

THE BRITISH MINES INSPECTORATE: THE EARLY YEARS

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Abstract: The "Act to Provide for the Inspection of Coal Mines" was passed in 1850. This short paper summarises the background which forced the Government to pass this controversial legislation with the radical new aspect of enforcement by Inspectors empowered to enter any coal mine at any time. It goes on to give an insight into the tremendous initial problems the Inspectors faced, and the difficulties of their task.

The first Mine Inspectors were appointed by the government, specifically by Sir George Grey, the Home Secretary, in November 1850, partly in response to the principle of extending central government control, but mainly in response to growing public concern at the rising death toll from mining accidents. However they were not the first government inspectors to be appointed. The developing textile industry had demanded child and female labour in large quantities. The gradual exposure of their harsh working and social conditions had alarmed the public. This resulted in a series of government acts which attempted to deal with the worst abuses. The first was the *Health and Morals of Apprentices Act of 1802*. This was followed by a second act in 1819. Both required local magistrates to enforce the provision, but they patently failed to do so. A magistrate of Manchester admitted that he never enforced them for the simple reason that he had never been asked to do so, indeed he had never even read the provisions. Significantly a large number of magistrates were textile mill owners, or were friends or relations of mill owners. The introduction of Acts in 1825 and 1831 to prevent the employment of under-age children in textile mills was similarly unsuccessful. The government was forced to act, and their response in 1833 was to appoint Inspectors of Factories. They had wide executive powers, including the ability to make their own rules, decide who had broken them, and to fix the penalty of those who had been found guilty. Whilst this was found to be effective, it was deemed to be an extreme measure not in the British tradition, and their powers were gradually reduced.

The public were again outraged by the revelation that women and children were employed in virtual slavery in mines. The government's response was to pass, relatively unopposed, an act prohibiting the employment of females and young boys underground in coal mines. Its enforcement, added almost as an afterthought at the committee stage, relied on the appointment of one inspector: Seymour Tremenheere. A man of considerable ability (he had previously been an Inspector of Schools) he relied on his undoubted powers of persuasion, and acted more as a commissioner of inquiry than as an inspector. He did not make any underground visits, and indeed he stated he did not consider himself an "Inspector of Mines".

The growing death toll from mining disasters had caused pressure groups, such as the Sunderland Society and the South Shields Committee to be formed. Their stated aims were to reduce the number of mining accidents by first identifying the problems, by introducing the skills of scientists and philanthropists, and by forcing government to pass and enforce appropriate legislation. This work was supported by the popular press, the miners' representatives

and concerned Members of Parliament. Thus "pressed from all sides" the Government passed the Mines Inspection Act in 1850. But it was not unopposed. The interests of the colliery owners were better represented and organised than had been the millowners. They succeeded in considerably altering and amending the provisions of the original bill, but the major point they were unable to alter was the enforcement by government inspectors.

Four Inspectors were appointed. Their powers were a compromise between the very wide powers given to the Factory Inspectors, and the very limited powers given to Tremenheere. However they were enabled to enter any coal mine, and go underground at any time and at any season. They were not empowered to enter other types of mine (though the 1860 Act, below, extended the legislation to stratified ironstone mines which were often worked together with coal. Metalliferous mines otherwise were not affected until the Regulation Act of 1872). Although the personal backgrounds of the four first inspectors were poorly documented there is no doubt they were all supporters of the principle of mine inspection. The four were Joseph Dickinson, Matthias Dunn, Charles Morton and J. Kenyon Blackwell. They all had extensive engineering and mining experience, and with the exception of Blackwell who resigned almost immediately to take up a more lucrative position, they were all to remain in post until ill-health or death intervened. Because of their mining expertise they differed from the early factory inspectors who had little industrial knowledge and were sadly manipulated by the millowners in consequence. The factory inspectors were concerned mainly with the factory conditions, whereas the mine inspectors were concerned with safety. It is, perhaps, not surprising the mines inspectors had no contact with their factory colleagues, and have remained fiercely independent up to the present day. Blackwell was replaced by Herbert Mackworth who was unusual in that he was a nephew of a baronet and had been educated at Kings College, London. His experience was primarily concerned with railway engineering and he was said to have the most fertile mind and the widest conception of his duties of all the inspectors.

Following their appointment every colliery made an attempt to put their own house in order ready for the expected visit. However it soon became apparent that the task was too great, most collieries could not be visited for many years. The Act required that every fatal accident be reported to the Inspectorate. A colliery tended to be visited only after an accident, which resulted in a number of fatalities, or following a complaint or request for advice. However the inspectors did produce regular reports. They included a list of all fatalities, comments on particular accidents, but

especially the recommendations on safety and future legislation. Thus they made an impact by influencing public opinion as well as forcefully expressing their views to government officials and Members of Parliament. As it became apparent the inspection districts were too large, so more inspectors were appointed. In 1852 Thomas Wynne took over part of Dickinson's district, and the following year Robert Williams and William Lancaster were appointed to cover Scotland in place of Dunn.

