

Enclosure 4 in No. 52.

Mr. HAMMOND to the UNDER SECRETARY OF STATE FOR THE COLONIES.

Foreign Office, 24th June, 1867.

SIR,—

With reference to your letter of the 18th ultimo, I am directed by Lord Stanley to transmit Sir A. Buchanan to you, to be laid before the Duke of Buckingham and Chandos, the accompanying copies of a No. 230. Despatch, and of its enclosure, from Her Majesty's Ambassador at St. Petersburg, containing information respecting the Courts of Arbitration existing in Russia.

I have, &c.,

E. HAMMOND.

The Under Secretary of State, Colonial Office.

Sub-Enclosure to Enclosure 4 in No. 52.

Sir A. BUCHANAN to LORD STANLEY.

(No. 230.)

MY LORD,—

St. Petersburg, 20th June, 1867.

On the receipt of your Lordship's Despatch, No. 114, of the 31st ultimo, marked Circular, I requested Mr. Roebuck, an Englishman settled here as a Russian lawyer, to furnish me with information which would enable me to forward a report to your Lordship respecting the Courts of Arbitration existing in this country, and I have the honor to enclose herewith the copy of a Memorandum which I have received from him, and from which it appears that no such Courts of Arbitration as the Government of New Zealand propose to establish in that Colony, form a part of the Judicial establishments of this Empire.

I have, &c.,

ANDREW BUCHANAN.

The Lord Stanley.

Enclosure.

MEMORANDUM drawn up by Mr. ROEBUCK, Lawyer in Russia, and Legal Adviser to Her Majesty's Embassy at St. Petersburg.

THE Russian Code admits of two modes of arbitration; the one judicial, the other voluntary. The former is made imperative in disputes between partners in trade, shareholders, stock-companies (as Fire, Life, and Sea Insurance Companies), for the arrangement of contentions both civil and commercial, arising between the said companies and private individuals. The arbitrators are chosen by each party, or by the Civil or Commercial Courts. The submission is performed by a deed, called the Arbitration Deed, before a Court of Justice, and it must set out the cause of the difference and the names of the arbitrators appointed, who, although otherwise bound to decide according to strict rules of law, may, by a power given to them by the parties by whom they are nominated, decide according to the equity of the case; the decision by equity is final and without appeal. (Code de procédure Civile Russe, vol. x., part ii., book ii., chap. 3, part 1138-1215).

Legal Courts of Arbitration have been abolished by a recent decision of the Council of Empire, sanctioned by the Emperor in 1866; and the only mode of arbitration maintained is that by mutual consent of both parties at law—the Voluntary Arbitration.

The formalities for instituting such arbitration; the modes of action of the same are the same as stated above with reference to the former legal Courts of Arbitration; but the submission of the parties must be voluntary; and the decision is to be by equity and without appeal. When two arbitrators cannot agree, an umpire is appointed by the Court of Justice, and his award is final and acquires force of law.

All matters, both civil and commercial, may be under the above-mentioned circumstances tried by arbitration, excepting (a) cases relative to the personal conditions of individuals; (b) all matters in which minors, or persons placed under guardianship, are interested; (c) all matters connected with the interest of the Crown; (d) all criminal cases.

19th June, 1867.

Enclosure 5 in No. 52.

Mr. EGERTON to the UNDER SECRETARY OF STATE FOR THE COLONIES.

Foreign Office, 25th June, 1867.

SIR,—

With reference to the various letters which have been addressed to you during the course of the present month, I am directed by Lord Stanley to request that you will inform the Duke of Buckingham and Chandos that Her Majesty's Minister at Hamburg, reports that there are no Courts of Arbitration in the Hanse Towns.

I have, &c.,

E. C. EGERTON.

The Under Secretary of State, Colonial Office.

No. 53.

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

(No. 42.)

SIR,—

Downing Street, 10th July, 1867.

I have had under my consideration an Act passed by the General Assembly in the last session, intituled "An Act to exempt members of the General Assembly from attendance in certain cases in Courts of Law."

I am quite ready to admit that much inconvenience both personal and

