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THE LAW  
RELATING TO  
TRADE UNIONS

BY  
JOHN HENRY GREENWOOD, B.Sc.

OF THE INNER TEMPLE, BARRISTER-AT-LAW  
*Author of "Amount of Compensation and Review of Weekly Payments  
under the Workmen's Compensation Act, 1906"*

LONDON:  
STEVENS AND SONS, LIMITED,  
119 & 120, CHANCERY LANE,  
Law Publishers.  
1911

X : 96 : (23)

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## PREFACE.

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THE aim of the author in compiling the present volume has been to make the law of Trade Unions intelligible to Trade Union officials and others who have not ready access to the Law Reports. Following the design adopted by him in his handbook on the "Amount of Compensation and Review of Weekly Payments under the Workmen's Compensation Act, 1906," he has therefore, in every case, given the full details of the facts, together with copious explanatory passages from the pronounced judgments. As this fulness of detail will often spare the legal practitioner who uses the book the necessity of consulting the Reports, it is hoped that in this convenience the lawyer may find compensation for a method of treatment somewhat more lengthy than is usual in a legal text-book.

JOHN H. GREENWOOD.

3, KING'S BENCH WALK, NORTH,  
TEMPLE, E.C.,  
*January, 1911.*

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s. 2 (1) . . . . .	9, 80, 81, 136, 139, 140, 141, 147, 148, 149, 150, 155, 158
s. 2 (2) . . . . .	136, 240
s. 3 . . . . .	9, 66, 87, 99, 103, 105, 141, 147, 156
s. 4 (1) . . . . .	9, 14, 103, 104, 168, 169
s. 4 (2) . . . . .	103, 104, 107, 169
s. 5 (3) . . . . .	99, 100, 131
6 Edw. 7, c. 58. (Workmen's Compensation Act, 1906) . . . . .	45, 75
8 Edw. 7, c. 69. (Companies (Consolidation) Act, 1908) 15—18	
s. 9 . . . . .	17

## ADDENDUM.

### JURISDICTION OF THE COURTS TO PROTECT A MEMBER OF A TRADE UNION FROM UNJUST EXPULSION.

OSBORNE v. AMALGAMATED SOCIETY OF RAILWAY SERVANTS (*The Times*, February 27th, 1911).

The plaintiff in this case alleged that he had been unjustly expelled from his trade union without having received notice of the charge made against him, and without being afforded any opportunity of being heard in his defence. He therefore sought (1) a declaration that a resolution of the executive committee of the trade union expelling him was *ultra vires* and illegal; (2) an injunction restraining the society from acting upon or enforcing the resolution.

So far, the case has not been tried on its merits, the parties having agreed to submit two questions of law to the decision of the Court before proceeding further. These questions were as follows: (1) Is the society at common law an unlawful association? (2) Is this action a legal proceeding which the Court, having regard to sect. 4 of the Trade Union Act, 1871, can entertain?

In considering the lawfulness of the association the following rules were discussed.

Rule 13.—(1) The executive committee is authorized to sanction trade movements of members for the following purposes and for no others, that is to say, (a) to prevent a reduction in wages, (b) to prevent an increase in the hours of labour, (c) to obtain an increase in wages, (d) to obtain a reduction in the hours of labour, (e) to remove unjust or oppressive conditions of employment.

(2) (a) The authority of the executive committee to give sanction to such trade movements is subject to the following conditions: (a) Before any step in connexion with a proposed movement is taken the sanction of the executive committee must be obtained. Should any movement take place before such sanction is obtained, the executive committee must afterwards endorse the same and give their sanction for its continuance. Any member striking without

## ADDENDUM

the sanction of the executive committee, or in breach of his contract of service with his employer, or doing any other unlawful act or act in contravention of these rules, shall not be entitled to the benefit of the protection fund. . . . (h) Should the offer of arbitration be refused or ignored, and every effort at pacific settlement fail, then the executive committee may issue notice papers to the men for signature. If two-thirds of the men sign the notice papers, the executive committee may fix a day or days for handing the same to the company or companies, and upon a withdrawal from work in accordance with these notices it shall be the paramount duty of the executive committee to use every lawful means to assist the men in their struggle, which shall be directed by the general secretary. (i) Should the vote of the men be adverse to ceasing work, or should the number of the notices signed not warrant their being handed to the company or companies with a reasonable prospect of success, then the sanction of the executive committee shall be withdrawn from the said movement, and no further expense shall be defrayed from the society's funds in connexion therewith.

Rule 9.—(14) Any member or members found guilty of attempting to injure the society, or to break it up otherwise than as allowed by these rules, and the same being proved to the satisfaction of the executive committee, the committee shall expel him or them from the society, and he or they shall forfeit all claims on the funds and benefits of the society, but he or they shall have the right to appeal to the annual general meeting.

It was held that this group of rules contained no provision in restraint of trade such as would render the association illegal at common law.

The Master of the Rolls, after pointing out that the executive committee could only sanction a strike as distinct from ordering it, said, "Now it seems to me reasonably plain that the signing of the notices is a voluntary act, and that the only notices to be handed in are those which have been thus voluntarily signed. Mr. Justice Warrington held, and I agree, that there is no taint of illegality in this voluntary act on the part of the two-thirds majority. I can find nothing to hinder a man who has handed in his notice from resuming work. He will, under rule 3, cease to be entitled to strike pay, but that is all. Nor can I find any trace of an intention to call out, or to put pressure upon those members, the minority, who have not voluntarily signed [though Mr. Justice Warrington thought he found such an intention in rule 9, sub-rule 14]. . . . The society is a lawful association at common law. It is possessed of considerable property which belongs to the members, and any member unjustly excluded may invoke the assistance of the Court. This principle has been repeatedly acted upon in the case of West-End clubs."



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Lord Justice Fletcher Moulton said, "On reading the rules one is struck by the absence of all the familiar provisions relating to strikes, and the power of the society to direct whether men shall or shall not work under particular circumstances, which are so frequently to be found in the rules of trade unions."

It was argued on behalf of the society that it had the power to order a strike under rule 2 (4) (f), which provided that the annual meeting should have power to inaugurate any movement, or decree any proceedings in the interests of the society and its members. Dealing with this argument, his Lordship said, "These are very wide words, which, if taken in all their breadth, might cover almost anything. Some reasonable limit must be put upon them, and the proper mode of construction is, in my opinion, to treat the rules as indicating the nature of the movements or proceedings there referred to."

In deciding the second question the proper test, according to Fletcher Moulton, L.J., is to assume that the relief is granted and that the plaintiff is declared a member of the trade union. Will the effect of that be to enforce an agreement for the application of the funds of the trade union to provide benefits for him? Certainly not. By the statute that is the very thing which his membership does not enable a man to do, and therefore declaring him a member *simpliciter* not only does not directly enforce the application of funds for his benefit, but does not even help him in any future proceeding to enforce any such agreement. It seems a logical contradiction to say that to put a man in a position where he cannot enforce a particular agreement is enforcing it.

His Lordship pointed out that in *Rigby v. Connol* the plaintiff had claimed more than a mere restoration to membership, for he attempted to obtain an order of the Court giving him a share in the assets of the union.

There is a dictum of Sir George Jessel in *Rigby's* case to the effect that a member of a trade union can only be legally protected in his right of membership when there is a right of property involved. Lord Justice Fletcher Moulton thought this dictum went too far, if, by the term "property," a beneficial interest in land or chattels was meant. There were many rights which, in such a sense, could not be called rights of property, which nevertheless, the law will protect. But in the case of a trade union such as the present, there is undoubted interest in property even in the narrow sense of the word. The funds of the union belong to the members, and are, by reason of agreement and trusts which are valid in law, appropriated to the purposes of the trade union, and more especially to giving benefits to members. Should the trade union be dissolved these funds would be divided amongst its members. While it is in

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existence these members are eligible, and are the only persons who are eligible, to receive the benefits which by its rules follow from membership. They have the right to come to the Courts to protect the misapplication of those funds. It is true that they cannot enforce the application of the funds to the granting of those benefits, but that is a defect in their remedies and not in their rights.

The Master of the Rolls said that the right of voting which a member had under rule 9 (11) is a property right.

# APPENDICES.

## APPENDIX A.

### TRADE UNIONS AND PARLIAMENTARY REPRESENTATION. AMALGAMATED SOCIETY OF RAILWAY SERVANTS v. OSBORNE (a).

The rules of the Amalgamated Society of Railway Servants, so far as they are material to this case, were as follows :—

#### RULE II.

##### *Government of the Society.*

1. For the supreme government of the society there shall be an annual general meeting. . . . 3. The annual general meeting shall be held in October of each year. . . . 4 (a) The annual general meeting shall have power to amend, rescind, or make rules every three years (except an alteration is recommended by the executive committee in the interim as urgently required in the interests of the society, in which case it shall be brought before the next annual general meeting).

#### RULE XIII. SECTION IV.

##### *Parliamentary Representation.*

1. For the maintenance of Parliamentary representation a fund shall be established by the society. The subscription to be 1s. 1d. per year per member, to be paid quarterly, and forwarded to the head office with the quarter's dues. 2. The objects of the fund shall be (a) to provide for representation of railwaymen in the House of Commons as the annual general meeting may from time to time determine. *All candidates shall sign and accept the conditions of the Labour Party and be subject to their whip.* (b) To contribute to the Labour Representation Committee such sums as the executive committee or the annual general meeting may from time to time

(a) [1910] A. C. 87; 101 L. T. 787; [1910] W. N. 3; 79 L. J. Ch. 87; 54 S. J. 215; 47 Sc. L. R. 613.

direct so long as the society remains affiliated to such committee. 3. A separate account shall be kept of this fund, and the money invested in the names of the trustees of the society. . . . Such funds shall be used for the objects herein stated. 4. Candidates adopted in accordance with object (a) must be and remain *bond fide* members of the society. . . . 5. In the event of a candidate being selected for a constituency his election expenses shall be defrayed. . . . 6. Should a candidate be elected he shall be paid a salary of £250 a year and third-class return fare to his constituency so long as he remains a member of Parliament. . . . 7. *The executive committee shall make suitable provision for the registration of a constituency represented by a member or members who may be candidates responsible to and paid by this society.*

#### RULE XVIII.

1. No new rule shall be made, nor shall any of the rules herein contained be amended, altered, or rescinded, except by the annual general meeting every third year.

The following are the material portions of the Constitution of the Labour Party:—

#### *Organisation.*

I. *Affiliation.*—(1) The Labour Party is a federation consisting of trade unions, trade councils, socialist societies, and local labour associations.

II. *Objects.*—(1) To organise and maintain a Parliamentary Labour Party with its own Whips and policy; (2) to secure the election of candidates for whose candidature an affiliated society has made itself financially responsible, and who have been selected by a regularly convened conference in the constituency.

III. *Candidates and Members.*—(1) Candidates and members must accept this constitution; agree to abide by the decisions of the Parliamentary party in carrying out the aims of this constitution; appear before their constituencies under the title of Labour candidates only; abstain strictly from identifying themselves with or promoting the interests of any party not eligible for affiliation; and they must not oppose any candidate recognised by the executive committee of the party. (2) Candidates must undertake to join the Parliamentary Labour Party if elected.

IV.—The executive shall consist of thirteen members, nine representing the trade unions, one the trade councils and local labour associations, and three the Socialists.

The constitution further provided for (1) affiliation fees and delegates to the annual conferences, (2) voting at the annual conference, and (3) a Parliamentary fund to be raised by contributions from the affiliated societies for the purpose of paying the election expenses of Labour candidates and maintaining members of the Parliamentary Labour Party.

The plaintiff alleged that Rule XIII. Section IV. above stated, or,

alternatively, so much thereof as partially altered in italics, and the raising by the society by compulsory subscription from the plaintiff and other members of the society, and the distribution of moneys for the purposes and in manner in the said rule appearing were not within the objects or purposes of the society or within the purposes mentioned in section 16 of the Trade Union Act, 1876, and were *ultra vires* the society. He further alleged that the partial alteration in italics was invalid, having regard to Rule XVIII., and to the fact that the rules had been last altered or amended at the annual general meeting held in October, 1905, and he claimed a declaration accordingly, and an injunction to restrain the society and its trustees from distributing moneys for any objects other than those mentioned in section 16 of the Trade Union Act, 1876, and in particular from acting under or distributing money for the purposes of Rule XIII., Section IV., as above stated.

The defendants did not admit that any part of Rule XIII., Section IV., was *ultra vires*, and they contended that under Rule II., 4 (a) and Rule XVIII., the alteration in italics to Rule XIII., Section IV., had been duly submitted to the annual general meeting held in October, 1906, and was carried by large majorities. The Rules of 1906 and the partial alteration in italics had been registered under the Trade Union Acts.

From the judgments pronounced in this case in the House of Lords, the following principles emerge:—

1. There is nothing illegal *per se* in paying a member of Parliament. Thus the Earl of Halsbury said, "Pecuniary assistance might be given to a person who, without such assistance, might not be able to support the burden of being elected a Member of Parliament. It may be difficult to express in sufficiently definite language how far individual freedom of judgment can be preserved consistently with acceptance of pecuniary support." And Lord Shaw of Dunfermline said, "Granted, however, that no conditions are imposed subversive of or imperilling their freedom, it will be observed that nothing that has been said attaches a taint or shadow of illegality to the payment of Members of Parliament. Such payment may be a tribute to character, or a recognition of talent, coupled with a desire that these should be secured for the service of the State, or it may spring from a legitimate wish that the views, the needs, the perils of particular, and it may be large, classes of His Majesty's subjects should be expressed in Parliament by those who speak with the authority of practical experience." In the Court of Appeal, Farwell, L.J., could see no reason why the electors who desire a particular candidate, who may be a poor man, to be their member should not subscribe for his expenses and his maintenance in Parliament, provided they do not attempt to buy his votes.

Lord James of Hereford based his judgment on the ground that one of the rules of the Labour Party requires that "All candidates shall sign and accept the conditions of the Labour Party and be subject to their Whip." A member of the Labour Party thus bound would have to give his vote in Parliament in respect of matters such as

confidence in a Ministry or the policy of a Budget—matters unconnected, directly at least, with the interests of labour. Thus the application of money to the maintenance of a member whose action was so regulated was not within the powers of a trade union."

2. A political organisation is a thing very different from a combination for trade purposes. There is nothing in any of the Trade Union Acts from which it can be reasonably inferred that trade unions, as defined by Parliament, were ever meant to have the power of collecting and administering funds for political purposes. And it cannot even be said that such a power is "incidental," "ancillary," or "conducive" to the purposes of a trade union. Per Lord Macnaghten. His Lordship thought that at the date of the passing of the Act of 1871, trade unions were by no means ambitious of Parliamentary representation or political power; that some of the most respected leaders of trade unionism held the view that the less trade unions had to do with politics the better; and that it was not until two or three years after the passing of the Act of 1871 (as appears from Mr. and Mrs. Webb's able and exhaustive history of trade unionism) that the scheme for securing Parliamentary representation, and obtaining political power, first took shape and met with acceptance among trade unionists (b).

In the opinion of Lord Atkinson, trade unions have no more right to spend their money in procuring the return of members to Parliament and maintaining them there than municipal corporations, limited liability companies, or other commercial corporations would have; the necessity for such expenditure is as great, and no

(b) Lord Macnaghten does not appear to have read Mr. and Mrs. Webb quite correctly, for at p. 257 of their history we find these words:—"The Junta, under the convenient cloak of the Conference of Amalgamated Trades, issued in July, 1868, a circular urging upon trade unionists the importance of registering their names as electors, and of pressing upon every candidate the question in which they were primarily interested. The Trades Councils throughout the country followed suit, and we find the Junta's electoral tactics adopted even by societies which were traditionally opposed to all political action. The Central Committee of the Stonemasons strongly urged their members to vote at the ensuing elections only for candidates who would support trade union demands."

At p. 271 occurs the following passage: "The Labour Representation League, composed mainly of prominent trade unionists, had for some years [previous to 1874] been endeavouring to secure the election of working men to the House of Commons, and the independent candidatures of George Odger, during 1869 and 1870, had provoked considerable feeling. At a bye-election at Greenwich in 1873, a third candidate was run with working class support."

