article argues that the changing attitudes of the inspectors, especially those of Leonard Horner, were indicative of a developing a 'public service ethos' in both bureaucratic and

[*] I am indebted to Professor Angus Hawkins and the hospitality of Keble College Oxford, for providing me with a term's research associateship in 2017 when the bulk of the research for this paper was carried out. I am grateful to Helen Taylor, archivist of Heriot-Watt University, for kindly showing me copies of letters from Kinnordy House and the unpublished memoir of Leonard Horner by Professor James Grieg. I am also grateful to Professor Hawkins, Professor Vernon Bogdanor, Professor Robert O'Kell, Professor Dil Porter Dr Tom Crook, Professor Peter Marshall and the two anonymous peer-reviewers for their comments on earlier drafts of this article.

cultural settings and that the work of such unsung administrators was one of the agencies through which a corrupt behaviour in the civic structures of Victorian Britain was, with public support, challenged. The article concludes that the endogenous reform of bureaucratic practice achieved by the factory inspectorate may even be of equal significance as that which resulted from the celebrated Northcote-Trevelyan Report of 1853.

Introduction

In an article in the London *Observer* entitled 'Statesmen buried in Westminster Abbey', shortly after the death of Lord Palmerston in October 1865, the author identified 'the political worthies of the past and present generation' and described successively the achievements of Chatham, Pitt the Younger, Wilberforce and Macaulay, among ten others. At the end of the list was an entry for an individual, less familiar to the modern reader:

> HORNER – Leonard Horner, whose remains were also consigned to Westminster Abbey, is too well known to the reader to need any remarks at our hands.[1]

While making allowance for the fact that Horner had only died in the previous year and, as a long-serving inspector of factories, his reports

[1] *Observer*, 30 Oct, 1865.

had been frequently reproduced in the British press, one is still struck by the fact that his career was considered so well known to his contemporaries that it needed no description, while those of Canning, Fox and Castlereagh did. Horner's fame soon faded in mainstream British media, however, and he was chiefly recalled as a notable geologist and an academic reformer by the end of the century.[2] In the twentieth century he escaped obscurity in the 1960s and 1970s when left-wing historians discovered that Karl Marx himself had written to the *New York Daily Tribune* to praise his 'moral courage…steadfast energy and…intellectual superiority…in the teeth of all powerful class-interests'[3] and he was therefore rehabilitated as a significant public administrator who exposed social problems and, in the teleology of the 'welfare state Whigs', stimulated the emergence of government-led assistance.[4] None of these aspects of his career seem to justify the bold statement of the *Observer*, however, nor the remark, in an obituary of John Stuart Mill in 1873, that Mill's 'reputation, like that of Adam Smith, Jeremy Bentham [and] Leonard Horner… shall endure.'[5] This article shall seek to explain

[2] See for example J. W. Dawson, *Modern Science in Bible Lands* (London, 1895), p. 246; J. Grant, *Cassell's Old and New Edinburgh: Its History, its People and its Places* (London, 1880), p.421-2.
[3] Karl Marx, *Capital: A critique of political economy*. (rev. trans. by Ernest Untermann from 4th German edn., New York, 1906), i, 249, n. 1.
[4] J.T. Ward, *The Factory Movement, 1830-1855* (Basingstoke, 1962); B. Martin, 'Leonard Horner: A Portrait of an Inspector of Factories' *International Review of Social History,* xiv (1969), pp. 412-43; D. Roberts, *Victorian Origins of the British Welfare State* (London, 1969); U. Henriques, *The Early Factory Acts and their Enforcement* (London, 1971); D. Fraser, *The Evolution of the British Welfare State* (London, 1973); P.W. J. Bartrip and P.T. Fenn, 'The Administration of Safety: the Enforcement Policy of Early Factory Inspectorate, 1844-1865' *Public Administration,* lviii (1980), pp. 87-102.
[5] *Halesworth Times*, 13 May 1873.

why Horner's reputation stood so high at the time of his death and will reassess the significance of his position as an early civil servant confronting an array of vested interests in defence of the powerless at a time when the ethical standards expected of the state's agents were still to be formally established.

Study of the struggle to reform official behaviour in the administrative bodies of a region, nation or private corporation has, until recently, largely been seen as the preserve of political scientists. Yet the difficulty in preventing the misuse of public office for private gain in large parts of the modern world has slowly encouraged a shift in scholarly attention to developments in western societies with relatively low levels of venality, nepotism and government interference in official bureaucratic processes.[6] If wide-spread public corruption is hard to prevent and harder still to expunge, how did countries such as Britain, France, Sweden, Denmark and Prussia do so during the nineteenth century?[7]

[6] R. Kroeze, A. Vitoria and G. Geltner, eds., *Anticorruption in History: From Antiquity to the Modern Era* (Oxford, 2017); R. Neild, *Public Corruption: The Dark Side of Social Evolution* (London, 2002); S. Tiihonen, ed., *The History of Corruption in Central Government* (Brussels, 2003); A. Mungiu-Pippidi, *The Quest for Good Governance: How Societies Develop Control of Corruption* (Cambridge, 2015); C. Dahlström, V. Lapuente and J. Teorell, 'The Merit of Meritocratization: Politics, Bureaucracy, and the Institutional Deterrents of Corruption' *Political Research Quarterly*, lxv (2012), pp. 656-68.

[7] E. Anderson and P. Anderson, 'Bureaucratic Institutionalization in Nineteenth Century Europe' in A. Heidenheimer, ed., *Political Corruption: Readings in Comparative Analysis* (New Jersey, 1978), pp. 91-105; E. Hellmuth, 'Why Does Corruption Matter? Reforms and Reform Movements in Britain and Germany in the second half of the Eighteenth Century' *Proceedings of the British Academy*, c (1999), pp. 5-23; W. Doyle, 'Changing Notions of Public Corruption, *c*.1770-*c*.1850' in E. Krieke and W. J. Jordan, eds., *Corrupt Histories* (Woodbridge, 2004), pp. 83-95; B. Rothstein and J. Teorell, 'Getting to Sweden, Part II: Breaking with Corruption in the Nineteenth Century' *Scandinavian Political Studies*, xxxviii (2015) pp. 238-54; A. Mungiu-Pippidi, 'Becoming Denmark: Historical Designs of Corruption Control' *Social Research,* lxxx (2013), pp. 1259-

The concept of corruption in Britain has largely been studied hitherto as a political rather than a bureaucratic issue in the eighteenth century, with the freedom of the press to expose ministerial corruption tested in a number of court cases, most famously, in the trial of Warren Hastings between 1787 and 1795.[8] In the eyes of critics the existing political system had become morally debased through the self-interest of the elites who had abused the trust the public placed in them and classical concepts of public service were employed to posit an alternative approach to governance.[9] For radicals, Parliament was at the heart of this system of 'Old Corruption', whereby the government doled out well-paid sinecures and pensions to 'placemen' who could be relied on to vote the right way as and when required and wealthy landlords could place their clients in Westminster through pocket or 'rotten' borough seats, whose few votes could easily be bribed.[10] Chief among the landlords who manipulated the system to their political advantage were of course the Crown and the Church of England.[11] Naturally, given the political struggles of the period, this concept of 'Old Corruption'

86; H. Rosenberg, *Bureaucracy, Aristocracy and Autocracy: The Prussian Experience, 1660-1815* (Cambridge MA, 1966), pp.88-108.

[8] M. Knights, 'Corruption and anti-corruption in Britain' *History Today,* lxv (Dec. 2015), pp. 29-35; N. Dirks, *The Scandal of Empire: India and the Creation of Imperial Britain* (Cambridge MA, 2008), pp. 37-86.

[9] B. Buchan and L. Hill, *An Intellectual History of Political Corruption* (Basingstoke, 2014), pp. 125-154.

[10] M. Knights, *Old Corruption: What British History can tell us about corruption today* (Warwick, 2016).

[11] M. Flinders and M. Geddes 'The Silent Revolution: A Political History of the Politics of Patronage and Reform' *Contemporary British History*, xxviii (2014), p. 28.

(referred to by Cobbett simply as 'the Thing'[12]) cast government as 'an exercise in rewarding fellow aristocrats rather than an attempt to pursue the common good.'[13]

In fact, as Philip Harling has demonstrated, William Pitt and Lord Liverpool had attempted to justify the increases in tax demands during the Napoleonic Wars by clamping down on excessive jobbery even as the fiscal-military state grew.[14] This was also done to demonstrate the self-correcting nature of the existing political system in the face of radical criticisms such as those contained in *The Black Book, or Corruption Unmasked! Being an Account of Persons, Places, and Sinecures* compiled by John Wade, the former editor of the *Gorgon.*[15] For the Whigs, a return to the essential qualities of the British constitution, perverted by decades of Tory rule, required the removal of the most notorious examples of 'rotten' and 'pocket' boroughs, the cleansing of public administration and the introduction of elected local government in the 1835 Municipal Corporations Act.

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[12] C. Calhoun, 'Beyond Left and Right: A Cobbett for Our Times' in J. Grande and J. Stevenson, eds., *William Cobbett: Romanticism and the Enlightenment: Contexts and Legacy* (London, 2015), p.165.
[13] J. Thompson, 'Good Government' in J. Thompson and D. Craig, eds., *The Languages of Politics in the Nineteenth Century* (London, 2013), pp.28-9.
[14] P. Harling, *The Waning of Old Corruption* (Oxford, 1996), pp. 89-135.
[15] Anon. (John Wade), *The Black Book: An Exposition of Abuses in Church and State, Courts of Law, Municipal Corporations and Public Companies* (London, 1820). See also *The People's Mirror* (1816); *A Peep at the Peers* (1820) and *Links of the Lower House* (1821).

If one accepts that the most blatant political corruption had begun to be expunged in the 1830s (although bribery at elections remained common until 1883), it is necessary to turn to a more petty form of corruption, which had been a persistent feature of British civic society since the days of Pepys and the Duke of Chandos and which is a feature of many societies today, at least according to the annual *Corruption Perception Index.*[16] This is the public corruption defined by Michael Johnston as 'the abuse…of a public role or resource for private benefit.'[17] While Pitt, Liverpool, Grey, Melbourne and Peel all did much to reduce the clientism which produced poor administrators or merely drained the public purse, they did not *consciously* attempt to reform the professional, ethical or moral standards of behaviour by public servants, as these agents multiplied in the first half of the nineteenth century. Although Britain never developed a bureaucratic system wherein all public offices were regarded as the 'spoils' of victory, as in the United States of America, this was because the offices had been seen as private property.[18] As such, although public office in the later eighteenth

[16] M. Knights, 'Samuel Pepys and corruption' *Parliamentary History*, xxxiii (2014), pp. 19-35; J. Van Klaveren, 'Corruption as a Historical Phenomenon' in Heidenheimer, ed., *Political Corruption*, pp. 73-5; A. Graham, 'Auditing Leviathan: Corruption and State Formation in Eighteenth Century Britain' *English Historical Review,* dxxxiii (2013), p. 806-38; Transparency International, *Corruption Perceptions Index 2017* (Berlin, 2018).
[17] M. Johnson, 'The Search for Definitions: The Vitality of Politics and the Issue of Corruption' *International Social Science Journal*, cxlix (1996), pp. 321-35; see also J. Senturia, 'Corruption, Political' in E. Seligman and A. Johnson, eds., *Encyclopaedia of the Social Sciences* (15 vols., Basingstoke, 1931), iv, 448; C. Nicholls, T. Daniels, A. Bacharese and J. Hatchard, *Corruption and the Misuse of Public Office* (2nd edn., Oxford, 2011), p. 8.
[18] S. E. Finer, 'Patronage and the Public Service: Jeffersonian Bureaucracy and the British Tradition' in Heidenheimer, ed., *Political Corruption*, pp. 106-25; P. Arnold, 'Democracy and Corruption in the 19th Century

century was no longer bought and sold, it would be awarded by a patron to a client, who had performed a service, or promised political or personal service.[19] The client, having expended resources in gaining the office would then seek to reimburse his investment by what we would regard today as extortion and embezzlement, but what was then tolerated under the guise of 'fees' or 'gratuities.'[20] The much celebrated abolition of the sinecure office in the Exchequer in 1783 was an important breakthrough and a demonstration that the public mood was shifting in the aftermath of the loss of America, but it was an exceptional case for the period, and even here, these reforms did not fully overturn the patrimonial cultural practices in British public administration.[21] Most early nineteenth century officials still held their positions for life with few structures of discipline and little managerial oversight.[22] To give one example which must stand for countless others, in 1817, the master of the workhouse in Birmingham, a Mr George Hinchcliffe, was accused in the local press of not merely embezzling resources, but also of operating a system where a former inmate, a Mrs Martin, had been selling clothing

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United States: Parties, "Spoils" and Political Participation' in Tiihonen, ed., *The History of Corruption in Central Government*, pp. 197-212.

