

## Supplement.

Approved March 17, 1854.

P. L. 1854, p. 444.

Binding may be made to a firm or copartnership.

**13. SEC. 1.** That the binding by indenture mentioned in the first section of the act to which this is a supplement, may lawfully be made to two or more persons constituting a firm or copartnership; and all such indentures, if in other respects conformable to the provisions of said act, shall be deemed and held to be valid and effectual in law; *provided*, that nothing herein contained shall be so construed as to render valid any indenture of apprenticeship made to any incorporated company.

Indentures not affected by death of one of a firm.

**14. SEC. 2.** That in all cases of an indenture, whereby an apprentice or servant is or shall be bound to serve several persons, constituting a firm or copartnership, and one or more of such persons shall die before the expiration of the term of apprenticeship or service mentioned in any such indenture, then the covenants and agreements contained therein, on the part of the parent or guardian of such apprentice or servant, and on the part of such apprentice or servant, shall accrue and be performed to the survivors or survivor, and such survivors or survivor shall perform and fulfill to the apprentice or servant, all the covenants and agreements contained in any such indenture on the part of the persons to whom such apprentice shall be bound, to be performed, fulfilled and kept.

## Supplement.

Approved February 15, 1871.

P. L. 1871, p. 13.

Consent of mother, if living, necessary to legality of indenture.

**15. SEC. 1.** That hereafter the binding by indenture mentioned in the first section of the act to which this is a further supplement, shall not be lawful without the consent of the mother, if living, to such indenture, signified by her signing and sealing the same.

An act to authorize citizens of this state to take apprentices bound to them outside of this state.

Approved March 17, 1875.

P. L. 1875, p. 29.

Citizens of this state authorized to take apprentices bound to them outside of this state.

**16. SEC. 1.** That citizens of this state may take and enter into indentures executed outside of this state whereby minors are bound to them to serve in this state, and that in all such cases parties binding said minors, and the masters or mistresses of said apprentices, shall be entitled to the same remedies against each other as if the said indentures had been duly executed in this state.

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**An act for regulating references and determining controversies by arbitration.**

Rev. 158, 654.

Approved April 15, 1846.

R. S. 113.

**1.** That it shall and may be lawful for all persons (a) who are desirous of ending, by arbitration, any controversy, suit, quarrel or matter in contention, for which there is no other remedy but by personal action, or suit in equity, to agree, that their submission of the suit to the award or umpirage of any person or persons (b) shall be made a rule of any of the courts of record of this state, which the parties shall choose, and to insert such their agreement in their submission, or the condition of the bond, or promise, whereby they oblige themselves respectively to submit to the award or umpirage of any person or persons; (c) which agreement, being so made and inserted in their submission, or promise, or condition of their respective bonds, shall or may, upon producing an affidavit thereof, made by the witnesses (d) thereunto, or any one of them, in the court of which the same is agreed to be made a rule, and reading and filing the said affidavit in court, be entered of record in such court, and a rule shall thereupon be made, by the said court, that the parties shall submit to, and finally be concluded by, the arbitration or umpirage which shall be made concerning them by the arbitrators or umpire pursuant to such submission; and in case of disobedience to such arbitration or umpirage, the party refusing or neglecting to perform and execute the same or any part thereof, shall be subject to all the penalties of contemning a rule of court, when he is a suitor or defendant in such court, and the court, on motion, shall issue process accordingly, which process shall not be stopped or delayed in its execution by any order, rule, command or process of any other court, either of law or equity, unless it shall be made to appear on oath or affirmation to such court, that the arbitrators or umpire misbehaved themselves, and that such award, arbitration or umpirage was procured by corruption or other undue means. (e)

Submission to arbitration may be made rule of court.

Proof to be made.

Performance of award enforced.

How process stayed.

(a) An administrator may lawfully submit claims against the estate to arbitration. *Crum v. Moore*, 1 *McCurt.* 436. *McKeen v. Oliphant*, 3 *Har.* 442. See *Stewart v. Richey*, 2 *Har.* 164. The attorney of a corporation, although unauthorized under corporate seal to consent to reference, may so consent. Municipal corporation has power to submit a controversy to arbitration unless disabled by charter or impliedly by nature of subject-matter. *Paré v. Bayonne*, 10 *Vr.* 559.