The passage which Lord Macnaghten had in his mind was probably the one on p. 273, which reads thus: "The movement for direct electoral action remained without official support from trade unions as such until, at the 1874 Congress, Mr. Broadhurst was able to report that the miners, ironworkers, and some other societies had actually voted money for Parliamentary purposes. At the General Election which ensued, no fewer than thirteen Labour Candidates 'went to the poll.'"

greater, in the one case as in the other. "These bodies," said his Lordship, "may, by legislation, be helped or hindered in carrying out the objects which they were formed to carry out. Their most vital interest may be seriously prejudiced by taxation which the Legislature may impose, or enabling statutes, general in character, may be introduced calculated to enlarge their powers, increase their privileges, or remove restraints upon their action, or again, some of them may be under the necessity of promoting private Bills to meet their own special needs. If, despite all this, the intention never has been and cannot be, imputed to the Legislature to confer upon such Corporations as these, power or authority to devote their funds to the procurement of Parliamentary representation in the manner in this case contended for, how can such an intention be imputed to it in the case of *quasi* Corporations, such as registered trade unions? . . . During the argument I asked to be informed on what principle the case of registered trade unions was to be differentiated from that of other Corporations such as I have named, and why the power was to be permitted, by an alteration of their rules, to convert themselves into political organisations, while a similar privilege was to be denied to the latter."

Lord Atkinson also alludes to the unfairness of requiring men to contribute to the promotion of a political policy of which they might possibly disapprove. And in the Court of Appeal, Farwell, L.J., said, "A political club may, of course, by its rules, make its membership conditional on adherence to a particular party, but it is otherwise with a non-political club."

3. Another issue raised in the case was whether the exercise of the power claimed by the Society was not contrary to public policy. This question, which may be conveniently called the constitutional question, was thus stated by Lord Atkinson. "It is the question whether the Members of Parliament who receive salaries or maintenance allowances, and sign the pledge to accept the conditions contained in the constitution of the Labour Party, referred to in the Rules of 1906, and to be subject to their Whip, have not thereby entered into an agreement which involves such a sacrifice of their independence and liberty of thought and action, that it is illegal and void as against public policy."

In the Court of Appeal, Fletcher Moulton, L.J., said, "By our Constitution, a representative is chosen by vote, and, however little the political views of the elected member coincide with those of the minority, they cannot complain. But that election is the election of a representative, and whoever be chosen, their right remains that he shall be a representative, and not one who has contractually fettered himself in discharge of the duty of representative which he has accepted as regards the public, and not only as regards his own supporters. . . . I do not, of course, suggest that a member may not bind himself by promises to his constituents to support a particular party or particular measures, but his primary duty is to his country, and he cannot bind himself at law by any promise in abnegation of such duty." Neville, J., in the Chancery Division, spoke to the same effect. "I take it that a member of Parliament cannot bind himself either legally or morally by any

pledge with regard to his action as to future matters. He may, no doubt, properly declare himself a member of, or a supporter of a particular party, and, having done so, no doubt the general opinion would be that he is bound to give a fair and reasonable support to that party, and in minor matters to subordinate his own particular views to those of the majority with whom he has elected to act."

The following passages from the judgment of Lord Shaw, who based his decision on the ground that the society's action was contrary to public policy, describe the nature of the danger in which the constitution would be placed if trade union members were returned to Parliament bound by pledges to the societies which financed them.

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"The position of a Member of Parliament supported by the contributions of the Society is accordingly this. As stated (1) He is by the Society's rules 'responsible to' as well as paid by the Society; (2) He must have as a candidate signed and accepted the conditions of the Labour Party; (3) While that party has its own policy he must accept its contributions and 'agree to abide' by the decisions of the Parliamentary Party in carrying out the aims of the constitution. Under these aims the first object of the constitution must be included, namely, maintaining the Parliamentary Labour Party's own policy. Unless a member becomes bound to the Society and to the Labour Party by these conditions, and shapes his Parliamentary action in conformity therewith and with the decisions of the Parliamentary Party, he has broken his bargain. Take the testing instance: should his view as to right and wrong on a public issue, as to the true line of service to the realm, as to the real interests of the constituency which has elected him, or even of the Society which pays him, differ from the decision of the Parliamentary Party and the maintenance by it of its policy, he has come under a contract to place his vote and action into subjection not to his own convictions, but to their decisions. My Lords, I do not think that such a subjection is compatible, either with the spirit of our Parliamentary constitution or with that independence and freedom which have hitherto been held to lie at the basis of representative Government in the United Kingdom.

"It is no doubt true that a member although party to such a contract of subjection would in point of law enter Parliament a free man, because the law would treat as non-enforceable and void the contract which purported to bind him. And it is no doubt true that parties remaining outside of and making no appeal to the law—this subjection may arise in practice through the operation upon certain natures of various motives, including notably those of sycophancy or fear. But when the law is appealed to to lend its authority to the recognition and enforcement of a contract to procure subjection of the character described, with the concurrents of money payments and the sanctions of fines or forfeitures, the law will decline such recognition or enforcement because the contract appealed to is contrary to sound public policy.

"I should be sorry to think that these considerations are not quite elementary. And they apply with equal force not to labour



organisations alone, which operate by administering—under it may be careful supervision—the subscriptions of its members, but with even greater force to individual men, or organisations or trusts of men using capital funds to procure the subjection of Members of Parliament to their commands. In this latter case, indeed, adhesion to the principle is of a value all the greater because its violation might be conducted in secret. It needs little imagination to figure the peril in which the Parliamentary Government would stand if, either by the purchase of single votes or by subsidies for regular support, the public well being were liable to betrayal at the command and for the advantage of particular individuals or classes.

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“It is no doubt true, my Lords, that the public records and the statute book show that the protections which were thrown around freedom were largely in the shape of securing the safety of electors and constituencies in the exercise, without interruption, constraint, or corruption, of the franchises they enjoyed. But all this would have been a mockery if, after purity and freedom had been enjoined amongst electors and constituencies, the representative so elected was not himself to be in the possession of his freedom in vote, advice and action—not to be free, but to be bound; bound under a contract to submit these, for salary, and at peril of loss, to the judgment of others.

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“The proposed additional rule of the Society that ‘all candidates shall sign and respect the conditions of the Labour Party, and be subject to their “Whip”’; the rule that candidates are to be ‘responsible to and paid by the Society’; and, in particular, the provision in the Constitution of the Labour Party that ‘candidates and members must accept this Constitution, and agree to abide by the decision of the Parliamentary Party in carrying out the aims of this Constitution,’ are all fundamentally illegal, because they are in violation of that sound public policy which is essential to the working of representative Government.

“Parliament is summoned by the Sovereign to advise His Majesty freely. By the nature of the case it is implied that coercion, constraint, or a money payment, which is the price of voting at the bidding of others, destroys or imperils that function of freedom of advice which is fundamental in the very constitution of Parliament. *Inter alia*, the Labour Party pledge is such a price with its accompaniments of unconstitutional and illegal constraint or temptation.

“Further, the pledge is an unconstitutional and unwarrantable interference with the rights of the constituencies of the United Kingdom. The Corrupt Practices Acts, and the proceedings of Parliament before such Acts were passed, were but machinery to make effective the fundamental rule that the electors, in the exercise of their franchise, are to be free from coercion, constraint, or corrupt influence, and it is they, acting through their majority, and not any outside body having money power, that are charged with the election of a representative, and with the judgment on the question of his continuance as such.

“Still further, in regard to the Member of Parliament himself, he too is to be free; he is not to be the paid mandatory of any man, or organisation of men, nor is he entitled to bind himself to subordinate his opinions on public questions to others, for wages, or at the peril of pecuniary loss, and any contract of this character would not be recognised by a Court of Law, either for its enforcement or in respect of its breach. Accordingly, as it is put in the words of Lord Justice Fletcher Moulton: ‘Any other view of the fundamental principles of our law in this respect would, to my mind, leave it open to any body of men of sufficient wealth or influence to acquire contractually the power to exercise that authority to govern the nation which the law compels individuals to surrender only to representatives—that is, to men who accept the obligations and the responsibility of the trust towards the public implied by that position.’”

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APPENDIX B.

STATUTE 6 GEO. 4, c. 129.

An Act to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof.

*[Repealed by 34 & 35 Vict. c. 32.]*

3. If any person shall by violence to the person or property, or by threats or intimidation, or by molesting or in any way obstructing another, force or endeavour to force any journeyman, manufacturer, workman, or other person hired or employed in any manufacture, trade or business, to depart from his hiring employment or work, or to return his work before the same shall be finished, or prevent or endeavour to prevent any journeyman, manufacturer, workman, or other person not being hired or employed from hiring himself to, or from accepting work or employment from any person or persons; or if any person shall use or employ violence to the person or property of another, or threats or intimidation, or shall molest or in any way obstruct another for the purpose of forcing or inducing such person to belong to any club or association, or to contribute to any common fund, or to pay any fine or penalty, or on account of his not belonging to any particular club or association, or not having contributed or having refused to contribute to any common fund, or to pay any fine or penalty, or on account of his not having complied or of his refusing to comply with any rules, orders, resolutions

or regulations made to obtain an advance or to reduce the rate of wages; or to lessen or alter the hours of working, or to decrease or alter the quantity of work, or to regulate the mode of carrying on any manufacture, trade, or business, or the management thereof; or if any person shall by violence to the person or property of another, or by threats or intimidation, or by molesting or in any way obstructing another, force or endeavour to force any manufacturer or person carrying on any trade or business, to make any alteration in his mode of regulating, managing, conducting, or carrying on such manufacture, trade, or business, or to limit the number of his apprentices, or the number or description of his journeymen, workmen, servants, every person so offending, or aiding, abetting, or assisting therein, being convicted thereof in manner hereinafter mentioned, shall be imprisoned only, or shall and may be imprisoned and kept to hard labour, for any time not exceeding three calendar months.

For analysis of this section, see Erle on Trade Unions, pp. 58-62.

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### APPENDIX C.

STATUTE 22 VICT. c. 34.

1859

An Act to amend and explain an Act of the Sixth Year of the Reign of King George the Fourth, to repeal the Laws relating to the Combination of Workmen, and to make other provisions in lieu thereof.

[*Repealed by 34 & 35 Vict. c. 32.*]

No workman or other person, whether actually in employment or not, shall by reason merely of his entering into an agreement with any workman or workmen, or other person or persons, for the purpose of fixing or endeavouring to fix the rate of wages or remuneration at which they or any of them shall work, or by reason merely of his endeavouring peaceably, and in a reasonable manner, and without threat or intimidation, direct or indirect, to persuade others to cease or abstain from work, in order to obtain the rate of wages, or the altered hours of labour so fixed or agreed upon or to be agreed upon, shall be deemed or taken to be guilty of "molestation" or "obstruction," within the meaning of the said Act [6 Geo. 4 c. 129], and shall not therefore be subject or liable

to any prosecution or indictment for conspiracy. Provided always, that nothing herein contained shall authorise any workman to break or depart from any contract or authorise any attempt to induce any workman to break or depart from any contract.

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APPENDIX D.

STATUTE 34 & 35 VICT. C. 32.

THE CRIMINAL LAW AMENDMENT ACT, 1871.

[*Repealed by the Conspiracy and Protection of Property Act, 1875.*]

1. Every person who shall do any one or more of the following acts, that is to say,

- (1) Use violence to any person or property,
- (2) Threaten or intimidate any person in such manner as would justify a justice of the peace, on complaint made to him, to bind over the person so threatening or intimidating to keep the peace,
- (3) Molest or obstruct any person in manner defined by this section, with a view to coerce such person,—
  - (1) Being a master to dismiss or cease to employ any workman, or being a workman to quit any employment or to return work before it is finished ;
  - (2) Being a master not to offer or being a workman not to accept any employment or work ;
  - (3) Being a master or workman to belong to or not to belong to any temporary or permanent association or combination ;
  - (4) Being a master or workman to pay any fine or penalty imposed by any temporary or permanent association or combination ;
  - (5) Being a master to alter the mode of carrying on his business, or the number or description of any persons employed by him,

shall be liable to imprisonment, with or without hard labour for a term not exceeding three months.

A person shall, for the purposes of this Act, be deemed to

molest or obstruct another person in any of the following cases; that is to say,

- (1) If he persistently follows such person about from place to place :
- (2) If he hide any tools, clothes, or other property owned or used by such person, or deprive him of or hinder him in the use thereof :
- (3) If he watch or beset the house or other place where such person resides or works, or carries on business, or happens to be, or the approach to such house or place, or if with two or more other persons he follows such person in a disorderly manner in or through any street or road.

\* \* \* \* \*

Provided that no person shall be liable to any punishment for doing or conspiring to do any act on the ground that such act restrains or tends to restrain the free course of trade, unless such act is one of the acts herein-before specified in this section, and is done with the object of coercing as herein-before mentioned.

## APPENDIX E.

STATUTE 34 & 35 VICT. c. 31.

THE TRADE UNION ACT, 1871.

### *Preliminary.*

1. This Act may be cited as "The Trade Union Act, 1871." Short title.

### *Criminal Provisions.*

2. The purposes of any trade union shall not, by reason Trade union merely that they are in restraint of trade, be deemed to be not criminal. unlawful, so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

3. The purposes of any trade union shall not, by reason Trade union merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust. not unlawful for civil purposes.

4. Nothing in this Act shall enable any court to entertain Trade union any legal proceedings instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements, namely, when not enforceable.

1. Any agreement between members of a trade union as such, concerning the conditions on which any members for the time being of such trade union shall or shall not sell their goods, transact business, employ, or be employed :
2. Any agreement for the payment by any person of any subscription or penalty to a trade union :
3. Any agreement for the application of the funds of a trade union,—
  - (a) To provide benefits to members ; or,
  - (b) To furnish contributions to any employer or workman not a member of such trade union, in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union ; or
  - (c) To discharge any fine imposed upon any person by sentence of a court of justice ; or,
4. Any agreement made between one trade union and another ; or,
5. Any bond to secure the performance of any of the above-mentioned agreements.

But nothing in this section shall be deemed to constitute any of the above-mentioned agreements unlawful.

Provisions of  
18 & 19 Vict.  
c. 63,  
30 & 31 Vict.  
c. 117,  
25 & 26 Vict.  
c. 89, etc.,  
not to apply  
to trade  
unions.

5. The following Acts, that is to say,
  - (1) The Friendly Societies Acts, 1855 and 1858, and the Acts amending the same ;
  - (2) The Industrial and Provident Societies Act, 1867, and any Act amending the same ; and
  - (3) The Companies Acts, 1862 and 1867,
 shall not apply to any trade union, and the registration of any trade union under any of the said Acts shall be void, and the deposit of the rules of any trade union made under the Friendly Societies Acts, 1855 and 1858, and the Acts amending the same, before the passing of this Act, shall cease to be of any effect.

#### *Registered Trade Unions.*

Registry of  
trade unions.

6. Any seven or more members of a trade union may, by subscribing their names to the rules of the union, and otherwise complying with the provisions of this Act with respect to registry, register such trade union under this Act, provided that if any one of the purposes of such trade union be unlawful such registration shall be void.

Buildings for  
trade unions

7. It shall be lawful for any trade union registered under this Act to purchase or take upon lease in the names of the

trustees for the time being of such union any land not exceeding one acre, and to sell, exchange, mortgage, or let the same, and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire whether the trustees have authority for any sale, exchange, mortgage, or letting, and the receipt of the trustees shall be a discharge for the money arising therefrom; and for the purpose of this section every branch of a trade union shall be considered a distinct union.

8. All real and personal estate whatsoever belonging to any trade union registered under this Act shall be vested in the trustees for the time being of a trade union appointed as provided by this Act for the use and benefit of such trade union and the members thereof, and the real or personal estate of any branch of a trade union shall be vested in the trustees of such branch, and be under the control of such trustees, their respective executors or administrators, according to their respective claims and interests, and upon the death or removal of any such trustees the same shall vest in the succeeding trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever, save and except in the case of stocks and securities in the public funds of Great Britain and Ireland, which shall be transferred into the names of such new trustees; and in all actions, or suits, or indictments, or summary proceedings before any court of summary jurisdiction, touching or concerning any such property, the same shall be stated to be the property of the person or persons for the time being holding the said office of trustee, in their proper names, as trustees of such trade union, without any further description.

