

to be dealt with in an amending Factory and Workshop Bill.

MR. FENWICK (Northumberland, Wansbeck) said that if his right hon. friend accepted the Amendment it would not pledge him absolutely to bring in an amending Bill within two years, because if it was found to be necessary to continue the operation of this Bill for a longer period it could be done by inserting it into the Expiring Laws Continuance Bill. He would like very much to see a consolidating Act because he disliked more than he could say legislation by reference.

AN HON. MEMBER said they did not want to see the Government go out of office, but they certainly wanted to see the Factory Acts consolidated. If this time limit was put in it would to some extent enable the right hon. Gentleman to see his way to do something when the period expired.

MR. BYLES (Salford, N.) hope dthe Amendment would not be pressed, because he did not think it would attain the object aimed at. He had been convinced against it by the short discussion which took place on the subject in the Grand Committee when the hon. Member for Leicester agreed to allow the Amendment to be withdrawn. Of course it was extremely desirable that there should be a consolidating Bill.

MR. C. DUNCAN said that if this Amendment were accepted it would constitute a promise on the part of the right hon. Gentleman to bring the matter before the House two years hence. Two years seemed to him to be a fair period to test the provisions of this Bill, and that being so, it was reasonable to ask the right hon. Gentleman to give a promise that the Government would reconsider the matter in two years, and in that way give some indication that it was intended to do something. The provisions of the Bill were not ideal, and the Labour Members were desirous that something should be put in to show that these un-ideal conditions were not to go on for ever. It seemed to him that

some assurance should be given that after two years had expired something would be done to encourage those who were engaged in looking after the welfare of the women. Then there would be no need to divide.

MR. GLADSTONE said that if an amending Bill were brought forward, the point raised by the Amendment would be considered.

Amendment, by leave, withdrawn.

MR. SLOAN (Belfast, S.) moved to leave out Clause 5. There was no necessity for any particular inspection in an establishment where laundry work was carried on as in these institutions. This was an old grievance, and therefore in the absence of his hon. friend he begged to move.

MR. COURTHOPE formally seconded the Amendment.

Amendment proposed—

"In page 3, to leave out Clause 5."—(Mr. Sloan.)

Question proposed, "That Clause 5 stand part of the Bill."

\*MR. GLADSTONE said he could not accept this Amendment, because the effect of it would be to leave the laundries of these institutions altogether free from inspection. He thought laundries should be on the same footing as other factories and workshops. Of course there must be exceptional treatment because such institutions were not organised as factories and workshops. Did the hon. Member wish to relieve all the convent laundries in Ireland from inspection? It would be better they should be under the same sanitary and other regulations as commercial undertakings carrying on similar trades. He hoped the Amendment would not be pressed.

MR. ARTHUR HENDERSON asked with regard to Subsection (d) whether he was right in concluding that where



this application was not made these reformatory institutions would be subject to inspection under the Act.

MR. GLADSTONE: That is so.

Amendment, by leave, withdrawn.

\*MR. NIELD (Middlesex, Ealing) said he desired to move the omission of Subsection 2 of this clause in order to substitute a new subsection. He had no desire to say anything which would impart heat into this debate or raise religious controversy. His interest was that of a large body of persons carrying on the business of laundries in the constituency he had the honour to represent. They had assured him that if this Bill passed in the form of the compromise arrived at upstairs between the right hon. Gentleman the Secretary of State and the hon. Gentlemen below the gangway, their interests would be prejudicially affected, as they would be unable to compete with the institution laundry. On the face of the Bill as amended in Grand Committee at the instance of the Home Secretary it would appear to be intended that under Subsection (4) any scheme which the Home Office would be asked to approve should not be less favourable than the provisions of the Bill. The House would remember the Opposition which was aroused to precisely similar words when introduced into the Workmen's Compensation Bill of 1897 by the trade unions who objected to contracting out. Hon. Members who now claimed to represent labour in the House should be equally slow to accept the words which were now proposed and which would cause differentiation between workers in outside laundries—made subject to the detailed provisions of the Bill—and those in institution laundries who might and probably would be less favourably dealt with under a scheme so far as hours and conditions of work were concerned, while outside workers would be handicapped in many respects and their work rendered less secure and probably less remunerative. Any scheme formulated by those institutions, although apparently harmless, might be disastrous from the point of view of other laundries. He felt it his duty to say that those on whose behalf he spoke had very grave

