

1884.
NEW ZEALAND.

CONFEDERATION AND ANNEXATION.

PAPERS RELATING TO
NEW CALEDONIA, ITS CONVICTS, AND THE RÉCIDIVISTES BILL.

Presented to both Houses of the General Assembly by Command of His Excellency.

No. 1.

The AGENT-GENERAL for QUEENSLAND to the COLONIAL OFFICE.

Queensland Government Office, 1, Westminster Chambers,
Victoria Street, London, S.W. July 26, 1883.

SIR,—

I have the honour to forward you the copy of a telegram I have received to-day from the Hon. Sir Thomas McIlwraith, Premier of Queensland, for the information of the Right Hon. the Earl of Derby: "Can only extradite French escapees on application French authorities. Hitherto they have applied, but now refuse. Three escapees Noumea discharged to-day, through this. Represent Minister."

I have, &c.

THOS. ARCHER,
Agent-General.

The Under-Secretary of State for the Colonies.

No. 2.

The COLONIAL OFFICE to the FOREIGN OFFICE.

SIR.—

Downing Street, August 10, 1883.

I am directed by the Earl of Derby to transmit to you, to be laid before Earl Granville, a copy of a letter from the Agent-General for Queensland, forwarding a telegram from the Premier of the colony, in which he desires that the attention of Her Majesty's Government may be called to the refusal of the French authorities in New Caledonia to apply for the extradition of criminals who have escaped from Noumea.

2. In connection with this matter, I am to request Lord Granville's early consideration of the enclosed copy of a joint letter, from the Agents-General of New South Wales, New Zealand, Queensland, and Victoria, on the subject of New Guinea and the New Hebrides, in which it is strongly urged that measures should be taken to prevent the consequences anticipated from the declared intention of the French Government to transport large numbers of the worst class of criminals to New Caledonia, where they would be free on arrival. See A.—3, p. 128.

3. Considering the grave importance of this question to the welfare of the Australian Colonies, it appears to Lord Derby to be necessary to obtain immediate explanations from the French Government as to the course contemplated—(1) in regard to the number of convicts proposed to be sent out, and their position after arrival, and (2) the failure of the Government of New Caledonia, in the cases just reported, to demand the extradition of criminals whom they have permitted to escape; and Lord Derby will be glad to be enabled to assure the Government of Queensland that Her Majesty's Government has not failed to give prompt attention to the serious representation which has been made to them, and has communicated with the French Government.

4. I am also to request that Lord Granville may be reminded that, in 1881, the Queensland Legislature passed a Bill, to prevent the influx of foreign and other criminals into the colony, which was the subject of correspondence between this Department and the Foreign Office. This Bill did not at that time receive Her Majesty's assent, as objection was taken to the unequal incidence of certain of its provisions; but, under the circumstances now reported, and having regard to the contemplated increase in the number of French convicts to be transported to the Western Pacific, it appears to Lord Derby that it will not be possible to continue to resist such legislation.

I am, &c.

The Under-Secretary of State, Foreign Office.

R. H. MEADE.

NOTE.—Except as regards letters or telegrams to or from the Agent-General for New Zealand, the contents of this paper have been extracted from Imperial Blue Books.

No. 3.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, August 27, 1883.

I am directed by Earl Granville to transmit to you herewith, for the information of the Earl of Derby, a copy of a despatch which his Lordship has addressed to Her Majesty's Minister at Paris, instructing him to make a representation to the French Government, in the sense suggested in your letter of the 10th instant, respecting the transportation of relapsed criminals from France to New Caledonia.

I am, &c.

The Under-Secretary of State, Colonial Office.

J. PAUNCEFOTE.

No. 2.

Enclosure.

SIR,—

Foreign Office, August 25, 1883. *

I communicated, in due course, to the Colonial Office Lord Lyons's despatch of the 9th of May last, in which His Excellency reported that the Transportation of Relapsed Criminals Bill had passed the first reading in the French Chamber of Deputies, and that New Caledonia and its dependencies were included amongst the settlements to which relapsed criminals are to be sent.

The Earl of Derby has now brought under my notice, in connection with this matter, a joint communication, annexed herewith in copy, which has been addressed to his Lordship by the Agents-General of New South Wales, New Zealand, Queensland, and Victoria, and in which, *inter alia*, very strong representations are made, with a view to the adoption of effective measures for preventing the serious consequences to be anticipated from the above-mentioned resolution of the French Government, by which large numbers of the worst class of criminals would be transported to New Caledonia, where, as it is stated, they would be free. And, with further reference to this subject, his Lordship has received from the Agent-General of Queensland a letter, of which copy is also enclosed for your information, and which forwards a telegram from the Premier of the colony, calling attention to the refusal of the French authorities of New Caledonia to apply for the extradition of criminals who escape from Noumea into Queensland.

It is clear that this question, being one which gravely concerns the welfare of the Australian Colonies, must command the prompt attention of Her Majesty's Government, and I have accordingly to request that you will lose no time in placing yourself in communication with the French Government upon the subject, with a view to ascertain what is the course which they propose to pursue—in the first place, as regards the number of convicts to be sent out to the Western Pacific, and as to the position of such criminals after arrival; and, secondly, with respect to the failure of the Government of New Caledonia to demand the extradition of criminals whom they have permitted to escape, in the cases pointed out in the above-mentioned telegram from the Queensland Government.

I am, &c.