(b) If referred to three persons all must act. *Moore v. Ewing*, *Coxe* 144. *Hell v. Taylor*, 2 *South.* \*829. *Hoffman v. Hoffman*, 2 *Dutch.* 175. But if two sign the award it is sufficient, and it is not necessary that it should appear upon the face of the award that the third arbitrator was present. *Rogers v. Tutun*, 1 *Dutch.* 282. *Hoffman v. Hoffman*, 2 *Dutch.* 175. See *Smith v. The Trenton Delaware Falls Co.*, 2 *Har.* 5. An agreement by the parties to substitute other arbitrators in the place of those first named, is obligatory. *McClure v. Gulick*, 2 *Har.* 340. When a new arbitrator is chosen by the original arbitrators, either party has the right to adduce additional testimony. *West Jersey R. R. Co. v. Thomas*, 6 *C. E. Gr.* 205, 8 *C. E. Gr.* 432, 9 *C. E. Gr.* 567. The appointment of an umpire or third arbitrator by chance is bad. *Hart v. Kennedy*, 2 *Dick.* 51.

(c) After the submission, it is too late to except to the form of action or to anything in the process or declaration. *Hazen v. Altis*, 2 *Gr.* 333. Or after the award is made. *Smith v. Minor*, *Coxe* 16.

(d) The affidavit must be made before an officer of the court mentioned in the submission. *Hazen v. Addis*, 2 *Gr.* 333. An affidavit taken before a justice of the peace is insufficient. *Anonymous*, 3 *Hal.* 176. See *Ruckman v. Ransom*, 6 *Vr.* 566. A submission may be made a rule of court, even after award made. *McClure v. Gulick*, 2 *Har.* 340. After the rule is entered the submission is irrevocable. *Ferris v. Munn*, 2 *Zab.* 161. See *Freeborn v. Denman*, 3 *Hal.* 119.

(e) The award must be certain, mutual and final upon all the matters submitted. *McKeen v. Oliphant*, 3 *Har.* 442. *Hazen v. Addis*, 2 *Gr.* 336. An award for l. s. d. sterling, payable in bills of exchange, or so much current money as will purchase such bills, is good. *Warden v. Whittall*, *Coxe* 84. Technicalities are unnecessary. *Coxe v. Lundy*, *Coxe* 255. The bad will be separated from the good, so that the award may stand. *Hoagland v. Veghte*, 3 *Zab.* 92. *Rogers v. Tutun*, 1 *Dutch.* 281. When claims against a party, both in his own right and in a representative character, are submitted, the award should show in what character the amount awarded is to be paid. *Hoffman v. Hoffman*, 2 *Dutch.* 175. See *Bell v. Price*, 2 *Zab.* 579. An award cannot operate as a conveyance of lands. *Den, Suedekers v. Allen*, *Pen.* \*85. But the arbitrators may award that one party execute a conveyance of lands to the other. *Inlay v. Wilkoff*, 1 *South.* \*132. Or that one party deliver the possession of land to the other. *Den, Crammer v. Taylor*, *Pen.* \*676. *Coxe v. Lundy*, *Coxe* 255. See *Green v. Lundy*, *Coxe* 435. A clause in the submission "that the award be ready to be delivered to the parties or such of them as shall demand the same, on or before," &c.,

is performed if the award be signed within the time specified, neither party calling for it. *Martin v. McCornick*, 5 *Vr.* 23. A court of equity will not set aside an award because not delivered in time, when the delivery was restrained by injunction at the suit of the party making the objection. *West Jersey E. R. Co. v. Thomas*, 8 *C. E. Gr.* 432. Papers or documents delivered by the arbitrator with the award are considered as part of it. *Bell v. Price*, 2 *Zab.* 578. See *Taylor v. Sayre*, 4 *Zab.* 647.