[19] Heidenheimer, 'Introduction' in Heidenheimer, ed., *Political Corruption*, p. 14.

[20] K. W. Swart, 'The Sale of Office' in Heidenheimer, ed., *Political Corruption*, pp. 82-8; M. Knights 'Anticorruption in Seventeenth and Eighteenth Century Britain' in Kroeze et al, eds., *Anticorruption in history*, pp.191-212.

[21] P. O'Brien and P. Hunt, 'England, 1485–1815' in R. Bonney, ed., *The Rise of the Fiscal State in Europe, c. 1200–1815* (Oxford, 1999), pp. 53-100.

[22] J. Brewer, *The Sinews of Power: War, Money and the English State, 1688–1783* (Cambridge MA, 1988), p. 87; W. D. Rubinstein, 'The End of "Old Corruption" in Britain, 1780-1860' *Past and Present*, ci (1983), pp. 55-86.

from the workhouse in a shop next door as well as supplying additional food to the inmate and having accumulated nearly £2,000 in the process.[23] This was not just the case of a single 'rotten apple', however. Hinchcliffe had been running the workhouse as a private business, making profits from the labour of the inmates with the consent and approval of the board of guardians, since 1801. Ultimately the crime that led to his dismissal was a failure to prevent the story becoming public and a failure to ensure that ratepayers' money was not being used by his employees for their own personal gain. Judging from other studies of the 'Old' Poor Law and examples such as that of the Edinburgh Sasine Office, Birmingham's case was by no means unique and even a centrally-located societal actor such as Edmund Burke judged that British public service at the end of the eighteenth century was a 'loaded compost heap of corrupt influence.'[24]

Only very gradually after 1780 did the idea of office-holding come to be seen as rule-bound and entirely in the service of the state and thereby for the benefit of the general public. It was by no means

[23] *Aris's Birmingham Gazette*, 13 Apr. 1818; Birmingham, Archives and Heritage Service, Library of Birmingham, GP/B/2/1/2, Birmingham Parish Guardians' minutes, 17 Mar. 1818; *Plain Truth, or a Correct Statement of the Late Events Relative to the Birmingham Workhouse*, *by H. W. S*. (Birmingham, n.d. [1818?]).

[24] T. Hitchcock, 'the English Workhouse: A Study in Institutional poor relief in selected counties, 1696-1750' (Univ. of Oxford D.Phil. thesis, 1985), pp. 160-65; W.J. Ashworth, *Customs and Excise: Trade, Production and Consumption in England 1640-1845* (Oxford, 2003), pp. 155-64; M. Durey, 'The Radical Critique of "Old Corruption" and the beginnings of public service reform in late Eighteenth Century Scotland: The Edinburgh Sasine Office as a Case Study' *Scottish Tradition*, xvi (1990-91), pp. 33-55; E. Burke, 'A Plan for the Better Security of the Independence of Parliament' in *Works of the Right Hon. Edmund Burke* (8 vols., London, 1841), i, 249. For the example of Liverpool, see A. Jarvis, 'Corruption and Scandal in the port of Liverpool' in J. Moore and J. Smith, eds., *Corruption in Urban Politics and Society, Britain 1780-1950* (Aldershot, 2007), pp. 81-94.

embedded into British civic culture by the 1830s, unlike in Prussia or France.[25] Although the Commissioners of Public Accounts had managed to replace the charging of fees by public officials with salaries, these still remained inadequate (which tempted officials to supplement these via extortion and embezzlement) and, 'scales still differed from office to office.'[26] Even after fifty years of public service reform, it was still normative practice for offices to be distributed to the family and clients of patrons, official status continued to be misused, promotion, discipline and dismissal remained haphazard and the concept of 'useful work' by officials was rarely understood, with no standardization of office hours, holidays, superannuation or travel expenses.[27] Auditing of departmental accounts continued to be as unsatisfactory.[28] By the 1830s, therefore, one may claim that engineers, medical practitioners and apothecaries were better regulated and ethically trained by their own professional bodies than was the British civil servant. As Jeremy Bentham stated in

[25] G. Talshir, 'Models of Public Servants' Training and the Crisis of Democracy: From "Politics as vocation" to the "Effective Bureaucrat"' in F. Sager and P. Overeem, eds., *The European Public Servant: A Shared Administrative Identity?* (Colchester, 2015), pp. 279-81; F. Shui, *Rebellious Prussians: Urban political culture under Frederick the Great and his successors* (Oxford, 2013), pp. 101-43; P. Jones, *Liberty and Locality on Revolutionary France: Six Villages Compared, 1760-1820* (Cambridge, 2003), pp. 119-62.
[26] E.W. Cohen, *The Growth of the British Civil* Service (London, 1965), p.65.
[27] P. Corfield, *Power and the Professions in Britain, 1700-1850* (London, 1995), p. 192.
[28] It was not until 1834 that the Audit Board phased out the use of Roman numerals and Latin in official accounts. See Finer, 'Patronage and the Public Service', p. 122. See also R. Sweet, 'Corrupt and Corporate Bodies: attitudes to corruption in eighteenth-century and early nineteenth-century town' in Moore and Smith, eds., *Corruption in Urban Politics and Society,* pp. 41-56.

1828, England was still 'cold, selfish, priest-ridden, lawyer-ridden, lord-ridden, squire-ridden, soldier-ridden.'[29]

Previously, studies of public institutions have emphasised the growing 'professionalism' of the public services in Britain in the nineteenth century, as if the behaviours required by public servants were value-free and uncontested. Most attention in the past few years has been given to the development of the Whitehall civil service, culminating in Rodney Lowe's 2011 official history of the central bureaucracy in which Lowe reinforced Kitson Clark's emphasis on the significance of the 1853 Northcote-Trevelyan report which is habitually credited for institutionalising values of impartiality and professional probity in the British civil service.[30] But Kevin Theakston has emphasised that not all the features of the modern civil service can be credited to the report, most notably, 'a neutral civil service withdrawn from party politics'[31] and John Greenaway has challenged the 'myth' that the 1853 Report marked a 'significant shift in the development of British central administration.'[32] Barry O'Toole, in his 2006 study of the mentality of the civil servant, described a process whereby public officials internalised a set of

[29] *Works of Jeremy Bentham,* ed. J. Bowring (11 vols., Edinburgh, 1843), x, 595 (Bentham to D. O'Connell, 15 Jul. 1828).
[30] R. Lowe, *The Official History of the British Civil Service: Reforming the Civil Service, Vol 1: The Fulton Years, 1966-81* (London, 2011), pp. 17-41; G. Kitson Clark, '"Statesmen in Disguise": Reflexions on the History of the Neutrality of the Civil Service' *Historical Journal*, ii (1959), pp. 19-39.
[31] K. Theakston, *Leadership in Whitehall* (Basingstoke, 1999), p. 37.
[32] J. Greenaway, 'Celebrating Northcote/Trevelyan: Dispelling the Myths' *Public Policy and Administration*, xix (2004), pp. 2-4.

standards of ethical behaviour which would be monitored by the institutional body itself, but also by the collective behaviour and individual conscience of the servants themselves.[33] As Frank Carr puts it, 'adherence to standards set by public servants as a profession emanated from their training and socialisation in the public service' yet how that 'training and socialisation' were initially achieved in the civil service of the mid-nineteenth, remains ripe for further investigation, given the renewed interest in historic anti-corruption strategies by bodies such as the European Union.[34]

The top-down reforms of the state officialdom that began with the Northcote-Trevelyan report eventually led to the 1870 Order in Council and the use of examination for entry into the civil service and the abolition of the sale of commissions in the armed forces.[35] But these reforms did not begin until the 1850s, many years after the considerable expansion of the public administration, which began under Peel at the Home Office in the 1820s and continued with the reforms of the Whigs in the 1830s. Furthermore, these 'great reforms' only narrowly affected the senior levels of both army and civil service and were not fully

[33] B.J. O'Toole, *The Ideal of Public Service: Reflections on the higher civil service in Britain* (London, 2006), pp.32-6.
[34] F. Carr, 'The Public Service Ethos: Decline and Renewal?' *Public Policy and Administration*, xiv (1999), p. 4; See 'Anticorruption policies revisited: Global Trends and European Responses to the Challenge of Corruption' available at http://anticorrp.eu/.
[35] Kitson Clark, '"Statesmen in Disguise"', pp. 19-39; J. Maloney, *The Political Economy of Robert Lowe* (Basingstoke, 2005), p. 49.

implemented until the 1870s. As G.E. Aylmer put it, 'one should not too readily assume a simple linear development towards the modern civil service of 1870.'[36] There is also an argument that the blatant patronage of the eighteenth century was replaced, not with a meritocracy, but with the privileging of Oxbridge educated former public schoolmen, who were effectively the same class as the 'placemen' of the eighteenth century. Nevertheless, as C.J. Friedrich observes, 'by the second half of the nineteenth century what had been considered "normal behaviour" had become corruption sharply condemned by the majority of Britons' and that Britain developed arguably 'the most thoroughly honest public service' in a process which he admits appears 'little short of miraculous.'[37] Exactly how atavistic and self-serving behaviours among individual public officers were replaced with what Carr terms 'an intangible set of values' and John Girling called 'the pursuit of virtue'[38] is a complex issue, yet, apart from the studies of individual public bodies or the wider surveys of political and social change, it is not one which has captured the attention of many Victorian cultural historians.[39] The issue

[36] G.E. Aylmer,' From Office-Holding to Civil Service: The Genesis of Modern Bureaucracy' *Transactions of the Royal Historical Society*, xxx (1980), p.107.

[37] C. J. Freidrich, 'Corruption Concepts in Historical Perspective' in A.J. Heidenheimer and M. Johnston, eds., *Political Corruption: concepts and contexts* (London, 2007), p. 21. His judgement is shared by the sociologists, Almond and Verba. G. Almond and S. Verba, *The Civic Culture: Political Attitudes and Democracy in Five Nations* (Princeton NJ, 1963).

[38] J. Girling, *Corruption, Capitalism and Democracy* (London, 1997), p.123.