9. The trustees of any trade union registered under this Act, or any other officer of such trade union who may be authorised so to do by the rules thereof, are hereby empowered to bring or defend, or cause to be brought or defended, any action, suit, prosecution or complaint in any court of law or equity touching or concerning the property, right, or claim to property of the trade union; and shall and may, in all cases concerning the real or personal property of such trade union, sue and be sued, plead and be impleaded, in any court of law or equity, in their proper names, without other description than the title of their office; and no such action, suit, prosecution, or complaint shall be discontinued or shall abate by the death or removal from office of such persons or any of them, but the same shall and may be proceeded in by their successor or successors as if such death, resignation, or removal had not taken place; and such successors shall pay or receive the like

may be purchased or leased.

Property of the trade unions vested in trustees.

Actions, etc., by or against trustees, etc.

costs as if the action, suit, prosecution, or complaint had been commenced in their names for the benefit of or to be reimbursed from the funds of such trade union, and the summons to be issued to such trustee or other officer may be served by leaving the same at the registered office of the trade union.

Limitation of  
responsibility  
of trustees.

**10.** A trustee of any trade union registered under this Act shall not be liable to make good any deficiency which may arise or happen in the funds of such trade union, but shall be liable only for the moneys which shall be actually received by him on account of such trade union.

Treasurers,  
etc., to  
account.

**11.** Every treasurer or other officer of a trade union registered under this Act, at such times as by the rules of such trade union he should render such account as herein-after mentioned, or upon being required so to do, shall render to the trustees of the trade union, or to the members of such trade union, at a meeting of the trade union, a just and true account of all moneys received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all bonds or securities of such trade union, which account the said trustees shall cause to be audited by some fit and proper person or persons by them to be appointed; and such treasurer, if thereunto required, upon the said account being audited, shall forthwith hand over to the said trustees the balance which on such audit appears to be due from him, and shall also, if required, hand over to such trustees all securities and effects, books, papers, and property of the said trade union in his hands or custody; and if he fail to do so the trustees of the said trade union may sue such treasurer in any competent court for the balance appearing to have been due from him upon the account last rendered by him, and for all the moneys since received by him on account of the said trade union, and for the securities and effects, books, papers, and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of the said trade union; and in such action the said trustees shall be entitled to recover their full costs of suit, to be taxed as between attorney and client.

Punishment  
for with-  
holding  
money, etc.

**12.** If any officer, member, or other person being or representing himself to be a member of a trade union registered under this Act, or the nominee, executor, administrator, or assignee of a member thereof, or any person whatsoever, by false representation or imposition obtain possession of any moneys, securities, books, papers, or other effects of such trade union, or, having the same in his possession, wilfully withhold or fraudulently misapply the same, or wilfully apply any part of the same to purposes other than those



expressed or directed in the rules of such trade union, or any part thereof, the court of summary jurisdiction for the place in which the registered office of the trade union is situate (a) upon a complaint made by any person on behalf of such trade union, or by the registrar, or in Scotland at the instance of the procurator fiscal of the court, to which such complaint is competently made, or of the trade union, with his concurrence, may, by summary order, order such officer, member, or other person to deliver up all such moneys, securities, books, papers, or other effects to the trade union, or to repay the amount of money applied improperly, and to pay, if the court think fit, a further sum of money not exceeding twenty pounds, together with costs not exceeding twenty shillings; and, in default of such delivery of effects, or repayment of such amount of money, or payment of such penalty and costs aforesaid, the said court may order the said person so convicted to be imprisoned, with or without hard labour, for any time not exceeding three months: Provided, that nothing herein contained shall prevent the said trade union, or in Scotland Her Majesty's Advocate, from proceeding by indictment against the said party; provided also, that no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the same offence under the provisions of this Act.

#### *Registry of Trade Union.*

**13.** With respect to the registry, under this Act, of a trade Regulations union, and of the rules thereof, the following provisions shall for registry. have effect:—

- (1) An application to register the trade union and printed copies of the rules, together with a list of the titles and names of the officers, shall be sent to the registrar under this Act:
- (2) The registrar, upon being satisfied that the trade union has complied with the regulations respecting registry in force under this Act, shall register such trade union and such rules:
- (3) No trade union shall be registered under a name identical with that by which any other existing trade union has been registered, or so nearly resembling such name as to be likely to deceive the members or the public:
- (4) Where a trade union applying to be registered has been in operation for more than a year before the

(a) See section 5 of the Act of 1876 for amendment of this part of the section.

date of such application, there shall be delivered to the registrar before the registry thereof a general statement of the receipts, funds, effects, and expenditure of such trade union in the same form, and showing the same particulars, as if it were the annual general statement required as hereinafter mentioned to be transmitted annually to the registrar:

(5) The registrar upon registering such trade union shall issue a certificate of registry, which certificate, unless proved to have been withdrawn or cancelled, shall be conclusive evidence that the regulations of this Act with respect to registry have been complied with:

(6) One of Her Majesty's Principal Secretaries of State may from time to time make regulations respecting registry under this Act, and respecting the seal (if any) to be used for the purpose of such registry, and the forms to be used for such registry, and the inspection of documents kept by the registrar under this Act, and respecting the fees, if any, to be paid on registry, not exceeding the fees specified in the second schedule to this Act, and generally for carrying this Act into effect.

Rules of  
registered  
trade unions.

14. With respect to the rules of a trade union registered under this Act, the following provisions shall have effect:

(1) The rules of every such trade union shall contain provisions in respect of the several matters mentioned in the first schedule to this Act:

(2) A copy of the rules shall be delivered by the trade union to every person on demand on payment of a sum not exceeding one shilling.

Registered  
office of trade  
unions.

15. Every trade union registered under this Act shall have a registered office to which all communications and notices may be addressed; if any trade union under this Act is in operation for seven days without having such an office, such trade union and every officer thereof shall each incur a penalty not exceeding five pounds for every day during which it is so in operation.

Notice of the situation of such registered office, and of any change therein, shall be given to the registrar and recorded by him; until such notice is given the trade union shall not be deemed to have complied with the provisions of this Act.

Annual  
returns to be  
prepared as  
registrar may  
direct.

16. A general statement of the receipts, funds, effects, and expenditure of every trade union registered under this Act shall be transmitted to the registrar before the first day of June in every year, and shall show fully the assets and liabilities at the date, and the receipts and expenditure during the year preceding the date to which it is made out, of the trade union;

and shall show separately the expenditure in respect of the several objects of the trade union, and shall be prepared and made out up to such date, in such form, and shall comprise such particulars, as the registrar may from time to time require; and every member of, and depositor in, any such trade union shall be entitled to receive, on application to the treasurer or secretary of that trade union, a copy of such general statement, without making any payment for the same.

Together with such general statement there shall be sent to the registrar a copy of all alterations of rules and new rules and changes of officers made by the trade union during the year preceding the date up to which the general statement is made out, and a copy of the rules of the trade union as they exist at that date.

Every trade union which fails to comply with or acts in contravention of this section, and also every officer of the trade union so failing, shall each be liable to a penalty not exceeding five pounds for each offence.

Every person who wilfully makes or orders to be made any false entry in or any omission from any such general statement, or in or from the return of such copies of rules or alterations of rules, shall be liable to a penalty not exceeding fifty pounds for each offence.

17. The registrars of the friendly societies in England, Scotland, and Ireland shall be the registrars under this Act. Registrars.

The registrar shall lay before Parliament annual reports with respect to the matters transacted by such registrars in pursuance of this Act.

18. If any person with intent to mislead or defraud gives to any member of a trade union registered under this Act, or to any person intending or applying to become a member of such trade union, a copy of any rules or of any alterations or amendments of the same other than those respectively which exist for the time being on the pretence that the same are the existing rules of such trade union, or that there are no other rules of such trade union, or if any person with the intent aforesaid gives a copy of any rules to any person on the pretence that such rules are the rules of a trade union registered under this Act which is not so registered, every person so offending shall be deemed guilty of a misdemeanor. Circulating false copies of rules, etc., a misdemeanor.

#### *Legal Proceedings.*

19. In England and Ireland all offences and penalties under this Act may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts. Summary proceedings for offences, penalties, etc.

In England and Ireland summary orders under this Act may be made and enforced on complaint before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

Provided as follows :

1. The " Court of Summary Jurisdiction," when hearing and determining an information or complaint, shall be constituted in some one of the following manners ; that is to say,

(A) In England,

- (1) In any place within the jurisdiction of a metropolitan police magistrate or other stipendiary magistrate, of such magistrate or his substitute :
- (2) In the city of London, of the Lord Mayor or any alderman of the said city :
- (3) In any other place, of two or more justices of the peace sitting in petty sessions.

(B) In Ireland,

- (1) In the police district of Dublin metropolis, of a divisional justice :
- (2) In any other place, of a resident magistrate.

In Scotland all offences and penalties under this Act shall be prosecuted and recovered by the procurator fiscal of the county in the Sheriff Court under the provisions of the Summary Procedure Act, 1864.

In Scotland summary orders under this Act may be made and enforced on complaint in the Sheriff Court.

All the jurisdictions, powers, and authorities necessary for giving effect to these provisions relating to Scotland are hereby conferred on the sheriffs and their substitutes.

Provided that in England, Scotland, and Ireland—

2. The description of any offence under this Act in the words of such Act shall be sufficient in law.

3. Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor.

20. In England or Ireland, if any party feels aggrieved by any order or conviction made by a court of summary jurisdiction on determining any complaint or information under this Act, the party so aggrieved may appeal therefrom, subject to the conditions and regulations following :

- (1) The appeal shall be made to some court of general or quarter sessions for the county or place in which

the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision of the court from which the appeal is made :

- (2) The appellant shall, within seven days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof :
- (3) The appellant shall immediately after such notice enter into a recognisance before a justice of the peace in the sum of ten pounds, with two sufficient sureties in the sum of ten pounds, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court :
- (4) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognisance as aforesaid, release him from custody :
- (5) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just, and if the matter be remitted to the court of summary jurisdiction the said last-mentioned court shall thereupon re-hear and decide the information or complaint in accordance with the opinion of the said court of appeal. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

**21.** In Scotland it shall be competent to any person to appeal against any order or conviction under this Act to the High Court of Justiciary, in the manner prescribed by and under the rules, limitations, conditions, and restrictions contained in the Act passed in the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, in regard to appeals to Circuit Courts in matters criminal, as the same may be altered or amended by any Acts of Parliament for the time being in force.

Appeal in  
Scotland as  
prescribed by  
20 Geo. 2,  
c. 43.

All penalties imposed under the provisions of this Act in Scotland may be enforced in default of payment by imprisonment for a term to be specified in the summons or complaint, but not exceeding three calendar months.

All penalties imposed and recovered under the provisions of

this Act in Scotland shall be paid to the sheriff clerk, and shall be accounted for and paid by him to the Queen's and Lord Treasurer's Remembrancer on behalf of the Crown.

Interested person not to act as a member of a court of appeal.

22. A person who is a master, or father, son, or brother of a master, in the particular manufacture, trade, or business in or in connexion with which any offence under this Act is charged to have been committed shall not act as or as a member of a court of summary jurisdiction or appeal for the purposes of this Act.

### *Definitions.*

Definitions.

As to the term "Summary Jurisdiction Acts:"

23. In this Act—

The term "Summary Jurisdiction Acts" means as follows:

As to England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same:

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland, "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same.

In Scotland the term "misdemeanor" means a crime and offence.

As to "trade union."

Definition of "trade union" amended by section 16, Trade Union Act, 1876.

The term "trade union" means such combination, whether temporary or permanent, for regulating the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business as would, if this Act had not passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade: Provided that this Act shall not affect—

1. Any agreement between partners as to their own business;
2. Any agreement between an employer and those employed by him as to such employment;
3. Any agreement in consideration of the sale of the good-will of a business or of instruction in any profession, trade, or handicraft.

24. Repealed by Statute Law Revision Act, 1883.

## SCHEDULES.

## FIRST SCHEDULE.

*Of Matters to be provided for by the Rules of Trade Unions Registered under this Act.*

1. The name of the trade union and place of meeting for the business of the trade union. See 18 & 19  
Vict. c. 63,  
s. 25.
2. The whole of the objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, and the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member of such trade union.
3. The manner of making, altering, amending, and rescinding rules.
4. A provision for the appointment and removal of a general committee of management, of a trustee or trustees, treasurer, and other officers.
5. A provision for the investment of the funds, and for an annual or periodical audit of accounts.
6. The inspection of the books and names of members of the trade union by every person having an interest in the funds of the trade union.

## SECOND SCHEDULE.

*Maximum Fees.*

	£	s.	d.
For registering trade union . . .	1	0	0
For registering alterations in rules . . .	0	10	0
For inspection of documents . . .	0	2	6

## APPENDIX F.

STATUTE 39 & 40 VICT. c. 22.

THE TRADE UNION ACT (1871) AMENDMENT ACT, 1876.

## ARRANGEMENT OF CLAUSES.

Clause.

1. Construction and short title.
2. Trade unions to be within s. 28 of Friendly Societies Act, 1875.
3. Amendment of s. 8 of principal Act.
4. Provision in case of absence, etc., of trustee.

T.U.

P

## Clause.

5. Jurisdiction in offences.
6. Registry of unions doing business in more than one country.
7. Life Assurance Companies Acts not to apply to registered unions.
8. Withdrawal or cancelling of certificate.
9. Membership of minors.
10. Nomination.
11. Change of name.
12. Amalgamation.
13. Registration of changes of names and amalgamations.
14. Dissolution.
15. Penalty for failure to give notice.
16. Definition of "trade union" altered.

Construction and short title.

1. This Act and the Trade Union Act, 1871, herein-after termed the principal Act, shall be construed as one Act, and may be cited together as the "Trade Union Acts, 1871 and 1876," and this Act may be cited separately as the "Trade Union Act Amendment Act, 1876."

Trade unions to be within section 28 of Friendly Societies Act, 1875.

2. Notwithstanding anything in section five of the principal Act contained, a trade union, whether registered or unregistered, which insures or pays money on the death of a child under ten years of age shall be deemed to be within the provisions of section twenty-eight of the Friendly Societies Act, 1875.

Amendment of section 8 of principal Act.

3. Whereas by section eight of the principal Act it is enacted that "the real or personal estate of any branch of a trade union shall be vested in the trustees of such branch:" The said section shall be read and construed as if immediately after the herein-before recited words there were inserted the words "or of the trustees of the trade union, if the rules of the trade union so provide."

Provision in case of absence, etc., of trustee.

4. When any person, being or having been a trustee of a trade union or of any branch of a trade union, and whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such union or branch transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others, or solely, is absent from Great Britain or Ireland respectively, or becomes bankrupt, or files any petition, or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the registrar, on application in writing from the secretary and three members of the union or branch, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons



as trustees for the union or branch ; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the registrar so direct, then by the Accountant-General or Deputy or Assistant Accountant-General of the Bank of England or Bank of Ireland, as the case may be ; and the Governors and Companies of the Bank of England and Bank of Ireland respectively are hereby indemnified for anything done by them or any of their officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

5. The jurisdiction conferred in the case of certain offences Jurisdiction by section twelve of the principal Act upon the court of summary jurisdiction for the place in which the registered office of a trade union is situate may be exercised either by that court or by the court of summary jurisdiction for the place where the offence has been committed.

6. Trade unions carrying or intending to carry on business in more than one country shall be registered in the country in which their registered office is situate ; but copies of the rules of such unions, and of all amendments of the same, shall, when registered, be sent to the registrar of each of the other countries, to be recorded by him, and until such rules be so recorded the union shall not be entitled to any of the privileges of this Act or the principal Act, in the country in which such rules have not been recorded, and until such amendments of rules be recorded the same shall not take effect in such country.

In this section "country" means England, Scotland, or Ireland.

7. Whereas by the "Life Assurance Companies Act, 1870," it is provided that the said Act shall not apply to societies registered under the Acts relating to Friendly Societies : The said Act (or the amending Acts) shall not apply nor be deemed to have applied to trade unions registered or to be registered under the principal Act.

8. No certificate of registration of a trade union shall be withdrawn or cancelled otherwise than by the chief registrar of Friendly Societies, or in the case of trade unions registered and doing business exclusively in Scotland or Ireland, by the assistant registrar for Scotland or Ireland, and in the following cases :

- (1) At the request of the trade union to be evidenced in such manner as such chief or assistant registrar shall from time to time direct :
- (2) On proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake,

or that the registration of the trade union has become void under section six of the Trade Union Act, 1871, or that such trade union has wilfully and after notice from a registrar whom it may concern, violated any of the provisions of the Trade Union Acts, or has ceased to exist.