**I. An award may be set aside for mistakes of law.**

1. Exceeding the submission. *Young v. Young*, 2 *Hal. Ch.* 460. *Hazen v. Addis*, 2 *Gr.* 333. *Westcott v. Somers*, 4 *Hal.* 99. *Smith v. Trenton Delaware Falls Co.*, 2 *Har.* 5. *Ruckman v. Ransom*, 6 *Vr.* 565. *Veghte v. Hoagland*, 2 *Stock.* 45. *Hoagland v. Veghte*, 3 *Zab.* 92. See *Rogers v. Tutun*, 1 *Dutch.* 281.
2. Declining to arbitrate part. *Richards v. Drinker*, 1 *Hal.* 307. *Harker v. Hough*, 2 *Hal.* 423. *Smith v. Denarest*, 3 *Hal.* 195. *Dawson v. Johnson*, 1 *C. E. Gr.* 113. Although the award omit to decide a matter expressly submitted, if accepted by the parties and acts have been done to give it effect, it must stand. *Cross v. Cross*, 2 *C. E. Gr.* 288.
3. Admitting illegal evidence. *Fenimore v. Childs*, 1 *Hal.* 386. *Eyre v. Fenimore*, *Pen.* \*932. See *Livingston v. Combs*, *Coxe* 42.
4. Or rejecting competent evidence. *Burroughs v. Thorne*, 2 *South.* \*777. See *Jessup v. Cook*, *Coxe* 105. *Schenck v. Cultrill*, 1 *Gr. Ch.* 297.
5. Proceeding without giving one of the parties an opportunity to be heard. *West Jersey Railroad Co. v. Thomas*, 6 *C. E. Gr.* 205.
6. Refusing a proper adjournment. *Coryell v. Coryell*, *Coxe* 385.
7. Where the mistake is apparent on its face, or by the statement of the arbitrator. *Bell v. Price*, 2 *Zab.* 579. *Taylor v. Sayre*, 4 *Zab.* 648. But if the arbitrators decide against law, not by mistake, but of purpose, in order to make a just award, it will not be disturbed. *West Jersey Railroad Co. v. Thomas*, 6 *C. E. Gr.* 205. *Ruckman v. Ransom*, 6 *C. E. Gr.* 118.

**II. Mistakes of fact.**

1. Uncertainty. *Sheppard v. Stites*, 2 *Hal.* 90. *McKeen v. Allen*, 2 *Har.* 506. See *Rogers v. Tutun*, 1 *Dutch.* 281.
2. Miscalculation. *Hoagland v. Veghte*, 2 *Stock.* 45. *Bell v. Price*, 2 *Zab.* 579. See *Richardson v. Lanning*, 2 *Dutch.* 130.
3. Apparent on the face of the award. *Green v. Lundy*, *Coxe* 435. *Schenck v. Voorhees*, 2 *Hal.* 383. *Sherron v. Wood*, 5 *Hal.* 7.

**III. Corruption and irregularity.**

*Atkinson v. Townley*, *Coxe* 388. *Stoll v. Price*, 1 *Zab.* 32, 2 *Zab.* 578. *West Jersey Railroad Co. v. Thomas*, 8 *C. E. Gr.* 431, 9 *C. E. Gr.* 567. *Wheaton v. Crane*, 12 *C. E. Gr.* 868. *Hart v. Kennedy*, 2 *Dick.* 51. *Barr v. Chandler*, 2 *Dick.* 532.

How set aside.

2. That any arbitration or umpirage, procured by corruption or undue means, shall be judged and esteemed void and of none effect, and accordingly be set aside by any court of law or equity, (a) so as complaint of such corruption or undue practice be made in the court where the rule is made for submission to such arbitration or umpirage, before the last day of the next term after such arbitration or umpirage has been made and published to the parties. (b)

Proceedings upon report made.

3. That whenever a cause shall be referred by rule of court to referees, the report or award of such referees, or of the major part of them, if confirmed by the court, shall be final, and conclude the parties; and if any sum be thereby found for the plaintiff or plaintiffs, judgment shall be entered and execution issued for the same, with costs, if, by law, the plaintiff or plaintiffs would have recovered costs, had a verdict passed in the same cause for the sum so reported to be due; but if the referees, or the major part of them, report that there is not anything due to the plaintiff or plaintiffs, and the report be confirmed, then judgment shall be entered against the plaintiff or plaintiffs, that he, she or they take nothing by his, her or their writ, bill or plaint, and the defendant or defendants shall, in such case, have judgment for and recover his, her or their costs against the plaintiff or plaintiffs, if, by law, the defendant or defendants would have been entitled to costs, had a verdict passed in the same cause for him, her or them; and if the referees, or the major part of them, report any sum to be due to the defendant or defendants, and the report be confirmed, then judgment shall be entered and execution issued against the plaintiff or plaintiffs, for the sum so reported to be due to such defendant or defendants, with costs, if, by law, the defendant or defendants would have been entitled to costs, had a verdict in the same cause passed against him, her or them. (c)

Referee to be sworn.

4. That in every cause referred by rule of court, each referee shall, before he proceeds to the business of the reference, take an oath or affirmation faithfully and fairly to hear and examine the cause in question, and make a just and true report according to the best of his skill and understanding; which oath or affirmation any judge of any court of record, or any justice of the peace (d) of this state is hereby authorized and required to administer. (e)

Process for witnesses.

