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## An Act to establish Equitable Councils of Conciliation to adjust Differences between Masters and Workmen. [15th *August* 1867.]

WHEREAS an Act was passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relative to Arbitration of Disputes between Masters and Workmen;* and another Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, Chapter Sixty-seven; and another Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Seventy-seven; and another Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and twenty-eight, and the Three last-mentioned Acts were passed to amend the said first-recited Act: 5 G. 4. c. 96.

And whereas, in order the better to facilitate the Settlement of Disputes between Masters and Workmen, it is expedient, without repealing the said several Acts, that Masters and Workmen should be enabled, when licensed by Her Majesty, to form Equitable Councils of Conciliation or Arbitration, and that the Powers in the said Acts contained for enforcing Awards made under or by virtue of the Provisions thereof should be extended to the enforcing of Awards to be made by and under the Authority of such Equitable Councils of Conciliation:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Her Majesty or Secretary of State to license Councils of Conciliation.

**1.** If any Number of Masters and Workmen, in any particular Trade or Trades, Occupation, or Employment, being Inhabitant Householders or Part Occupiers of any House, Warehouse, Counting-house, or other Property within any City, Borough, Town, Stewartry, Riding, Division, Barony, Liberty, or other Place, and who, being a Master in such Trade, shall have resided and carried on the same within any such Place for Six Calendar Months previous to the signing of such Petition, and being a Workman shall have resided for a like Period within any such Place, and shall have worked at his Trade or Calling for Seven Years previous to the signing of such Petition, shall at a Meeting specially convened for that Purpose agree to form a Council of Conciliation and Arbitration, and shall jointly petition Her Majesty to grant them a Licence to form such Council, to hold, have, and exercise all the Powers granted to Arbitrators and Referees under the before-recited Acts, and in such Petition for the same shall set forth the Number of the Council, and also the Names, Occupation, and Residence of the Petitioners, and the Manner in which the Expenses of the said Council and of the Registry herein-after directed are to be provided for, it shall then be lawful for Her Majesty, or Her Majesty's Principal Secretary of State for the Home Department, to grant such Licence, provided Notice of such Petition has been published One Month before the Application for such Licence in the *London Gazette*, and in One or more of the local Newspapers of the Place whence such Petition emanates: Provided always, that it shall be lawful for any Masters and Workmen in any particular Trade or Trades, Occupation, or Employment as aforesaid, within the Limits of the Application of the Metropolitan Local Management Act, or within any Two or more Boroughs or Districts of the Metropolis, to associate themselves for the Purposes of this Act, and with such Licence as aforesaid to form Councils as aforesaid, as if they resided within any One Borough or District.

Councils to consist of not less than 2 nor more than 10 Masters and Workmen, and a Chairman.

**2.** The said Council shall consist of not less than Two Masters and Two Workmen, nor more than Ten Masters and Ten Workmen, and a Chairman; the Number to constitute the said Council to be inserted in the Licence; but no Member of the Council shall adjudicate in any Case in which he or any Relation of his is Plaintiff or Defendant.

Petitioners for Council

**3.** For the Purposes of this Act, the Persons whose Names, Occupations, and Abodes are attached to the Petition praying for a Licence

Licence shall and they are hereby authorized to proceed to the Appointment of a Council of Conciliation and Arbitration from among themselves within Thirty Days after such Grant of Licence; and the said Council shall remain in Office until the Appointment of a new Council in its Stead. to elect First Council.