Not less than two months previous notice in writing, specifying briefly the ground of any proposed withdrawal or cancelling of certificate (unless where the same is shown to have become void as aforesaid, in which case it shall be the duty of the chief or assistant registrar to cancel the same forthwith) shall be given by the chief or assistant registrar to a trade union before the certificate of registration of the same can be withdrawn or cancelled (except at its request).

A trade union whose certificate of registration has been withdrawn or cancelled shall, from the time of such withdrawal or cancelling, absolutely cease to enjoy as such the privileges of a registered trade union, but without prejudice to any liability actually incurred by such trade union, which may be enforced against the same as if such withdrawal or cancelling had not taken place.

Membership  
of minors.

9. A person under the age of twenty-one, but above the age of sixteen, may be a member of a trade union, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the trade union, enjoy all the rights of a member except as herein provided, and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee, or treasurer of the trade union.

Nomination.

10. A member of a trade union not being under the age of sixteen years may, by writing under his hand, delivered at or sent to, the registered office of the trade union, nominate any person not being an officer or servant of the trade union (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator), to whom any moneys payable on the death of such member not exceeding one hundred pounds<sup>(a)</sup> shall be paid at his decease, and may from time to time revoke or vary such nomination by writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the trade union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid.

<sup>(a)</sup> Originally fifty pounds; one hundred has been substituted by section 3 of the Provident Nominations and Small Intestacies Act, 1883.

**11.** A trade union may, with the approval in writing of the chief registrar of Friendly Societies, or in the case of trade unions registered and doing business exclusively in Scotland or Ireland, of the assistant registrar for Scotland or Ireland respectively, change its name by the consent of not less than two-thirds of the total number of members.

No change of name shall affect any right or obligation of the trade union or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the trade union or any other officer who may sue or be sued on behalf of such trade union notwithstanding its new name.

**12.** Any two or more trade unions may, by the consent of not less than two-thirds of the members of each or every such trade union, become amalgamated together as one trade union, with or without any dissolution or division of the funds of such trade unions, or either or any of them; but no amalgamation shall prejudice any right of a creditor of either or any union party thereto.

**13.** Notice in writing of every change of name or amalgamation signed, in the case of a change of name, by seven members, and countersigned by the secretary of the trade union changing its name, and accompanied by a statutory declaration by such secretary that the provisions of this Act in respect of changes of name have been complied with, and in the case of an amalgamation signed by seven members, and countersigned by the secretary of each or every union party thereto, and accompanied by a statutory declaration by each or every such secretary that the provisions of this Act in respect of amalgamations have been complied with, shall be sent to the central office established by the Friendly Societies Act, 1875, and registered there, and until such change of name or amalgamation is so registered the same shall not take effect.

**14.** The rules of every trade union shall provide for the manner of dissolving the same, and notice of every dissolution of a trade union under the hand of the secretary and seven members of the same, shall be sent within fourteen days thereafter to the central office herein-before mentioned, or, in the case of trade unions registered and doing business exclusively in Scotland or Ireland, to the assistant registrar for Scotland or Ireland respectively, and shall be registered by them: Provided that the rules of any trade union registered before the passing of this Act shall not be invalidated by the absence of a provision for dissolution.

**15.** A trade union which fails to give any notice or send any document which it is required by this Act to give or send,

Change of name.

Amalgamation.

Registration of changes of names and amalgamations.

Dissolution.

Penalty for failure to give notice.

and every officer or other person bound by the rules thereof to give or send the same, or if there be no such officer, then every member of the committee of management of the union, unless proved to have been ignorant of, or to have attempted to prevent the omission to give or send the same, is liable to a penalty of not less than one pound and not more than five pounds, recoverable at the suit of the chief or any assistant registrar of Friendly Societies, or of any person aggrieved, and to an additional penalty of the like amount for each week during which the omission continues.

Definition  
of "trade  
union"  
altered.

16. [First paragraph repealed by the Statute Law Revision Act, 1883.]

The term "trade union" means any combination, whether temporary or permanent, for regulating the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business, whether such combination would or would not, if the principal Act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade.

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## APPENDIX G.

### REGULATION AS TO REGISTRATION OF TRADE UNIONS, REVISED TO DECEMBER 31, 1903.

REGULATIONS DATED NOVEMBER 1, 1876, MADE BY THE SECRETARY OF STATE AS TO THE REGISTRATION OF TRADE UNIONS AS AMENDED BY REGULATIONS MADE BY THE SECRETARY OF STATE, APRIL 29, 1890, AND BY THE SECRETARY FOR SCOTLAND, MAY 8, 1890 (a).

TRADE UNION ACTS, 1871 (b) & 1876 (c).

In pursuance of the powers vested in me by the above-mentioned statutes, I, the Right Honourable Richard Assheton Cross, one of

(a) The amending Regulations which were made under the Acts of 1871 and 1876 and the Secretary for Scotland Act, 1887, are printed at length in Statutory Rules and Orders, 1890, p. 1015.

(b) 34 & 35 Vict. c. 31.

(c) 39 & 40 Vict. c. 22.

Her Majesty's Principal Secretaries of State, hereby revoke the regulations made by the Right Honourable H. A. Bruce on the 8th December, 1871, and the Right Honourable R. Lowe on the 18th August, 1873, and make the following Regulations in lieu thereof :—

(1) In the following Regulations and Forms the terms "chief registrar" and "assistant registrar" mean respectively the chief registrar and assistant registrar of Friendly Societies, and the term "central office" means the central office established under the Friendly Societies Act, 1875.

(2) The registrar shall not register a trade union under a name identical with that of any other existing trade union known to him, whether registered or not registered, or so nearly resembling such name as to be likely to deceive the members or the public.

(3) Upon an application for the registration of a trade union which is already in operation, the registrar, if he has reason to believe that the applicants have not been duly authorised by such trade union to make the same, may, for the purpose of ascertaining the fact, require from the applicants such evidence as may seem to him necessary.

(4) Application for registry of a trade union shall be made in Form A subjoined to these regulations, and shall be accompanied by two printed copies of the rules, marked and signed, as mentioned in the said form.

(5) The certificate of registry of a trade union shall be in Form B subjoined to these Regulations.

(6) An alteration of the rules of a trade union may be either—

- (a) A partial alteration, consisting of the addition of a new rule or part of a rule or rules to the existing rules, or of the substitution of a new rule or part of a rule or rules for any of the existing rules, or of a rescission of any of the existing rules or any part thereof without any substitution or of more than one or all of those modes; or,
- (b) A complete alteration consisting of the substitution of an entire set of rules for the existing set of rules.

(7) An application for the registration of a partial alteration of rules must be made by seven members of the trade union, and must be made in the Form C annexed hereto, and must be accompanied by a statutory declaration in Form D hereto annexed, and by a printed copy of the existing rules, and by the following documents :—

- (a) If the partial alteration consists of the addition or substitution of a new rule or part of a rule or rules, two copies of such rule or part of a rule or rules, each copy being marked O and signed by each of the applicants.
- (b) If the partial alteration consists of the rescission of any of the rules without any substitution, two copies of the resolution for such rescission, each copy being marked O and signed by each of the applicants.

The registrar, before registering the partial alteration of rules, shall ascertain that the rules of the trade union, if altered in accordance with the proposed partial alteration, will provide for all the matters required by the above-mentioned Acts to be provided for by the rules of a registered trade union.

(8) The certificate of registry of a partial alteration shall be in Form E annexed hereto, and shall be delivered to the applicants, attached to one of the copies of the new rule or rules, or, when the alteration consists of rescission merely, attached to the old set of rules.

(9) An application for the registration of a complete alteration of rules shall be made by seven members of the trade union, and shall be in Form F annexed hereto, and must be accompanied by a statutory declaration in Form D annexed hereto, and by a printed copy of the existing rules and by two printed copies of the new rules, each copy being marked P and signed by each of the applicants; and the registrar before registering the new set of rules shall ascertain that it provides for all matters which, by the above-mentioned Acts, are to be provided for by the rules of a registered trade union.

(10) The certificate of registry of a complete alteration of rules shall be in Form G annexed hereto, and shall be delivered to the applicants attached to one of the copies of the new set of rules.

*Recording of Rules already Registered.*

(11) An application to record in one country rules or amendments of rules registered in another shall be made by the secretary or other officer of the trade union in Form H or I hereto annexed, and shall be accompanied by a copy of such rules or amendments duly authenticated.

*Withdrawal or Cancelling of Certificate of Registration.*

(12) Every request by a trade union for withdrawal or cancelling of its certificate of registration shall be sent to the chief registrar or assistant registrar for Scotland or for Ireland, as the case may require, in Form J annexed hereto.

(13) Notice before withdrawal or cancelling of certificate, where required, shall be in Form K annexed hereto.

(14) The withdrawal or cancelling of certificate shall be in Form L annexed hereto.

*Registered Office.*

(15) Notice of the situation of the registered office of a trade union, and of any change therein, shall be given to the registrar in Form M annexed hereto.

(15A) The removal of the registered office of a trade union from one country within the meaning of section 6 of the Trade Union Act Amendment Act, 1876, to another shall not render it necessary to re-register the trade union in the country in which its new registered office is situate.

(15B) All matters requiring registry shall be registered in and returns and notices sent to the registrar of the country in which the registered office of a trade union is for the time being situate; copies of matters requiring registry being forwarded for recording to the

registrar of each of the other countries in which it is carrying or intending to carry on business.

*Change of Name.*

(16) The application for approval, and notice of change of name of a trade union shall be in Form N annexed hereto, and shall be sent in duplicate, accompanied by a statutory declaration in Form O annexed hereto, to the chief registrar, or, in the case of trade unions registered and doing business exclusively in Scotland or Ireland, to the assistant registrar for Scotland or Ireland, as the case may require. The chief or assistant registrar, before approving the change of name, shall ascertain that the new name is not identical with that of any existing trade union known to him, or so nearly resembling the same as to be calculated to deceive; and if the change of name be approved, the word "approved" shall be written at the foot or end of each copy of the application, and the same shall be signed by the chief registrar or by such assistant registrar as the case may require, and shall be transmitted by him to the central office for registry.

*Transfer of Stock.*

(17) Every application to the registrar to direct a transfer of stock shall follow, as near as may be, Form P annexed hereto, and shall be accompanied by a statutory declaration in Form Q annexed hereto, or as near thereto as the fact admit, and by the certificate of the stock in respect of which the application is made.

(18) Before making the application, the trade union shall submit to the registrar for examination a draft copy, on foolscap paper, written on one side only of the proposed application and declaration.

(19) The registrar, before directing the transfer, may require further proof of any statement in the application.

(20) The registrar shall give a direction in Form R annexed hereto, so framed in each case as to suit the particular circumstances, and shall register the same and deliver the same to the applicants endorsed with the word "registered," and duly authenticated.

*Dissolution.*

(21) When a trade union is dissolved, notice of the dissolution shall be given to the central office, or in the case of trade unions registered and doing business exclusively in Scotland or Ireland, to the assistant registrar for Scotland or Ireland, as the case may require, in duplicate in Form S annexed hereto, and the central office or assistant registrar shall return one copy to the trade union, endorsed with the word "registered," and duly authenticated.

## APPENDIX G.

*Amalgamation.*

(22) Where two or more trade unions become amalgamated together, notice shall be given to the central office in duplicate in Form T annexed hereto, accompanied by statutory declarations from each such trade union in Form U annexed hereto, and the central office shall return to the amalgamated trade union one copy of the notice, endorsed with the word "registered," and duly authenticated.

*Nominations.*

(23) Every registered trade union shall keep a record or register of all nominations made by the members, and of all revocations and variations of the same, and for the recording or registering of every such nomination, revocation, or variation the rules of the trade union may require the member nominating to pay a sum not exceeding threepence.

*Fees.*

(24) The following fees shall be payable under the Acts:—

	£	s.	d.
For the certificate of registry of a trade union . . .	1	0	0
For the certificate of registry of an alteration of rules . . .	0	10	0
For the certificate of registry of a change of name . . .	0	10	0
For a direction to transfer stock . . . . .	1	0	0
For registry of notice of a dissolution . . . . .	0	2	6
For registry of amalgamation . . . . .	0	10	0
For every document required to be authenticated by the registrar, not chargeable with any other fee . . .	0	2	6
For every inspection on the same day of documents (whether one or more), in the custody of the registrar, relating to one and the same trade union . . . . .	0	1	0
For every copy or extract of any document in the custody of the registrar, not exceeding 216 words 1s., and if exceeding that number 4d. per folio of 72 words, in addition to the fee for authentication.			

No fee is payable for the recording of rules or documents already registered in another country, or for the registry or recording of—

The cancelling or withdrawal of certificate of registry.

Any notice of change of office.

Any document or copy of document supplied to a public department.

Any document in respect of which a fee is already chargeable under or by virtue of the Act and of any other statute.

The chief registrar may also dispense with the fee for inspection of documents in cases where he may consider it for the public interest to do so.



*Authentication of Documents by Registrar.*

(25) Every document under the Trade Union Acts, 1871 (*d*) and 1876 (*e*), bearing the seal of the central office, or the signature of the chief registrar or the assistant registrar for Scotland or Ireland, as the case may require, shall be deemed to be duly authenticated for the purposes of the said Acts and the regulations made thereunder.

*Rich. Assheton Cross.*

Whitehall,  
1st November, 1876.

## APPENDIX H.

## FORMS ORDERED TO BE USED IN REGISTRATION, ETC., OF TRADE UNIONS UNDER THE TRADE UNION ACTS, 1871 AND 1876.

For societies registered in Scotland the address "43, New Register House, Edinburgh," and in Ireland "9, Upper Ormond Quay, Dublin," will be substituted in the following forms for "28, Abingdon Street, Westminster."

## FORM A.—Reg. 4.

Trade Union Acts, 1871 and 1876, 34 & 35 Vict. c. 31, and 39 & 40 Vict. c. 22.

*Application for Registry of Trade Union.*

1. This application is made by the seven persons whose names are subscribed at the foot hereof.

2. The name under which it is proposed that the trade union on behalf of which this application is made shall be registered is \_\_\_\_\_, as set forth in Rule No. \_\_\_\_\_.

To the best of our belief there is no other existing trade union, whether registered or not registered, the name of which is identical with the proposed name or so nearly resembles the same as to cause confusion.

3. The place of meeting for the business of the \* \_\_\_\_\_, and \* Name of the office to which all communications and notices may be ad- trade union. dressed, is at \_\_\_\_\_, as set forth in Rule No. \_\_\_\_\_.

4. The \* \_\_\_\_\_ was established on the \_\_\_\_\_ day of \_\_\_\_\_ . \* Name of trade union.

5. The whole of the objects for which the \* \_\_\_\_\_ is established and the purposes for which the funds thereof are applicable are set \* Name of trade union. forth in Rule No. \_\_\_\_\_.

(d) 34 & 35 Vict. c. 31.

(e) 39 & 40 Vict. c. 22.

6. The conditions under which members may become entitled to benefits assured are set forth in Rule No.

7. The fines and forfeitures to be imposed on members are set forth in Rule No.

8. The manner of making, altering, amending, and rescinding rules is set forth in Rule No.

9. The provision for the appointment and removal of a general committee of management, of trustees or trustees, treasurer, and other officers, is set forth in Rule No.

10. The provision for the investment of funds and for the periodical audit of accounts is set forth in Rule No.

11. The provision for the inspection of the books and names of the members by every person having an interest in the funds is set forth in Rule No.

12. The provision for the manner of dissolving the trade union is set forth in Rule No.

\* This will only be necessary in cases where the trade union has been in operation more than a year previous to the date of the application.

13. Accompanying this application are sent—

1. Two printed copies, each marked A, of the rules.

2. A list, marked B, of the titles and names of the officers.

3. A general statement, marked C,\* showing—

(a) The assets and liabilities of the † at the date up to which the statement is made out.

(b) The receipts and expenditure of † during the year preceding the date ‡ up to which the statement is made out, such expenditure being set forth under separate heads corresponding to the several objects of the trade union.

† Name of trade union.

14. § We have been duly authorised by the trade union to make this application on its behalf, such authorisation consisting of

‡ This date will be fixed by the registrar.

§ This will only be necessary where the trade union has been in operation before the date of the application.

(Signed) 1.  
2.  
3.  
4.  
5.  
6.  
7.

day of 19

In paragraph 14 must be stated whether the authority to make this application was given by a "resolution of a general meeting of the trade union," or, if not, in what other way it was given.

