

Legal regulation of certain types of commercial activities in Russia in the second half XVII – beginning of the XIX century

Alexandra Vladimirovna Plotnikova, Olga Grigoryevna Larina

South-West State University, 50 let Oktyabrya str., 94, Kursk, Russian Federation

E-mail: aleksanklyu@yandex.ru

Abstract. This article analyzes the features of state-legal basis for the functioning of certain types of trading activities (rural, banking, stock exchange, trade contractor, trading companies). The main features of rural trade were discussed. Legal regulation of rural trade was unsystematic, fragmented legislation bore. Legal status of peasants are were dual position and therefore the ambiguity of legal rules for trading peasants. It was found that in the XVIII - first half of XIX century in economic activity contracting trade was widespread. Analysis of the evolution of legislation in this area shows that the contracts on the one hand, had a special meaning for the public finances, and on the other, supported entrepreneurs, allowing them to focus as soon as possible in their hands very large fortunes. So the conclusion is that the needs of the economic life in Russia XVIII - early XIX century contributed to the public credit institutions and banking trade. Commercial bank credit as a form of trade was widely used in business relations in the form of promissory notes. Scientifically justified, that the evolution of forms of wholesale trade contributed to the emergence of exchanges. The role of trading companies was established in the XVIII century in the economic development of Russia. Trading companies not only joined domestic and foreign capital, but also strengthened the position of Russia on the world market. Subsequently, trading companies were transformed into joint stock companies, but at the relevant time, they could not compete with foreign companies, as happened in Russia only the emergence of bargaining and convivial monopoly in the trade relations of the company did not possess.

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Legislation in the field of trade relations in Russia in the second half of XVII - beginning of XIX century highlights such shops as: rural trade, contracts, banking and stock trading, as well as work through trading companies.

A distinctive feature of rural trade is uneven her concentration. One of the main causes of rural trading was a big distance to the nearby trading and the inability of local residents to travel regularly to the market.

There are three main stages of development of legislation on rural trade of Peter's time: 1) 1699-1710 gg. - Time decrees, which allows recording of peasants in Posadskoe tax and allowed to have shops in cities; 2) 1711 -1721 years - Allows for freedom Lavochne trading activities of the peasants in the cities; 3) 1722-1725 years - The continued voluntary entry in the urban population in the presence of the applicant have big capital [1].

In steps considered legal regulation of trade excelled unsystematic, fragmented bore, at the turn of XVIII-XIX centuries formed the Russian legislation on rural trade rules on trade rules contained in codified statutes, City Charter (Charter of St.

Petersburg (1798), the Charter of Moscow (1799)) [2].

At the beginning of the XIX century the legal status of peasants engaged in entrepreneurial activity was assigned. They were divided into three categories with the mandatory duty of the treasury from 1 to 25 rubles excise tax [3]. Also close by regulations (decree dated April 9, 1804, February 23, 1806 [4]) have been confirmed by the rights of peasants on their own trade on trade certificates I-III discharges.

Evaluating the level of legislation in this area, it should be noted that, despite a number of retreats, estates principle in trade observed throughout the period under review. Rural trade as a form of trading activities contributed to the rapid accumulation of capital from selling peasants. But at the same time, they are in their legal position remained peasants. This dual position and the associated ambiguity of legal norms for selling farmers adversely affected trading activity as hindered its development.

Conducted historical and legal analysis of the legislation in the field of rural trading activity suggests that the government was not interested in

the development of this kind of trade, as relied mainly on the nobility, which, of course, adversely affected the peasant trade and restrained it.

Supply of goods for state needs at a specific price got widespread already in the XVII century and became widespread in economic activity at the beginning of the XVIII century.

Contracts issued by the central government and local institutions, individual officials.

The main difference of contract from his current understanding is that previously under contract is a transaction in which one party undertakes to supply a certain thing, and the other - the obligation to pay it, most likely you can talk about the kind of sales. In the Russian Code of Laws (ie X hours I) [5] contained in Art. 1737 single definition for the contract and delivery, where the unifying feature for delivery and transfer of contract recognized things with mandatory time lag between the conclusion of the contract, and most of its transmission.

It should be noted that the trade contractor has been consistently and thoroughly settled norms of the legislation, indicating that the government's interest in this kind of trade, as well as contributed to the development of domestic trade.