**4.** The Council shall have Power to appoint their own Chairman, Clerk, or such other Officer or Officers as they may deem requisite, and shall have Power to hear and determine all Questions of Dispute and Difference between Masters and Workmen, as set forth in the before-recited Act of the Fifth Year of King *George* the Fourth, Chapter Ninety-six, which may be submitted to them by both Parties, and shall have, hold, and exercise all the Powers and Authority granted to Arbitrators and Referees by and under the various Enactments and Provisions of the Acts before recited; and any Award the said Equitable Councils of Conciliation and Arbitration may make in any Case of Dispute or Difference submitted to them under the before-recited Act or Acts, or under this Act, shall be final and conclusive between the Parties to such Arbitration, without being subject to Review or Challenge by any Court or Authority whatsoever; and the said Council are hereby further authorized to adjudicate upon and determine any other Case of Dispute or Difference submitted to them by the mutual Consent of Master and Workman or Masters and Workmen, and the same Proceedings of Distress, Sale, and Imprisonment as are provided by the said recited Acts or any of them shall be had towards enforcing every such Award (by Application to any Justice of the Peace of the County, Stewartry, Riding, Division, Barony, City, Town, Burgh, or Place within which the Parties shall reside,) as are by the said recited Acts or any of them prescribed for enforcing Awards made under or by virtue of the Provisions of them or any of them, and any Award in Writing under the Hand of the Chairman of the Council shall be deemed sufficient Evidence of the Validity of such Award to authorize such Proceedings of Distress, Sale, and Imprisonment; but nothing in this Act contained shall authorize the said Council to establish a Rate of Wages or Price of Labour or Workmanship at which the Workman shall in future be paid. Powers, &c. of Councils.

**5.** A Quorum of not less than Three (One being a Master and another a Workman, and the Third the Chairman,) may constitute a Council for the hearing and Adjudication of Cases of Dispute, and may accordingly make their Award; but a Committee of Council, to be denominated the Committee of Conciliation, shall be appointed by the Council, consisting of One Master and One Workman, who shall sit at such Times as shall be appointed, and be renewed from Time to Time as Occasion shall require; and all Cases or Questions of Dispute Quorum to form Council; Committee of Conciliation to be appointed by Council.

Dispute which shall be submitted to the Council by both Parties shall in the first instance be referred to the said Committee of Conciliation, who shall endeavour to reconcile the Parties in difference; when such Reconciliation shall not be effected, the Matter in dispute shall be remitted to the Council, to be disposed of as a contested Matter in the regular Course.

Chairman to preside at Meetings of Council, and to have Casting Vote.

**6.** The Chairman of the Council, who shall be some Person unconnected with Trade, shall preside at their Meetings, and shall be appointed at their First Meeting after obtaining such Licence as aforesaid. When the Votes of the Council shall be equal, the Chairman for the Time being is to have the Casting Vote.

No Counsel, &c. to attend Hearings without Consent.

**7.** No Counsel, Solicitors, or Attornies to be allowed to attend on any Hearing before the Council or the Committee of Conciliation unless consented to by both Parties.

Council to be elected for One Year.

Case of Vacancy, &c.

**8.** On the First *Monday* in *November* in the Year next after the First Appointment of the Council, and on the First *Monday* in *November* in each succeeding Year, a Council and Chairman shall be appointed, who shall remain in Office until the Appointment of a new Council; and in case of Vacancies arising betwixt the fixed Days of Election in each Year, caused by the Death or Removal of any Member of the Council or of the Chairman, an Election shall take place within Fourteen Days, and another Member be elected to fill up the said Vacancy from the Class to which he may belong, or a Chairman be appointed, as the Case may be, and the Member or Chairman so elected shall serve the Remainder of the Year.

Householders and Part Occupiers may demand to be registered, and have a Vote for the Council, and may be elected thereto.

**9.** For the Purposes of this Act, each Person being Twenty-one Years of Age, belonging to the Trade, having a Licence for a Council, and being an Inhabitant Householder or Part Occupier of any House, Warehouse, Counting-house, or other Property, who, being a Master in such Trade, has resided and carried on the same within the Limits of any City, Borough, Town, Stewartry, Riding, Division, Barony, Liberty, or other Place, wherever an Equitable Council of Conciliation and Arbitration is formed, for the Space of Six Calendar Months previous to the Ninth Day of *November* in any One Year, and being a Workman has resided for a like Period within the same Limits, and has worked at his Trade or Calling Seven Years previous to the Ninth Day of *November* in any One Year, shall be entitled to be registered as a Voter for the Election of the Council, and shall be qualified to be elected a Member of such Council; but the Masters shall appoint their own Portion of the Council, and the Workmen elect their Portion of the Council.

**10.** The

Register of Voters to be kept.