There is no doubt these were men of great ability, but the government did not award them a corresponding salary. Initially they were given £400 per annum plus travelling expenses. This was more than a mine manager, but substantially less than a mine agent (when Kenyon Blackwell left the Inspectorate his new appointment paid £1200 per year). Tremeneere had been paid £700 and every factory inspector received £1000 including expenses. The low salary was a constant source of irritation but the Home Office appeared to have a deliberate policy of paying mine inspectors below the market rate, although they openly admitted that the present salary would not command the services of first rate men. "The present Inspectors are not, with one or two exceptions, first rate men".

The 1850 Act was due to be in force for five years only, but the work of the inspectors was so highly regarded that in 1855 a similar act was passed which extended their term of office for another five years and gave them increased powers. Moves were also made to increase the number of Inspectors, and for the first time the appointments were preceded by examinations, but the result did not achieve complete satisfaction. The choice of Thomas Evans, who happened to be Dickinson's brother-in-law, came in for particular criticism. In 1856 twelve inspection districts were established with an inspector in charge of each. The new appointments were John Atkinson, William Alexander, John Hedley, Peter Higson, Lionel Brough, and Thomas Evans. The new districts remained unaltered for many years, the only change in the Inspectorate resulting from either death or retirement.

The inspectors worked very long hours without clerical or secretarial assistance. The Inspector was available for emergencies, the day being usually spent away from home, no office being provided. All correspondence would have been carried out at night, requiring "many hours of hard and laborious work", as he might receive and send about 4000 letters a year. Not surprisingly a great deal of time was spent in travelling, and even in a compact district such as Wynne's, he would travel some 10,000 miles in a year. Some collieries were of course remote, but following a major disaster, the Inspector, summoned by telegram, could usually be on the scene in a few hours. The number of collieries in each district varied, but it could well exceed 500, so it is hardly surprising that some managers could claim that their pit "did not see an inspector from one year to the next".

At first the specific role of the Inspectors was unclear. He was primarily to see that the mining legislation was observed, he was to investigate and rectify complaints from all sources, even if anonymous, he was to be available for consultation with management and to offer advice. The Inspectorate was particularly concerned that they should not be seen to be taking the responsibility from the manager. Before it was a legal requirement to nominate a manager, they had some difficulty in identifying the responsible

person when they wished to prosecute. After the 1855 Act they had definite rules and the power to prosecute if the law had been broken. The difficulty was in deciding when to prosecute as there were so many infringements. They tended to prosecute the managers, "leaving the manager to deal with breaches committed by the ordinary workpeople", and to deal with the worst abuses first. One difficulty was that colliery owners often acted as the presiding magistrates in the mining areas, and they found it hard to get a conviction. Mackworth attempted to prosecute many of the coal owners who were magistrates in his district. Not surprisingly he found this difficult, but also found it difficult to prosecute mine managers, commenting in 1854 on "the practical immunity from all responsibility, criminal or civil, of the managers of mines". In the three years since the Act was passed, there had not been a single conviction "although there had been about 3000 lives sacrificed". Finding impartial juries was also difficult. Mackworth explained that in wanting to prosecute following a fatality, he "had found the jurors were working under the same employers as the deceased, and in some instances not one jurymen has been able to sign his name". The choice of the coroner's jury was either "accidental death" or "manslaughter". Believing that in many cases the deceased had partly contributed to their deaths by their own negligence, whilst the management was partly to blame, they opted for the less severe verdict of "accidental death", and thus prevented any subsequent prosecution. In spite of these problems, there were a number of successful prosecutions, and the *Mining Journal* complimented the Inspectors on the way they upheld the law and they gradually became more effective.

There had been attempts to highlight the most dangerous collieries by publishing the names of the collieries and owners where excessive fatalities had occurred. It was hoped this would encourage them to change their ways, but the idea was eventually dropped. Similarly it was advocated that the erring colliers should not only be fined, but should be made to post a public apology at the pit head. Whilst some success was claimed for this, it also disappeared. Thus the only realistic sanction available at this time was to go through the lengthy prosecution procedure.

In 1860 the next Mines Act was passed, again with extended legislative conditions, but the principal difference from the earlier acts was that this was made "permanent". The Inspectors had broken new ground. They were underpaid, faced an enormous task beset with problems and were held in low regard by the government which appointed them. But they maintained a high morale, they took advantage of their freedom of action, they accepted the challenge and adopted a positive approach. They walked a tightrope between the aspirations of the colliers who wanted change, and the owners who resisted it. Yet when the Inspectors tried to introduce safety measures which directly affected the output and pay of the colliers it was now they who resisted. The Inspectors had few friends. But they were successful in making mines safer, and they were instrumental in making the principle of government interference in mining acceptable and in forming a basis for future legislation, but most importantly, they made the Mines Inspectorate a permanent institution.