5. In every cause referred by rule of court, process of subpoena may issue out of such court to convene witnesses before the referees, and the said witnesses shall be examined on oath or affirmation; which oath or affirmation the referees in the said cause are hereby authorized to administer; and there shall be allowed to every such referee, one dollar for every day necessarily spent in the business of the reference, besides a reasonable allowance for his expenses, which, in the first instance, shall be paid by the prevailing party, and shall afterwards be allowed to such party in the taxation of costs where costs are recoverable.

Referees' fees.

Arbitrators sworn.

6. In cases of arbitration, every arbitrator shall, before he proceeds to the business submitted to him, take an oath or affirmation of the like nature with that hereinbefore prescribed to be taken by referees, and to be administered in like manner. (g)

If no costs are mentioned in the award, none can be allowed. *Anonymous*, Pen. \*228. *Anderson v. Eaton*, 1 South. \*173 (a). Proceedings in an action on the arbitration bond. *Thompson v. Harvey*, Pen. \*894. *Sheppard v. Stites*, 2 Hal. 90. *Harker v. Hough*, 2 Hal. 428. *Sherron v. Wood*, 5 Hal. 7. On the award. *Richards v. Drinker*, 1 Hal. 307. *Hugg v. Collins*, 3 Har. 234, and *Hoffman v. Hoffman*, 2 Dutch. 175. *Hoagland v. Veghte*, 3 Zab. 92. *Insee v. Flagg*, 2 Dutch. 368. *Ruckman v. Ransom*, 6 Vr. 565. *Dawson v. Johnson*, 1 C. E. Gr. 113. On an attachment. *McDermot v. Butler*, 5 Hal. 158. *McClure v. Hulick*, 2 Har. 340, 435. Costs on such attachment. *McDermot ads. The State*, 5 Hal. 63. See *Magennis v. Parkhurst*, 3 Gr. Ch. 433.

An appeal lies from an order of the circuit court, refusing to set aside an award. *Eames v. Stites*, 2 Vr. 490. *Ford v. Polts*, 1 Hal. 388. See *Jessup v. Cook*, Coze 105. *Taylor v. Sayre*, 4 Zab. 648.

A certiorari will not lie where the submission has not been made a rule of court. *Whitehead v. Gray*, 7 Hal. 36. *Sherron v. Wood*, 5 Hal. 7.

(a) Equity will not interfere where the submission has been made a rule in another court. *West Jersey Railroad Co. v.*

*Thomas*, 6 C. E. Gr. 205. The rules for setting aside an award are the same in law and equity. *Bell v. Price*, 1 Zab. 82. *Hartshorne v. Cultrill*, 1 Gr. Ch. 297. *Williams v. Winans*, 7 C. E. Gr. 573.

(b) A party has until the last day of the term succeeding the publication of an award, to except to it. *Den, Pincoust v. Curtis*, 1 Hal. 415.

(c) Power to refer causes, either at common law or under above act, arises only upon the submission and consent of the parties to the cause. No court can make such an order *ex mero motu*. *Traison v. Shover*, 27 Vr. 41.

(d) An arbitrator may be sworn before a master in chancery. *Ruckman v. Ransom*, 6 Vr. 565.

(e) Referees must be sworn. *Brown v. Lanning*, Pen. \*139. *Reeves v. Goff*, Pen. \*143. *Parker v. Crammer*, Pen. \*271. *Crammer v. Mathis*, Pen. \*550. *Swayze v. Riddle*, Pen. \*660. *Little v. Silverthorne*, Pen. \*680.

(g) Arbitrators must be sworn. *Thompson v. Harvey*, Pen. \*894. *Insee v. Flagg*, 2 Dutch. 368. *Combs v. Little*, 3 Gr. Ch. 310. But not before fixing the time and place of sitting. *Ruckman v. Ransom*, 6 Vr. 565. See *Ford v. Polts*, 1 Hal. 388. *Johnson v. Ketchum*, 3 Gr. Ch. 364.

7. In all cases of arbitration, it shall be lawful for any justice of the peace within the county wherein such arbitration may be, to issue subpoenas for witnesses to appear before the arbitrator or arbitrators, and for him or such arbitrator or arbitrators to swear or affirm such or any other witnesses before the same; and if any such witness shall not appear when so subpoenaed, or if appearing, shall refuse to be sworn or affirmed and give evidence, he shall be liable to the same fines and penalties as he would be by law for such default or refusal, if committed in any court of record in this state.

Process for witnesses before arbitrators.

An act to provide for the arbitration of labor disputes.

Approved March 10, 1880.

P. L. 1880, p. 178.

WHEREAS, Disputes between workmen and their employers frequently result in protracted strikes, which cause great loss to both parties and to the community at large, and disturb the amicable relations which ought to exist between labor and capital; and whereas, it is desirable to provide some legal method for submitting such differences to arbitration, with a view to an honorable, satisfactory and speedy settlement; therefore,

Preamble.

