CABINET 55 (47)

CONCLUSIONS of a Meeting of the Cabinet held at 10 Downing Street, S.W.1, on Thursday, 19th June, 1947, at 11 a.m.

Present:
The Right Hon. C. R. ATTLEE, M.P., Prime Minister (in the Chair).
The Right Hon. HERBERT MORRISON, M.P., Lord President of the Council.
The Right Hon. ARTHUR GREENWOOD, M.P., Minister without Portfolio.
The Right Hon. Sir STAFFORD CRIPPS, K.C., M.P., President of the Board of Trade.
The Right Hon. VISCOUNT JOWITT, Lord Chancellor.
The Right Hon. VISCOUNT ADDISON, Secretary of State for Dominion Affairs.
The Right Hon. A. CREECH JONES, M.P., Secretary of State for the Colonies.
The Right Hon. G. A. ISAACS, M.P., Minister of Labour and National Service.
The Right Hon. Aneurin BEVAN, M.P., Minister of Health.
The Right Hon. GEORGE TOMLINSON, M.P., Minister of Education.
The Right Hon. JOHN STRACHEY, M.P., Minister of Food.
The Right Hon. WILLIAM WHITELEY, M.P., Parliamentary Secretary, Treasury (Item 1).

The following were also present:
The Right Hon. ERNEST BEVIN, M.P., Secretary of State for Foreign Affairs (Items 5–7).
The Right Hon. HUGH DALTON, M.P., Chancellor of the Exchequer.
The Right Hon. A. V. ALEXANDER, M.P., Minister of Defence.
The Right Hon. J. CHUTER EDE, M.P., Secretary of State for the Home Department.
The Right Hon. J. WESTWOOD, M.P., Secretary of State for Scotland.
The Right Hon. THE EARL OF LISTROWEL, Secretary of State for India and Secretary of State for Burma.
The Right Hon. E. SHINWELL, M.P., Minister of Fuel and Power.
The Right Hon. T. WILLIAMS, M.P., Minister of Agriculture and Fisheries.

Secretariat:
MR. W. S. MURRIE.
MR. S. E. V. LUKE.
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1. The Cabinet were informed of the business to be taken in the House of Commons in the following week. The Report Stage of the Electricity Bill would be taken on 23rd, 24th and 25th June. 26th June would be the seventh allotted Supply Day. The Board of Trade Vote would be taken and there would be a debate on shortages of civilian goods.

On 27th June the Committee and remaining Stages of the Northern Ireland Bill, the Probation Officers (Superannuation) Bill and the Agriculture (Emergency Payments) Bill, and the Second Reading of the Foreign Marriages Bill and the Wellington Museum Bill would be taken.

The Ways and Means Resolution required to enable a new Clause dealing with motor car taxation to be considered at the next stage of the Finance Bill would be taken during the week.

The Secretary of State for Dominion Affairs said that he had made it clear to the Opposition leaders in the House of Lords that the Government would not accept any amendment to remove docks and harbours from the scope of the Transport Bill. Reasonably good progress was being made with the Bill and the Lord Chancellor did not propose to force divisions on the later Opposition amendments, though he would make it clear that the Government could not acquiesce in them.

2. The Prime Minister informed the Cabinet that the Governor of Ceylon had reported that the announcement made in Parliament on the previous day on the question of further constitutional progress in Ceylon had been very well received by the State Council. Mr. D. S. Senanayake, the Vice-Chairman of the Board of Ministers, had expressed, on behalf of the Council, warm appreciation of the action taken by His Majesty's Government.

The Cabinet—

Took note, with approval, of the statement made by the Prime Minister.

3. The Cabinet considered a memorandum by the Minister of Labour (C.P. (47) 180) on the report of the Committee on Double Day-Shift Working.