[39] Rubinstein, 'The end of "Old Corruption"', p. 78. The recent Oxford University Press collection of essays on anti-corruption across Europe ignores the period of 1830-1880 in Britain. Kroeze et al, eds., *Anticorruption in history.*

is a deeply significant one, of course, as a collective, institutional sense of altruism and personal self-denial has proved remarkably tenacious in the character of British civic culture, at least until the 1980s.[40]

So what was the situation in the 1830s and 1840s when new public officials met the public? The point of interaction between petty public servants (such as policemen, excise officers, tax collectors, workhouse officials and inspectors) is, after all, where most corrupt behaviour occurred and occurs, yet where it was and is most difficult to detect and to expunge. The Whigs' priority after 1832, as Jonathan Parry has established, was to challenge the Tory strongholds of the Church and the army, but they somewhat inadvertently created new branches of state bureaucracy through their 'activist social policy' in the form of Poor Law, prison, schools and factory Acts.[41] All these initiatives required the appointment of inspectors and commissioners with sweeping and ill-defined powers to oversee the implementation of the Acts. The inspectorates developed rapidly, with ten set up in fifty years after 1832.[42] In the case of the factory Acts, the Whigs had passed this measure largely due to the powerful combination of Tory reformers such

[40] S. Rose-Ackerman and P. Lagunes, 'Introduction' in S. Rose-Ackerman and P. Lagunes, eds., *Greed, Corruption and the Modern State: Essays in Political Economy* (Cheltenham, 2015), pp. 6-7.
[41] J. Parry, 'The Decline of Institutional Reform in nineteenth century Britain' in D. Feldman and J. Lawrence, eds., *Structures and Transformations in Modern British History* (Cambridge, 2011), p. 168.
[42] These were: inspectorates of anatomy schools (1832), factories (1833), prisons (1835), mines (1842); burial grounds (1854); constabularies (1856), reformatory and industrial schools (1857), salmon fisheries (1861), gunpowder stores (1871) and cruelty to animals (1876).

as Oastler and Ashley and the Short-Time Committees of the operatives themselves. The Whigs, with strong political support from the factory owners and a rigid belief in minimal state interference in workings of the economy, were reluctant to pass Althorp's Act and not especially keen to enforce its operation.[43] In order to explore the impact of the factory inspectorate's work on the British administrative service ethos this article will explore four areas of significant change. These are: the methods of appointing public servants (both senior and junior), the control of venality among public servants, the growing impartiality of and independence from social and political influence on the public servant and the reprioritising of state action from the needs of the powerful to the needs of the powerless within a context of the wider 'common good.'[44]

II

Patronage had a long pedigree in Britain both as 'jobbery' and as a means of recruiting able men and the Whigs proved themselves as adept in appointing their clients to public office as their predecessors. The first factory inspectors therefore seemed highly unlikely to mount any challenge to the existing system of appointment to public sinecure in the future. The most celebrated inspector, Leonard Horner, the son of an

[43] P. Mandler, *Aristocratic Government in the Age of Reform: Whigs and Liberals, 1830-1852* (Oxford, 1990), pp. 145-7.
[44] J.I. Engels, 'Corruption and Anticorruption in the Era of Modernity and Beyond' in Kroeze et al, eds., *Anticorruption in History,* p. 175; M. Jaede, *The Concept of the Common Good* (London, 2017), available at: https://www.britac.ac.uk/sites/default/files/Jaede.pdf.

Edinburgh linen merchant was a product of the Scottish Enlightenment, with an eminent career in academia as a pioneering geologist and Fellow of the Royal Society. His connection with the 'philosophic' Whig circle associated with the *Edinburgh Review* through his late brother, Francis, had provided him with powerful patrons, but despite becoming the first warden of University College, London thanks to Lord Brougham, the Lord Chancellor, he been forced to resign as a result of his 'tactless' behaviour and he had moved to Bonn with his family, partly to continue his scientific research, but largely for financial reasons.[45] He returned to Britain in 1833 and visited Brougham, having

> heard that there are several measures to be brought before Parliament by Government..., and hoping that my friends in the government may think me qualified to act on some one of them.[46]

Horner's lobbying paid off and he was invited to join the Royal Commission on Child Labour in 1833 and was then appointed as one of four factory inspectors, responsible for Scotland, Ireland and the most northerly counties of England.[47] As the son of a mill-owner, he was hardly an impartial figure, but then the four men appointed to the factory inspectorate gave no suggestion that they were a new breed of virtuous

[45] H.H. Bellot, *University College, 1826-1926* (London, 1929), p.190; P. O'Farrell, *Leonard Horner: Pioneering Reformer* (Edinburgh, 2010), pp.86-122.
[46] London, University College Special Collections [hereafter UCL], Brougham MSS, Box 408, Horner 1 (L. Horner to Lord Brougham, 13 Feb. 1833).
[47] An appointment scathingly referred to as 'Brougham's last job' by *The Age*, 24 Nov. 1833.

public servants. One of the Short-Time Committee members in Birstall dismissed them as mere placemen: 'a briefless lawyer [Thomas Howell], a broken down merchant [Robert Rickards], a poor aristocrat [Robert Saunders] and an intimate friend of Lieutenant Drummond [Horner].'[48] After the re-organisation of regions following Rickards' retirement, and Horner's removal to Lancashire, the appointment of James Stuart, another of Brougham's Scottish protégés, seemed to confirm the sanguine impression of the workers.[49] Stuart would go on to become a significant obstacle to attempts to improve the efficiency of the inspectorate for the next fourteen years.[50]

Most of the administrators who achieved so much institutional reform in the middle of the nineteenth century were also appointed through patronage, however, even Charles Trevelyan and Matthew Arnold. It was clearly still a matter of chance (or rather personal conscience) whether these appointees pursued the public good or private gain, however.[51] For example, when Hugh Tremenheere was

[48] Quoted in Health and Safety Executive, *Her Majesty's Inspectors of Factories, 1883-1983: Essays to commemorate 150 years of Health and Safety Inspection* (London, 1983), p. 68.
[49] British Library [hereafter BL], Bowood MSS , Add. MS 88906/9/1, (Brougham to Lord Lansdowne, n.d. [1827?], Lord John Russell to Brougham, 19 Jun. [1836?]).
[50] U.R.Q. Henriques, 'An early factory inspector: James Stuart of Dunearn' *Scottish Historical Review,* l (1971), pp. 18-46. Brougham was also responsible for the appointment of Leonard Edmunds to the Patents Office who was later forced to resign, when it was discovered that he was siphoning off the Office funds. *The Times*, 18 Jan. 1870; *The Times*, 17 Aug. 1881.
[51] G. C. Boase, 'Trevelyan, Sir Charles Edward, first baronet (1807–1886)', rev. David Washbrook, *The Oxford Dictionary of National Biography* [hereafter *ODNB*] (Oxford, 2004) [http://www.oxforddnb.com/view/article/27716]; S. Collini, *Arnold,* (Oxford, 1988), p.21. Bourne comments that 'patronage could be a very effective talent-spotting mechanism.' J. M. Bourne, *Patronage and Society in Nineteenth Century England* (London, 1986), p. 167.

appointed as mines inspector in 1841 by the Home Secretary, Sir James Graham, he was issued with 'no formal instructions'. As Tremenheere noted in his memoir, 'I was left to take my own course in carrying out my duties.'[52]

Once in position, the factory inspectors did their best to reduce the influence of patronage in their department, soon recognising the limitation of those appointed by political friendship or familial connection. They had brought the appointment of doctors permitted to issue age certificates to child workers under their aegis by 1840 and later insisted that 'only those should be appointed in whose independence reliance can be placed.'[53] They would only grant licences to teach in factory schools to those who demonstrated their competence.[54] James Graham's 1844 Factory Act, which Horner drafted, codified the inspectors' regulations and administrative tasks at the Factory Office were broken down into more specialist functions with the appointment of the thirty year old Alexander Redgrave as chief clerk on an annual salary of £150 and the inspectorate were provided with offices at 15 Duke Street, Marylebone and the provision of a messenger, James Lynett, and a copying clerk.[55] There were initial attempts at creating a system of

[52] E.L. Edmonds and O.P Edmonds, eds., *I Was there: Memoirs of H.S. Tremenheere* (Eton, 1965), p. 57.
[53] TNA, Factory Office minute book II, LAB15/2, 24 Feb. 1845.
[54] Martin, 'Leonard Horner', p.434.
[55] LAB15/2, 18 Nov.1844, 15 Apr. 1845.

incentives, with sub-inspectors regularly raised to a higher salary band and named as 'senior sub-inspectors' if they demonstrated 'zeal and merits'.[56] There was even a prototype promotion process which operated with some efficiency as Redgrave was created a sub-inspector in 1847[57], then full inspector in 1852 on the death of Saunders[58] and Robert Baker, one of Horner's sub-inspectors, was promoted to the full position of inspector in 1858 on the death of Howell.[59] As John Bourne notes, 'the influence of patrons in affecting opportunities of promotion was severely limited' in the period after 1832.[60] These attempts at the elimination of 'jobbery' won the support of Lord John Russell who wrote appreciatively to Chadwick.

> We are endeavouring to improve our institutions. We think they have been lax, careless, wasteful, injudicious to an extreme, but the country governed itself and was blind to its own faults. We are busy in introducing system, method, science, economy, regularity and discipline.[61]

A process of recruitment on merit was also initiated. Before 1853, sub-inspectors and even the clerk had been nominated to the

[56] TNA, Factory Office letter book II, HO87/2, 17 May 1850,. Palmerston later accepted that the senior sub-Inspectors salaries should be increased to £350 in cases of long service and 'meritorious service.' HO87/2, 12 Sept. 1853.
[57] HO87/2, 30 Sept. 1847.
[58] HO87/2, 8 May 1852.
[59] HO87/2, 26 Jun. 1858.
[60] Bourne, *Patronage and Society*, p. 23.
[61] UCL, Chadwick MSS, 1733/1 (Russell to Chadwick, 9 Oct 1836).

inspectorate by patrons.[62] When the new Civil Service Commission investigated recruitment across the Service in 1856 it revealed that the 'Factory Inspector's Office' criteria for appointment to junior posts were far more rigorous than almost any other department, a fact that Chapman ignores in his 'biography' of the new civil service auditor. [63] By the mid-1850s therefore, the inspectors had autonomously created what Doyle calls 'objective criteria and workable procedures' for the appointment of sub-inspectors in order to prevent the appointment of the unsuitable placemen that Charles Trevelyan had bemoaned in 1849, as well as those with insufficient impartiality.[64] They also successfully resisted an attempt by the Civil Service Commissioners to test candidates on their knowledge of the law as 'this might have the effect of restricting the choice of candidates to those gentlemen who have been educated for the legal profession.'[65]

When a more senior position became vacant following James Stuart's timely death, the celebrated veteran of Waterloo, Captain John Kincaid,

[62] Redgrave had been nominated in 1844 by Graham himself. LAB15/2, 4 Dec.1844. Chadwick attacked this policy, claiming that 'the public interest is betrayed' in an article in the *Westminster Review*. Edwin Chadwick, 'Patronage of Commissions', *Westminster Review,* xlvi (Sept. 1846), pp. 107-19.

[63] The 'Factory Inspectors' Office' was one of only four departments (as well as the Poor Law Commission and the Metropolitan Police Office) to insist on ten out of twelve subjects being tested for appointment to public office and did not include subjective requirements such as 'good moral character' which some departments required and were thereby possible covers for favouritism and discrimination. By contrast, the Home Office itself was noted to have 'nothing yet fixed' in the table of 'Different Standards of Qualification established by the various Departments.' *First Report of Her Majesty's Civil Service Commissioners*: *Appendix I* (London, 1856), p. 4, 8-23; R.A. Chapman, *The Civil Service Commission 1855-1991: a Bureau Biography* (London, 2004), p.15.

[64] Doyle 'Changing Notions of Public Corruption' p.94.; LAB15/4, 12 Jan. 1857; Pellew, *The Home Office*, p. 128; W. Robson, *From Patronage to Proficiency in the Public Service* (London, 1922), p.7; 'Persons already familiar with the factory system...have made the worst sub-inspectors.' *First Report of Her Majesty's Civil Service Commissioners*: *Appendix II* (London, 1856), p. 64.