The two copies of rules must be signed by the seven members signing this application.

The application should be *dated*, and forwarded to "The Registrar of Friendly Societies, 28, Abingdon Street, Westminster, S.W."

FORM B.—Reg. 5.

Trade Union Acts, 1871 and 1876.

*Certificate of Registry of Trade Union.*

It is hereby certified that the . . . has been registered under

the Trade Union Acts, 1871 and 1876, this            day of  
19 .

[Seal of Central Office, or signature of Assistant  
Registrar for Scotland or Ireland.]

## FORM C.—Reg. 7.

Trade Union Acts, 1871 and 1876.

*Application for Registry of partial Alteration of Rules.*

Trade Union.            Register No.

1. This application for the registry of a partial alteration of the rules of the            trade union, is made by the seven persons whose names are subscribed at the foot hereof.

With this application are sent—

- (a) A printed copy of the registered rules marked to show where and in what way they are altered :
- (b) Two printed [or written] copies of the alteration, each marked O, signed by each of the applicants :
- (c) A statutory declaration of an officer of this trade union, that in making the alteration of rules now submitted for registry the rules of the            Trade Union were duly complied with.

2. We have been duly authorised by the            Trade Union to make this application on its behalf, such authorisation consisting of a resolution passed at a general meeting on the \*            day of            19 .

(Signed) 1.  
2.  
3.  
4.  
5.  
6.  
7.

\* Here insert the date, or if there was no such resolution, state in what other way the authorisation was given.

†            day of            19 .

† Here insert the date.

To the Registrar of Friendly Societies,  
Abingdon Street, Westminster.

## FORM D.—Reg. 7, 9.

Trade Union Acts, 1871 and 1876.

*Declaration accompanying Alteration of Rules.*

Trade Union.            Register No.

I            of            , an officer of the above-named trade union, do solemnly and sincerely declare that in making the alteration of the rules of the trade union, the application for the registry of which is appended to this declaration, the rules of the said trade union have been duly complied with.

And I make this solemn declaration, conscientiously believing the

same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, one of  
 His Majesty's justices of the peace  
 for the county of \_\_\_\_\_ at  
 \_\_\_\_\_, in the said county, this  
 day of \_\_\_\_\_ 19 .

FORM E.—Reg. 8.

Trade Union Acts, 1871 and 1876.

*Certificate of Registry of Partial Alteration of Rules.*

Trade Union. Register No.

It is hereby certified that the foregoing partial alteration has been registered under the above-mentioned Acts this \_\_\_\_\_ day of 19 .

[Seal of Central Office, or signature of Assistant Registrar for Scotland or Ireland.]

FORM F.—Reg. 9.

Trade Union Acts, 1871 and 1876.

*Form of Application for Registry of Complete Alteration of Rules.*

Trade Union. Register No.

1. This application for the registry of a complete alteration of the registered rules of the \_\_\_\_\_ Trade Union is made by the seven persons whose names are subscribed at the foot hereof.

2. The complete alteration submitted for registry is the substitution of the set of rules, two printed copies of which (each copy marked P, and signed by the applicants) accompany this application, for the set of rules already registered.

3. The name under which it is proposed that the trade union on behalf of which this application is made shall be registered is as set forth in Rule No. \_\_\_\_\_.

To the best of our belief there is no other existing trade union, whether registered or not registered, the name of which is identical with the proposed name, or so nearly resembles the same as to cause confusion.

\* Name of trade union. 4. The place of meeting for the business of the \_\_\_\_\_, and the office to which all communications and notices may be addressed, is at \_\_\_\_\_, as set forth in Rule No. \_\_\_\_\_.

\* Name of trade union. 5. The \_\_\_\_\_ was established on the \_\_\_\_\_ day of \_\_\_\_\_.

\* Name of trade union. 6. The whole of the objects for which the \_\_\_\_\_ is established, and the purposes for which the funds thereof are applicable, are set forth in Rule No. \_\_\_\_\_.

7. The conditions under which members may become entitled to benefits assured are set forth in Rule No. \_\_\_\_\_.

8. The fines and forfeitures to be imposed on members are set forth in Rule No. .

9. The manner of making, altering, amending, and rescinding rules is set forth in Rule No. .

10. The provision for the appointment and removal of a general committee of management, of trustee or trustees, treasurer, and other officers, is set forth in Rule No. .

11. The provision for the investment of funds and for the periodical audit of accounts is set forth in Rule No. .

12. The provision for the inspection of the books and names of the members by every person having an interest in the funds is set forth in Rule No. .

13. The provision for the manner of dissolving the trade union is set forth in Rule No. .

14. This application is accompanied by a statutory declaration of . . . , an officer of the said trade union, to the effect that in making the alteration of rules now submitted for registry the rules of the trade union were duly complied with.

15. We have been duly authorised by the Trade Union to make this application on its behalf, such authorisation consisting of a resolution passed at a general meeting held on the \* day of . . .

(Signed) 1.  
2.  
3.  
4.  
5.  
6.  
7.

\* Here insert the date, or, if there was no such resolution, state in what other way authorisation was given.

day of 19 .

The Registrar of Friendly Societies,  
28, Abingdon Street,  
Westminster, S.W.

FORM G.—Reg. 10.

Trade Union Acts, 1871 and 1876.

*Certificate of Registry of Complete Alteration of Rules.*

Trade Union. Register No.

It is hereby certified that the set of rules, copy whereof is appended hereto, has been registered under the above-mentioned Acts in substitution for the set of rules already registered for the Trade Union this day of 19 .

[Seal of Central Office or signature of Assistant Registrar for Scotland or Ireland.]

## APPENDIX H.

## FORM H.—Reg. 11.

Trade Union Acts, 1871 and 1876.

*Application to record Rules registered in another country.*

Trade Union.

Register No. . [Add England, Scotland, or Ireland as  
the case may be].

To the Registrar of Friendly Societies.

Application to record the rules of the Trade Union is  
made by the secretary of the same.

1. The trade union carries [or intends to carry] on business in  
[Scotland, Ireland, or England, as the case may be] as well as in  
England, Scotland, or Ireland where the same is registered.

2. With this application are sent two printed [or written] copies  
of the rules of the trade union, one of such copies being under the  
seal of the central office [or under the signature of the Assistant  
Registrar for Scotland or Ireland].

(Signed)

Secretary.

Registered Office  
Date day of

## FORM L.—Reg. 11.

Trade Union Acts, 1871 and 1876.

*Application to record Amendments of Rules already recorded.*

Trade Union.

Register No. [Add England, Scotland, or Ireland, as the  
case may be.]

Recorded in [Scotland, Ireland, or England, as the case  
may be] No.

To the Registrar of Friendly Societies.

Application to record an amendment of the rules of the  
Trade Union is made by the secretary of the same.

1. The trade union carries on business in [Scotland, Ireland, or  
England, as the case may be] as well as in [England, Scotland, or  
Ireland] where the same is registered.

2. The rules of the trade union have been already recorded in  
[Scotland, Ireland, or England, as the case may be].

3. With this application are sent two printed [or written] copies of  
an amendment of such rules lately registered, one of such copies  
being under the seal of the central office [or under the signature of  
the Assistant Registrar for Scotland or Ireland].

(Signed)

Secretary.

Registered Office  
Date day of

FORM J.—Reg. 12.

Trade Union Acts, 1871 and 1876.

*Request to withdraw or cancel Certificate of Registry.*

Trade Union.

Register No. [If the trade union is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]

To the Chief Registrar [or in the case of a trade union registered and doing business in Scotland or Ireland exclusively, to the Assistant Registrar for Scotland or Ireland, as the case may be].

1. The above-mentioned trade union desires that its certificate of registry under the Trade Union Acts may be withdrawn [or cancelled] on the following ground, viz., [state reason for desiring withdrawal or cancelling of certificate of registry] and at a general meeting \* duly held on the day of 19 , it was resolved as a general meeting, \* If not at a general meeting, state in what manner the request has been determined upon.

follows :—  
“ That the trustees be authorised to request the Chief (or Assistant) Registrar to withdraw [or cancel] the certificate of registry of this trade union.”

2. This request is made by the trustees accordingly.

} Trustees.

Registered Office  
Date day of 19 .

FORM K.—Reg. 13.

Trade Union Acts, 1871 and 1876.

*Notice before withdrawal or cancelling of Certificate of Registry.*

Trade Union.

Register No. [If the trade union is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]

Notice is hereby given to the above-mentioned trade union that it is the intention of the Chief Registrar [or Assistant Registrar for Scotland or Ireland, as the case may be] to proceed on the \* day of 19 , to cancel [or to withdraw] the registry of the trade union, unless cause be shown to the contrary in the meantime. \* This will be not less than two months after the date of the notice.

The ground of such proposed cancelling [or withdrawal] is that the certificate of registry has been obtained by fraud [or mistake], or that the registry of the trade union has become void under s. 6 of the Trade Union Act, 1871, or that the trade union has wilfully and after notice from me violated the provisions of the above-mentioned Acts or has ceased to exist. [The facts should be briefly specified where practicable.]

(Signature)

Chief Registrar [or Assistant Registrar for Scotland or Ireland].

Date day of 19 .

T.U.

Q

## FORM L.—Reg. 14.

Trade Union Acts, 1871 and 1876.

*Withdrawal or cancelling of Certificate of Registry.*

Trade Union.

Register No. [If the trade union is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]

The certificate of registry of the above-mentioned trade union is hereby withdrawn or cancelled at its request [or as the case may be]. The Registrar may, if he thinks fit, add a statement, as in Form K, of the ground of the cancelling.

(Signed)

Chief Registrar [or Assistant Registrar for Scotland or Ireland].

Date            day of            19 .

## FORM M.—Reg. 15.

Trade Union Acts, 1871 and 1876.

*Notice of Change of Registered Office.*

Trade Union.            Register No.

[If the trade union is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]

To the Registrar of Friendly Societies.

Notice is hereby given that the registered office of the above-mentioned trade union is removed from            in the parish of            , and is now situate at            in the parish of            in the county of            .

Dated this            day of            19 .

} Trustees.

NOTE.—Until this notice has been given, the trade union will not have complied with the provisions of the Act.

This part to be detached by the registrar when the notice is registered, and returned to the trade union.

Received this            day of            notice of removal of the registered office of the            , Register No            , to            in the county of

[Seal of Central Office, or signature of a Registrar.]

## FORM N.—Reg. 16.

Trade Union Acts, 1871 and 1876.

*Application for Approval, and Notice of Change of Name.*

Name already registered

Registered No. [If the trade union is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]



To the Chief Registrar [*or Assistant Registrar for Ireland or Scotland, as the case may be*] and Central Office.

Application for approval of a change of name of the above-mentioned trade union is made by the three persons whose names are subscribed at the foot hereof.

The following is a copy of a resolution passed by the consent of two-thirds of the total number of members of the trade union :—

*[The resolution to be copied at length.]*

And notice of the said change is hereby given to the central office for registry thereby.

				1.	}	Members.
				2.		
	Secretary.			3.		
Registered Office	.			4.		
				5.		
Date	day of	19 .		6.		
				7.		

FORM O.—Reg. 16.

Trade Union Acts, 1871 and 1876.

*Declaration to accompany Application for Approval of Change of Name.*

County of \_\_\_\_\_ to wit.

Name of trade union \_\_\_\_\_

Register No. \_\_\_\_\_ [*If the trade union is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.*]

I, \_\_\_\_\_ of \_\_\_\_\_, the secretary of the above-named trade union, do solemnly and sincerely declare that in making the change of name, notice of which is appended to this declaration, the provisions of the 39 & 40 Vict. c. 22, in respect of change of name, having been complied with.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, one of His Majesty's justices of the peace for the said county of \_\_\_\_\_, at \_\_\_\_\_ in the said county, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

FORM P.—Reg. 17.

Trade Union Acts, 1871 and 1876.

*Application for Direction to transfer Stock.*

Trade Union. \_\_\_\_\_ Register No. \_\_\_\_\_

Application for a direction to transfer stock is made by the four This form persons whose names are subscribed at the foot hereof, being the applies (with secretary and three members of the above-mentioned trade union. the necessary

modifications) 1. The trade union on the            day of           , duly ap-  
to a branch pointed           , of            in the county of            [*hers name*  
of a trade and describe all the trustees then appointed] to be trustees.  
union.

2. On the            day of            the sum            was invested  
in the purchase of            stock transferable at the Bank of England  
[or Ireland] in the names of the said trustees, and the same is still  
standing in their names, as follows [*state exactly in what names the*  
*stock stands*]:—

[This clause will not be necessary where the application is in consequence of the mere removal of a trustee.]  
3. The said            is absent from Great Britain [or Ireland] [or  
became bankrupt on the            day           , or filed a petition  
(or executed a deed) for liquidation of his affairs by assignment or  
arrangement or for composition with his creditors, on the            day of  
of           , or has become a lunatic, or died on the            day  
of           , or has not been heard of for            years, and it is not  
known whether he is living or dead.]

4. On the            day of            the trade union duly removed  
the said            from his office of trustee, and appointed  
[*give full name and description*] in his place.

5. Since such removal application has been made in writing to  
the said [*removed trustee*] to join in the transfer of the said stock into  
the names of the said [*here give the names of the other trustees, and of*  
*the new trustees appointed in the place of the one removed*] as trustees  
for the said trade union, but he has refused to comply [or has not  
complied] with such application. [*This paragraph may be omitted,*  
*or varied, as the facts require.*]

6. This application to the Registrar is made pursuant to 39 & 40  
Vict. c. 22, s. 4, that he may direct the said stock to be transferred  
into the names of the said            as trustees for the trade union  
by

[*This blank should be filled by the names of the surviving or continuing*  
*trustees (if any), and if they be willing and able to make the transfer ;*  
*or if there be no such trustee, or if any such trustee refuse or be unable*  
*to make the transfer, then by the words the Accountant-General, or*  
*Deputy, or Assistant Accountant-General of the said Bank ; and a*  
*full statement of the facts and of the grounds of such refusal or inability*  
*should be made.*]

Secretary.  
Member.  
Member.  
Member.

Registered Office

Date

day of

19 .

To the Registrar.

## FORM Q.—Reg. 17.

Trade Union Acts, 1871 and 1876.

*Declaration verifying Statements in an Application for Direction to transfer Stock.*

County of \_\_\_\_\_ to wit.

Trade Union.

Register No. \_\_\_\_\_

This form applies (with the necessary modifications) to a branch of a trade union.

I, \_\_\_\_\_ of \_\_\_\_\_, in the county of \_\_\_\_\_, do solemnly and sincerely declare that I am the secretary of the above-mentioned trade union.

That \_\_\_\_\_ and \_\_\_\_\_ whose names are subscribed at the foot of the application hereto annexed, are members of the said trade union.

That on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and \_\_\_\_\_ therein mentioned, were appointed trustees of the said trade union.

That on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the sum of \_\_\_\_\_ was invested in the purchase of \_\_\_\_\_ stock, transferable at the Bank of England [or Ireland] in the names of the said trustees, and the declarant believes that it is still standing in their names, as follows [*state as in Form P*]:—

That the said \_\_\_\_\_ is absent from Great Britain [or Ireland] [*or, became bankrupt, etc., as in Form P*]

That on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, the said \_\_\_\_\_ was removed from his office of trustee, and \_\_\_\_\_ was appointed in his place.

That since such removal application has been made in writing to the said \_\_\_\_\_ to join in the transfer of the said stock into the names of the said \_\_\_\_\_ as trustees for the said trade union, but he has refused to comply [*or has not complied*] with such application. [*This paragraph may be omitted or varied as the facts require.*]

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, one  
of His Majesty's justices of the  
peace for the said county of  
\_\_\_\_\_ at \_\_\_\_\_, in the said  
county, this \_\_\_\_\_ day of  
19\_\_\_\_.

This form applies (with the necessary modifications) to a branch of a trade union.

## FORM R.—Reg. 20.

Trade Union Acts, 1871 and 1876.

*Direction by the Registrar to transfer Stock.*

Whereas it has been made to appear to the Registrar that stock, transferable at the Bank of England [or Ireland] is now standing in the names of                      and                      as trustees of Trade Union registered under the above-mentioned Acts.

And that the said                      is absent from Great Britain [or Ireland, or became bankrupt, etc., as in Form P]

And that                      has been appointed trustee of the said trade union in place of the said                      .

\* The paragraphs marked (a) or (b) will be used as the case requires.