8. SEC. 1. That if a majority of the employes in any manufacturing establishment, or in any particular department thereof, shall give notice to their employer or employers, in writing, signed by themselves, that they are dissatisfied with the terms or conditions on which they are employed, or with the wages they are receiving, or with any proposed reduction of their wages or proposed alteration of the terms or conditions on which they are employed, and that they propose to submit the matters complained of to arbitration, and shall name an arbitrator to represent them; and if such employer or employers cannot adjust such differences, it shall be the duty of such employer or employers, if they choose to accept this method of compromise, to nominate and appoint, in writing, an arbitrator to represent him or them, and to give notice to said employes of such appointment.

Employes dissatisfied with wages, &c., may submit matters complained of to arbitration.

9. SEC. 2. That the two arbitrators, so as aforesaid appointed, shall forthwith meet and proceed to select a third arbitrator; and the said three arbitrators shall without unnecessary delay notify the employes and the employer or employers of the time and place when and where they will meet to hear arguments on the matters in dispute, which meetings shall be held under such conditions, rules and regulations as the said arbitrators may mutually agree upon; the questions at issue shall be submitted to the arbitrators in writing, and their decision shall be confined to the questions so submitted; either of such arbitrators may administer an oath or affirmation to any person testifying before them, and any person so sworn who shall testify falsely, shall be deemed guilty of perjury; either of the parties to such arbitration may be represented before the arbitrators by counsel, if they so desire, and the arguments may be oral or in writing, as the parties themselves may respectively prefer.

Employers and employes may appoint arbitrator, &c.

The two arbitrators to select a third.

10. SEC. 3. That the finding of the said arbitrators shall be reduced to writing, and a copy thereof served upon each of the parties to the dispute, or upon their respective representatives, and shall be deemed to be binding upon both parties submitting the matters in dispute to arbitration, and shall take effect from the date of the finding, unless some other time is fixed in the finding for the taking effect thereof.

Finding of arbitrators to be binding upon all parties.

11. SEC. 4. That the costs of arbitration shall be fixed and paid as the parties may previously or mutually agree, and if not so agreed upon, they shall be fixed and paid as the arbitrators themselves may decide.

Costs of arbitration, by whom paid.

An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes.

P. L. 1886, p. 315.

Approved April 28, 1886.

Grievances or disputes may be submitted to arbitrators.

Number of arbitrators and how appointed.

Arbitrators to take oath, &c.

Board to select secretary and to give notice of time and place of hearing and determining disputes, &c.

Who authorized to issue subpoenas for production of books, &c., and attendance of witnesses.

Penalty for refusing to appear and give testimony, &c.

Chairman of board empowered to administer oaths.

Majority of board to provide for examination of books, &c.

Proviso.

Board may make and enforce rules, &c.

**12. SEC. 1.** That whenever any grievance or dispute of any nature shall arise between any employer, joint stock association, company or corporation engaged in manufacturing, and his, their or its employes, it shall be lawful by the mutual consent of the parties to submit the same in writing to a board of arbitrators for hearing and settlement, which board shall be composed of five persons; a majority of said employes, at a meeting duly held for that purpose, shall have the power to designate two persons to act as arbitrators in their behalf, the employer, firm, joint stock association, company or corporation as aforesaid shall have the power to designate two arbitrators, and the said four arbitrators shall designate a fifth person as arbitrator, who shall be the chairman of the board.

**13. SEC. 2.** That each arbitrator shall, before he proceeds to the business of the arbitration, take and subscribe an oath or affirmation faithfully and impartially to hear and examine the grievance in dispute or question, and to discharge his duties as such arbitrator according to the best of his skill and understanding, which oath or affirmation shall be taken and subscribed before any officer authorized to administer the same.

**14. SEC. 3.** That when the said board is ready for the transaction of business, it shall select one of its number to act as secretary, whose duty it shall be, when ordered by the board, to give at least two days' notice in writing to the parties to the dispute of the time and place of hearing the same, which notice may be served personally on the parties or by fixing the same to the principal outer door or gate of the establishment of said employer, firm, joint stock association, company or corporation, or where, from any reason, service as aforesaid cannot be had, then the same may be served as said board shall direct.