[65] Ibid., p. 66.

was appointed as inspector by Grey in 1850, but this was on the advice of the other inspectors and largely as a result of his success in improving the inspection of prisons.[66] The independent career public servant had now begun to develop – a crucial figure in the reduction of corrupt practices, albeit one who still needed to be motivated to use his powers for the greater good rather than personal advancement. This is not to claim that there was yet a purely meritocratic appointment system in place for senior positions in the Factory Office, however, as the flurry of applications for Horner's post from clients seeking preferment on his retirement in 1859 demonstrated.[67] Evidence to the Playfair Commission of 1875 revealed the continued lack of coherence in civil service recruitment and the power of patronage continued in the Church, academia and the army for many years after the Civil Service Commission issued its recommendations.[68] Nevertheless, the experience of the Factory Office demonstrates that British public office was moving, gradually, but irreversibly, away from traditional patrimonial systems towards a civic-cultural system in which the public servant

[66] HO87/2, 17 Dec. 1849; H. M. Chichester, 'Kincaid, Sir John (1787–1862)', rev. Roger T. Stearn, *ODNB* (Oxford, 2004), [http://www.oxforddnb.com/view/article/15550].
[67] Parris, *Constitutional Bureaucracy,* p. 62.
[68] Greenaway, 'Celebrating Northcote-Trevelyan', pp. 3-4; J. Durey, 'Ecclesiastical Patronage in Trollope's Novels and Victoria's England' *Churchman*, cix (1995) pp.266-70.

became responsible to the community at large rather than needing to reciprocate and maintain the generosity of a political sponsor.[69]

III

Inspectors initially had to pay their own travelling and accommodation expenses out of their £1,000 annual salaries, thus blurring the lines between public budget and personal income.[70] They had even to fight to be issued stationery, there being no precedent for the administrative support for professional bureaucrats located outside London, who were not already wealthy gentlemen.[71] The four inspectors routinely stayed with, dined with and received help and support (such as the use of a carriage) from the mill-owners in the early days of their new employment,[72] hospitality that would, under the current Civil Service Management Code 'be seen to compromise their personal judgement or integrity.'[73] Many mill workers and those sympathetic to their treatment saw such close social relations, perhaps unsurprisingly, as evidence of the inspectorate's partiality towards the manufacturers. If any of the first inspectors remained completely free of any venality, it was no thanks to

[69] Heidenheimer, 'Introduction' in Heidenheimer, ed., *Political Corruption*, pp. 22-3.
[70] 'A Return of the names of the inspectors appointed to superintend the factories of the United Kingdom', *Parliamentary Papers,* xliii (1834), p. 1.
[71] C. E. Troup, *The Home Office* (London, 1925), p. 24. Horner had to visit a printer in person in order to print the time registers for the recording of children's hours. LAB15/1, 12 Sept. 1836.
[72] K. Lyell, ed., *Memoir of Leonard Horne,* (2 vols., London, 1890), i, 288-329.
[73] Cited in S. H. Bailey, *Cases, Materials and Commentary on Administrative Law* (4th edn. London, 2005), p. 39.

the governments that they served nor the Home Office bureaucrats in London. [74]

If the inspection regime was to be more than a sop to placate the Short-Time Committees, the inspectors would need to have deputies to carry out some of the inspections for them. Given the culture of the age, it was a huge challenge to recruit men who would act as 'superintendents' ('sub-inspectors' after 1844) – the representatives of the inspectors in the large mills and workshops of Britain – or 'a sort of factory police' as Thomas Howell called them.[75] As can be seen by a swift inspection of the discipline books of the early police forces of England, finding men honest enough to serve the wider public interest rather than their own private needs, was a major challenge at this point.[76] By December 1836 Horner had five superintendents: Robert Baker, James Bates, Joseph Ewings, John Heathcote and Charles Trimmer. From the Factory Office minute book it seems likely that many of these men were appointed through the patronage of the Home Secretary, rather than being chosen by Horner. Although some were

[74] For further detail of the government's reluctance to intervene see P. Bartrip, *The Home Office and the Dangerous Trades: Regulating Occupational Disease in Victorian and Edwardian Britain* (Amsterdam, 2002) , pp. 40-42.

[75] Returns of numbers of visits by inspectors in 1853/54.TNA, Home Office Registered Papers, HO45/5215, 1854.

[76] J. Pellew, 'Law and Order: Expertise and the Victorian home office' in R. MacLeod, ed., *Government and Expertise: Specialists, administrators and professionals, 1860-1919* (Cambridge, 1988), p. 65; Horner complained in 1858 that taking a policeman on inspections to prevent obstruction by the owners and their agents was hampered by the 'great difficulty in finding a trustworthy constable, one not under local influence.' HO45/6586 (L. Horner to Horatio Walpole, 13 Oct. 1858).

remarkably efficient, despite the initial hostility of both workers and owners[77], it was clearly difficult to find five men capable to fulfilling the duties of the public servant in Lancashire. Both Trimmer and Heathcote had to be officially cautioned for refusing to carry out Horner's instructions the following year. Heathcote failed to account promptly for monies he took in fines from Rylands' mills following a case in December 1836 and Trimmer appeared to be pocketing fines from a case in Macclesfield.[78] In Saunders' area, superintendent Daniel Webster quickly became notorious for favouritism and corruption. He managed to persuade the Home Secretary to transfer him to another region, twice, until he came under Horner's watchful eye in 1839 and lasted less than a year before he was found guilty of receiving money from mill-owners and thereby being unfit for service owing to his 'pecuniary obligations.' [79] His replacement, William Miles (appointed by Russell) failed to do any work and then claimed two weeks' wages on dismissal. Only then did Russell finally agree to appoint Horner's preferred candidate, Woods.[80] A culture of public service was clearly not widespread in Britain in the 1830s.

[77] Trimmer was 'mobbed' near Oldham. LAB 15/1, 15 Sept. 1836.
[78] Horner's report, 5 Oct. 1837, *Parliamentary Papers,* l (1837), p. 23; HO 87/1, n.d. [1836?]. Trimmer was eventually dismissed following a conviction for assault. HO87/2, 12 Jan. 1847.
[79] Horner's report, 3 Oct. 1839, *Parliamentary Papers,* xxiii (1840), p.3; HO87/1, 9 Jul. 1839.
[80] HO87/1, 13 Sept. 1839.

After his initial problems, Horner took the step in August 1837 of issuing detailed instructions to his remaining superintendents. This included a fairly simple warning against behaviour that might be interpreted as corrupt:

> In no case claim for yourself, or accept, if offered any part of the penalties that may be awarded, for any purpose whatever; and take care to let it be known that you have no personal interest in bringing forward the prosecution. [81]

Horner realised the importance of ensuring the superintendents were adequately reimbursed and having spent valuable hours applying to the Home Office for his superintendents' expenses, in 1844 he eventually persuaded James Graham to be able to reclaim their travel expenses (as long as they did not exceed fixed mileage rates) and 12s personal expenses when staying away from home.[82] The inspectors also successfully lobbied for themselves and the sub-inspectors (as they were now known) to be admitted to the government superannuation scheme.[83] The budget of the inspectorate more than doubled between 1834 and the mid-1840s reaching £11,614 in 1847.[84] This was at a time when Whigs and Peelites alike were wedded to a policy of retrenchment

[81] 'A return of the number of superintendents employed…for the regulation of factory labour', *Parliamentary Papers,* xlv (1837), p.1.
[82] LAB15/2, 26 Nov. 1844, 10 Feb. 1845.
[83] HO87/2, 18 Jul. 1850.
[84] LAB15/2, Dec. 1847.

and efficiency in government expenditure. Horner and his colleagues persuaded the executive to remove the temptations that lay in the way of the powerful, but poorly paid, local public official. As Rose-Ackerman points out, the introduction of adequate salaries, expenses and pensions was a 'necessary first step' in the elimination of public corruption.[85]

At the end of his career, Horner demanded the resignation of a corrupt sub-inspector called Graham, rather than asking the Permanent Secretary to reprimand the man. Although this angered both Sothern-Estcourt and Cornewall Lewis, the Home Secretaries in 1859, Horner had set the precedent for inspectors to be given the right to dismiss subordinates for gross misconduct without interference from politicians who may be subject to undue influence.[86] It would take time for formal internal disciplinary procedures to be established in bodies such as the Factory Office, but Horner's judgement was vindicated by the development of formal disciplinary procedures in British bureaucratic bodies in the later nineteenth century.[87]

IV

[85] S. Rose-Ackerman, *Corruption and Government: Causes, consequences and Reform* (Cambridge, 1999), p.79.
[86] HO87/4, 15 Jun. 1859, 23 Jun. 1859.
[87] G. K. Fry, *Statesmen in Disguise: The Changing Role of the Administrative Class of the British Home Civil Service, 1835-1966* (Basingstoke, 1969), pp.13-19; R.K. Kelsall, *Higher Civil Servants in Britain from 1870 to the Present Day* (London, 1955), pp. 201-217.

Horner had initiated prosecutions during his time as factory inspector in Scotland but he was dogged by accusations of sympathy towards the millocracy, among whom he socialised.[88] On his arrival in Manchester, therefore, Horner set out to try to repudiate any questioning of his impartiality. He had the opportunity to prove his commitment to the service of the public as he found little willingness to co-operate with the agents of the new law, writing in 1838

> we know full well that our being in the neighbourhood is speedily known, and then those who are conscious of transgressing take all means to escape detection. [89]

Henry Ashworth, director and president of the Manchester Chamber of Commerce and a close friend of Richard Cobden, a leading Quaker and defender of the millowners' autonomy, reported to Edwin Chadwick, with just a hint of trepidation:

> He [Horner] carries himself free from personal feeling and we hear nothing of him but what is fair and proper. In the midst of so much irritation, he fines to a great extent in every town, even the most respectable do not escape.[90]

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[88] *Glasgow Herald*, 18 Mar. 1835.
[89] Horner's Report, 8 Jan. 1839, *Parliamentary Papers,* xix (1839), p.15.
[90] Henry Ashworth to Chadwick, 1836, quoted in R. Boyson, *The Ashworth Cotton Enterprise* (Oxford, 1970), p. 166.

In the most prominent early case which he brought at the Bolton Assizes on 12 June 1837, Ashworth's of Bolton were prosecuted for numerous breaches of the regulations, including having employed children without a surgeon's certificate stating their age. The firm had a reputation as benevolent employers in the area and Horner was a member of the Manchester Statistical Society alongside Ashworth, so he was surely attempting to make his mark in the district by demonstrating that even a figure in his own social network such as Ashworth was not exempt from the operation of the factory Acts.[91]

On this occasion, however, Horner was thwarted, however. As Pellew comments, factory owners found that 'the social structure aided them: many manufacturers were the very magistrates before whom the inspectors brought those who would not comply with the law.'[92] The report of the Ashworth case reveals the astonishing favour of the magistrates towards the factory owners, who sat in the Bolton court room alongside the four magistrates and who were allowed to make a public statement *after* the verdict had been delivered. The magistrates dismissed three of the charges on technical grounds, but even they could not exonerate Ashworth's and their managers entirely and they

[91] A.C. Howe, 'Ashworth, Henry (1794-1880)' *Oxford Dictionary of National Biography* (Oxford, 2004); online edn, May 2009 [http://www.oxforddnb.com/view/article/795]; William Cooke Taylor, *Notes of a Tour in the Manufacturing Districts of Lancashire* (London, 1842), pp. 21-3.
[92] Pellew, *The Home Office*, p.125.

were convicted on three counts and fined the minimum penalty of 60*s* with 51*s* costs. [93] These costs were of course, so minimal that it was actually more cost-effective to pay the fines and to continue to employ children. Horner complained that

> The continued violation of the law was, in no small degree, to be ascribed to…a very mistaken course on the part of many of the magistrates who, to an extraordinary extent availed themselves of the power given to them by the Act to mitigate the penalties. [94]

Horner prosecuted Ashworth's again in May 1840, for the employment of a child under thirteen years and he presented a letter in which Henry Ashworth admitted his guilt in the matter. The magistrates agreed that the offence had been proven, but acquitted Ashworth's on the spurious grounds allowed by the 31st clause of the 1833 Act that they had not been 'wilfully or grossly negligent', choosing instead to fine the child's father 20*s* with costs for allowing his son to be employed illegally.[95] Horner was to receive little support from the magistrates of Lancashire in his campaign to improve working practices in the area and he

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[93] *Bolton Chronicle*, 17 Jun. 1837.

[94] Horner's report, 18 Jan. 1837, *Parliamentary Papers,* lxxxi (1837), p.48, p. 100; He singled out the magistrates of Bury, Rochdale and Huddersfield for having abused the 1833 Act.