\*(a) The registrar under the said Acts hereby directs pursuant to section 4 of the 39 & 40 Vict. c. 22, that the said sum of                      so standing in the books of the Governor and Company of the Bank of England [or Ireland] in the names of the said                      be transferred in the said books by the said                      into the names of the said                      .

(b) And that there is no surviving or continuing trustee of the said trade union, or that the surviving or continuing trustee or trustees refuse or are unable to transfer the said stock.

The registrar under the said Acts hereby directs, pursuant to section 4 of the 39 & 40 Vict. c. 22, that the said sum of                      , so standing in the books of the Governor and Company of the Bank of England [or Ireland] be transferred in the said books by the Accountant-General, or Deputy or Assistant Accountant-General, of the said Bank into the names of the said                      .

Address

Date

day of                      19                      .

[Seal of Central Office, and signature of Chief Registrar or Assistant Registrar for England, or signature of Assistant Registrar for Scotland or Ireland.]

## FORM S.—Reg. 21.

Trade Union Acts, 1871 and 1876.

*Notice of Dissolution.*

Trade Union.                      Register No.

To the Central Office, 28, Abingdon Street,  
Westminster [or

To the Assistant Registrar for Scotland or  
for Ireland, as the case may require].

Notice is hereby given that the above-mentioned trade union was

REGISTRATION :—FORMS.

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dissolved in pursuance of the rules thereof on the            day  
of            19 .

- |    |            |
|----|------------|
| 1. | Secretary. |
| 2. | Member.    |
| 3. | Member.    |
| 4. | Member.    |
| 5. | Member.    |
| 6. | Member.    |
| 7. | Member.    |
| 8. | Member.    |

Name and address to which }  
registered copy is to be }  
returned.

Date            day of            19 .

FORM T.—Reg. 22.

Trade Union Acts, 1871 and 1876.

*Notice of Amalgamation of Trade Unions.*

- |     |              |              |   |
|-----|--------------|--------------|---|
| (A) | Trade Union. | Register No. | . |
| (B) | Trade Union. | Register No. | . |
- [and so on if more than two].

To the Central Office, 28, Abingdon Street,  
Westminster.

Notice is hereby given, that by the consent of two-thirds of the whole number of members of each or every of the above-mentioned trade unions they have resolved to become amalgamated together as one trade union.

And that the following are the terms of the said amalgamation [state the terms]:—

And that it is intended that the trade union shall henceforth be called the

Accompanying this notice is a copy of the rules intended to be henceforth adopted by the amalgamated trade union [which are the rules of the            Trade Union].

[To be signed by seven members and the secretary of each trade union.]

Name and address to which }  
registered copy is to be }  
sent.

Date            day of            19

## FORM U.—Reg. 22.

Trade Union Acts, 1871 and 1876.

Trade Union.

Register No.

I, \_\_\_\_\_ of \_\_\_\_\_, the secretary of the above-mentioned trade union, do solemnly and sincerely declare that in the amalgamation of the said trade union with the \_\_\_\_\_, notice of which is appended to this declaration, the provisions of the Trade Union Act Amendment Act, 1876, in respect of amalgamations, have been duly complied with.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, one of His Majesty's justices of the peace for the said county of \_\_\_\_\_, at \_\_\_\_\_, in the said county, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

APPENDIX I.

Register No. \_\_\_\_\_  
 County \_\_\_\_\_  
**ANNUAL RETURN.**  
**FORM A.R. 15.** T.U. No. 1.  
**TRADE UNION ACTS, 1871 AND 1876.**

**ANNUAL RETURN PRESCRIBED BY THE REGISTRAR FOR A REGISTERED TRADE UNION.**

Year ending 31st December, 1909.

*[The Trade Union's Balance Sheet cannot be accepted as a substitute for this Return.]*

This Return is to be sent to the Registrar before the following 1st of June.

A Copy of the Auditor's Report, if any, should also be sent, together with a Copy of the Printed Statement of Accounts.

Name of Trade Union \_\_\_\_\_

Number of Branches (if any) \_\_\_\_\_

Is the Trade Union a Branch of any other registered Trade Union? \_\_\_\_\_

If so, state the Name and Register Number of that Trade Union \_\_\_\_\_

Date of commencement of Trade Union \_\_\_\_\_ 1 \_\_\_\_\_

When first Registered \_\_\_\_\_ 1 \_\_\_\_\_

Date of Registration of last Alteration of Rules \_\_\_\_\_ 1 \_\_\_\_\_

Names of the present Trustees \_\_\_\_\_

Do the Rules of the Trade Union require Security to be given by Officers? \_\_\_\_\_ If so, state the number of the Rule \_\_\_\_\_

Name and Address of every Officer in receipt or charge of money, the Amount of Security given by each, and whether by Bond, or Guarantee Society! \_\_\_\_\_ £  
 \_\_\_\_\_ £  
 \_\_\_\_\_ £

State what provision (if any) is made for Old Age \_\_\_\_\_

The Audit for the Year has been conducted by \_\_\_\_\_ who were appointed Auditors by \_\_\_\_\_

under the authority of Rule No. \_\_\_\_\_

Registered Office of the Trade Union \_\_\_\_\_ in the County of \_\_\_\_\_

Date 1910.

**RETURN AS TO MEMBERS.**

	MALES.	FEMALES.	TOTAL.
Number of Members on the Books at the beginning of the year . . . . .	_____	_____	_____
Number of Members admitted during the Year Together . . . . .	_____	_____	_____
Number of Members who left during the Year, from whatever cause . . . . .	_____	_____	_____
Total Number of Members on the Books at 31st December, 1909 . . . . .	_____	_____	_____
<b>AGES OF MEMBERS AT THE END OF THE YEAR.</b>			
Number of Members 16 and under 20 years of age	_____	_____	_____
"    "    20    "    50    "	_____	_____	_____
"    "    50    "    65    "	_____	_____	_____
"    "    65 years of age and over . .	_____	_____	_____
Total, as above . . . . .	_____	_____	_____

<sup>1</sup> If the names are more than can be conveniently inserted here, they may be added (with the amount of security given) on a separate sheet.

<sup>2</sup> State full Postal Address.

N.B.—With this Annual Return must be sent to the Registrar:—

(1) A Copy of the rules of the Trade Union as they exist at date to which this Return is made out.

(2) A Copy of all alterations of rules and new rules made by the Trade Union during the year preceding the date up to which this Return is made out.

The address to which Rules, Returns, and other Documents should be sent is as follows: **ENGLAND AND WALES:** Registry of Friendly Societies, Central Office, 23, Abingdon Street, Westminster, London, S.W.

**SCOTLAND:** Registry of Friendly Societies, 3A, Howe Street, Edinburgh.

**IRELAND:** Registry of Friendly Societies, 12, South Frederick Street, Dublin.

*[For particulars as to changes of officers see fourth page of this Return.]*

**GENERAL STATEMENT of the Income and Expenditure, Funds and Effects,**

Dr. (1.) GENERAL

INCOME.							£	s.	d.
Fines .. .. .	..	..	..	..	..	..			
Entrance Fees .. .. .	..	..	..	..	..	..			
Levies .. .. .	..	..	..	..	..	..			
Contributions Paid by Members	..	..	..	..	..	..			
Where separate contributions are paid to particular Funds, this should be stated separately as follows:—									
To the _____ Fund	..	..	..	..	..	..			
To the _____ Fund	..	..	..	..	..	..			
To the _____ Fund	..	..	..	..	..	..			
Interest received or accrued during the year on the Funds invested .. .. .									
Emblems, Rules, Cards, etc., sold .. .. .	..	..	..	..	..	..			
Contributions from other Trade Unions (specify them)	..	..	..	..	..	..			
Other Contributions (specify them) .. .. .	..	..	..	..	..	..			
Other Receipts (specify them) .. .. .	..	..	..	..	..	..			
Total Income .. .. .									
Amount of Funds at the beginning of the year, as per last year's Balance-sheet .. .. .									
Total .. .. .									

Dr. (2.) BALANCE SHEET OF

LIABILITIES.							£	s.	d.
To Amount of the several Funds, viz:—									
(Here set forth separately the amount of each of the Funds.)									
Total Amount of Funds as shown in General Account (see above, A) .. .. .									
Debts (if any) legally incurred by the Trustees on behalf of									
Trade Union <sup>1</sup>	..	..	..	..	..	..			
Cash due to Treasurer (if any)	..	..	..	..	..	..			
Other Liabilities <sup>2</sup>	..	..	..	..	..	..			
Total .. .. .									

<sup>1</sup> Specify their nature.  
<sup>2</sup> Specify them.

Signatures of Trustees  
Residing at \_\_\_\_\_  
Residing at \_\_\_\_\_  
Residing at \_\_\_\_\_

The undersigned, having had access to all the books and accounts of the Union, and having verified the same with the accounts and vouchers<sup>3</sup> relating thereto, now sign  
Signature of 1st Auditor \_\_\_\_\_  
Address \_\_\_\_\_  
Calling or Profession \_\_\_\_\_

If in any respect these accounts are incorrect, unvouched, or not in accordance with the Balance-sheet, a copy is to be sent to the Registrar with this Statement.

<sup>3</sup> In certifying the Trade Union's Investments as shown in the Balance-sheet, the Auditors should also inspect the Bank Pass Book and the Post Office Savings Bank Book.  
<sup>4</sup> The Annual Return of a Trade Union having Branches should include the Income and Expenditure of the Branches. If Branches have not been submitted to the Auditors signing this Return, the fact should be stated.



of the \_\_\_\_\_ TRADE UNION, from 1st January to 31st December, 1909.

ACCOUNT. Cr.

EXPENDITURE.	£	s.	d.	£	s.	d.
<i>Trade Benefits:—</i>						
Strike Pay to _____ Members .. .. .						
Lock-out Pay to _____ Members .. .. .						
Allowance to _____ Members seeking employment						
Other payments (specify them) to _____ Members ..						
Contributions to other Trade Unions .. .. .						
<i>Other Benefits:—</i>						
Sickness pay to _____ Members .. .. .						
Superannuation Pay to _____ Members .. .. .						
Sums paid at death of _____ Members .. .. .						
Accident benefit to _____ Members .. .. .						
Medical aid (including Salary of Surgeon) .. .. .						
Other payments (specify them) to _____ Members						
<i>Management Expenses:—</i>						
Salaries of Paid Officers (specify them) .. .. .						
Rent .. .. .						
Stationery and Printing, Postage, etc. .. .. .						
Law Expenses .. .. .						
Other expenses of Management (specify them) .. .. .						
Total Expenditure .. .. .						
Amount of Funds at end of the year, as per Balance-sheet below (A) .. .. .						
Total .. .. .						

\* Carry the total of inner column into outer column.

FUNDS AND EFFECTS. Cr.

ASSETS.	Rate per cent. of Interest yielded.	£	s.	d.
<i>By Investments:—</i>				
1. In the _____ Savings Bank .. .. .				
2. In the Public Funds <sup>3</sup> .. .. .				
3. Upon Government Securities in Great Britain or Ireland				
4. Upon Real Securities in Great Britain or Ireland ..				
5. In the purchase of land .. .. .				
6. In the erection of offices and buildings .. .. .				
7. In <sup>4</sup> .. .. .				
Cash in the Post Office Savings Bank .. .. .				
Cash in hand <sup>5</sup> .. .. .				
Other assets (if any) <sup>6</sup> .. .. .				
Deficiency (if Liabilities exceed Assets) .. .. .				
Total .. .. .				

<sup>3</sup> State amount and description of stock.

<sup>4</sup> If on other securities state them separately.

<sup>5</sup> State in whose hands.

<sup>6</sup> Specify them.

Signature of Secretary \_\_\_\_\_  
Residing at ' \_\_\_\_\_

<sup>7</sup> Give postal address.

Trade Union, and having examined the foregoing General Statement and the same as found to be correct, duly vouched, and in accordance with law.<sup>8</sup>

Signature of 2nd Auditor \_\_\_\_\_  
Address \_\_\_\_\_  
Calling or Profession \_\_\_\_\_

Date \_\_\_\_\_ 1910.

in accordance with law, the *Auditors* are to make a Special Report to the Trade

should in all cases actually inspect the Mortgage deeds and other securities representing the Bank Book and ascertain that they have been duly made up and Balanced to the 31st December. Expenditure, Funds and Effects of all the Branches. If the Books and the Accounts of the stated.

APPENDIX I.

Reg. No. \_\_\_\_\_

T.U. No. 2.

Name of Trade Union \_\_\_\_\_

TRADE UNION ACTS, 1871 AND 1876.

ANNUAL RETURN OF CHANGE OF OFFICERS DURING THE YEAR ENDING  
31ST DECEMBER, 1909.

(If there has been no change during the year the form below should be endorsed to that effect.)

Date of Change.	Title of Officer.	Name of Officer retiring.	Cause of retirement.	Name of Officer appointed.	Address.
<p>In this space any further particulars may be inserted which are necessary to explain the facts set forth in the Return, or to throw light upon the history of the Trade Union during the year.</p>					

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ } *Signatures of Trustees.*

## APPENDIX J.

STATUTE 38 &amp; 39 VICT. c. 86.

THE CONSPIRACY, AND PROTECTION OF PROPERTY ACT, 1875.

## ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.
2. Commencement of Act.

*Conspiracy, and Protection of Property.*

3. Amendment of law as to conspiracy in trade disputes.
4. Breach of contract by persons employed in supply of gas or water.
5. Breach of contract involving injury to persons or property.

*Miscellaneous.*

6. Penalty for neglect by master to provide food, clothing, etc., for servant or apprentice.
7. Penalty for intimidation or annoyance by violence or otherwise.
8. Reduction of penalties.

*Legal Proceedings.*

9. Power for offender under this Act to be tried on indictment and not by court of summary jurisdiction.
10. Proceedings before court of summary jurisdiction.
11. Regulations as to evidence.
12. Appeal to quarter sessions.

*Definitions.*

13. General definitions.
14. Definitions of "municipal authority" and "public company."
15. "Maliciously" in this Act construed as in Malicious Injuries to Property Act.

*Saving Clause.*

16. Saving as to sea service.

*Repeal.*

17. Repeal of Acts.

*Application of Act to Scotland.*

Clauses.

18. Application to Scotland. Definitions.  
 19. Recovery of penalties, etc., in Scotland.  
 20. Appeal in Scotland as prescribed by 20 Geo. 2, c. 43.

*Application of Act to Ireland.*

21. Application to Ireland.

An Act for amending the Law relating to Conspiracy, and to the Protection of Property, and for other purposes.

[13th August, 1875.]

Short title.

1. This Act may be cited as the Conspiracy, and Protection of Property Act, 1875.  
 2. [Repealed by Statute Law Revision Act, 1893.]

*Conspiracy, and Protection of Property.*

Amendment of law as to conspiracy in trade disputes.

3. An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime.

[An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.]

Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any Act of Parliament.

Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the State or the Sovereign.

A crime for the purposes of this section means an offence punishable on indictment, or an offence which is punishable on summary conviction, and for the commission of which the offender is liable under the statute making the offence punishable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.

Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act which is punishable only on summary conviction, and is sentenced to imprisonment, the imprisonment shall not exceed

*This paragraph was inserted by the Trade Disputes Act, 1906. See p. 245.*

three months, or such longer time, if any, as may have been prescribed by the statute for the punishment of the said act when committed by one person.

4. Where a person employed by a municipal authority or by any company or contractor upon whom is imposed by Act of Parliament the duty, or who have otherwise assumed the duty of supplying any city, borough, town, or place, or any part thereof, with gas or water, wilfully and maliciously breaks a contract of service with that authority or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part, wholly or to a great extent of their supply of gas or water, he shall on conviction thereof by a court of summary jurisdiction or on indictment as herein-after mentioned, be liable either to pay a penalty not exceeding twenty pounds or to be imprisoned for a term not exceeding three months, with or without hard labour.

Breach of contract by persons employed in supply of gas or water.

Every such municipal authority, company, or contractor as is mentioned in this section shall cause to be posted up, at the gasworks or waterworks, as the case may be, belonging to such authority or company or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch.

If any municipal authority or company or contractor make default in complying with the provisions of this section in relation to such notice as aforesaid, they or he shall incur on summary conviction a penalty not exceeding five pounds for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act, shall be liable on summary conviction to a penalty not exceeding forty shillings.