**10.** The Clerk of each Division of the Council shall keep a Register of every Person claiming to have his Name inscribed on the Register as a Voter for the Council, whether Master or Workman (but distinct from each other), the said Register to contain the Name, Occupation, and Abode of each Person engaged in the particular Trade or Occupation as set forth in the Licence granting the Formation of the Council; and the said Clerk shall, upon Payment of a Registration Fee being made to him, register the same immediately, or be liable to be fined for Neglect, the said Fine to be applied to the Funds of the said Council, and the Council is hereby empowered to fix and determine the Amount of such Fee and Fine respectively: Provided that in case it shall appear to the Council that any Person ought not to be so registered, the Council shall strike the Name of such Person off such Register.

Meetings of Masters and Workmen to elect the Council.

**11.** The Clerk of the Council shall, for the Purposes of this Act, be the Returning Officer; he shall convene Meetings of Masters and Meetings of Workmen, by Advertisement, Fourteen clear Days previous to the First Day of *November;* and each Class shall at such Meetings proceed to nominate and elect Members to the Council for the Year next ensuing; the Votes to be taken by Show of Hands or Division of Numbers, and in such Place as the Council may authorize; and the Clerk shall declare to the said Meeting the Names of the Candidates who are elected, and the same shall be final and conclusive, unless a Poll is demanded at the Time the Declaration is made; but either Party may demand a Poll of those only whose Names are registered in the Books of the Council.

In case a Poll is demanded, Council to appoint Time and Place.

**12.** A Poll being demanded by Six Registered Voters, the Council shall appoint Time and Place for that Purpose, where each Voter shall be entitled to record his Vote.

Election to be declared within 7 Days of Nomination.

**13.** The Clerk shall, within Seven Days after the Day of Nomination, in case of a Poll being demanded, declare the Number of Votes given to each Candidate, and those having received the largest Number of Votes shall be declared duly elected.

Appointment of Clerk.

**14.** The Council shall also appoint a Clerk, who shall continue in Office until a new Appointment shall be made in his Stead, and who shall keep a Record of all their Proceedings, and do and perform such other Duties as this Act may authorize or the said Council may require.

Place of Meeting.

**15.** The Council may hold their Sittings in any public Room used for conducting public Business, with the Permission of the Authority having the Power to grant such Permission.

To make List of Fees, Byelaws, &c.

**16.** Every Council elected under this Act shall from Time to Time make out a List of Fees which shall be charged for any Proceeding and other Expenses under this Act, and shall appoint such Officers as may be necessary, and make such Byelaws, Rules, and Regulations for their Guidance, and for the taking and Scrutiny of the Votes given for the Election of Members of the Council, and also for the Despatch of Business, as they may deem necessary; such Byelaws, Rules, Regulations, and Fees not to be legal and binding in Law unless and until they shall be sanctioned by the Secretary of State for the Home Department.

5 G. 4. c. 96., &c. to remain in full Force.

**17.** The Acts before recited shall remain in full Force and Effect as though this Act had not been passed: This Act shall not be construed to extend to Domestic Servants or Servants in Husbandry.

Citation of Act.

**18.** In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Councils of Conciliation Act, 1867."

Commencement of Act.

**19.** This Act shall commence on the Second Day of *July* One thousand eight hundred and sixty-seven.

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## SCHEDULE OF FORMS.

FORM OF SUMMONS OF A WITNESS TO BE ISSUED BY CHAIRMAN.

County of / *or* Borough of } To the of the Equitable Council of Conciliation and Arbitration.

WHEREAS it appeareth to me, *A.B.*, Chairman of the said Equitable Council of Conciliation and Arbitration held at , that *G.H.* of in the Borough [*or* County, *as the Case may be*,] is a material Witness to be examined concerning the Dispute between *C.D.* of and *E.F.* of under the Act [*here set forth the Title of the Act*]: These therefore are to require you forthwith to summon the said *G.H.* to appear before the said Equitable Council of Conciliation and Arbitration, held at the at the Hour of in the noon of the Day of 18 , so that the said Dispute may be adjudicated upon and settled forthwith according to Law; and be you then there to certify what you have done in the Premises. Herein fail not.