[95] *Manchester Guardian*, 27 May 1840. By contrast, the magistrates at Bury fined Harrisons' of Heywood 20*s* as 'they [the owners] were responsible for what the overlookers had done in such cases.' *Manchester Guardian*, 28 Oct. 1843. In 1849, Horner complained that, of seven prosecutions, he had been 'supported by the magistrates in one case only.' *Manchester Guardian*, 27 Jun. 1849. B.L. Hutchins and A. Harrison, *A History of Factory Legislation* (3rd edn., London, 1966), p.103. See also H. Yeomans, 'Taxation, State Formation and Governmentality: The Historical Development of Alcohol Excise Duties in England and Wales' *Social Science History,* xlii (2018), pp. 285-6.

complained of the consequences for judicial authority in a time of political turmoil, as such behaviour would always mean that 'a doubt will be thrown on the purity of the administration of the law.'[96] When pressure from the inspectors, the Short-Time committees and campaigners such as Lord Ashley led to the appointment of a Select Committee to investigate the operation of the Factory Act in 1840, it publicly admonished the behaviour of the Lancashire magistrates and called for a new clause excluding mill-owners from cases relating to the Act. [97] Although Robert Gray claims that Horner was more concerned with 'social conciliation and negotiated accommodation of interests', the truth was that Horner possessed an appreciation for impartial judgement thanks to his training at the University of Edinburgh.[98] He increasingly became aware that the fulfilment of his terms of his appointment would fundamentally challenge the political and social hegemony of the mill-owners of Yorkshire and Lancashire, as well as the laissez-faire principles of leading Benthamites, the Whigs and Liberal Tories.[99]

The factory inspectors, in their attempts to alleviate the conditions of working children, came up against three vested interest groups: The

[96] Nassau Senior, *Letters on the Factory Act as it affects the cotton manufacture* (London, 1837), p.26; Richard Oastler also complained vigorously of such behaviour in 1836. Richard Oastler, *The Unjust Judge or the "sign of the judge's skin"* (Leeds, 1836).
[97] 'First Report from Select Committee on the Act for the Regulation of Mills and Factories', 3 April 1840, *Parliamentary Papers,* ix (1841), pp. 18-22.
[98] A. Broadie, *The Scottish Enlightenment* (Edinburgh, 2007), pp. 78-112.
[99] R. Gray, *The Factory Question and Industrial England, 1830-1860* (Cambridge, 1996), p. 90.

newly industrialised workers themselves who needed the opportunities of the unregulated working environment to maximise their incomes in a period of declining wages and a rising cost of housing; the local elites, who controlled society through the traditional means of client-patronage relations and who regarded the government-appointed public servant as a potential threat to their control of local trade and administration, perhaps justifiably; and capitalists, entrepreneurs and orthodox political economists who felt that governments should not meddle in the free exchange of money and labour between master and man and who conveniently overlooked the fact that child workers and indentured apprentices were not, in fact, free agents.[100] Horner realised that inspectors such as himself were the only protection for child workers against the indifference of the state, the poverty of the workers and the exploitation of the mill owners. As he put it in a letter to his wife in 1840, 'I am the instrument of making the lives of many innocent children less burthensome.'[101]

Horner's strict enforcement of the Act in Lancashire became such a challenge to the power of the factory owners that they eventually organised themselves into a 'Factory Law Amendment Association' with Henry Ashworth as president. At their first meeting in March 1855 they

[100] Corrigan and Sayer, *The Great Arch,* p.129.
[101] L. Horner to Anne Horner, 28 Jun. 1840 (from Rochdale), quoted in Lyell, ed., *Memoir of Leonard Horner,* ii, 14.

denounced Horner, complaining that the way he conducted prosecutions against factory owners 'was highly disgraceful' and that he possessed a 'vindictive spirit' and that he was a negative influence on Palmerston (who had asked Horner to draft the 1853 Factory Act banning the use of children in relays).[102] They concluded by hoping that Horner, 'a very old man' would retire soon and take with him 'very little of the regret or respect of the manufacturing population of South Lancashire ("Hear, hear" and applause).'[103] The organisation, renamed as the 'National Association of Factory Occupiers', arranged for the publication of the Harriet Martineau's irredentist pamphlet *The Factory Controversy: A Warning against Meddling Legislation* and eventually petitioned Grey in November 1855 for Horner's removal from office.[104] It is unclear exactly why Grey and Palmerston rejected this request (in contrast to Edwin Chadwick's forced retirement from the General Board of Health in 1854 at the request of hostile engineers and doctors[105]) apart from the customary thoroughness and efficiency with which Horner had previously responded to Palmerston's enquiries during the latter's tenure

[102] Palmerston clearly read Horner's letters as his personal secretary asked Horner to write in a larger hand so the Home Secretary could read them more easily. HO87/2, 22 Mar. 1853.
[103] *Manchester Guardian*, 7 Mar. 1855.
[104] Harriet Martineau, *The Factory Controversy: A Warning Against Meddling Legislation* (Manchester 1855). See also K. Fielding and A. Smith, '*Hard Times* and the Factory Controversy: Dickens vs. Harriet Martineau', *Nineteenth-Century Fiction*, xxiv (1970), pp. 404-27.
[105] P. Mandler, 'Chadwick, Sir Edwin (1800-1890)', *ODNB* (Oxford, 2004) [http://www.oxforddnb.com/view/article/5013].

as Home Secretary.[106] However, David Brown has convincingly identified Palmerston's paternalistic attitude towards the factory question in his eighteen months at the Home Office from 1853 to early 1855.[107] Given the lack of ministerial support that James Kay-Shuttleworth suffered at the Committee of the Privy Council in 1849, one senses that Horner may not have been so lucky had Russell still been Prime Minister.[108] Horner was reprimanded by Grey for having provoked such a reaction and urged to temper his comments in his report, and so, in a negative sense, Horner had helped to establish the benefits of strict neutrality of the civil service.[109] Nevertheless, the incident demonstrated that one important principle in the establishment of a 'career Crown servant' which Northcote-Trevelyan had not addressed had now been ceded by the political state: that the civil servant's position was permanent (unless dismissed for breaching the terms of his employment) and not affected by external lobbying for his removal.[110]

[106] Palmerston had written to Horner in Sept. 1854 asking for details of visits carried out by inspectors rather than sub-inspectors. Horner had assured him that he visited the factories 'personally as often as my other duties will allow.' HO45/5429 (L. Horner to Waddington, 21 Sept. 1854).

[107] D. Brown, 'Palmerston and the 1850s' in D. Brown and M. Taylor, eds., *Palmerston Studies 1* (Southampton, 2007), pp. 68-85. See also D. Roberts, 'Lord Palmerston at the 'Home Office, 1853-1854' *Historian,* xxi (1958), pp.63-81.

[108] R. J. W. Selleck, 'Shuttleworth, Sir James Phillips Kay-, first baronet (1804–1877)', *ODNB* (Oxford, 2004) [http://www.oxforddnb.com/view/article/15199].

[109] HO87/2, 11 Jun. 1855, 15 Jun. 1855.

[110] Lord Hennessy has described this as 'the great gift of the 19th century to the 20th'. *House of Lords Constitution Committee: The Accountability of Civil Servants* (London, 2012), para. 31; S. Tiihonen, 'Central Government Corruption in Historical Perspective' in Tiihonen, ed., *The History of Corruption in Central Government*, p. 24.

Horner gradually managed to persuade Robert Saunders and Thomas Howell to follow his example of incorruptible personal probity, despite their differing backgrounds: Saunders was a Tory and Howell was a former judge: what united them was their moral commitment to disinterested public service. But that was not the case with Horner's replacement in Scotland, James Stuart. He was less conscientious in pursuit of his duties, preferring not to prosecute, believing instead in the power of informal 'remonstrances' if offences were detected.[111] He was also a negative influence on Saunders and Howell, organising meetings at the Factory Office when Horner was absent, so that emollient decisions on cases of possible breaches of the Act could be reached without Horner's rigorous insistence on the enforcement of the letter of the law.[112] Stuart also intervened in cases brought by his colleagues, lobbying James Graham and George Grey for a mitigation of the penalties imposed after successful prosecutions and publicly defending the right of mill-owners to use relays of child workers.[113] It was frequently suggested that Stuart was susceptible to either bribery or social influence, which begs the observation that public service was far from normative practice in British officialdom, if one could not find four incorruptible individuals in the kingdom in 1834. However, given the

[111] S. Nenadic, 'Industrialization and the Scottish People' in T. M. Devine and J. Wormald, eds., *The Oxford Handbook of Modern Scottish History* (Oxford, 2012), p. 410.
[112] HO45/2263 (Howell to Cornewall Lewis, 31 May 1848).
[113] LAB15/2, 27 Dec. 1848, 2 Jan. 1849, 29 Jan. 1849.

nature of their initial appointment and the ease with which they could have misused their ill-defined authority, perhaps one should be more surprised that *any* of the early inspectors proved to be virtuous.

V

At first, the Inspectors actually failed to have much influence on the government, after their chief patron, Lord Brougham, fell from power and consequently proved unsupportive and then positively hostile to Horner's efforts to enforce Althorp's Act and improve the operation of the Factory Office.[114] Although Russell was supportive of Horner's efforts while Home Secretary from 1835 to 1839, he dared not upset the influential factory lobby.[115] Jonathan Parry has identified that 'the "Old Corruption" argument…lost its [political] potency' in the 1830s and David Roberts has stated that the aristocratic Prime Ministers and Home Secretaries 'preferred to evade and postpone any real solutions rather than…disturb vested interests.'[116] The factory inspectors were forced to discover new allies in their attempts to instigate a new model of institutional probity and public service.

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[114] Brougham MSS, Box 408 (L. Horner to Lord Brougham, 7 Jan. 1838); BL, Napier MSS, Add MS 34620 fo.500 (L. Horner to Macvey Napier, 13 Jan. 1838); S. Kydd, *The History of the Factory Movement from the year 1802 to the enactment of the Ten Hours' Bill in 1847* (2 vols., London, 1857), ii, 226.

[115] P. Sherer*, Lord John Russell: A Biography* (London, 1999), pp.102-3, 180.

[116] Parry, 'The Decline of Institutional Reform', p. 170; Roberts, *Victorian Origins of the British Welfare State,* pp.138-9.

First of these was the press, often the voice of liberal middle class opinion at this point: *The Times*, at the height of its radical reforming phase had fallen out with its former idol, Brougham, over the Poor Law Amendment Act (and Brougham's increasingly bizarre behaviour) and instead championed the work of the factory inspectorate.[117] It blasted the attempt in 1836 by Poulett Thomson, President of the Board of Trade, to introduce a new bill in place of the 1833 Act, under pressure from the manufacturers, parodying his bill as leaving 'the children *free* to perish, if it suits their fancy.'[118] The editor, Delane, regularly printed extracts from the Inspectors' reports with approval, praising Horner's 'manly spirit and…humane feelings' and continued to demand the full enforcement of the successive factory Acts into the 1850s.[119] The *London and Westminster Review* (after 1840 the *Westminster Review*) urged that the work of the inspectorate should be removed from Home Office control and report directly to Parliament to prevent such 'political contentions and influence.'[120] The *Morning Chronicle*, then largely under Palmerston's influence, published a series of letters entitled 'Labour and the Poor in England and Wales' between 1849 and 1851 which informed the public of the hardship of working life and the dangers of unfenced machinery, just at the point when the Factory Office faced reluctance

[117] R. K. Huch *Henry, Lord Brougham: The Later Years 1830-1868 - 'The "great actor"* (Lampeter, 1993), p. 121.
[118] *The Times*, 11 May 1836.
[119] *The Times*, 6 Oct. 1840, 15 May 1844, 7 Jul. 1853.
[120] *London and Westminster Review*, Oct. 1836, p.213.

from the Home Secretary and opposition from the factory owners.[121] Although Horner had an increasingly difficult relationship with the northern press, in particular with the *Northern Whig,* the *Leeds Mercury* and the *Manchester Guardian*, which actually encouraged the Manchester mill-owners to demand his dismissal in the 1850s, he managed to secure support in the London papers (including *Punch*[122]) and some of the more humanitarian provincial press such as the *Glasgow Herald*, the *Stockport Advertiser,* the *Standard* and the *Morning Herald*.[123] Horner was well aware that the press could serve as a weapon in his battles with the owners and the government and he was constantly chided by successive Home Secretaries and their permanent secretaries for sending information to the press which (in their judgement) demonstrated that he was insufficiently impartial in his professional position.