The Minister of Labour said that the Committee had been appointed in March 1945. Their report, a copy of which was annexed to C.P. (47) 180, stressed the economic importance of making more use of the double day-shift system in future, and pointed out that its social inconveniences would be largely offset by compensating advantages and could be mitigated in various ways. The Committee recommended that the normal finishing time for the second shift should be extended from 10 p.m. to 11 p.m. and that double day-shift working by young persons under 18 should in general be prohibited, though some latitude in this matter might be allowed for a period not exceeding two years. He had agreed with the President of the Board of Trade that, before the Government announced their final views on the questions raised, the report should be published with a view to giving the interests concerned an opportunity of submitting representations on its recommendations. It seemed desirable, however, that, when the report was published, it should be accompanied by a preliminary statement indicating that, while the Government endorsed some of its findings, they were not satisfied that all the recommendations were sound and proposed to consult the National Joint Advisory Council for Industry about
them. A draft of this preliminary statement was contained in Annex II to C.P. (47) 180, and the provisional propositions on the basis of which it was proposed to consult the National Joint Advisory Council were set out in paragraph 4 of C.P. (47) 180. The International Labour Conventions about night work by women and young persons in industry would not permit the substitution of 11 p.m. for 10 p.m. as the normal finishing hour for double day-shift work, and it was proposed that, when these Conventions came up for review at the International Labour Conference in 1948, an attempt should be made to secure amendments which would permit an extension to 11 p.m. Unless, however, the Conventions were denounced before November 1947 we should be bound by them for a further 10 years, and, in order to keep the position open, it was proposed that we should denounce the Conventions before that date.

The following points were made in discussion:

(a) The Minister of Fuel and Power said that while he was not opposed to the proposals in C.P. (47) 180, he feared that the extension of double day-shift working would aggravate the coal supply problem by increasing the consumption of electricity owing to longer machine-running time and extended space-heating. In reply it was pointed out that the new system would not in any event come into operation for a year or two, and that it would not in all cases lead to an increase in the load.

(b) The Minister of Education pointed out that paragraph 4(c) of C.P. (47) 180 put no limit on the time for which consideration of the question of prohibiting the employment of persons under 18 on double day-shifts might be postponed. Since it would be very difficult to provide for the education of young persons employed on double day-shifts, it was desirable to adhere to the recommendation of the Committee that any postponement should not be for a period of more than two years.

(c) There was general agreement that the Ministers concerned should give special consideration to the measures necessary to mitigate the educational and social inconveniences which would result from the adoption of the double day-shift system.

(d) In the proposed discussions with the National Joint Advisory Council it should not be implied that it was the Government’s view that a working week of 37½ hours would be adequate.

(e) The draft statement in Annex II to C.P. (47) 180 should be re-written in simpler language.

The Cabinet—

(1) Authorised the Minister of Labour to present to Parliament the report of the Committee on Double Day-Shift Working, and invited him to prepare a revised preliminary statement of the Government’s views for publication simultaneously with the report;

(2) Agreed that, after the report had been published, the Minister of Labour should consult the National Joint Advisory Council for Industry on the basis of the provisional propositions set out in paragraph 4 of C.P. (47) 180, as modified to take account of the points raised at (b) and (d) above;

(3) Agreed that the International Labour Conventions about night work by women and young persons in industry should be formally denounced;

(4) Agreed that the Social Services Committee should consider what measures would be necessary to mitigate the educational and social inconveniences of an increase in double day-shift working in factories.
The Cabinet had before them a memorandum by the Home Secretary (C.P. (47) 182) covering a memorandum which he had circulated to the Lord President's Committee indicating the main lines of the Criminal Justice Bill which he proposed to introduce in the 1947–48 Session.