**15. SEC. 4.** That it shall be lawful for any justice of the peace, or the clerk of any court of record within the county wherein such board of arbitrators may be, to issue subpoenas for the production of books and papers and for the attendance of witnesses before said board; and if any such witness, when so subpoenaed, shall not appear in accordance with the command of such writ, or, if appearing, shall refuse to be sworn or affirmed and give evidence, he or she, as the case may be, shall be liable to the same fines and penalties as he or she would be by law for such default or refusal if committed in any court of record in this state.

**16. SEC. 5.** That the said witnesses shall be examined on oath or affirmation, which oath or affirmation the chairman of said board is hereby empowered to administer; a majority of said board may provide for the examination and investigation of books, documents and accounts pertaining to the matters in dispute and belonging to either party; *provided*, that the board may unanimously direct that instead of producing books, papers and accounts before the board, an accountant agreed upon by the entire board may be appointed to examine such books, papers and accounts, and such accountant shall be sworn well and truly to examine such books, documents and accounts as may be presented to him, and to report the result of such examination in writing; before such examination the information desired and required by the board shall be plainly stated in writing and presented to said accountant, which statement shall be signed by said board; attorneys-at-law or other agents of either party to the dispute shall not be permitted to appear or take part in any of the proceedings of the board, but the same shall be, as far as possible, voluntary.

**17. SEC. 6.** That said board may make and enforce rules for the government of itself and the transaction of business before it and fix its sessions and adjournments, and shall hear and examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matter in dispute.

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18. SEC. 7. That after the matter in dispute has been fully heard, the said board, or a majority thereof, shall, within five days, render a decision thereon, which decision shall be reduced to writing, signed by the arbitrators agreeing thereto, and shall set forth such details as will clearly show the points considered by said board and the nature of the decision; said decision shall be a final settlement of the matters referred to said arbitrators, and shall be binding and conclusive between the parties; it shall be executed in three parts, one copy of which shall be given to each of the parties to the dispute, and the remaining copy shall be filed in the office of the clerk of the county, there to remain of record.

Board to render decision, and what to set forth.

Decision to be final and binding on all parties.

19. SEC. 8. That when the said board shall have reached a decision and filed their report, as set forth in section seven of this act, its power shall cease, unless there may be in existence at the same time other similar grievances or disputes between the same classes of persons mentioned in section one, and in such case such persons may submit their differences to the said board, which shall have power to act and arbitrate and decide upon the same as fully as if said board was originally created for the settlement of such other difference or differences.

When power of board to cease.

Other differences may be submitted to the board.

20. SEC. 9. That the members of said board shall not receive any compensation for their services, but the expenses of said board may be met and paid by voluntary subscriptions, which the board is hereby authorized to receive for that purpose.

Board to receive no compensation. Expenses may be met, and how paid.

21. SEC. 10. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer.

An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a state board of arbitration.

Approved March 24, 1892.

P. L. 1892, p. 238.

22. SEC. 1. That whenever any grievance or dispute of any nature growing out of the relation of employer and employe shall arise or exist between employer and employes, it shall be lawful to submit all matters respecting such grievance or dispute, in writing, to a board of arbitrators, to hear, adjudicate and determine the same; said board shall consist of five persons; when the employes concerned in any such grievance or dispute as aforesaid are members in good standing of any labor organization, which is represented by one or more delegates in a central body, the said central body shall have power to designate two of said arbitrators; and the employer shall have the power to designate two others of said arbitrators, and the said four arbitrators shall designate a fifth person, as arbitrator, who shall be chairman of the board; in case the employes concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall have the power to select and designate two arbitrators for said board, and said board shall be organized as hereinbefore provided; and in case the employes concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employes, at a meeting duly held for that purpose, shall designate two arbitrators for said board, and the said board shall be organized as hereinbefore provided.

Board of arbitrators to determine labor difficulties, how constituted.

23. SEC. 2. That any board as aforesaid selected may present a petition to the county judge of the county where such grievances or disputes to be arbitrated may arise, signed by at least a majority of said board, setting forth in brief terms the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving said board of arbitration; upon the presentation of said petition it shall be the duty of the said judge to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination; the said petition and

County judge to approve and establish the board upon petition.

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order or a copy thereof shall be filed in the office of the clerk of the county in which the said judge resides.

Oath of arbitrators.

**24. SEC. 3.** That the arbitrators so selected shall sign a consent to act as such, and shall take and subscribe an oath before an officer authorized to administer oaths, to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the county wherein such arbitrators are to act; when the said board is ready for the transaction of business it shall select one of its members to act as secretary, and the parties to the dispute shall receive notice of a time and place of hearing; the chairman shall have power to administer oaths and to issue subpoenas for the production of books and papers, and for the attendance of witnesses, to the same extent that such power is possessed by the courts of record or the judges thereof in this state; the board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournments, and shall hear and examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matters in dispute.