Given under my Hand, this Day of in the Year of our Lord

(Signed) *A.B.*,
Chairman of the Equitable Council of Conciliation and Arbitration.

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FORM OF AWARD.

WE *I.K.* and *L.M.* [*name and describe the Arbitrators*], the Arbitrators in the Matters in dispute between [*here state the Names of Plaintiff and Defendant to the Reference*], do hereby adjudge and determine that [*here set forth the Determination, to which the Chairman and Arbitrators shall subscribe their Names*].

Signed this Day of 18 .

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FORM OF ENDORSEMENT EXTENDING THE TIME LIMITED FOR MAKING THE AWARD.

WE , Members of the Equitable Council of Conciliation and Arbitration, do hereby agree to extend the Time of hearing or making an Award, as the Case may be, in the Matter in dispute between of and of to the Day of .

Witness our Hands, this Day of 18 .

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FORM OF ACKNOWLEDGMENT OF FULFILMENT OF THE AWARD.

I , Chairman of the Equitable Council of Conciliation and Arbitration, do hereby acknowledge that the Award in the Matter of Dispute between of and of hath been duly fulfilled by who is hereby discharged of the same.

Witness my Hand, this Day of .

*A.B.*, Chairman.

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FORM OF ACKNOWLEDGMENT OF FULFILMENT OF THE AWARD.

I , Chairman of the Equitable Council of Conciliation and Arbitration, do hereby acknowledge that the Award in the Matter of Dispute between of and of to the Day of .

Witness my Hand, this Day of 18 .

*A.B.*, Chairman.

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FORM OF OATH TO BE ADMINISTERED BY THE ARBITRATORS TO THE PARTIES AND WITNESSES UNDER THIS ACT.

THE Evidence that you shall give before this Equitable Council of Conciliation and Arbitration between and under and by virtue of this Act [*here state the Title of this Act*] shall be the Truth, the whole Truth, and nothing but the Truth.

So help you GOD.

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FORM

FORM OF COMMITMENT OF A PERSON SUMMONED AS A WITNESS BEFORE THE ARBITRATORS.

WHEREAS Proof on Oath hath been made before me, One of Her Majesty's Justices of the Peace for the County [*or* Riding, Stewartry, Division, City, Burgh, Liberty, Town, *or* Place] of , on this Day of , that *A.B.* hath been duly summoned, and hath neglected to appear and give Evidence before the Equitable Council of Conciliation and Arbitration for the in the Matters of Dispute between *C.D.* and *E.F.*, at in the County [*or* Riding, Stewartry, Division, City, Burgh, Liberty, Town, *or* Place] of , on the Day of , under and by virtue of an Act made in the Twenty-fourth Year of the Reign of Her present Majesty, intituled "An Act" [*here set forth the Title of this Act*]; and the said *A.B.* being required to appear and give Evidence before the said Arbitrators, and still refusing so to do: Therefore I, the said Justice, do hereby, in pursuance of the said Act, commit the said *A.B.* to the [*describing the Prison and the House of Correction*], there to remain without Bail or Mainprise, for his [*or* her] Offence aforesaid, until he [*or* she] shall submit himself [*or* herself] to be examined and give his [*or* her] Evidence before the said Arbitrators touching the Matters referred to them, or shall otherwise be discharged by due Course of Law: And you the [*Constable or other Peace Officer or Officers to whom the Warrant is directed*] are hereby authorized and required to take into your Custody the Body of the said *A.B.*, and him [*or* her] safely convey to the said Prison [*or* House of Correction], and him [*or* her] there to deliver to the Gaoler [*or* Keeper] thereof, who is hereby authorized and required to receive into his Custody the Body of the said *A.B.*, and him [*or* her] safely to detain and keep, pursuant to this Commitment.

Given under my Hand, this Day of in the Year of our Lord

(This Commitment to be directed to the proper Peace Officer and the Gaoler [*or* Keeper] of the Prison [*or* House of Correction].)

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FORM OF WARRANT OF DISTRESS.