Horner also found that the operatives were far more willing to support his work than the manufacturers. While Thomson's Bill was being debated at Westminster, a deputation of operatives came to see Horner to press for further restrictions, on the hours of adult workers, as well the

[121] J. Ginswick, ed., *Labour and the Poor in England and Wales, 1849-1851: The letters to the Morning Chronicle from the correspondents in the manufacturing and mining districts, the towns of Liverpool, and Birmingham and the rural districts. Vol 1: Lancashire, Cheshire, Yorkshire* (London, 1983); S. Koss, *The Rise and Fall of the Political Press in Britain Vol 1: The Nineteenth Century* (London, 1981), p. 76; P. Brighton, *Original Spin: Downing Street and the Press in Victorian Britain* (London, 2016), pp. 129-35.
[122] R. D. Altick, *Punch: The Lively Youth of a British Institution, 1841-1851* (Columbus OH, 1997), pp. 195-6.
[123] H. Barker, *Newspapers, Politics and English Society, 1695-1855* (London, 2000), p.209.

enforcement of the 1833 Act for children.[124] Horner was always careful to meet with local representatives of the Short-Time Committees and other representatives of the operatives when he was on visits and he encouraged his sub-inspectors to be similarly open to their views.[125] As a consequence, many of Horner's most spectacular successes in prosecuting non-compliance with the Factory Act, such as sub-inspector Jones' discovery of the concealment of under-age children in the latrines of Bracewell brothers' Earby mill in 1849, resulted from an anonymous tip-off from the workforce the night after a visit to the mill had not revealed any transgressions.[126]

Parliament also supported the inspectorate and Thomson's Bill passed the second reading by a mere majority of two (and there were stinging accusations in the press that members had been bribed to support the Bill by the mill-owners).[127] The Bill was abandoned and government announced that the 1833 measures would continue to be enforced. [128] Russell also began to consult the inspectors and seek their advice on any proposed amendments to the legislation. The subordinate official had become a government adviser.

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[124] L. Horner to Mary Horner, quoted in Lyell, ed., *Memoir of Leonard Horner,* i, 322.
[125] This was against the advice of James Graham who warned the inspectors that any communication with the Short Time Committees would have 'an injurious effect on the public service.' LAB15/2, 26 Nov. 1844.
[126] Horner's report, 30 Apr. 1850, *Parliamentary Papers,* xxiiii (1850), pp.8-9.
[127] Anon. 'The Cotton Manufacture and the Factory System', *Blackwood's Edinburgh Magazine*, ccxlix (Jul.-Dec. 1836), pp.116-7.
[128] *Hansard,* 3rd series, xxxiv (1836), p. 840.

The inspectors withstood the accusations from owners, workers, politicians and colleagues and began to establish the apparatus of Weberian public service bureaucracy in the 1840s. Although a formal hierarchy was not established, Horner emerged as the lead inspector, by the meritocratic process of success in enforcing the law most successfully and providing most assistance to Graham in revising and extending the operation of the factory laws. Horner's achievement in assisting with the preparation of the 1844 Factory Act should not be underestimated. Lord Ashley, the chief parliamentary advocate of factory reform, was cordially detested by Graham and distrusted by the new Prime Minister, Robert Peel.[129] Neither Graham nor Peel were much inclined to extend the power of the inspectors.[130] The President of the Board of Trade, William Gladstone, was strongly opposed and Melbourne regarded Horner as an inconvenient trouble-maker. As Robert Neild has noted, 'once in power, rulers…will not introduce reforms unless they believe that by doing so they will improve, or at least not damage, their chances of retaining or enhancing their power.'[131]

Unlike the combative approach of Edwin Chadwick and James Kay Shuttleworth towards their political masters, Horner was careful to

[129] Graham also disliked the reforming zeal of Charles Trevelyan, personally reprimanding him for writing to the press without permission in 1843. BL, Graham MSS, Add. MS 79729, f33 (Graham to Charles Trevelyan, 14 Oct 1843).
[130] Roberts, *Victorian Origins of the British Welfare State,* pp. 140-43.
[131] Neild, *Public Corruption*, p.9.

gradually persuade more senior politicians, however, accepting an invitation to stay with Peel in Tamworth and writing to Graham in suitably deferential fashion on non-factory matters.[132] Having won their respect, they began to cite his reports in debates in Parliament. This even became the practise of the Home Secretaries, as George Grey, who took over after the collapse of Peel's ministry, sought Horner's advice when drafting the Act to limit the hours of labour in cotton printworks in 1847. It was a clear case of the aristocratic elites looking to the expert middle class civil servants for guidance in how to address problems outside their personal experience.

Grey, who controlled the Factory Office for the longest time during this period was not a natural reformer, however, and his letters to the Factory Office (and the other inspectorates) were a mixture of shrewish complaint, demands for inaction and spineless irresolution. As David Roberts comments, 'he did not have the breadth of vision needed by a Home Secretary in an age of social reform.'[133] In a typical example, George Grey's under-secretary, Cornewall Lewis, wrote to Horner in August 1849 admonishing the inspector:

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[132] S. Heffer, *High Minds: The Victorians and the Birth of Modern Britain* (London, 2013), p. 64; Lyell, ed., *Memoir of Leonard Horner,* ii, 9; Add. MS 79729, ff.88-90, (L. Horner to Graham, 25 Jan. 1844).
[133] Roberts, *Victorian Origins of the British Welfare State,* p.144.

> Sir George Grey…thinks it inexpedient to lay informations against millowners for a breach of the letter of the act as to the employment of young persons in relays.

He concluded that a copy of the letter would be sent to Horner's fellow inspectors. Horner responded in characteristically vigorous fashion:

> The employment of young persons by relays must virtually render nugatory the main purpose of the law….[it] is not a mere disobedience of "the letter of the act" but a violation of its spirit and scope.

He pointedly asked Grey whether he was to 'cease to interfere with millowners who are working by relays of young persons' and sure enough, he received a declaration from Grey that he 'had no intention of interfering with the discretion of inspectors.' [134] Horner, Saunders and Howell remained suspicious that Grey was attempting to undermine their authority.[135]

When first appointed as a commissioner, Horner's sympathies, like those of most of his class, tended to be with the employers, as in this early letter to his daughter written from the textile mills of Gloucestershire:

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[134] *Manchester Guardian*, 20 Oct. 1849. Henry Hyndman later praised Horner for refusing 'to pay any attention to this cowardly direction.' Henry Hyndman, *The Historical Basis of Socialism* (London, 1883), p.219.
[135] HO87/2, 9 Jun. 1848; LAB15/2, 10 Aug. 1848.

> Many of the manufactories we have seen are extremely opulent, and so far from there being any necessity for new laws to protect the children employed in factories here, any interference would be sure to do harm; I never in my life saw a greater number of rosy cheeked, well fed, well clothed children, than I have seen working in the mills here. [136]

What he encountered In Lancashire was very different to what he had found hitherto, however, and it was the shock of these discoveries which turned him from a reluctant inspector into a crusading public servant. Although he found many owners such as John Greg, John Wood and Henry McConnell fully complying with the law and running model schools for their children, he quickly uncovered a different pattern of behaviour:

> As soon as I set my superintendants fairly to work, there will be many prosecutions, for there are a great many people violating the Factory Act very grossly, and nothing will stop this but some good examples.[137]

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[136] L. Horner to Leonora Horner, 11 May 1833 (from Stroud), quoted in Lyell, ed., *Memoir of Leonard Horner* i, 282. Views such as these were epitomised by Dr Andrew Ure: Andrew Ure, *The Philosophy of Manufactures, or, an Exposition of the Scientific, Moral, and Commercial Economy of the Factory System of Great Britain* (2nd edn. London, 1835), pp.291-304.

[137] Kinnordy House, Fife [hereafter KH], uncatalogued papers (L. Horner to M. Horner, 2 Aug. 1836).

Despite the lack of political will by his superiors in Westminster, Horner published a highly detailed extract from the Factory Regulations Act, with exemplar copies of registers of employees and time books in the *London Gazette* and the local newspapers.[138] He then sent a circular letter to each manufacturer and inspected 596 mills in the five weeks after taking up his position and initiated prosecutions against 114 owners.[139] What he had discovered had challenged his confidence in the orthodox concepts of 'political economy' with which he had been imbued as a student. When Nassau Senior published a letter naively insisting that Horner's duty was merely to 'enforce ventilation and drainage and give means and motives to education', Horner angrily responded:

> There are very many mill-owners whose standard of morality is low… whose governing principle is to make money, and who care not a straw for the children…These men cannot be controlled by any other force than the strong arm of the law.

As Horner added, cuttingly, Senior (and other commentators) had little empirical experience of factory life and so failed to see the limitations of their philosophical outlook: 'the most honest men sometimes view things through a medium that distorts the truth.'[140]

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[138] *Manchester Guardian*, 16 Jul. 1836.
[139] Horner's Report, 18 Jan. 1837, *Parliamentary Papers,* xxxi (1837), p.56.
[140] Senior, *Letters on the Factory Act*, p.29, 32-33.

The inspectors' motivation to improve the conditions of the powerless factory children has largely been ascribed by historians to their moral training, a factor that scholars of corruption who rely on game-theory have largely ignored.[141] Horner, like other eminent reformers such as Edwin Chadwick, Rowland Hill, Edward Gulson, James Kay-Shuttleworth and James Prichard, had come from a nonconformist home, where strict personal morality and selflessness were exemplified by the life of his brother Francis, memorialised by Horner.[142] Horner's upbringing was one additionally tempered by the Scottish Enlightenment thinkers' insistence on 'virtue' and 'sympathy' for those less privileged than themselves, however. In Horner's case, this the result of his training, like his older brother, in the home of Dugald Stewart, who had also taught Palmerston, Brougham, James Mill and Russell and is regarded by some as the 'the bridge' between eighteenth century moral philosophy of both Adam Smith and Adam Ferguson and the Whig reformers of the 1830s.[143] Stewart has been seen as providing a vital influence on the 'philosophic' Whigs of the 'Age of Reform' by

[141] See for example T. Aidt, 'Economic Analysis of Corruption: A Survey' *Economic Journal*, cdxci (2003), pp. 632–52; R. Karklins, *The System Made Me Do It: Corruption in Post-communist Countries* (New York, 2005); A. Persson, B. Rothstein and J. Teorell, 'Why Anticorruption Reforms Fails: Systemic Corruption as a Collective Action Problem' *Governance*, xxvi (2013), pp. 449–71.

[142] Leonard Horner, ed., *Memoirs and Correspondence of Francis Horner, M.P.* (2 vols., London, 1843); B. Hilton, *The Age of Atonement: The Influence of Evangelicalism on Social and Economic Thought 1795-1865* (Oxford, 1988); D. Bebbington, *The Dominance of Evangelicalism: The Age of Spurgeon and Moody* (Downers Grove, IL, 2005), p. 114.