The Home Secretary said that, when the Lord President's Committee had considered his memorandum (L.P. (47) 8th Meeting, Minute 4), the Lord Chancellor had expressed misgivings about some of the proposals. In subsequent discussions with the Lord Chancellor he had been able to reduce the extent of disagreement and the only substantial point on which there was still a divergence of opinion was the proposal to abolish the powers of Courts to pass sentences of corporal punishment. He was convinced that this proposal was right on merits and he was satisfied that, if it were not included in the Bill as introduced, the Government supporters would undoubtedly carry an amendment to include it when the Bill was before Standing Committee. The Bill in general followed the lines of the measure introduced in 1938, subject to certain modifications which were set out on page 7 of the Annex to C.P. (47) 182. Apart from the provision relating to corporal punishment, it would not make any substantial change in the penalties provided for under the existing law. It would, however, by enabling prisoners to be classified in a more rational way, lead to very desirable reforms in the treatment of offenders, though its full effect would not be felt until more could be done to replace out-of-date prison buildings. It was probable that, when the Bill was before the House of Commons, an amendment would be moved to abolish capital punishment. He proposed that any such amendment should be resisted on the ground that it was inappropriate that such a far-reaching change of the law should be included in the Bill.

The Lord Chancellor said that, though he was still of opinion that it would be unwise to abolish the powers of courts to pass sentences of corporal punishment and would have favoured the retention of the use of the birch, he realised that for political reasons it would be very difficult to do less than had been proposed in the Bill introduced in 1938. As regards the other provisions of the Bill, he felt that it was important to avoid improving the conditions under which prisoners were treated to such an extent as to destroy completely the deterrent effect of imprisonment.

Discussion concentrated first on the question of corporal punishment.

There was general agreement that the powers of courts to pass sentences of corporal punishment should be abolished. Some Ministers felt, however, that the Home Secretary's proposal to retain the power to impose corporal punishment for certain grave offences against prison discipline could not be justified, and it was suggested that warders sometimes provoked prisoners to commit such offences in the knowledge that they could be punished by flogging. Against this it was pointed out that, if the power to impose corporal punishment for offences against prison discipline were withdrawn, there would be no effective legal sanction against prisoners who assaulted their warders and there would be a strong temptation for the warders to take the law into their own hands. Corporal punishment for offences against prison discipline was inflicted only with the express consent of the Home Secretary on the recommendation of the prison visiting committee.

The Cabinet then discussed the question of capital punishment.

It was agreed that it would be impossible to draft the title of the Bill in such a way as to exclude an amendment to abolish capital punishment, and that it would be unconvincing to argue that the inclusion in the Bill of a provision for the abolition of capital punishment would be inappropriate.

On the question whether on merits it would be desirable to abolish capital punishment Ministers were divided.

It was urged, on the one hand, that public opinion was not yet ready for the abolition of capital punishment and that it would
be particularly unwise to abolish it at the present time when there was an abnormal amount of robbery with violence. The Judges were convinced that the fear of capital punishment was a real deterrent, and it was difficult to see what effective alternative punishment could be inflicted on murderers. Moreover, if capital punishment were abolished in this country, it would be difficult to justify its retention in the Colonies and in the British Zone of Germany.

On the other hand, it was argued that the infliction of capital punishment was degrading to the public and that there was no real evidence of its deterrent effect. Thus, almost all the murders which the Home Secretary had had to consider during the past two years had been unpremeditated. The attitude of the Bench to past proposals for the reform of the criminal law did not suggest that their judgment in such a matter was reliable, and those Government supporters in Parliament who had given most study to the matter were unanimously in favour of abolition.

In further discussion the suggestion was made that the best course would be to introduce the Bill without any provision abolishing capital punishment and to explain in the Second Reading debate that, since the question of capital punishment was one on which there were differences of opinion transcending Party lines, the Government felt that the matter should be left to a free vote. It should be made clear, however, that, since the matter was obviously one which should be considered by the House as a whole, it would have to be dealt with at the Report Stage.

The Prime Minister suggested that the Cabinet should resume their discussion of the question of capital punishment at a further meeting. This would not preclude the Home Secretary from completing the preparation of the rest of the Bill.

The Cabinet—

1. Approved the proposals for a Criminal Justice Bill outlined in the memorandum annexed to C.P. (47) 182 and, in particular, agreed that the Bill should abolish the powers of courts to pass sentences of corporal punishment, but that corporal punishment should be retained for grave offences against prison discipline;

2. Took note that the Home Secretary would discuss the finance of his proposals with the Chancellor of the Exchequer;

3. Agreed to consider further at a later meeting what attitude the Government should adopt to the proposal that capital punishment should be abolished.

