

## A BILL

FOR AN ACT TO CREATE A STATE BOARD OF ARBITRATION, DEFINING ITS DUTIES, POWERS AND JURISDICTION, AND PROVIDING FOR ENFORCING ITS JUDGMENTS.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. There is hereby established a Board which shall be called the "State Board of Arbitration," to consist of five members, of whom two shall be chosen from among persons who chiefly and habitually follow avocations of manual or mechanical labor. All of said members shall be electors of this State, shall actually reside within this State, and shall hold their offices for the term of four years, and until their successors are appointed and qualified, except as in this act otherwise provided.

SEC. 2. The members of said Board as first constituted shall be appointed as follows: On or before the first day of March, 1886, the Governor shall nominate for the consideration of the Senate, five electors of this State, of whom two shall be chosen from among persons who chiefly and habitually follow avocations of manual or mechanical labor. And the Senate, by a majority vote of the members voting upon each of said names, shall approve or reject said persons severally as such members. The secretary of the Senate shall immediately certify the action of the Senate to the Governor, who shall without delay forward to the Senate the names of other electors by him nominated in place of any rejected. When the Senate shall have approved five names so nominated, the Governor shall issue commissions to such members.

SEC. 3. The terms of office of the members so first appointed shall commence on the first Wednesday of 1886. The terms of the two members so appointed, who are chosen from among those who chiefly and habitually follow avocations of manual or mechanical labor, shall expire upon the first Wednesday of (April) 1888. The remaining members of said Board shall hold their offices, one until the first Wednesday of April, 1888, and two until the first Wednesday of April, 1890. At the first meeting of said Board, said three members shall by lot determine their respective terms of office.

SEC. 4. During the year 1887, each State organization or association, incorporated under the laws of this State and whose articles of incorporation include the consideration or promotion of the principles governing, or of the relations existing between labor and capital, or the special protection and advancement of labor or the persons whose avocations are specially connected therewith, may certify, under the hands of its proper officers, to the

6 Governor the names of two or more resident electors of this State, who shall be selected  
7 from among those who chiefly and habitually follow avocations of manual or mechanical  
8 labor, and who have been selected by said organization or association for consideration as  
9 members of said Board. And thereafter, during each year preceding the session of the  
10 General Assembly, each of said associations or organizations may select and certify to the  
11 Governor one resident elector, with qualifications as above named, and in case of the death,  
12 resignation or removal of a labor member of said Board before expiration of his term of  
13 office, each of said associations or organizations may in the manner above provided, certify  
14 to the Governor the name of a resident elector to be considered with reference to such un-  
15 expired term; *Provided*, that if there shall be during any year preceding the regular session  
16 of the General Assembly, but one State organization, incorporated and with articles as  
17 hereinbefore provided, such organization shall select and certify as above provided, double  
18 the number of resident electors, to-wit: two or four as the case may be, whose selection is  
19 provided under this section.

SEC. 5. On or before the first day of February in each regular session of the General  
2 Assembly, the Governor shall transmit to the Senate the names certified in accordance with  
3 the provisions of the preceding section, from among whom the Senate shall select the mem-  
4 ber or members of said Board, to fill whose places said selections were authorized to be  
5 made. The members so selected shall be certified to the Governor, who shall commission  
6 them accordingly. The members first selected under this section, shall at the first meeting  
7 of the Board, upon taking their seats, determine by lot their terms of office, and one shall  
8 hold for two years, and one for four years.

SEC. 6. On or before the first day of February during each regular session of the General  
2 Assembly, the Governor shall nominate to the senate, for its approval or rejection as  
3 members of said Board, the names of as many resident electors of this State as may be  
4 necessary to fill the terms of members about to expire or to fill unexpired terms where  
5 vacancies have occurred. But this shall not be construed to include the terms  
6 of members to fill which said organizations, hereinbefore described are by this act  
7 authorized to make and certify selections. *Provided, however*, that if during the year  
8 next preceding any regular session of the General Assembly, no organization or asso-  
9 ciation shall exist in this State, incorporated and with articles as hereinbefore provided, or  
10 if during said year no selection has been certified to the Governor as hereinbefore provided,  
11 or if the number so certified is less than double the number of labor members to be chosen  
12 by the senate,—then in either of such cases it shall be the duty of the Governor, on or  
13 before said first day of February to nominate to the senate, to be considered by the senate  
14 in selecting labor members of said board, such member of resident electors of this State as  
15 may be necessary to make the number of electors, nominated under this proviso, double  
16 the number required to fill the terms of labor members about to expire and terms wherein

vacancies have occurred, which said last named electors shall be selected from among persons who chiefly and habitually follow avocations of manual or mechanical labor.