[143] S. Collini, D. Winch and J. Burrow, *That Noble Science of Politics: A Study in Nineteenth-Century Intellectual History* (Cambridge, 1983), pp. 23-62; A. Benchimol, *Intellectual Politics and Cultural Conflict in the Romantic Period: Scottish Whigs, English Radicals and the Making of the British Public Sphere* (Aldershot, 2010), pp. 102-120; R. Stewart, *Henry Brougham 1778-1868* (London, 1985), p. 6.

emphasising how the potentially corrupting effects of the free market had to be prevented by ensuring the protection of the vulnerable and by assisting all to access the benefits of the capitalist system (largely through the provision of public education).[144] Horner had also been previously trained in anticorruption strategies in his time in Scotland during Brougham's campaign against Tory patronage in the 1820s when he had castigated Scottish MPs for 'political servility [rather] than public virtue'[145] and in his academic career when Charles Babbage attempted to cleanse the Royal Society of the nepotism which had led to a decline in its scholarly standards.[146]

There is, however, a less philosophical interpretation which accounts for the dramatic change in the Inspectors' attitude towards the role and duty of the state and their growing intolerance of the incompetence and venality of their colleagues and junior staff after 1836. As Elinor Ostrom has explained, it is possible for actors in a collective process to understand that selfish actions may yield short-term profits, but that these will ultimately cause long term damage to the systems on

[144] D. Hoeveler, *James McCosh and the Scottish Intellectual Tradition* (Princeton UP, 1981), pp.25-7; G. MacIntyre, *Dugald Stewart: The Pride and Ornament of Scotland* (Brighton, 2003), pp. 255-58; L. Hill, 'Ideas of Corruption in the Eighteenth Century: The Competing Conceptions of Adam Smith and Adam Ferguson' in M. Barcham, B. Hindess and P. Larmour, eds., *Corruption: Expanding the Focus* (Canberra, 2012), pp. 101-09.
[145] *Aberdeen Chronicle*, 7 Feb. 1824.
[146] I. R. Morus, 'Correlation and Control: William Robert Grove and the construction of a new philosophy of scientific reform' *Studies in the History and Philosophy of Science*, xxi (1991), pp. 589-621.

which they all rely.[147] To exploit the children may have been good business for the mill-owners but the anger and resentment which this would cause among the workforce as a whole would ultimately damage the relationship between masters and men which was necessary for industrial harmony and political peace. In a famous publication in 1840 Horner called for improvements to the Factory Act, by citing examples of similar practice across Europe, asserting that 'the interposition of the legislature in behalf of children is justified by most cold and severe principles of political economy.'[148] In private he told Hugh Tremenheere, the mines inspector, that 'he had not met six mill-owners who expressed any sympathy with, or regard for the improvement of the labouring classes in their employ.'[149] In such circumstances, an impartial authority had to intervene to prevent social breakdown. Adam Smith may have largely disapproved of state paternalism but Horner seems to have sided with Adam Ferguson in that it was a price worth paying for maintaining 'the common ties of society.'[150]

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[147] E. Ostrom, 'A Behavioural Approach to the Rational Choice Theory of Collective Action', *American Political Science Review*, xcii (1998), pp. 1–22.

[148] Leonard Horner, *On the Employment of Children in Factories and other Works in the United Kingdom and some foreign countries* (London, 1840), p. 15.

[149] Tremenheere's journal, 13 Jul. 1840, cited in R. K. Webb, 'A Whig Inspector' *Journal of Modern History*, xxvii (1955), pp. 361.

[150] A. Ferguson, *An Essay on the History of Civil Society,* ed. F. Oz-Salzberger (Cambridge, 1995), p. 208; D. Winches, *Riches and Poverty: An Intellectual History of Political Economy in Britain, 1750-1834* (Cambridge, 1996), pp.118-23; H. Schlossberg, *The Silent Revolution and the Making of Victorian England* (Columbus OH, 2000), p.259.

For whatever reason, however, as early as 1850 Horner had totally repudiated the rigid political economy of those such as Martineau in a passage that is reminiscent of Carlyle's attack on the 'dismal science' in the previous year[151]:

> It quite disgusts me to hear the cold, calculating economists throwing aside all moral considerations and with entire ignorance of the state of the people who work in factories, talking of its being an infringement of principle to interfere with labour … these very economists…with their extravagant extension of their doctrine of laisser faire, bring discredit upon the science they cultivate.[152]

VI

By the 1850s, Horner was privately advocating considerable state intervention, a far more radical position than any of his contemporaries:

> that portion of the community where there is the greater amount of wealth [must]… provide those things which no effort of the less wealthy can ever provide: good dwellings, good schools, good religious instruction, good amusements, good governments…the first thing to do is to provide employment for the people.[153]

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[151] A. Jordan, 'Thomas Carlyle and Political Economy: The "Dismal Science" in Context' *English Historical Review*, cxxxii (2017), pp. 286-317.
[152] L. Horner to Frances Horner, 23 Feb. 1850, quoted in Lyell, ed., *Memoir of Leonard Horner,* ii, 158.
[153] Edinburgh, Heriot-Watt University archives, SA14/1/2/1, L. Horner to C. Bunbury, 1 Oct. 1854, quoted in J. Greig, *Memoir of Leonard Horner* (unpublished MS, 1977), p.23.

In his final report, Horner noted with satisfaction that 'the non-interventionist principle… may sometimes be departed from with advantage.'[154] In this complete transformation from supporter of 'laisser-rester' to ardent interventionist, Horner was matched by James Kay-Shuttleworth, Thomas Southwood Smith and Matthew Arnold, the last of whom found that his work as a schools inspector after 1851 left him 'a liberal tempered by experience, reflection and renouncement.'[155] Even Nassau Senior abandoned his strict views on political economy in a series of lectures in 1847, following his public debate with Horner earlier in the decade.[156] The reason the state had to interfere was, as Horner angrily reported to Edwin Chadwick on his retirement, simply because 'nine-tenths of the employers of children care nothing about them.'[157] Already a Fellow of the Royal Society at twenty eight, he took care to embed himself into the British establishment, socialising with the leading intellectuals of his day, such as Arnold, Carlyle, Mill, Macaulay, Ruskin and Senior at the Athenaeum Club and fellow reformers, Kay-

[154] Horner's Report, 31 Oct 1859, *Parliamentary Papers,* xxxiv (1859), p. 8.
[155] Matthew Arnold, *Culture and Anarchy: An Essay in Political and Social Criticism* (London, 1859), p.4; R. Williams*, Culture and Society, 1780-1950* (London, 1961), p. 119; W.F. Connell, *The Educational Thought and Influence of Matthew Arnold* (London, 1950), pp. 203-42; M. Corrigan, 'State Formation and Moral Regulation in Nineteenth Century Britain: Sociological Investigations' (Univ. of Durham D.Phil thesis, 1977), pp. 197-238; *Autobiography of Sir James Kay-Shuttleworth*, ed. B. C. Bloomfield (London, 1963), p. 77; G.C. Cook, 'Thomas Southwood Smith FRCP (1788–1861): Leading Exponent of Diseases of Poverty and Pioneer of Sanitary Reform in the Mid-Nineteenth Century' *Journal of Medical Biography*, x (2002), pp. 194-205; Pellew, *The Home Office*, pp.146-7.
[156] Nassau Senior, *Four Introductory Lectures on Political Economy* (London, 1852); E.F. Paul, *Moral Revolution and Economic Science: The Demise of Laissez-Faire in Nineteenth-Century British Political Economy* (Westport, CN, 1979), p. 140.
[157] Chadwick MSS 1051 (L. Horner to Chadwick, 24 Dec. 1859).

Shuttleworth, Horace Mann, John Simon and Chadwick at the Manchester and London Statistical Societies.[158] He influenced Charlotte Tonna's depiction of the plight of the industrial worker in *Helen Fleetwood* (1841), the industrial novels of Elizabeth Gaskell (who moved in Horner's social circle in Manchester) as well as the later, more radical views of Dickens[159] Either directly, through his reports, or indirectly through his challenge to laissez faire, Horner demonstrated the necessity for the expansion of the public service on moral and economic grounds. This could arguably be said to have added further proof to the existing suspicions of other influential mid-century public figures such as Carlyle, Charles Kingsley, Ruskin and Mill that the only antidote to the abuse of political and economic power in a commercial society was an *increase* in the size of the state, rather its reduction, as radical critics of 'Old Corruption' had demanded.[160]

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[158] Horner was a long-serving member of the Athenaeum Club. London, Athenaeum Club Archives, Athenaeum Club Candidates' Book, MEM 1/1/3, 1830; Carlyle had known Horner in Edinburgh and they continued to meet in London. In April 1843 Carlyle described Horner as 'a good, frank man' in his journal: *Collected Letters of Thomas and Jane Welsh Carlyle,* ed., C. R. Sanders et al. (45 vols., Durham NC, 1970-), xvi, 120, n. 6 (11 Apr. 1843).

[159] I. Kovačević and S. Kanner, 'Blue Book Into Novel: The Forgotten Industrial Fiction of Charlotte Elizabeth Tonna' *Nineteenth-Century Fiction,* xxv (1970), pp. 152-17; Horner met Mrs Gaskell in 1837 and agreed that 'the largest proportion of the millowners' were 'indifferent' to the 'sufferings of their workforce', KH, uncatalogued papers (L. Horner to K. Lyell, 24 Mar. 1849); J.A.V. Chapple and A.Pollard, eds., *The Letters of Mrs Gaskell* (Manchester, 1966), p. 557, 848-49; Dickens and Horner corresponded on political questions in the early 1840s. KH, uncatalogued papers (C. Dickens to L. Horner, 13 Feb. 1841; 14 May 1843).

[160] Greenaway, 'Celebrating Northcote-Trevelyan', pp. 5-6; Thomas Carlyle, 'The Present Time' in *Latter Day Pamphlets* (London, 1850), p. 27; Charles Kingsley, *Hypatia, or, Old Foes with New Faces* (London, 1853); John Ruskin, *Unto This Last and Other Essays* (1860: London, 1907), p. 115, 141-2; John Stuart Mill, *Principles of Political Economy* (2 vols., London, 1848) i, 66; John Stuart Mill, *Autobiography* (1873; London, 1924), pp. 140–41; see also Jordan, 'Thomas Carlyle and Political Economy', pp.308-14; S. Collini, *Public Moralists: Political Thought and Intellectual Life in Britain, 1850-1930* (Oxford, 1991), pp. 68-74.

The work of the factory inspectors also demonstrated an essential device in improving civic governance – transparency. Their bi-annual reports were published and freely available, reported in almost every national and local newspaper. These contained the inspectors' own recommendations for amendments and were, as *Hansard* reveals, seized upon by the supporters of further legislative intervention.[161] The role of the press in local and national battles against corruption remains under-examined in British historiography, despite the reputation of the *Times* as the 'Thunderer' in this period.[162] The press, who publicised the inspectors' reports and, by 'inflicting moral censure'[163], were crucial in helping to shape a powerful tranche of public opinion which no longer tolerated flagrant mistreatment of the vulnerable by the powerful when these were brought to public attention.