Mr. Arthur Henderson.

misgivings regarding the attitude of the institutions in the matter of this compromise. They remembered the past history of the Nationalist Party in that House—with what vehemence they had always opposed inspection and how determined they had always declared themselves to be to any form of factory inspection and control of religious institutions. The opinion of those he represented—he did not give it as his own opinion—was that they were satisfied that the inspection provided for under the scheme would be illusory, but that, of course, would entirely depend on the Home Office, and whether they took care to do their duty. The Home Secretary had recognised in his speech the difficulties which laundries had to encounter with regard to a special season trade, for instance in seaside places, but he desired to point out to the right hon. Gentleman other difficulties, and substantial ones which trade laundries in towns had to contend with which entitled them to special consideration.

Message to attend the Lords Commissioners.

The House went.

And, having returned, Mr. SPEAKER reported the Royal Assent to a number of Bills (see page 758.)

FACTORY AND WORKSHOP BILL.

As amended by the Standing Committee, again considered.

\*MR. NIELD, continuing his speech, said when his speech was interrupted he was giving an illustration of how those outside commercial laundries might be affected under Subclause (b). By Clause 2 definite hours of work were fixed in the morning and evening not to exceed thirteen hours. That might operate harshly upon outside laundries, because the work was divided into so many different departments, and until one department had done its work the others could not commence. [Cries of "Agreed."] This provision had been

1083

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added in Grand Committee as a com-  
 promise and had been accepted  
 under conditions which had been  
 frankly stated by the right hon.  
 Gentleman, and he could understand the  
 great disappointment which the Labour  
 Party must have felt when they heard  
 this announcement. In 1895 the present  
 Chancellor of the Exchequer introduced  
 a Bill which contained proposals to  
 place all laundries on an equality, but  
 he had to withdraw them on account  
 of the pressure placed upon him by hon.  
 Members from Ireland, without whose  
 support the Government majority at  
 that time was not sufficient. On  
 behalf of a very deserving industry  
 which had to work under very great  
 pressure he asked the House seriously  
 to consider whether this exemption  
 would not operate most harshly.  
 He hoped that all laundries would be  
 placed upon the same footing.

Mr. COURTHOPE, in seconding the  
 Amendment, said he desired to see  
 this provision applied to institution  
 laundries just the same as to other  
 laundries. It was highly desirable that  
 the difference in the treatment of the  
 two cases should be as small as  
 possible. He could not help thinking  
 that Subsection (2) contained far too  
 great exceptions, and he was afraid that  
 there was a danger of the clause becoming  
 wholly illusory. The Amendment would  
 put these institution laundries on practi-  
 cally the same footing as other laundries.  
 It would prevent the contracting out  
 which was possible under the clause  
 and secure an absolute uniformity of  
 system in all institution laundries.

Amendment proposed—

"In page 3, line 24, to leave out Subsection  
 2 of Clause 5, and insert the words, "(2) In  
 laundries attached to or forming part of any  
 institution to which this section applies the  
 following modifications of the law relating to  
 holidays and notices shall have effect:—(a) Sub-  
 section 3 of Section 35 of The Factory and  
 Workshop Act, 1901, shall not apply, and the  
 following provisions shall be substituted in  
 lieu thereof:—A notice of every holiday or  
 half-holiday must be forwarded during the  
 first week in January to the inspector for the  
 district; and unless the notice has been so sent  
 cessation from work shall not be deemed to be  
 a whole holiday or a half-holiday. Provided  
 that any such notice may be changed by a

subsequent notice sent in like manner not less  
 than twenty-four hours before the holiday or  
 half holiday to which it applies. (b) The  
 managers of the institution shall, not later  
 than the fifteenth day of January in each year,  
 send to the Secretary of State a correct return  
 in the prescribed form, specifying the names of  
 the managers and the name of the person (if  
 any) having charge of the institution under the  
 managers, and such particulars as to the  
 number, age, sex, and employment of the  
 inmates and other persons employed in the  
 work carried on in the institution as the Secre-  
 tary of State may require, and shall, if any  
 requirement of this paragraph is not complied  
 with, be liable to a fine not exceeding five  
 pounds."—(Mr. Nield.)

Question proposed, "That the words  
 proposed to be left out at the end of  
 line 5, in page 4 stand part of the Bill."