To the Constable of

WHEREAS of under an Award made by on the Day of in the Year of our Lord pursuant to an Act passed in the Twenty-fourth Year of the Reign of Her present Majesty, intituled "An Act" [*state the Title of this Act*], is liable to pay to of

the Sum of , and also the Sum of ; and the said having refused or neglected to pay the same for the Space of Two Days and upwards subsequent to the making of such Award: These are therefore to command you to levy the said Sum of by Distress and Sale of the Goods and Chattels of the said ; and I do hereby order and direct the Goods and Chattels so to be distrained to be sold and disposed of within Days, unless the Sum of for which such Distress shall be made, together with the reasonable Charges of taking and keeping such Distress, shall be sooner paid; and you are hereby also commanded to certify to me what you shall do by virtue of this my Warrant.

Given under my Hand and Seal at the Day of .

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FORM OF THE CONSTABLE'S RETURN TO THE WARRANT OF DISTRESS.

I , Constable of , do hereby certify to , Justice of the Peace , that I have made diligent Search for but do not know of nor can find any Goods and Chattels of by Distress and Sale whereof I may levy the Sum of pursuant to his Warrant for that Purpose, dated the Day of in the Year of our Lord .

Given under my Hand, this Day of the Year of our Lord .

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FORM OF COMMITMENT THEREUPON TO THE HOUSE OF CORRECTION.

[*Here name the County.*] To the Constable of and also to the Keeper of the House of Correction at .

WHEREAS of under an Award made by on the Day of in the Year of our Lord , pursuant to an Act passed in the Twenty-fourth Year of the Reign of Her present Majesty, intituled "An Act" [*state the Title of this Act*], became liable to pay to the Sum of , and also the Sum of for Costs, Time, and Expenses, making together the Sum of , and having refused or neglected to pay the same for the Space of Two Days and upwards subsequent to the making of such Award, my Warrant was, according to the Provisions of the said Act, duly made and issued for the levying the said Sum of by Distress and Sale of the Goods and Chattels of the said :

And

And whereas it appears by the Return of Constable of , dated the Day of , that he hath made diligent Search for but doth not know of nor can find any Goods and Chattels of the said by Distress and Sale whereof the said Sum of may be levied, pursuant to my said Warrant: These are therefore to command you, the said Constable of , to apprehend the said and convey him to the said House of Correction at aforesaid, and deliver him there to the Keeper of the said House of Correction; and these are also to command you, the Keeper of the said House of Correction, to receive him the said into the said House of Correction, and there keep him, without Bail or Mainprise, for the Space of Months, unless the said Sum of so ordered to be paid as aforesaid shall be sooner satisfied, with all reasonable Expenses.

Given under my Hand and Seal at the Day of .

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FORM OF COMMITMENT WHERE THE WARRANT OF DISTRESS IS WITHHELD.

[*Here name the County.*] To the Constable of and also to the Keeper of the House of Correction at .

WHEREAS of under an Award made by on the Day of in the Year of our Lord , pursuant to an Act passed in the Twenty-fourth Year of the Reign of Her present Majesty, intituled "An Act" [*state the Title of this Act*], became liable to pay to the Sum of , and also the Sum of for Costs, Time, and Expenses, making together the Sum of , which he has refused or neglected to pay for the Space of Two Days and upwards subsequent to the making of such Award: And whereas it appears to me that the Recovery of such Sum and Warrant of Distress and Sale of the Goods and Chattels of the said will be attended with Consequences ruinous or in an especial Manner injurious to the Defaulter [and his Family, *if any*], and I therefore have determined to withhold such Warrant, and to commit the said to Prison, pursuant to the said Act: These are therefore to command you, the said Constable of , to apprehend the said , and convey him to the House of Correction at aforesaid, and to deliver him there to the Keeper of the said House of Correction; and these are also to command you, the Keeper of

of the said House of Correction, to receive him the said into the said House of Correction, and there keep him, without Bail or Mainprise, for the Space of Months, unless the said Sum of so ordered to be paid as aforesaid shall be sooner satisfied, with all reasonable Expenses.

Given under my Hand and Seal at the Day of .

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