Horner did eventually retire in November 1859, at the age of seventy four, with an annual pension of £550, which was fixed by the Superannuation Act of June 1859 (far less generous than that awarded to Chadwick five years earlier).[164] Among the testimonials from various

[161] See, for example, Isaac Butt's intervention in support of Cobbett's call for a new Act to improve the 1847 Ten Hours Act, 5 Jul. 1853, *Hansard*, 3rd series, cxxviii (1853), p.1278.
[162] S. Morison, *The History of the Times: "The Thunderer" in the making, 1785-1841* (London, 1950).
[163] Thomas Carlyle, 'Signs of the Times', *Edinburgh Review,* xlix (1829), p.455.
[164] National Library of Scotland, Horner MSS, MS2216 (L Horner to Cornewall Lewis, 16 Nov. 1859, Cornewall Lewis to L. Horner, 20 Dec. 1859). Edwin Chadwick petitioned Palmerston after losing his position on the General Board of Health in 1854. He received an annual £1,000 pension. Chadwick MSS 1947 (Chadwick to Palmerston, 31 May 1854, Palmerston to Chadwick, 12 Aug. 1854, Chadwick to Palmerston, 31 Mar. 1856).

delegations of workers was one which identified the selflessness of Horner's actions and his resistance to the temptations of corruption:

> Had you manifested a greater regard for the emoluments than the duties of your office, had you consulted your own ease and convenience, by conniving at the nefarious practices of certain employers you might have retired into private life with a testimonial of a far more substantial character than any in our power to offer.[165]

In Horner's obituary, following his death on 5 March 1864, the *Glasgow Herald* pinpointed what the key attribute of the most effective public servant: 'the consideration of self was ever last with him.'[166]

One should not dismiss the early inspectors' careers as merely another step forward in the growing power of the state, however, nor as part of a Whiggish narrative of an increasingly virtuous civil service. Within a month of Horner's retirement, Kincaid, Redgrave and Baker all met to suggest that the reporting of minor accidents in factories should be abandoned, against Horner's express wishes, purely so as to reduce the administrative burden.[167] Furthermore, as a direct result of the careerism that the Northcote-Trevelyan reforms had unwittingly fostered,

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[165] Horner MSS, MS2216 (June 1860).
[166] *Glasgow Herald*, 17 Aug. 1864. Curiously, *The Times* did not carry an obituary of Horner.
[167] HO45/6756, 5 Jan. 1860.

the modern scourge of the bureaucracy, that of intra-departmental rivalry, was also born. The inspectorate was torn apart by Redgrave and Baker who spent so much time fighting over their relative seniority that a Home Office inquiry of 1868 found 'great quarrelling and disorganisation in the office' and censured both men.[168] When Redgrave was eventually promoted to chief inspector in 1878, despite this black mark on his record, there was a perception by the trades unions that he was a 'masters' man' and that he had a powerful patron who had protected him.[169] Redgrave went on to reform the administration of factory inspection that would, eventually, significantly enhance the efficiency of the department's work, but one senses that Redgrave was more concerned with building himself a bureaucratic fiefdom rather than protecting workers.[170] Similarly, inspectors in other areas did not necessarily share the Factory Office's culture of preventative prosecutions and robust interventions. As late as 1866, the mines inspector for Lancashire stated that he would only enforce the original legislation (passed twenty four years earlier) if a child was actually killed in the mines.[171] There is little evidence that Hugh Tremenheere was

[168] Pellew, *The Home Office*, p.126.
[169] Martin, 'Leonard Horner', p.434, n.6. As early as 1855, Redgrave had intervened with the Home Secretary to demand the remittance of fines on mill-owners. 4 May 1855, HO87/2.
[170] P. W. J. Bartrip, 'Redgrave, Alexander (1818–1894)', *ODNB* (Oxford, 2004); M. Drake, *Lady Inspectors: The Campaign for a Better Workplace, 1893-1921* (Oxford, 1988), pp. 8-9.
[171] P. Kirby, 'Child Labour and the Mines Act of 1842', in M. Lavalette, ed., *A Thing of the Past: Child Labour in Britain in the Nineteenth and Twentieth Centuries* (Liverpool, 1999) p.115; P. Kirby, *Child Labour in Britain, 1750-1870* (London, 2003), p.109-10.

willing to risk his social position in the way in which Horner had done.[172] Plenty of other branches of the public sphere similarly fell foul of careerist, social deferential and petty-minded administrators in the period and Roger Kelsall concluded that 'men of restless energy' such as the early factory inspectors were increasingly replaced by 'senior officials more cautious in temperament, more content to play second fiddle…to ministers.'[173] Certain civil service departments remained in the hands of patrons (most notoriously the War Office and the Colonial Service) and venality and jobbery were never fully expunged in significant areas of local administration such as the City of London Corporation, even after the 1889 Public Bodies Corrupt Practices Act.[174] Furthermore, the implementation of Northcote-Trevelyan's reforms led, at the prompting of William Gladstone and Benjamin Jowett, to the privileging of public-school educated Oxbridge graduates which the Scottish educated reformers of earlier years would have strongly deprecated, given that they regarded Oxford's syllabus as 'backward and reactionary'.[175] Nevertheless, the baton of institutional reform now

[172] Unlike Horner, Tremenheere was awarded Companion of the Order of the Bath on his retirement. O.P. Edmonds and E.L. Edmonds, 'An Account of the Founding of H.M. Inspectorate of Mines and the Work of the first Inspector, Hugh Seymour Tremenheere' *British Journal of Industrial Medicine*, xx (1963), p. 217.
[173] R. Kelsall, *Higher Civil Servants in Britain: From 1870 to the Present* Day (London, 1955), p. 195.
[174] J. Moore, 'Corruption and the Ethical Standards of British Public Life: National Debates and Local Administration, 1880-1914' in Kroeze et al, eds., *Anticorruption in history*, pp.267-278; W. Robson, *Government and Misgovernment in London* (London, 1948), pp. 76-9; D. Owen, *The Government of Victorian London 1855-1889* (London, 1982), pp. 256-7.
[175] BL, Iddesleigh MSS, Add. MSS. 50014, ff. 76-81 (Gladstone to Northcote, 3 Dec. 1853); Chapman, *The Civil Service Commission,* p.14; P. Corsi, 'The Heritage of Dugald Stewart: Oxford Philosophy and the Method of Political Economy' *Nuncius* 2:2 (1987), pp. 92-8; Robson, *From Patronage to Proficiency*, p.20; Antony Trollope

passed from the Factory Office to similarly driven administrators such as Edward Gulson at the Poor Law Board, Matthew Arnold at the Education Department, Edmund Du Cane at the Prison Commission and Robert Rawlinson at the Local Government Board and to politicians such as Edward Cardwell as well as local bodies such as the Birmingham Sanitary Committee.[176] In those institutions where there was strong public suspicion that corrupt behaviour persisted, such as in the local government of London, pressure groups such as the City Guilds Reform Association were founded to challenge 'the morass of gluttony and bribery.'[177] As Kerkhoff et al observe, '"corrupt" is what is considered corrupt at a certain time and place' and public tolerance for the misuse of public funds was wearing thin by the end of the century, even in London.[178]

The reform of the ethics of public officials which was begun within the Factory Office in the 1840s and 1850s led to a widespread belief by the 1860s that the civil service could no longer be the domain of languid,

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at the Post Office strongly criticised the impact of the Report for the quality of the public servant it produced: L. Goodlad, *Victorian Literature and the Victorian State: Character and Governance in a Liberal State* (London, 2003), pp.118-58.

[176] D. McLean, *Public Health and Politics in the Age of Reform: Cholera, the State and the Royal Navy in Victorian Britain* (London, 2006), p. 41-2; Parris, *Constitutional Bureaucracy,* p. 155; B. Rapple, *Matthew Arnold and English Education: The Poet's Pioneering Advocacy in Middle Class Education* (Jefferson, NC, 2018), pp.9-34; Pellew, 'Law and Order: Expertise and the Victorian home office', p.62; G. Clifton, *Professionalism, Patronage and Public Service in Victorian London* (London, 1992); G. Mooney, *Intrusive Interventions, Public Health, Domestic Space and Infectious Disease Surveillance in England, 1840-1914* (Rochester NY, 2015), pp.54-8. R. Swift, *Charles Pelham Villiers: Aristocratic Victorian Radical* (London, 2017), pp.166-7.

[177] City Guild Reform Association, 'Editor's Preface', *Reform Flysheet No. 3: Extracts from letters by "Nemesis"* [A.F. Robbins] *reprinted from the Weekly Dispatch,* (London 1876), p.2.

[178] T. Kerkhoff, R. Koeze, P. Wagenaar, 'Corruption and the Rise of Modern Politics in Europe in the Eighteenth and Nineteenth Centuries: A Comparison between France, the Netherlands, Germany and England – Introduction' *Journal of Modern European History,* xi (2013), p. 25.

corrupt aristocrats and their placemen. It had to become the increasingly responsive centre of a popular state which embodied the needs of the entire nation.[179] Oliver MacDonagh was the first to suggest that administrative reform was largely driven by the influence of key individuals within both pre-existing and newly created arms of the state apparatus rather than merely the influence of a political philosophy as ill-defined as 'Benthamism'.[180] Tom Crook, in his study of public health reform in this period, has shown how the most important feature of administrative change and social improvement was 'the ethos of inspector'; not pressure from below, nor reform from above, but cultural transformation from within administrations; where effective systems of practice, developed in the field, were spread by key individuals inside the administrative body itself.[181] This confirms the suspicions of Mircea Popa who has recently outlined 'a theory of endogenous [administrative] reform' to explain Britain's defeat of corruption in the early nineteenth century.[182] Leonard Horner had, in the early years of the factory inspectorate, 'set a permanent mark in the form and content' of the role of the senior public servant charged with overseeing the implementation

[179] M. Taylor, *The Decline of British Radicalism, 1799-1914* (Cambridge, 2001), J. Parry, *The Politics of Patriotism: English Liberalism, National Identity and Europe, 1830-1866* (Cambridge 2006), M. Daunton, *Trusting Leviathan: The Politics of Taxation in Britain, 1799-1914* (Cambridge, 2001).
[180] O. MacDonagh, *Early Victorian Government, 1830-1870* (London, 1977), pp. 197-202.
[181] T. Crook, *Governing Systems: Modernity and the Making of Public Health in England, 1830-1910* (Oakland, CA, 2016), pp. 106-47.
[182] M. Popa, 'Elites and Corruption: A Theory of Endogenous Reform and a Test using British Data' *World Politics*, lxvii (2015), pp. 313-52. Popa gives most credit to Parliament as the chief agent in promoting reform, however.

of a new form of social legislation.[183] He and the other factory inspectors did so, not as mere agents of a centralised bureaucracy however (as the inspectors would become following the Northcote-Trevelyan reforms), but as free-thinking and almost autonomous investigators.

Horner was also among the first to articulate the central tenet of the modern civil service: to speak truth to power: 'I will in my reports tell the facts – whether they tell against the government or not.'[184] The inspectors corresponded directly with successive Home Secretaries, avoiding the interference of aristocratic civil service superiors such as Horatio Waddington, permanent under secretary at the Home Office. From their initial appointment, deferential to a Whig patron, firmly wedded to orthodox political economy, unwilling to question the altruism of the mill-owners and adhering strictly to their brief, Horner and his colleagues gradually began to grow in independence until the Factory Office challenged the manufacturers, the senior civil servants in Whitehall, the leading Benthamites, government ministers, inadequate colleagues, the magistracy and even their original patron, Lord Brougham. As Karl Marx put it in *Capital,*

> He [Horner] maintained a life-long battle, not only with embittered employers of labour, but also with Cabinet Ministers, who regarded

[183] Thomas, *Early Factory Legislation*, p. 97.
[184] KH, uncatalogued papers (L. Horner to K. Lyell, 20 May 1849).

the number of votes given to them in the House of Commons as far more important than the number of hours worked by the mill-hands.[185]

Horner never gained any formal recognition of his status as 'inspector-in-chief' and was never promoted beyond the rank of middling civil servant, holding the position of mere 'inspector of factories' for twenty six years. James Perry and Annie Hondeghem have offered four motivating factors for those bureaucrats who seek to embed, expand and defend an ethos of public service: an attraction to public policy making, commitment to the public interest and civic duty, compassion and self-sacrifice.[186] Institutional characteristics such as these were still in their infancy in the 1840s and 1850s, but, in light of the work of the Factory Office under his leadership, one may read the very public administrative career of Leonard Horner as a crucial moment in the cultural shift from public tolerance to disapprobation of corrupt behaviour by state officials. As this article has demonstrated, this was a process already well underway before the exogenous test of the Crimean War

[185] Karl Marx, 'Capital: A Criticism on Political Economy, Section III' , trans. 'John Broadhouse' (Henry Hyndman) *Today: A Monthly Magazine of Scientific Socialism*, l (1888), p. 20.
[186] J. L. Perry and A. Hondeghem, 'Introduction' in J. L. Perry and A. Hondeghem, eds., *Motivation in Public Management: The Call of Public Service* (Oxford, 2008), pp. 5-6.

exposed the institutional inadequacies of British administrative systems and led to a *Times* campaign against the 'commerce of corruption'.[187]

[187] S. Morison, *The History of the Times: The Tradition Established*, *1841-1884* (London, 1939), p. 255; O. Anderson, 'The Janus Face of mind-Nineteenth Century English Radicalism: The Administrative Reform Association of 1855' *Victorian Studies,* viii (1965), pp. 231-42; *The Times*, 24 Feb. 1854. See also Anon., *Our Civil and Military Establishments* (London, 1855).