Secretary of board.

Chairman to have power to issue subpoenas.

Board to make rules and examine witnesses.

Board to render a decision in ten days.

**25. SEC. 4.** That after the matter has been fully heard, the said board, or a majority of its members, shall, within ten days, render a decision thereon, in writing, signed by them, giving such details as will clearly show the nature of the decision and the matters adjudicated and determined; such adjudication and determination shall be a settlement of the matter referred to said arbitrators, unless an appeal is taken therefrom, as hereinafter provided; the adjudication and determination shall be in duplicate, one copy of which shall be filed in the office of the clerk of the county, and the other transmitted to the secretary of the state board of arbitration hereinafter mentioned, together with the testimony taken before said board.

Appeal.

Board may determine other similar grievances.

**26. SEC. 5.** That when the said board shall have rendered its adjudication and determination its power shall cease, unless there may be in existence at the time other similar grievances or disputes between the same classes of persons mentioned in section one, and in such case such persons may submit their differences to the said board, which shall have power to act and adjudicate and determine the same as fully as if said board was originally created for the settlement of such other difference or differences.

Governor to appoint a state board of arbitration.

**27. SEC. 6.** That within thirty days after the passage of this act the governor shall appoint a state board of arbitration, to consist of three competent persons, each of whom shall hold his office for the term of five years; one of said persons shall be selected from a bona fide labor organization of this state; if any vacancy happens by resignation or otherwise the governor shall, in the same manner, appoint an arbitrator for the residue of the term; said board shall have a secretary, who shall be appointed by and hold office during the pleasure of the board and whose duty it shall be to keep a full and faithful record of the proceedings of the board and also possession of all documents and testimony forwarded by the local boards of arbitration, and perform such other duties as the said board may prescribe; he shall have power, under the direction of the board, to issue subpoenas, to administer oaths in all cases before said board, to call for and examine books, papers and documents of any parties to the controversy, with the same authority to enforce their production as is possessed by the courts of records, or the judges thereof, in this state; said arbitrators of said state board and the clerk thereof shall take and subscribe the constitutional oath of office, and be sworn to the due and faithful performance of the duties of their respective offices before entering upon the discharge of the same; an office shall be set apart in the capitol by the person having charge thereof, for the proper and convenient transaction of the business of said board. [See Secs. 36 to 39, *post.*]

Secretary of board.

Oath of office.

Office in the capitol.

Proceedings on appeal to state board.

**28. SEC. 7.** That an appeal may be taken from the decision of any local board of arbitration within ten days after the filing of its adjudication and determination of any case; it shall be the duty of the said state board of

arbitration to hear and consider appeals from the decisions of local boards and promptly to proceed to the investigation of such cases, and the adjudication and determination of said board thereon shall be final and conclusive in the premises upon all parties to the arbitration; such adjudications and determinations shall be in writing, and a copy thereof shall be furnished to each party; any two of the state board of arbitrators shall constitute a quorum for the transaction of business and may hold meetings at any time or place within the state; examinations or investigations ordered by the state board may be held and taken by and before any one of their number if so directed; but the proceedings and decision of any single arbitrator shall not be deemed conclusive until approved by the board or a majority thereof; each arbitrator shall have power to administer oaths.

Quorum.

Examination may be held before any one member.

29. SEC. 8. That whenever any grievance or dispute of any nature shall arise between any employer and his employes, it shall be lawful for the parties to submit the same directly to said state board in the first instance, in case such parties elect to do so, and shall jointly notify said board or its clerk, in writing, of such election; whenever such notification to said board or its clerk is given, it shall be the duty of said board to proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the cause or causes of grievance or dispute; the parties to the grievances or dispute shall thereupon submit to said board, in writing, succinctly, clearly and in detail, their grievances and complaints, and the cause or causes thereof, and severally agree, in writing, to submit to the decision of said board as to matters so submitted, and a promise or agreement to continue on in business or at work, without a lock-out or strike until the decision of said board, provided it shall be rendered within ten days after the completion of the investigation; the board shall thereupon proceed to fully investigate and inquire into the matters in controversy, and to take testimony under oath in relation thereto, and shall have power by its chairman or clerk, to administer oaths, to issue subpoenas for the attendance of witnesses, the production of books and papers, to the same extent as such power is possessed by courts of record or the judges thereof, in this state.

Grievances may be submitted directly to state board.

Procedure.