5. Where any person wilfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property whether real or personal to destruction or serious injury, he shall on conviction thereof by a court of summary jurisdiction, or on indictment as herein-after mentioned, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

Breach of contract involving injury to persons or property.

*Miscellaneous.*

Penalty for neglect by master to provide food, clothing, etc., for servant or apprentice.

6. Where a master, being legally liable to provide for his servant or apprentice necessary food, clothing, medical aid, or lodging, wilfully and without lawful excuse refuses or neglects to provide the same, whereby the health of the servant or apprentice is or is likely to be seriously or permanently injured, he shall on summary conviction be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding six months, with or without hard labour.

Penalty for intimidation or annoyance by violence or otherwise.

7. Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority,—

1. Uses violence to or intimidates such other person or his wife or children, or injures his property; or,
2. Persistently follows such other person about from place to place; or,
3. Hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or,
4. Watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or,
5. Follows such other person with two or more other persons in a disorderly manner in or through any street or road,

shall, on conviction thereof by a court of summary jurisdiction, or on indictment as herein-after mentioned, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

[Attending at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, in order merely to obtain or communicate information, shall not be deemed a watching or besetting within the meaning of this section. (Repealed by section 2, Trade Disputes Act, 1906.) ]

Reduction of penalties.

8. Where in any Act relating to employers or workmen a pecuniary penalty is imposed in respect of any offence under such Act, and no power is given to reduce such penalty, the justices or court having jurisdiction in respect of such offence may, if they think it just so to do, impose by way of penalty in respect of such offence any sum not less than one-fourth of the penalty imposed by such Act.

*Legal Proceedings.*

**9.** Where a person is accused before a court of summary jurisdiction of any offence made punishable by this Act, and for which a penalty amounting to twenty pounds, or imprisonment, is imposed, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

Power for offender under this Act to be tried on indictment and not by court of summary jurisdiction.

**10.** Every offence under this Act which is made punishable on conviction by a court of summary jurisdiction or on summary conviction, and every penalty under this Act recoverable on summary conviction, may be prosecuted and recovered in manner provided by the Summary Jurisdiction Act.

Proceedings before court of summary jurisdiction.

**11.** Provided, that upon the hearing and determining of any indictment or information under sections four, five, and six of this Act, the respective parties to the contract of service, their husbands or wives, shall be deemed and considered as competent witnesses.

Regulations as to evidence.

**12.** In England or Ireland, if any party feels aggrieved by any conviction made by a court of summary jurisdiction on determining any information under this Act, the party so aggrieved may appeal therefrom, subject to the conditions and regulations following :

Appeal to quarter sessions.

(1) The appeal shall be made to some court of general or quarter sessions for the county,

[The rest of the section is repealed, as regards England, by 47 & 48 Vict. c. 43, s. 4.]

*Definitions.*

**13.** In this Act,—

The expression “ the Summary Jurisdiction Act ” means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled “ An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders,” inclusive of any Acts amending the same ; and

General definitions : “ The Summary Jurisdiction Act.”

The expression “ court of summary jurisdiction ” means—

(1) As respects the city of London, the Lord Mayor or any alderman of the said city sitting at the Mansion House or Guildhall justice room ; and

“ Court of summary jurisdiction.”

- (2) As respects any police court division in the Metropolitan police district, any Metropolitan police magistrate sitting at the police court for that division; and
- (3) As respects any city, town, liberty, borough, place, or district for which a stipendiary magistrate is for the time being acting, such stipendiary magistrate sitting at a police court or other place appointed in that behalf; and
- (4) Elsewhere, any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Act: Provided that, as respects any case within the cognisance of such justice or justices as last aforesaid, an information under this Act shall be heard and determined by two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions.

Nothing in this section contained shall restrict the jurisdiction of the Lord Mayor or any alderman of the city of London, or of any Metropolitan police or stipendiary magistrate, in respect of any act or jurisdiction which may now be done or exercised by him out of court.

Definitions of  
"municipal  
authority"  
and "public  
company."

14. The expression "municipal authority" in this Act means any of the following authorities, that is to say, the Metropolitan Board of Works, the Common Council of the city of London, the Commissioners of Sewers of the city of London, the town council of any borough for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the Regulation of Municipal Corporations in England and Wales," and any Act amending the same, any commissioners, trustees, or other persons invested by any local Act of Parliament with powers of improving, cleansing, lighting, or paving any town, and any local board.

Any municipal authority or company or contractor who has obtained authority by or in pursuance of any general or local Act of Parliament to supply the streets of any city, borough, town, or place, or of any part thereof, with gas, or which is required by or in pursuance of any general or local Act of Parliament to supply water on demand to the inhabitants of any city, borough, town, or place, or any part thereof, shall for the purposes of this Act be deemed to be a municipal authority or company or contractor upon whom is imposed by Act of Parliament the duty of supplying such city, borough, town, or place, or part thereof, with gas or water.

"Maliciously" in

15. The word "maliciously" used in reference to any



offence under this Act shall be construed in the same manner as it is required by the fifty-eighth section of the Act relating to malicious injuries to property, that is to say, the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-seven, to be construed in reference to any offence committed under such last-mentioned Act.

this Act  
construed as  
in Malicious  
Injuries to  
Property Act.

*Saving Clause.*

16. Nothing in this Act shall apply to seamen or to apprentices to the sea service.

Saving as to  
sea service.

17. [The greater part of this section is repealed by the Statute Law Revision Act, 1883. Only the first proviso remains in force.]

- (1) Any order for wages or further sum of compensation in addition to wages made in pursuance of section sixteen of "The Summary Jurisdiction (Ireland) Act, 1851," may be enforced in like manner as if it were an order made by a court of summary jurisdiction in pursuance of the Employers and Workmen Act, 1875, and not otherwise.

*Application of Act to Scotland.*

18. This Act shall extend to Scotland, with the modifications following: that is to say,

Application  
to Scotland.

- (1) The expression "municipal authority" means the town council of any royal or parliamentary burgh, or the commissioners of police of any burgh, town, or populous place under the provisions of the General Police and Improvement (Scotland) Act, 1862, or any local authority under the provisions of the Public Health (Scotland) Act, 1867:

Definitions.

- (2) [Repealed by the Statute Law Revision (No. 2) Act, 1893.]

- (3) The expression "the court of summary jurisdiction" means the sheriff of the county or any one of his substitutes.

19. In Scotland the following provisions shall have effect in regard to the prosecution of offences, recovery of penalties, and making of orders under this Act:

Recovery of  
penalties,  
etc., in  
Scotland.

- (1) Every offence under this Act shall be prosecuted, every penalty recovered, and every order made at the instance of the Lord Advocate, or of the Procurator Fiscal of the sheriff court:

- (2) The proceedings may be on indictment in the Court of Justiciary or in a sheriff court, or may be taken

summarily in the sheriff court under the provisions of the Summary Procedure Act, 1864 :

- (3) Every person found liable on conviction to pay any penalty under this Act shall be liable, in default of payment within a time to be fixed in the conviction, to be imprisoned for a term, to be also fixed therein, not exceeding two months, or until such penalty shall be sooner paid, and the conviction and warrant may be in the form of No. 3 of Schedule K of the Summary Procedure Act, 1864 :
- (4) In Scotland all penalties imposed in pursuance of this Act shall be paid to the clerk of the court imposing them, and shall by him be accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, and be carried to the Consolidated Fund.

Appeal in  
Scotland as  
prescribed  
by 20 Geo. 2,  
c. 43.

20. In Scotland it shall be competent to any person to appeal against any order or conviction under this Act to the High Court of Justiciary, in the manner prescribed by and under the rules, limitations, conditions, and restrictions contained in the Act passed in the twentieth year of the reign of His Majesty King George the second, chapter forty-three, in regard to appeals to circuit courts in matters criminal, as the same may be altered or amended by any Acts of Parliament, for the time being in force.

*Application of Act to Ireland.*

Application  
to Ireland.

21. This Act shall extend to Ireland, with the modifications following ; that is to say,

[Two paragraphs are repealed by the Statute Law Revision (No. 2) Act, 1893.]

The court of summary jurisdiction, when hearing and determining complaints under this Act, shall in the police district of Dublin metropolis be constituted of one or more of the divisional justices of the said district, and elsewhere in Ireland of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions :

The expression " municipal authority " shall be construed to mean the town council of any borough for the time being, subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intituled " An Act for the Regulation of Municipal Corporations in Ireland," and any commissioners invested by any general or local Act of Parliament, with power of improving, cleansing, lighting, or paving any town or township.

## APPENDIX K.

STATUTE 6 EDW. 7, c. 47.

## THE TRADE DISPUTES ACT, 1906.

An Act to provide for the regulation of Trades Unions and Trade Disputes. [21st December, 1906.]

1. The following paragraph shall be added as a new paragraph after the first paragraph of section three of the Conspiracy and Protection of Property Act, 1875 :—

“An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable.”

2.—(1) It shall be lawful for one or more persons, acting on their own behalf or on behalf of a trade union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or abstain from working.

(2) Section seven of the Conspiracy and Protection of Property Act, 1875, is hereby repealed from “attending at or near” to the end of the section.

3. An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills.

4.—(1) An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court.

(2) Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for by the Trades Union Act, 1871, section nine, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of a trade dispute.

Amendment of law of conspiracy in the case of trade disputes.

38 & 39 Vict. c. 86.

Peaceful picketing.

Removal of liability for interfering with another person's business, etc.

Prohibition of actions of tort against trade unions.

34 & 35 Vict. c. 31.

Short title  
and con-  
struction.

5.—(1) This Act may be cited as the Trade Disputes Act, 1906, and the Trade Union Acts, 1871 and 1876, and this Act may be cited together as the Trade Union Acts, 1871 to 1906.

(2) In this Act the expression "trade union" has the same meaning as in the Trade Union Acts, 1871 and 1876, and shall include any combination as therein defined, notwithstanding that such combination may be the branch of a trade union.

(3) In this Act and in the Conspiracy and Protection of Property Act, 1875, the expression "trade dispute" means any dispute between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of the employment, or with the conditions of labour, of any person, and the expression "workmen" means all persons employed in trade or industry, whether or not in the employment of the employer with whom a trade dispute arises; and, in section three of the last-mentioned Act, the words "between employers and workmen" shall be repealed.

## APPENDIX L.

STATUTE 31 & 32 VICT. c. 116.

THE LARCENY ACT, 1868.

[Russell Gurney's Act.]

An Act to amend the Law relating to Larceny and Embezzlement. [31st July, 1868.]

Member of co-partnership guilty of converting to his own use, etc., property of co-partnership liable to be tried as if not such member.

1. If any person, being a member of any co-partnership, or being one of two or more beneficial owners of any money, goods, or effects, bills, notes, securities, or other property, shall steal or embezzle any such money, goods, or effects, bills, notes, securities, or other property of or belonging to any such co-partnership or to such joint beneficial owners, every such person shall be liable to be dealt with, tried, convicted, and punished for the same as if such person had not been or was not a member of such co-partnership or one of such beneficial owners.

Provisions of 18 & 19 Vict. c. 126, extended to

2. All the provisions of the Act passed in the session of parliament held in the eighteenth and nineteenth years of Her present Majesty's reign, intituled "An Act for diminishing

expense and delay in the administration of criminal justice in certain cases," shall extend and be applicable to the offence of embezzlement by clerks or servants, or persons employed for the purpose or in the capacity of clerks or servants, and the said Act shall henceforth be read as if the said offence of embezzlement had been included therein. [Repealed, so far as it relates to England, by the Summary Jurisdiction Act, 1879, s. 55.]

3. This Act shall not extend to *Scotland*.

Extent of Act.

## APPENDIX M.

STATUTE 1 EDW. 7, c. 10.

THE LARCENY ACT, 1901.

An Act to amend the Larceny Act, 1861.

[9th August, 1901.]

1.—(1) Whosoever—

- (a) being entrusted, either solely or jointly with any other person, with any property, in order that he may retain in safe custody, or apply, pay, or deliver, for any purpose or to any person, the property, or any part thereof, or any proceeds thereof; or
- (b) having, either solely or jointly with any other person, received any property for or on account of any other person,

Fraudulent misappropriation of property.

fraudulently converts to his own use or benefit, or the use or benefit of any other person, the property, or any part thereof, or any proceeds thereof, shall be guilty of a misdemeanor, and be liable on conviction to penal servitude for a term not exceeding seven years, or to imprisonment, with or without hard labour, for a term not exceeding two years.

(2) Nothing in this section shall apply to or affect any trustee on any express trust created by a deed or will, or any mortgagee of any property, real or personal, in respect of any act done by the trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage.

2.—(1) Sections seventy-five and seventy-six of the Larceny Act, 1861, are hereby repealed.

Repeal, construction, commencement, short title.

(2) This Act shall have effect as part of the Larceny Act, 1861, and section one of this Act shall be deemed to be substituted for sections seventy-five and seventy-six of that Act,

and references in any enactment to those sections shall be construed as references to section one of this Act.

(3) This Act shall come into operation on the first day of January nineteen hundred and two.

24 & 25 Vict. (4) This Act may be cited as the Larceny Act, 1901, and  
 c. 96. the Larceny Act, 1861, the Larceny Act, 1868, the Larceny  
 31 & 32 Vict. Act, 1896, and this Act may be cited together as the Larceny  
 c. 116. Act, 1861 to 1901.  
 59 & 60 Vict. c. 5.

## APPENDIX N.

### STATUTE 38 & 39 VICT. c. 24.

#### THE FALSIFICATION OF ACCOUNTS ACT, 1875.

An Act to amend the Law with reference to the Falsification of Accounts. [29th June, 1875.]

Punishment for falsification of accounts, etc.

1. If any clerk, officer, or servant, or any person employed or acting in the capacity of a clerk, officer, or servant, shall wilfully and with intent to defraud destroy, alter, mutilate, or falsify any book, paper, writing, valuable security, or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or shall wilfully and with intent to defraud make or concur in making any false entry in, or omit or alter, or concur in omitting or altering, any material particular from or in any such book, or any document or account, then in every such case the person so offending shall be guilty of a misdemeanor, and be liable to be kept in penal servitude for a term not exceeding seven years.

Intention to defraud sufficient indictment.

2. It shall be sufficient in any indictment under this Act to allege a general intent to defraud, without naming any particular person intended to be defrauded.

Act to be read with 24 & 25 Vict. c. 96. Short title.

3. This Act shall be read as one with the Act of the twenty-fourth and twenty-fifth of Her Majesty, chapter ninety-six.

4. This Act may be cited as the Falsification of Accounts Act, 1875.

## APPENDIX O.

STATUTE 56 VICT. c. 22.

## THE TRADE UNION (PROVIDENT FUNDS) ACT, 1893.

An Act to exempt from Income Tax the Invested Funds of Trade Unions in payment of Provident Benefits.

[28th March, 1893.]

1. A trade union duly registered under the Trade Union Acts, 1871 and 1876, shall be entitled to exemption from income tax chargeable under Schedules A, C, and D of any Acts for granting duties of income tax in respect of the interest and dividends of the trade union applicable and applied solely for the purpose of provident benefits.

Provided always that the exemption shall not extend to any trade union by the rules of which the amount assured to any member, or person nominated by or claiming under him, shall exceed the total sum of two hundred pounds, or the amount of any annuity granted to any member, or person nominated by him, shall exceed the sum of thirty pounds per annum.

2. The exemption shall be claimed and allowed in the same manner as is prescribed by law in the case of income and applied to charitable purposes.

3. In this Act the expression "provident benefits" means and includes any payment made to a member during sickness or incapacity from personal injury, or while out of work; or to an aged member by way of superannuation, or to a member who has met with an accident or has lost his tools by fire or theft, or a payment in discharge or aid of funeral expenses on the death of a member or the wife of a member, or as provision for the children of the deceased member, where the payment in respect whereof exemption is claimed is a payment expressly authorised by the registered rules of the trade union claiming the exemption.

4. This Act may be cited as the Trade Union (Provident Funds) Act, 1893.

## APPENDIX P.

STATUTE 59 &amp; 60 VICT. c. 30.

## THE CONCILIATION ACT, 1896.

An Act to make better Provision for the Prevention and Settlement of Trade Disputes. [7th August, 1896.]

Registration and powers of conciliation boards.

1.—(1) Any board established either before or after the passing of this Act, which is constituted for the purpose of settling disputes between employers and workmen by conciliation or arbitration, or any association or body authorised by an agreement in writing made between employers and workmen to deal with such disputes (in this Act referred to as a conciliation board), may apply to the Board of Trade for registration under this Act.