5. The Foreign Secretary gave the Cabinet a report of his discussions in Paris about the proposed European reconstruction plan. These discussions had shown that the Governments of France, Belgium and the Netherlands were in substantial agreement with our proposed method of handling the United States offer. He had, however, agreed with the French Ministers that it would be premature at this stage to attempt to reach firm decisions on future procedure and that, as a first step, it would be necessary to ascertain the views of the Soviet Government and to find out whether they would genuinely co-operate in working out a plan. M. Molotov had accordingly been invited to meet M. Bidault and him in the following week. The French Ministers had been emphatic that every effort should be made to secure Soviet co-operation, and it would gravely prejudice the prospects of European recovery if not only the Soviet Union but also the countries within the Soviet sphere of interest should stand out. He had, however, made it clear that, should this happen, His Majesty's Government would nevertheless propose to continue their efforts to prepare a plan, in collaboration with other European Governments, and he had been assured that the French Government would adopt the same policy. He hoped that the necessary machinery for drawing up the plan could be set
up by 5th July, and that discussions with the United States Govern­ment could be started in September. The provisional view reached in Paris was that a Steering Committee, which would sit in London, should be set up to establish, direct and co-ordinate the work of a number of special functional and technical committees; and it had been agreed that the Economic Commission for Europe would in due course have to be associated with the work of the Committee.

The Foreign Secretary added that his impression was that the present French Government were tackling their problems with resolution and good sense. They were, however, faced with a very grave situation owing to the exhaustion of their dollar resources and the adverse effect of the severe winter on their home food production.

The Minister of Food said that it was important that nothing should be done to prejudice the plans on which the Ministry of Food had been working for the development of non-dollar sources of food supplies for this country.

The Cabinet—

Took note, with approval, of the Foreign Secretary’s statement.

6. The President of the Board of Trade informed the Cabinet that arrangements had been made for the United Kingdom Trade Delegation to return to Moscow on 20th June to resume negotiations for an Anglo-Soviet trade agreement. The Soviet Ambassador in London had been informed that we were not willing to consider the Soviet request for a revision of the repayment terms of the Civil Supplies Agreement of 1941 except in return for real, substantial and immediate trade advantages, and that it was on this basis alone that the Secretary for Overseas Trade was prepared to return to Moscow. His Majesty’s Ambassador in Moscow had been instructed to ensure that the Soviet Minister for Foreign Trade clearly understood and accepted our point of view; and the reply given by M. Mikoyan (Moscow telegram No. 1362) appeared to be reasonably satisfactory.

The Foreign Secretary said that, in his view, M. Mikoyan’s reply was unsatisfactory, since it gave no firm assurances on the points which His Majesty’s Ambassador had been asked to raise. He thought that it would be preferable to insist on a reply to these points and he feared that if the Delegation left for Moscow before this had been obtained, there might be prolonged delay before negotiations were resumed.

The Cabinet—

Agreed that the United Kingdom Trade Delegation should return to Moscow forthwith with a view to resuming negotiations for an Anglo-Soviet Trade Agreement.

7. The Cabinet were informed that the wife of the President of the Argentine Republic intended to visit the United Kingdom from 16th July to 19th July. In view of our dependence on the goodwill of the Argentine Government for food supplies, it would be inexpedient not to offer her some form of Government hospitality. On the other hand, the character of her husband’s Government and her conduct during her visit to Spain would make it extremely embarrassing for the Foreign Secretary to entertain her.

The Minister of Food said that it had been suggested that he should entertain Madame Peron. He felt, however, that it would be invidious were he alone to receive her.
There was general sympathy with the view expressed by the Minister of Food and it was agreed that some form of official reception attended by more than one Minister and, if possible, by the Foreign Secretary should be provided for Madame Peron.

The Cabinet—

Invited the Foreign Secretary to consider whether it would not be possible to arrange for some form of official Government reception for Madame Peron at which both he and other Ministers might be present.

Cabinet Office, S.W. 1,
19th June, 1947.