THE CHANCELLOR OF THE EX-  
 CHEQUER (Mr. ASQUITH, Fifehire, E.)  
 said that as an old Home Secretary he  
 might be allowed to say a word or two  
 on this point. It was quite true that in  
 1895 he attempted to bring these laun-  
 dries within the scope of the Factory  
 Acts and that he was obliged to with-  
 draw his proposal. Looking back upon  
 the past, he thought it would be admitted  
 that this was a large step in advance. If  
 the House agreed to these proposals they  
 would cover at least nine-tenths of the  
 ground. In dealing with a delicate  
 matter of this kind it was always neces-  
 sary to allow for susceptibilities which,  
 though one might not completely share  
 them, were legitimate and natural. The  
 main object of this legislation would be  
 attained by the clause which his right  
 hon. friend had introduced, and he urged  
 Members who desired to go a step  
 further to be content with what they  
 could get, and to be assured that a very  
 long step was being taken in the direction  
 of really effective supervision.

\*SIR CHARLES DILKE said he would  
 like the right hon. Gentleman to tell  
 the House what meaning he attached to  
 the words "not subject to inspection  
 by . . . any Government Department."  
 They were not clear, and different ex-  
 planations had already been given of  
 them. One matter which had not been  
 alluded to by the mover of the Amend-  
 ment deserved attention. In Committee  
 words were inserted to provide that any

1084

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scheme made under the provisions of the Bill should be laid before both Houses of Parliament for forty days before coming into operation. He pointed out that that control was now illusory in the latter part of a session. Therefore they could not always trust to having security under these words. He had no doubt that the Secretary of State would do in regard to this matter what he did now in regard to Orders which were subject to a similar provision. That was to say, he would, as far as possible, lay the Orders before the House at a period of the session when they would have the freedom of criticism they were supposed to enjoy. The Archbishop of Canterbury, speaking of institutional laundries of all classes, had said that a very large number of the institutions were prepared to go further than the provisions of the Bill, and that the provisions as passed in another place were the minimum with which they ought to be content. The words inserted in the Standing Committee had whittled down the provision in this case, and, although he felt that it was difficult to ask the House to reject the judgment of the Committee, he thought that those who had always fought this question on principle must point out that what the Archbishop of Canterbury regarded as the minimum had been whittled down.

\*MR. AKERS-DOUGLAS (Kent, St. Augustine's) said he had some experience of this question during the time he was at the Home Office. He did not wish at present to go into the difficulties which his predecessor, the late Lord Ritchie, encountered in endeavouring to carry through this House a Bill dealing with laundries, including those connected with institutions. He thought it was very desirable that the measure should be passed. At present the inspection was only voluntary, but there was no doubt that the inspection which he was enabled to bring about two or three years ago had paved the way for further reform. What was done then had shown the institutions that inspection by factory inspectors was not so formidable and so much to be dreaded as they had thought. He advised his hon. friends to accept this

*Sir Charles Dilke.*

Bill as far as it went, in the hope that it would lead to a stricter Bill in future.

LORD R. OECIL said that the Amendment of the Home Secretary was only accepted in Grand Committee because of the warning that its rejection would mean the loss of the Bill. The Home Secretary stated that he had made an agreement with certain hon. Members which compelled him to bring forward this Amendment. It was no exaggeration to say that that was the only argument the right hon. Gentleman used in favour of the Amendment. That being so, those who valued the Bill for other reasons could not imperil it by objecting to the Amendment. He did not think it could be said with justice that the Standing Committee were convinced that the Amendment was in itself desirable. If the Committee had been left free to deal with it as they liked, he had no doubt it would have been rejected. He could not support his hon. friend's Amendment, because it went further than anything suggested in the Standing Committee. He thought the undertaking that a scheme under the Bill would be laid before both Houses of Parliament with power to reject it was a reasonable compromise, taking into consideration the difficulties in dealing with this question. While he would vote against the Amendment, he thought Subsection (b) unsound in principle, and he was sorry that the Government had proposed it.

\*MR. GLADSTONE said the noble Lord had accurately represented what took place in the Standing Committee. Undoubtedly Subclause (2) was a concession to those who had made very strong representations. He did not think there was any necessity at present to repeat the arguments for putting it in the Bill. The House knew that the Bill could not pass into law if this subsection were omitted. He knew well the great interest the mover of the Amendment took in certain laundries in the division he represented.