Creating a special credit of state institutions was due to the needs of the economic life of the country: there was a need in the appearance and the legal registration of the special credit institutions - banks. The history of the emergence of public credit institutions in Russia belongs to the first half of the XVIII century. One of the first legal acts regulating banking activities, was the Decree 1733 «On the rules of borrowing money from Monetnaya office» [6], whose aim was the creation of the organization of public credit. In 1754, a decree «On the establishment of the State debt of the bank; on the issuance of money thereof, and the punishment of usurers» [7] opens a new page in the development of the banking trade and establishing a mechanism for the legal regulation of banks.

The next step in the regulation of banking activities was the publication in 1762 of the Decree «On the organization of the State Bank for the issue of paper money» [8], whose aim was to issue paper money, accept deposits from individuals and return them to the loan coinage, discounting bills. Thus asked the possibility of rapid growth speed banking trade.

Feature formation of credit and banking system of Russia was that the banks were organized on the initiative of the state. A distinctive feature of the credit relationship was social estates, so loans were exclusively nobles and merchants.

The banking system development, its legal consolidation at the state level look place, increasing the number of credit institutions at various levels, which certainly resulted in the growth and development of retail and wholesale trade.

A special kind of trade since the XVII century stood out as a commercial loan bills. Formation legislation bill circulation began with the creation in 1729 Promissory Note statute [9]. Promissory note statute, it was determined that the most simple transaction - this transaction involving two parties: the debtor and the creditor. Bill was a creditor, who presents it for payment at maturity. If the time limit expires, and the payment has been received, the lender had to protest the bill by a notary for ten days, which gave him the right to sue. Many of their bills passed by creditors to third parties, for which the document was made on the back of the inscription with the name of the person to whom it passed. This inscription in exchange law is called an endorsement, and the operation itself - endorsing bills (from the Italian indorso, literally - on the back or on the back) [10].

Thus, this document defines the circle of people involved in the transaction, the procedure of issuing promissory notes, bills of destruction rule stipulated in the event of payment, etc.

Paper circulation was important for the economic development of Russia, since the bill has become the main way of debt management that would ensure dynamic economic relations.

Development of large-scale production, capable of implementing large consignment of goods on a regular, recurring basis, was the main cause of trading.

Prior to the beginning of the XIX century had its own exchange controls and subordinate to the Chief Magistrate. Only in 1816 at a meeting of the St. Petersburg Stock Exchange to manage stock exchange affairs, was elected the Exchange Committee [11].

Feature of the functioning of this form of trafficking is a regular resumption of trading, the association of trade to a certain place and subordination of predetermined rules. The most popular trading operations become available commodity transactions. Along with providing a place of trade, organization and fixation trade customs among the main functions of the Exchange steel include: setting standards for product development of model contracts, quoting prices, dispute resolution (arbitration) and informational activities.

A distinctive feature of this type of trading activity is the lack of legal regulation and the use of activity exchanges business practices.

At the end of the XVII - beginning of the XIX century Russia's trade with foreign countries priority was given to trading companies organized for this purpose.

One of the main reasons for the trading companies began competition in trading business and a lack of capital. In 1699 [12] the first companies appeared whose purpose was the organization of foreign trade.

Assessing the state policy in this area, you can select the following: on the one hand the company provides commercial loans and subsidies, but, on the other hand, the state with the applied and the means of coercion.

In the second half of the XVIII century due to the need for further development of trade increased dissatisfaction with the presence of large increased as they oppressed the rights of the merchants, so created in 1760, the Commerce Commission was intended to make a decision about how to resolve privilege companies have a monopoly on trade in one way or another item. In the future, despite the changed policy regarding Convivial bargaining, the company transformed into trading houses and joint stock companies.

Trading companies in the analyzed period played a huge role in the organization of trade in Russia. They are not only united capital to compete with foreign capital, but also strengthened the position of Russia on the world market. Major role in the organization played a convivial bargaining state, which at first was subsidizing this kind of trade.

Evaluating features state-legal regulation of certain types of trading activity in the second half of Russia XVII - beginning of the XIX century should be allocated as follows. State regulation of rural trade, contracts, banking and stock trading, Convivial trades were carried out on the basis of legal and administrative (organizational) methods. In this case

there is insufficient legal regulation of foreign and domestic wholesale trade. Trade relations were under constant government control and regulation of trade handled by a special agency. State activities in the field of trade relations differed inconsistent tax and customs policy, facts of unjustified gain monopoly rights of the state and the assumption of strong competition from foreigners, which significantly slowed the development of trade relations in Russia.

Corresponding Author:

Dr. Plotnikova Alexandra Vladimirovna
South-West State University
50 let Oktyabrya str., 94, Kursk, Russian Federation
E-mail: aleksanklyu@yandex.ru

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