

30. There must be not less than fifty women and children employed to constitute a factory at Home. Are you aware that these Acts are not half so strict as at Home regarding work?—We do not complain, except on the points I have mentioned.

31. Are you aware that the machinery is not permitted to be worked during meal hours at Home?—I am aware of this: that in the mills of the old country the engine is never shut down from 12 o'clock on Sunday night to 12 o'clock on Saturday night; but it is necessary to stop occasionally to oil complicated parts of the machinery.

32. What time do these women go to work in the morning?—Well, I am not in a position to answer that question since I dropped the management, but I know it is strictly within the four corners of the Act. They cannot begin much before 7, as the rooms are not lighted up.

33. Are you aware that piecework, in England, is in every way discouraged?—No; but in the tweed factories of Scotland all are paid by the piece.

34. Do you know that that is called the "sweating system"?—It is perfectly true that, owing to great abuses, the Factory Act was a necessity; but I do not believe, with the exception of perhaps one, that any factory in England has the same accommodation in proportion to the number of hands employed that we have. I would recommend the Commission to go to the factory, and take evidence on the spot.

35. *The Chairman.*] That is our intention.

Mr. ALLAN HOLMES, Solicitor, examined.

36. *By the Chairman.*] I am solicitor for the Mosgiel Woollen Factory Company. I do not know that I can give any practical information with regard to the working of the Employment of Females Acts, 1873-74-75.

37. *Mr. Fulton.*] You know the legal aspect?—So far as the legal aspect is concerned, I have had to do with some informations brought under the Act, but they were not a true test of the real operation of the Act, because the informations laid were not drawn by competent persons. In one case the information failed through an omission to bring in one of the three existing Acts. Another failed in consequence of a technical point. That is the only practical experience I have had from the legal aspect. I do not know of any insufficiency of the Acts to effect the purposes for which they were intended, providing the informations are properly drawn.

38. You will remember the objection taken by the manager of the factory with reference to the wording of the 10th clause of the Act of 1875, which reads as follows:—"Notwithstanding anything contained in the said Act or this Act, it shall be lawful to employ any female in any woollen, cloth, flannel, or hose factory, in which machinery or appliances of any kind are worked by steam, water, or other motive power, at such time or times in any one day, not exceeding eight hours in the whole, as may be agreed upon between such female and her employer; provided that no female shall be so employed at any time before six of the clock in the morning, or after six of the clock in the evening." The manager stated that, upon his construction of the words "in any one day," he intended to work upon Christmas and other holidays?—I do not think that the section bears out the construction which the manager intended. Of course the information for working on holidays turned upon a different point—namely, two offences being included in one information. I understand that section to mean that any female in a woollen factory, where machinery is used as stated, may choose any eight hours for working, but that others, not so choosing, can only work any eight hours between 6 in the morning and 6 in the evening.

39. Do you think that clause requires amendment?—Of course, if it is misleading, it would be desirable to amend it. A solicitor would take the view I have given of it. There is another point on which there is a little obscurity, in fact, a little difficulty, as the Act stands at present, with reference to the loss of wages, which is made by the Act to apply indiscriminately both to day and piece work. The Act only intended it to apply to daywork, but would seem, as I read it, to apply to both.

40. There is a little difficulty also as to the word "female," is there not?—Yes; I think in two of the Acts it is defined in a different way. It would perhaps be more satisfactory to pass a consolidating measure.

41. Would it be too much to ask you to look through these Acts, and make any suggestions to the Commission that might occur to you?—No; but those are the principal points which I have referred to.

42. *Mr. Bradshaw.*] You will find that the first Act, with regard to the word "female," is repealed by the second?—Yes; but there is a definition in the second Act at variance with that of 1875.

---

THURSDAY, 9TH MAY, 1878.

Mr. DANIEL HAYNES examined.

43. *By the Chairman.*] I am a partner in the firm of Herbert, Haynes, and Co., drapers, clothiers, &c., in Princes Street. We have a millinery, dressmaking, and tailoring department, in the nature of a factory within the meaning of the Act. It is opened at 9 o'clock in the morning, and closed at 6 o'clock in the evening. As a matter of arrangement, the tailors prefer working from 8 till 5. There are not more than two persons in our employ under fourteen years of age. There are about twenty between the ages of eighteen and fourteen. We do not register the ages when they are employed; so long as they are good workers, we do not care whether they are young or old. The youngest are employed running up and down stairs with messages. Notices, under the Act, as to the hours of employment, are posted up in the establishment. The dinner hour is, by arrangement, from 12 to 1 with some, and from 1 to 2 for others—the tailors, 12 to 1; dressmakers, 1 to 2. Only a few of the young people and females remain in the workshop during the dinner hour. We prefer them all to go out. If they remain, it is voluntarily on their part. All in the establishment, except some of the tailors, are paid by the week. None of the females are allowed to take work home.

2—H. 2.