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1085

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\*MR. GLADSTONE said he did not question that the hon. Member had made a *bona fide* representation on behalf of his constituents. But a deputation from the Launderers' Association which waited on himself expressed themselves as satisfied with Clause 5. That clause really gave nine-tenths of what was wanted. At the present time these institutions were not inspected at all. They had an absolutely free hand in regard to hours and conditions of work, and when they submitted voluntarily to inspection they were not bound to accept the advice or the warning given by the inspectors. This clause would do an immense deal of good, and fulfil the object desired. First of all, it would at least bring in the inspector, though his powers were confined in certain cases to interrogation of an inmate, or any number of inmates, before the manager. That, however, would enable the inspector to judge whether any suspicions he might have formed were real, and he could then obtain an order for private interrogation from the Home Secretary. The Bill brought in provisions as to the fencing of machinery, ventilation, certificate of fitness, notice of accidents, and the hours of labour. He maintained that this clause gave what the Government wanted. There was a compromise, but he did not come "with bated breath, and whispering humbleness" to apologise for it. It was a very good clause, and would effect the object desired. The Government had been taunted with making an undue concession to the Catholics. He denied that, and insisted that they were perfectly right to make that concession under the circumstances. He desired to say in justice to the hon. Gentlemen below the gangway opposite, and to the noble Lord the Member for Chichester, that they had advanced a long way from the position which they had taken up in former years. They had made great concessions. The concession he had made would not impair the value of the clause. Any laundry in an institution which was now subject to inspection by the inspector of factories would continue to be as now, and would not come under the operation of this clause. Of course if the institution was a reformatory school it would come under Clause 6.

MR. JOHN REDMOND (Waterford) said he wished to thank the right hon. Gentleman for the concluding words of his speech, which he thought were extremely fair. He also desired to thank him for the way in which he had met those whom he represented in this matter. He might be permitted to add that if the right hon. Gentleman had made a concession it should be recognised that they had made far greater concessions from the point of view from which they looked at this question. On the last occasion on which the subject was debated the position they took up was an objection to the inspection at all of these institutions. Now they had departed from that position, and had admitted inspection in every one of the institutions. That was a very large concession on their part to make. Subsection (d), which the right hon. Gentleman had put into the Bill, and which was especially objectionable to the right hon. Gentleman opposite—

\*SIR CHARLES DILKE said he did not especially object to that subsection. His objection applied to the whole Bill.

MR. JOHN REDMOND said he did not complain of the right hon. Gentleman, whose attitude on this matter had always been perfectly fair. Subsection (d) was a very small matter. They asked that in a comparatively small number of those institutions of a very particular character the inspection should take a slightly different form from that made in the other institutions, such as charitable and reformatory institutions. This subsection dealt with what were known as rescue homes and Magdalen asylums. Every fair-minded man would admit that there were circumstances connected with those rescue homes which made it a difficult thing to carry out inspection as in ordinary institutions. There was, for instance, the difficulty of maintaining discipline among the inmates, and all they asked for was that an exception should be made in their case, and that the inspection should take place in the presence of one of the superior managers. In a very few cases the inspector could not

1086

1086

## Raymond Hill

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**From:** Maeve O'Rourke [maeveorourke@gmail.com]  
**Sent:** 02 July 2012 00:14  
**To:** James Smith; Mari Steed; Claire McGettrick; Katherine O Donnell; Raymond Hill  
**Subject:** Pre-1955 Factories Act legal framework  
**Attachments:** Pre-1922 legislative framework.docx

Dear all,

Attached is a synopsis of the research I did last week into the application of pre-1922 English legislation to Magdalene laundries. It looks good at first glance - it would seem that the Magdalene laundries were subject to the 1907 Factory and Workshop Act and were inspected and properly regulated from then on (until presumably it all stopped with the establishment of the Irish Free State). Jim, I found the 1920 SI in Lincoln's Inn - thanks very much for the pointer. I will scan all the legislation into Dropbox tomorrow from college if possible, or if not, on Wednesday from Raymond's chambers.

Claire, thanks so much for your work on setting up interviews, and Katherine as well re questionnaire and consent forms. I will get back to you about all of this tomorrow.

All the best,  
Maeve