SEC. 7. When said nominations shall have been received, the senate shall proceed to consider the same, and by a majority vote of those voting thereon severally, shall approve or reject,—or choose therefrom, in case of labor members,—said persons as such members. The secretary of the senate shall immediately certify to the Governor the action taken. And the Governor shall nominate others in place of any members rejected, and shall commission as members the persons approved.

SEC. 8. Whenever by death; resignation or removal from the State a vacancy shall occur in said Board while the senate is not in session, the Governor, by and with the advice and consent of the executive council, shall appoint a resident elector of this State to fill such vacancy, who shall hold his office until the senate shall select or approve, as the case may be, a member to fill the unexpired term. *Provided*, that if said vacancy occur in the terms of either of the labor members, the person appointed under this section shall have the qualifications required in the member in whose term the vacancy has occurred.

SEC. 9. Upon the            day of            1886, said Board shall convene at the Capitol building and proceed to organize. Said Board annually annually elect a president. The commissioner of labor statistics shall be *ex officio* secretary of said Board, but shall have no vote in its proceedings. His position as secretary shall not be permitted to interfere with his duties as such commissioner. Said Board may authorize and approve the appointment of a deputy secretary, whenever in its judgment necessary for the proper transaction of the business of the Board. The secretary shall have his office in the rooms of the Board, and have custody of the seal of the board. Said secretary and his deputy, and in their absence the member acting as secretary, and the member serving as president, shall have power to administer oaths. Four members shall constitute a quorum. The Board shall adopt a seal, and may adopt such rules and regulations for proceedings before the board and transactions of business as said Board may deem proper and necessary and not in conflict with the statutes of this State.

SEC. 10. Said Board shall be provided with a proper and adequate office in the Capitol building, and shall be furnished by the Secretary of State with stationery and such other office equipments as may be proper and necessary for the efficiency of the Board and the transaction of its business. Said Board shall hold an annual session at its office, upon the first Wednesday in July of each year, and shall hold sessions at least quarterly thereafter. The sessions of the Board shall be held at the Capitol, except that by a two-thirds' vote of the members present, said Board may hold sessions at any point within the State, for the consideration of any matter specially named in the resolution providing for change in place of sitting.

SEC. 11. Said Board shall on the 30th day of June of each year, present to the Governor  
2 its annual report, with such recommendations and suggestions as the Board may deem im-  
3 portant with reference to the matters coming within its jurisdiction.

SEC. 12. Said Board shall have jurisdiction over controversies arising between persons or  
2 partnerships employing not less than — employes and corporations, on the one hand, and  
3 the persons or any of them so employed on the other hand: *provided*, said employes reside  
4 within or are engaged in pursuing their labor wholly or partially within this State, and the  
5 matters in controversy affect or relate to said employment within this State; and, *provided*  
6 *farther*, that there is expressly excepted and withdrawn from the jurisdiction of said Board,  
7 all matters and controversies over which the Board of Railroad Commissioners now have  
8 jurisdiction.

SEC. 13. The disputes or controversies included within the jurisdiction of said State  
2 Board of Arbitration, conferred by the preceding section shall be construed—subject to the  
3 provisos therein named—to include all matters relating to or affecting the employment,  
4 compensation, and method of computing same, hours, continuance, kind and method of  
5 labor, the employment of child-labor, and every other matter affecting the mutual interests  
6 or relations of employer and employed, and also any and all rules or regulations adopted  
7 or agreed on and attempted to be enforced over or against either side,—to the end that said  
8 Board may have within the meaning and intent of this act, jurisdiction of the protection  
9 of labor and capital, and their varied interests within this State.

SEC. 14. Any person, partnership, or corporation, aggrieved in any of the matters  
1 included within the two preceding Sections, may file with the Secretary of the Board, a  
2 complaint in writing, stating in what said grievance consists. Whereupon due notice of  
3 such filing, with a copy of said complaint, shall be served upon the person, corporation, or  
4 partnership against whom such complaint is made, in the manner provided by law, for  
5 service of original notice in the District Court, so far as practicable, and also a notice of  
6 the date at which the Board will convene to hear and investigate said complaint, in the  
7 manner and as by the rules and regulations of said Board provided. And said hearing  
8 shall proceed with all practicable speed, and decision thereon be reached at the earliest  
9 time consistent with a full and deliberate consideration and determination of the matter.  
10 After commencing the hearing thereof, the sessions of said Board shall continue from day  
11 to day until a decision is reached therein. Said decision shall be entered on its records,  
12 and the Secretary shall at once forward by mail to the parties or their Attorneys of record,  
13 a notice of the decision rendered therein. Unless a rehearing shall be granted therein,  
14 said decision, so far as the same determines questions of fact between the parties, shall be  
15 final.

