

No. 26.

COPY of a DESPATCH from Governor Sir GEORGE GREY, K.C.B., to the
Right Hon. the Earl of CARNARVON.

(No. 34.)

Government House, Wellington,

MY LORD,—

5th April, 1867.

I have the honor to transmit for your Lordship's consideration a Memorandum of my Responsible Advisers, on the subject of establishing in New Zealand Courts of Arbitration or Courts of a similar character, in which they request me to ask your Lordship to be good enough to obtain for them, if practicable, from the Governments of those foreign countries where such Courts exist, public reports or other documents furnishing information illustrative of their constitution and of their practical operation.

I have, &c.,

G. GREY.

The Right Hon. the Earl of Carnarvon.

Enclosure in No. 26.

MEMORANDUM by Mr. STAFFORD.

MINISTERS enclose copies of a resolution dated 8th August, 1866, of the House of Representatives, and of a subsequent Report of a Select Committee of that House, on the subject of establishing in New Zealand Courts of Arbitration or Courts of a similar character.

In order that this important subject may be properly considered by the Legislature, the Government is anxious to be furnished with full information illustrative of the constitution of such Courts, and of their practical operation in those foreign countries in which they exist, and, with that view, Ministers recommend that the Imperial Government be asked to obtain, if practicable, from the Governments of those countries, any public reports or other documents furnishing information on the following points:—

1. The constitution of Courts of Arbitration or Courts of a similar kind.
2. The extent of their jurisdiction and the mode of their operation.
3. The period during which they have been in force, and the practical effect of their operation.
4. Whether submission of cases to such Courts is, in the first instance, compulsory or voluntary, and whether any, and if so, what appeal is allowed from their decisions.

For His Excellency the Governor.

E. W. STAFFORD.

Sub-Enclosure 1 to Enclosure in No. 26.

Copy of a RESOLUTION of the HOUSE OF REPRESENTATIVES.

[*Extract from the Journals of the House of Representatives.*]

Wednesday, the 8th day of August, 1866.

RESOLVED,—That, in the opinion of this House, it is expedient that a Court of Arbitration should be established as an experiment in any Province, the Government of which may apply for such establishment; such a Court to be a Court of Record, and to have final and effectual jurisdiction in all civil matters or disputes referred to them.

(True Extract,)

F. E. CAMPBELL,

Clerk, House of Representatives.

(On motion of Major Richardson).

Sub-Enclosure 2 to Enclosure in No. 26.

REPORT of the SELECT COMMITTEE ON COURTS OF ARBITRATION.

THE Select Committee appointed to inquire and report as to the best means of giving practical effect to the resolution of the House of Representatives, of date August 8th, anent the establishment of Courts of Arbitration, have the honor to report as follows:—

In entering upon the very important inquiry devolved upon them, it appeared to your Committee that their chief duty was to procure evidence as to the existence and practical working of Courts of Arbitration in other countries.

Their attention has accordingly been directed mainly to this point, and although the information to be obtained here is somewhat limited, they have nevertheless found sufficient to warrant them in reporting that in France, in the Northern States of Europe, and in some of the South American States, the system of arbitration has been for many years in operation with marked success. It appears that in the French Code of Civil Procedure eleven sections are devoted to the proceedings in conciliation, and that they are not found defective in details is proved by the fact that in a single year 726,566 cases were settled in that way.

The following quotation from the journal of a resident in Norway during the years 1834, 1835, and 1836, by Samuel Laing, Esq., will serve to show the working of the system in that country:—

“The Court of first instance, the lowest in Norway, if it can be called one, is the parish Court of Mutual Agreement. This is a modern institution, which does honor to the wisdom and liberal spirit of the Danish Government. It is the first great and decided improvement upon the old modes and forms of administering justice which has been attempted by any of the ancient Governments of Europe with