(2) The application must be accompanied by copies of the constitution, bye-laws, and regulations of the conciliation board, with such other information as the Board of Trade may reasonably require.

(3) The Board of Trade shall keep a register of conciliation boards, and enter therein with respect to each registered board its name and principal office, and such other particulars as the Board of Trade may think expedient, and any registered conciliation board shall be entitled to have its name removed from the register on sending to the Board of Trade a written application to that effect.

(4) Every registered conciliation board shall furnish such returns, reports of its proceedings, and other documents as the Board of Trade may reasonably require.

(5) The Board of Trade may, on being satisfied that a registered conciliation board has ceased to exist or to act, remove its name from the register.

(6) Subject to any agreement to the contrary, proceedings for conciliation before a registered conciliation board shall be conducted in accordance with the regulations of the board in that behalf.

Powers of Board of Trade as to trade disputes.

2.—(1) Where a difference exists or is apprehended between an employer, or any class of employers, and workmen, or between different classes of workmen, the Board of Trade may, if they think fit, exercise all or any of the following powers, namely,—

(a) inquire into the causes and circumstances of the difference;



- (b) take such steps as to the Board may seem expedient for the purpose of enabling the parties to the difference to meet together, by themselves or their representatives, under the presidency of a chairman mutually agreed upon or nominated by the Board of Trade or by some other person or body, with a view to the amicable settlement of the difference ;
- (c) on the application of employers or workmen interested, and after taking into consideration the existence and adequacy of means available for conciliation in the district or trade and the circumstances of the case, appoint a person or persons to act as conciliator or as a board of conciliation ;
- (d) on the application of both parties to the difference, appoint an arbitrator.

(2) If any person is so appointed to act as conciliator, he shall inquire into the causes and circumstances of the difference by communication with the parties, and otherwise shall endeavour to bring about a settlement of the difference, and shall report his proceedings to the Board of Trade.

(3) If a settlement of the difference is effected either by conciliation or by arbitration, a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives, and a copy thereof shall be delivered to and kept by the Board of Trade.

3. The Arbitration Act, 1889, shall not apply to the settlement by arbitration of any difference or dispute to which this Act applies, but any such arbitration proceedings shall be conducted in accordance with such of the provisions of the said Act, or such of the regulations of any conciliation board, or under such other rules or regulations, as may be mutually agreed upon by the parties to the difference or dispute. Exclusion of 52 & 53 Vict. c. 49.

4. If it appears to the Board of Trade that in any district or trade adequate means do not exist for having disputes submitted to a conciliation board for the district or trade, they may appoint any person or persons to inquire into the conditions of the district or trade, and to confer with employers and employed, and, if the Board of Trade think fit, with any local authority or body, as to the expediency of establishing a conciliation board for the district or trade. Power for Board of Trade to aid in establishing conciliation boards.

5. The Board of Trade shall from time to time present to Parliament a report of their proceedings under this Act. Report to Parliament.

6. The expenses incurred by the Board of Trade in the execution of this Act shall be defrayed out of moneys provided by Parliament. Expenses.

7. The Masters and Workmen Arbitration Act, 1824, and Repeal 5 Geo. 4, c. 96.

30 & 31 Vict. the Councils of Conciliation Act, 1867, and the Arbitration  
c. 105. (Masters and Workmen) Act, 1872, are hereby repealed.  
35 & 36 Vict. c. 46. 8. This Act may be cited as the Conciliation Act, 1896.

Short title.

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### APPENDIX Q.

STATUTE 24 & 25 VICT. c. 97.

#### MALICIOUS INJURIES TO PROPERTY ACT, 1861.

58. Every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

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### APPENDIX R.

STATUTE 59 & 60 VICT. c. 25.

#### THE FRIENDLY SOCIETIES ACT, 1896.

Accounts of  
officers.

55.—(1) Every officer of a registered society or branch having receipt or charge of money shall, at such times as by the rules of the society or branch he should render account, or upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the society or branch, or by the trustees or committee thereof, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all sums of money and deliver all property in his hands or custody to such person as the society or branch, or the committee or the trustees, appoint.

(2) In case of any neglect or refusal to deliver the account, or to pay over the sums of money or to deliver the property in manner aforesaid, the trustees or authorised officers of the society or branch may sue upon the bond or security before

mentioned, or may apply to the county court or to a court of summary jurisdiction, and the order of either such court shall be final and conclusive.

*Disputes.*

**68.**—(1) Every dispute between—

Decision of  
disputes.

- (a) a member or person claiming through a member or under the rules of a registered society or branch, and the society or branch or an officer thereof; or
  - (b) any person aggrieved who has ceased to be a member of a registered society or branch, or any person claiming through such person aggrieved, and the society or branch, or an officer thereof; or
  - (c) any registered branch of any society or branch and the society or branch of which it is a branch; or
  - (d) an officer of any such registered branch and the society or branch of which that registered branch is a branch; or
  - (e) any two or more registered branches of any society or branch, or any officers thereof respectively,
- shall be decided in manner directed by the rules of the society or branch, and the decision so given shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made to the county court.

(2) The parties to a dispute in a registered society or branch may, by consent (unless the rules of the society or branch expressly forbid it), refer the dispute to the chief registrar, or in Scotland or Ireland to the assistant registrar.

(3) The chief or other registrar to whom a dispute is referred shall, with the consent of the Treasury, either by himself or by any other registrar, hear and determine the dispute, and shall have power to order the expenses of determining the dispute to be paid either out of the funds of the society or branch, or by such parties to the dispute as he may think fit, and his determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society or branch.

(4) The chief or other registrar to whom a dispute is referred may administer oaths, and may require the attendance of all parties concerned, and of witnesses, and the production of all books and documents relating to the matter in question.

(5) Where the rules of a registered society or branch direct that disputes shall be referred to justices, the dispute shall be

determined by a court of summary jurisdiction, or, if the parties thereto consent, by the county court.

(6) Where the rules contain no direction as to disputes, or where no decision is made on a dispute within forty days after application to the society or branch for a reference under its rules, the member or person aggrieved may apply either to the county court, or to a court of summary jurisdiction, and the court to which application is so made may hear and determine the matter in dispute; but in the case of a society with branches the said forty days shall not begin to run until application has been made in succession to all the bodies entitled to determine the dispute under the rules of the society or branch, so however that no rules shall require a greater delay than three months between each successive determination.

52 & 53 Vict.  
c. 49.

(7) Notwithstanding anything contained in the Arbitration Act, 1889, or in any other Act, the court and the chief or other registrar or any arbitrator or umpire to whom a dispute is referred under the rules of a registered society or branch shall not be compelled to state a special case on any question of law arising in the case, but the court, or chief or other registrar, may, at the request of either party, state a case for the opinion in England or Ireland of the Supreme Court, and in Scotland of either division of the Inner House of the Court of Session, on any question of law, and may also grant to either party such discovery as to documents and otherwise, or such inspection of documents, and in Scotland may grant warrant for the recovery of documents and examination of havers, as might be granted by any court of law or equity, and the discovery shall be made on behalf of the society or branch by such officer thereof as the court or registrar may determine.

(8) In this section the expression "dispute" includes any dispute arising on the question whether a member or person aggrieved is entitled to be or to continue to be a member or to be reinstated as a member, but, save as aforesaid, in the case of a person who has ceased to be a member, does not include any dispute other than a dispute on a question between him and the society or branch or an officer thereof which arose whilst he was a member, or arises out of his previous relation as a member to that society or branch.

87.

(3) If any person obtains possession by false representation or imposition of any property of a registered society or branch, or withholds or misapplies any such property in his possession, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society or branch and authorised by this Act, he shall, on such complaint as is in

this section mentioned, be liable on summary conviction to a fine not exceeding twenty pounds, and costs, and to be ordered to deliver up all such property, or to repay all sums of money applied improperly, and in default of such delivery or repayment, or of the payment of such fine and costs as aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding three months.

Provided that where on such a complaint against a person of withholding or misapplying property, or applying it for unauthorised purposes, it is not proved that that person acted with any fraudulent intent, he may be ordered to deliver up all such property or to repay any sum of money applied improperly, with costs, but shall not be liable to conviction, and any such order shall be enforceable as an order for the payment of a civil debt recoverable summarily before a court of summary jurisdiction.

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## APPENDIX S.

STATUTE 56 & 57 VICT. c. 53.

THE TRUSTEE ACT, 1893.

*Appointment of New Trustees.*

**10.**—(1) Where a trustee, either original or substituted, and Power of whether appointed by a court or otherwise, is dead, or remains appointing out of the United Kingdom for more than twelve months, or new trustees. desires to be discharged from all or any of the trusts or powers reposed in or conferred on him, or refuses or is unfit to act therein, or is incapable of acting therein, then the person or persons nominated for the purpose of appointing new trustees by the instrument, if any, creating the trust, or if there is no such person, or no such person able and willing to act, then the surviving or continuing trustees or trustee for the time being, or the personal representatives of the last surviving or continuing trustee, may, by writing, appoint another person or other persons to be a trustee or trustees in the place of the trustee dead, remaining out of the United Kingdom, desiring to be discharged, refusing, or being unfit or being incapable, as aforesaid.

*Appointment of New Trustees and Vesting Orders.*

Power of the Court to appoint new trustees.

25.—(1) The High Court may, whenever it is expedient to appoint a new trustee or new trustees, and it is found inexpedient, difficult, or impracticable so to do without the assistance of the Court, make an order for the appointment of a new trustee or new trustees either in substitution for or in addition to any existing trustee or trustees, or although there is no existing trustee. In particular and without prejudice to the generality of the foregoing provision, the Court may make an order for the appointment of a new trustee in substitution for a trustee who is convicted of felony, or is a bankrupt.

(2) An order under this section, and any consequential vesting order or conveyance, shall not operate further or otherwise as a discharge to any former or continuing trustee than an appointment of new trustees under any power for that purpose contained in any instrument would have operated.

## APPENDIX T.

**MACKENDRICK v. NATIONAL UNION OF DOCK LABOURERS IN GREAT BRITAIN AND IRELAND (a).**

Two questions came up for settlement in this case :—

- (1) The jurisdiction of the Scottish Courts over a trade union registered in England ;
  - (2) The liability of the National Union under a contract entered into by a branch.
- (1) The Question of Jurisdiction.—The National Union of Dock Labourers consists of dock labourers who are enrolled by the Executive of the Union as local branches. The Union has its registered office in England, but has branches in Scotland, and a copy of its rules has been recorded in Scotland. Held, that the Union was subject to the jurisdiction of the Court of Session.

The Lord Ordinary (Johnston), in the Outer House, said, “ The body is not the Union of Dock Labourers in England, but the National Union of Dock Labourers in Great Britain and Ireland. The whole purview of its business as disclosed by Rule III., defining its

objects, is general, or at least, national, and there is nothing to subject it to the jurisdiction of the English Courts, any more than to those of Scotland and Ireland, except it be that it has a registered office in Liverpool. . . . The Act, section 15, also provides that every registered trade union shall have a registered office to which all communications and notices may be addressed. I do not find that this provision necessarily confines the union to the jurisdiction of the courts within whose jurisdiction such office is domiciled. But I think it may otherwise be so confined. The Act clearly contemplates separate registration in England, Scotland, and Ireland, for separate registers are created in each country (section 17), and the general provisions for registration (section 13 *et seq.*) imply that there may be registration in one or more of these countries, or in all. And this is quite intelligible, for many trade unions may be, and are, entirely local in their sphere of operations. Others may have a sphere of operations extending over the whole of Great Britain and Ireland. Where then a trade union is registered in England only, it is not subject to the jurisdiction of the Courts of Scotland, except in the same way, and to the same effect that any alien is so subject. But I am relieved from considering such exceptions because, *de facto*, this union is registered under the statute in Scotland, as might be reasonably expected from the nature of its objects and the scope of its operations. It must then answer in the Courts of Scotland."

The following dictum of Lord Johnston on the effect of registration is important and should be considered in connection with certain dicta in *Taff Vale Railway Co. v. Amalgamated Society of Railway Servants* and *Amalgamated Society of Railway Servants v. Osborne* :—"The Act of 1871, section 6, provides for the registration of trade unions, but the registration is voluntary. I do not find that this registration confers any privileges on the union. What it does is rather to place it under certain regulations, intended mainly for the protection of its own members. If it imposes any restrictions, they are incidental merely. It certainly does not incorporate the union or give it the status of a registered company, or even of a friendly society. As I read it, its object and effect was to secure to the workman that if he does join a

registered trade union, he may rely on its affairs, and in particular, its finance, being conducted with some claim to regularity and soundness."

(2) The Question of Agency.—The rules of the Union relevant to the case were as follows:—

Rule XII. (10). Branches may advance money to assist any member to enforce his legal claims for compensation in cases of accident, arising through the negligence of employers, while pursuing his ordinary occupation. . . . No money shall be advanced under this rule until all the available evidence bearing on the case has been laid before the Branch Committee, and a copy supplied to the Executive. The Executive may veto any decision of branches to expend money in cases of such claims.

Rule XIV. (3). No person shall have power to incur financial responsibility or transact any business in the name of a Branch of the Union unless with the special authority of the Branch or of the Branch Committee.

Rule XVI. (1). The funds of all branches of the Union shall be the common property of the Union, and shall be administered by the Executive according to rule. Branches seceding from the Union, or being dissolved, shall forfeit all claims to the funds of the Union. . . . Members of such seceding or dissolved branches wishing to remain in the Union may be transferred to the most convenient Branch.

One of the branches appointed A. B., a legal practitioner, its law agent. The letter appointing him contained, *inter alia*, the following words: "While the direct relation of agent and client shall subsist between you and each injured party for whom you act, we guarantee the costs incurred by you in the event of your fighting a case unsuccessfully. Of course, in all successful cases we will not be responsible for your costs, which you must recover in the usual way."

A. B., with the sanction of the Branch Committee, brought an action at the instance of a member of the Branch against the member's employers. This action was unsuccessful, and A. B. sued the National Union for his professional charges and outlays.

Held (1), that A. B. was entitled under the guarantee to sue the Trade Union; (2) that the guarantee covered his professional charges as well as outlays; (3) that the guarantee covered an account incurred by A. B.'s



Edinburgh correspondents in connection with the action.

"It is true," said the Lord Justice Clerk, "that the appointment stipulated that the injured member was to be the client of the pursuer. This, it is not doubtful, was to save risk of the Branch being attacked for costs in the event of an unsuccessful litigation. But, plainly, while the member was the client, the pursuer was the law agent of the Branch; and it was they who gave him a free hand as their employee in the conduct of cases for the Branch."

It was urged, on behalf of the Union, that Rule XII. (10), which prohibited the branches from making advances of money except certain conditions were complied with, by implication also prohibited branches from entering into such agreements as the agreement in dispute, save under the same conditions. Dealing with this argument Lord Salvesen said: "I am quite clear that . . . Rule XII. (10) has not, and could not have, any application to the employment of the pursuer under the letter of 25th February, 1907. The liability of the defenders depends, in my opinion, (1) on the admitted power which the Branch had of appointing and employing law agents, for I think employment is implied in the right of appointing; (2) on the implied power, deducible from Rule XIV., of the Branch Committee to incur financial responsibility in matters connected with the business of the Branch; and (3) on the circumstance that, by Rule XVI., the funds of all the branches are the common property of the Union. The liability of the Union for the obligations properly incurred by a Branch to its law agent is in no different position from other liabilities which such a branch may incur; and it appears to me to be *prima facie* impossible to limit the financial responsibility of the Union for obligations incurred by the branches in promoting its objects, either by reference to the extent of the obligation or the business of the person to whom it is incurred. The rules and the evidence which have been led in this case show that the branches are just the constituent members of the Union and carry on its sole business subject only to a general control by the Executive, and I entertain no doubt that the Union is answerable for all obligations properly undertaken by the branches in connection with the objects of the Union in so far as these are not contrary to its rules."

## APPENDIX T.

“It is further not to be left out of view,” said the Lord Justice Clerk, “that, in this particular case, the evidence discloses that the Executive, if they thought that they had the power to stop or interfere with Bowden’s case, could have intervened. For it is, as I think, established that their general secretary was perfectly well aware of the pursuer’s appointment to be Branch law agent, and also of the proceedings which were being taken in Bowden’s case, and that no exception was taken, either on grounds connected with the rules or any other ground, to what was being done.”

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