30. SEC. 9. That after the matter has been fully heard, the said board, or a majority of its members, shall within ten days render a decision thereon in writing, signed by them or a majority of them, stating such details as will clearly show the nature of the decision and the points disposed of by them; the decision shall be in triplicate, one copy of which shall be filed by the clerk of the board in the clerk's office of the county where the controversy arose, and one copy shall be served on each of the parties to the controversy.

Board to decide in ten days.

31. SEC. 10. That whenever a strike or lock-out shall occur, or is seriously threatened in any part of the state, and shall come to the knowledge of the board, it shall be its duty, and it is hereby directed to proceed, as soon as practicable, to the locality of such strike or lock-out and put themselves in communication with the parties to the controversy, and endeavor by mediation to effect an amicable settlement of such controversy; and if in their judgment it is deemed best, to inquire into the cause or causes of the controversy, and to that end the board is hereby authorized to subpoena witnesses, compel their attendance, and send for persons and papers, in like manner and with the same powers as it is authorized to do by section eight of this act.

To effect amicable settlements in cases of lock-outs, &c.

32. SEC. 11. That the fees of witnesses of aforesaid state board shall be fifty cents for each day's attendance, and four cents per mile traveled by the nearest route in getting to or returning from the place where attendance is required by the board; all subpoenas shall be signed by the secretary of the board and may be served by any person of full age authorized by the board to serve the same.

Witnesses' fees.

Subpoenas, how signed and served.

33. SEC. 12. That said board shall annually report to the legislature, and shall include in their report such statements, facts and explanations as will disclose the actual working of the board, and such suggestions with regard to legislation as may seem to them conducive to harmonizing the

Board to report annually to the legislature.

## ARBOR DAY.

relations of, and disputes between employers and employes and the improvement of the present system of production by labor.

Compensation of arbitrators and secretary.

**34. SEC. 13.** That each arbitrator of the state board and the secretary thereof shall receive ten dollars for each and every day actually employed in the performance of their duties herein and actual expenses incurred, including such rates of mileage as are now provided by law, payable by the state treasurer on duly-approved vouchers.

Meaning of terms used.

**35. SEC. 14.** That whenever the term "employer" or "employers" is used in this act, it shall be held to include "firm," "joint stock association," "company," "corporation," or "individual and individuals" as fully as if each of said terms was expressed in each place.

A supplement to an act entitled "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employes, and to authorize the creation of a state board of arbitration," approved March twenty-fourth, one thousand eight hundred and ninety-two, and to end the term of office of any person or persons appointed under this act.

P. L. 1895, p. 688.

Approved March 25, 1895.

Persons who shall constitute board.

**36. SEC. 1.** That Samuel S. Sherwood, William M. Doughty, James Martin, Charles A. Houston, Joseph L. Moore, be and they are hereby constituted a board of arbitration, each to serve for the term of three years from the approval of this supplement, and that each arbitrator herein named shall receive an annual salary of twelve hundred dollars per annum, in lieu of all fees, per diem compensation and mileage, and one of said arbitrators shall be chosen by said arbitrators as the secretary of said board, and he shall receive an additional compensation of two hundred dollars per annum, the salaries herein stated to be payable out of moneys in the state treasury not otherwise appropriated.

Salary.

How vacancies shall be filled.

**37. SEC. 2.** That in case of death, resignation or incapacity of any member of the board, the governor shall appoint, by and with the advice and consent of the senate, an arbitrator to fill the unexpired term of such arbitrator or arbitrators so dying, resigning or becoming incapacitated.

Terms of present members terminated.

**38. SEC. 3.** That the term of office of the arbitrators now acting as a board of arbitrators, shall upon the passage of this supplement cease and terminate, and the persons named in this supplement as the board of arbitrators shall immediately succeed to and become vested with all the powers and duties of the board of arbitrators now acting under the provisions of the act of which this act is a supplement.

Governor shall appoint successors of new board.

**39. SEC. 4.** That after the expiration of the terms of office of the persons named in this supplement, the governor shall appoint, by and with the advice and consent of the senate, their successors for the length of term and at the salary named in the first section of this supplement.

## Arbor Day.

1. Governor to issue proclamation setting apart a day in April.
2. State superintendent to prepare circulars.
3. Exercises to be introduced in schools.

## Joint resolution relative to the planting of forest trees.

P. L. 1884, p. 349.

Approved February 21, 1884.

Governor to issue proclamation.

**1.** That the governor be and he is hereby authorized to issue a proclamation annually, setting apart a day in April for the planting of forest trees and recommending that the day be devoted by the people to that purpose.