SEC. 15. Within thirty days after said decision is filed, either party may appeal there-  
2 from on any point therein involving a question of law as contra-distinguished from a ques-  
3 tion of fact, to the Supreme Court of Iowa, which shall sit as a Court of Errors to hear  
4 such questions of law. Such appeal shall not be heard *de novo*, but as appeals are heard  
5 from ordinary actions in the District Court. The method of taking and perfecting appeals  
6 from the decision of said Board, of preserving,—by bills of exceptions,—the evidence intro-  
7 duced and rulings had before said Board, and other matters pertinent to said appeal, shall  
8 be, as nearly as practicable, the same as those provided for like proceedings and purposes in  
9 the District Court in ordinary actions, except when the same are inconsistent with the pro-  
10 visions of this act. And the provisions of Statute with reference to ordinary actions in  
11 the District Court, so far as applicable, are hereby made to apply to the matters connected  
12 with said appeal. Notice of said appeal having been taken, with due proof of service of  
13 same upon the opposite party or parties to the case, or the Attorneys for said parties, as by  
14 law provided, shall be filed, by the party appealing, with the Secretary of said Board,  
15 within fifteen days from the service thereof.

SEC. 16. Immediately upon the filing of said notice of appeal in his office, the Secretary  
2 shall forward a copy thereof to the several members of the Supreme Court, and said court  
3 shall fix a day for the convening of said court at the Capital to hear said appeal, which day  
4 shall not be more than thirty days from the filing of said notice of appeal, and said session  
5 shall be specially to hear said appeal. But said court may by rule provide for the conven-  
6 ing of said court to hear such appeals within a time not exceeding thirty days from the fil-  
7 ing of said notice. The rules and statutory provisions applicable to hearing and perfecting  
8 appeals in the Supreme Court from the judgments of the District Court in ordinary actions,  
9 and for continuance of said appeal on application of either party, are hereby made to apply  
10 with same force and effect to appeals from the decision of said Board, so far as the same are  
11 applicable thereto, and except as the same may be changed by said court or in conflict  
12 with the provisions of this act; *provided*, that no continuance shall be for a longer period  
13 than thirty days. And when said court shall have entered on the hearing of said appeal,  
14 no adjournment shall be had, except from day to day, until said hearing is completed, and  
15 the judgment therein reached is filed with the clerk of said court. Immediately on the fil-  
16 ing of said judgment, said clerk shall notify the parties or their attorneys of record of the  
17 judgment rendered, and shall without delay prepare and file in the office of the Secretary  
18 of the Board, a duly certified copy of said judgment so rendered and of the opinion or opin-  
19 ions filed therewith and on which the same is rendered.

SEC. 17. There is hereby conferred on said Board the power to issue subpoenas, commis-  
2 sions to take depositions, to appoint commissioners therefor, to compel the attendance of  
3 witnesses and the giving of testimony and production of evidence and to punish for con-

4 tempt and disobedience of its orders and processes, which the District Court is now or may  
5 be authorized to exercise in like cases. And the provisions of law applicable to the District  
6 Court with reference to the matters in this section named, are hereby made to apply in  
7 such cases, as far as practicable, to proceedings before said Board. And the Secretary is  
8 hereby given the powers and charged with the duties in like matters conferred on the  
9 Clerk of the District Court. And said Board is hereby expressly granted, in the hearing  
10 of cases pending before it, all the powers exercised by the District Court in cases pending  
11 before said Court, so far as the same are practicable; *Provided*, that said cases shall be  
12 heard before said Board without the intervention of a jury.

SEC. 18. The decisions of said Board, except those reversed on appeal, and except as the  
2 same or any parts thereof are in conflict with the decisions of the Supreme Court, shall be  
3 received at all times and in all places within this State, as the authoritative enunciation of  
4 the law of this State on the points therein decided, and which are included within the jur-  
5 isdiction by this act conferred on said Board; *Provided*, that such decisions have reached  
6 in the cases in which the same were rendered, the favoring vote of four members. If such  
7 decisions received the favoring vote of less than four members, the same shall be decisive  
8 only of the cases in which the same were rendered. And duly certified copies thereof, or  
9 copies thereof published by authority of said Board, shall be received as evidence of said  
10 decisions.

SEC. 19. The members of said board shall each receive a salary, payable quarterly, of  
2 \$ per annum, and when traveling on business connected with their duties, as members  
3 of said board, when hearing cases or pursuing investigations in matters before said board at  
4 any place than at Des Moines, and in traveling to and from the sessions of the board, shall  
5 be paid their actual and necessary expenses, which shall be certified to the State Auditor  
6 under the seal of said board and hands of its officers. But no such certificate shall issue  
7 except upon affidavit of the member, giving itemized statement of said expenses and filed  
8 with the secretary.

SEC. 20. Said board is hereby authorized to appoint such number of bailiffs as the board  
2 may deem necessary, and to fix their compensation, payable out of the State treasury upon  
3 the certificate of said board to the State Auditor. Said bailiffs shall have and exercise in  
4 any county of the State where said board or any of its members are in session and with  
5 reference to the matters pending before them or proceedings in progress, all the powers  
6 ordinarily exercised by the sheriff of such county.

SEC. 21. Upon complaint, under oath, by the person, partnership or corporation affected  
2 thereby, that any partnership, person or corporation neglects or refuses, after demand made  
3 therefor, to perform or put into force the order or judgment of said board in the matters in  
4 said complaint stated, the court of record of any county in which such neglect or refusal

5 is alleged to exist, or in vacation the judge thereof, shall direct the issuance, under the seal  
6 of said court, of a writ commanding such partnership, person or corporation to perform and  
7 put into force such judgment in the matters complained of, and enjoining and restraining  
8 said partnership, person or corporation from resisting or violating the provisions of said  
9 order or judgment of said board. Such order shall stand until the final hearing of said  
10 complaint, unless sooner modified or discharged. Said writ shall be ordered to issue, only  
11 after due service upon the opposite party of notice, for such time as said court or judge  
12 may direct, of the time and place where said complaint will be presented. The provisions  
13 of law relating to presenting applications for, and issuing writs of injunctions and bond to  
14 be given shall be observed as far as applicable.

SEC. 22. If on such hearing for preliminary writ, the neglect or refusal to perform and  
2 put into force said order and judgment of said Board is admitted by the partnership, person  
3 or corporation against whom the same is charged, or if on such preliminary hearing said  
4 court or judge shall find that such neglect or refusal is in gross disregard or violation of  
5 said order or judgment, and that said complainant is unable to give bond as by law pro-  
6 vided, said court or judge may order that upon continuance of the neglect or repetition of  
7 the violation complained of during a period in such order to be named, said writ will be or-  
8 dered to issue without bond. But said writ shall not issue without bond until proper evi-  
9 dence of such continuance or repetition shall be presented to such court or judge, of the  
10 time and place of which presentation the opposite party shall have due notice.

SEC. 23. If the judge of the court of record of the county wherein such neglect or re-  
2 fusal is alleged to have occurred is absent or from other cause unable to hear said complaint,  
3 or is interested in the matters therein alleged, said complaint may be presented to the most  
4 convenient judge of a court of record to fix time and place of hearing, and to hear same,  
5 upon either or both of the hearings provided for in the preceding section. And order  
6 therein shall be made with same force and effect as though made by judge of the court in  
7 which said complaint is to be filed. Such absence, inability or interest shall be alleged in  
8 said application.

SEC. 24. Whenever application for said writ is denied, such denial shall be endorsed on  
2 said complaint. It shall be stated in each complaint whether complaint has been presented  
3 and denied for the continual or repetition complained of. And no application shall be pre-  
4 sented a second time for neglect or repetition covering the same period.

SEC. 25. Said complaint shall be filed in the office of the clerk of the court whence said  
2 writ issued, and shall be docketed and tried as an equitable action. Upon final hearing,  
3 said court may make said writ or other proper writ perpetual.

SEC. 26. Courts of record and the judges thereof shall have the same power and author-  
2 ity to enforce said writ and to punish violations thereof, which said courts could exercise

3 for the punishment of violations of writs of injunction in other equitable actions pending  
4 in such courts.

SEC. 27. This act being deemed of immediate importance shall take effect and be in force  
2 from and after its publication in the Iowa State Register and Des Moines Leader, newspa-  
3 pers published at Des Moines, Iowa.