The Hon. F. Plunkett.

GRANVILLE.

No. 4.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, September 5, 1883.

With reference to my letter of the 27th ultimo, I am directed by Earl Granville to transmit to you herewith, for the information of the Earl of Derby, copy of a despatch from Her Majesty's Minister at Paris, enclosing copy of a note verbale which he has left with the French Government, respecting the proposed transportation of habitual criminals from France to New Caledonia.

I am, &c.

The Under-Secretary of State, Colonial Office.

T. V. LISTER.

Enclosure in No. 4.

MY LORD,—

Paris, August 31, 1883.

On receipt of your Lordship's despatch of the 25th instant, I drew up the memorandum, copy of which I have the honour to enclose, explanatory of the anxiety felt in the Australian Colonies as to the serious consequences which the proposed French law for the "transportation of relapsed criminals" to New Caledonia may entail. My intention was to speak to M. Challemeil Lacour in the sense of your Lordship's instructions, and to leave the memorandum with His Excellency only as a semi-official document. I found, however, on calling at the Foreign Department this afternoon, that M. Challemeil Lacour, who has been in poor health for some days past, has suddenly become so much worse that he is about to proceed at once to Vichy, and at that moment he was in conference with the President of the Council, arranging the temporary transfer of his duties to the latter. I therefore placed the memorandum in the hands of M. Marcel, the Chef de Cabinet of M. Challemeil Lacour, and begged him to submit it to the Minister for Foreign Affairs in my name. M. Marcel promised to call the attention of the Minister as soon as possible to the failure of the Government of New Caledonia to apply for the extradition of the three persons who had escaped from Noumea, as reported in the telegram from the Governor of Queensland, of the 26th ultimo.

I have, &c.

The Earl Granville, K.G.

F. R. PLUNKETT.

Sub-Enclosure.

THE Australian Colonies of Great Britain have made strong representations to Her Majesty's Government, with a view to the adoption of effective measures for preventing the serious consequences which they fear will result to them if the Bill now before the Chamber of Deputies, for the transportation of relapsed criminals to New Caledonia and its dependencies, should become law. The Queensland Government, in particular, complain that the Government of New Caledonia now decline to demand the extradition of criminals who may have escaped from Noumea, and, in the absence of such a demand on the part of the French authorities, the British colonial authorities cannot act against these individuals. The Governor of Queensland telegraphed, on the 26th ultimo, that the French authorities have hitherto applied for the extradition, but now refuse to do so, and that, consequently, he had just been obliged to discharge three convicts who had escaped from Noumea. As the transportation to New Caledonia is intended to rid France of the worst class of her criminals, who, apparently, are to be left free when they reach New Caledonia, and whose neighbourhood will be a constant source of danger to the Australian Colonies, Lord Granville would be glad to know what course the French Government propose to pursue, as to the number of convicts to be sent out to the Western Pacific, and as to the position of such criminals after arrival at their destination. His Lordship would also be glad to learn what course the French Government propose to follow with regard to the failure of the Government of New Caledonia to demand the extradition of the criminals who escaped, as explained in the telegram from the Governor of Queensland above referred to.

August 31, 1883.

No. 5.

The COLONIAL OFFICE to the AGENT-GENERAL for QUEENSLAND.

SIR,—

Downing Street, September 19, 1883.

With reference to your letter of the 26th of July, enclosing a telegram from the Premier of No. 1. Queensland, respecting the refusal of the French authorities in New Caledonia to apply for the extradition of criminals who have escaped from that colony, I am directed by the Earl of Derby to transmit to you copies of a letter from this Department to the Foreign Office, and of two letters Nos. 2, 3, from that Department, with their enclosures, on the subject. I am, &c. and 4.

The Agent-General for Queensland.

JOHN BRAMSTON.

No. 6.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, September 24, 1883.

With reference to the letter from this department of the 5th instant, I am directed by Her No. 4. Majesty's Secretary of State for Foreign Affairs to transmit to you, to be laid before Her Majesty's Secretary of State for the Colonies, copy of a despatch relating to the presence in British Australian Colonies of relapsed French criminals. I am, &c.

The Under-Secretary of State, Colonial Office.

T. V. LISTER.

Enclosure.

MY LORD,—

Paris, September 21, 1883.

I took an opportunity this afternoon of recalling the attention of the Directeur Politique to the note verbale which I had left with M. Challemeil Lacour on the 31st ultimo, respecting the anxiety caused in the Australian Colonies by the reported intention of the French Government to transport their relapsed criminals to New Caledonia; and I inquired what steps had been taken with reference to the failure of the Governor of that colony to demand, as heretofore, the extradition from Australia of some French criminals who had succeeded in escaping there. M. Billot, who admitted the grave importance of the question to the British Australian Colonies, said that the Foreign Minister had at once referred my communication to the Ministers of the Colonies and of the Interior, and recommended it to their early attention. His Excellency was only waiting for the answers of his two colleagues, and hoped to be shortly in a position to reply to a part, at least, of my communication: the action of the Government in this matter must depend so much on the decisions of the Chamber, that it would be difficult to give a definite answer at present as to the intended places of transportation; but, with regard to the omission (if such existed) of the Governor to ask for the extradition of escaped criminals, explanations had been invited, and steps would, if necessary, be taken to insure, in future, that the extradition should be asked for. M. Billot seemed to have a notion that the failure to ask for extradition might have arisen from the many formalities which the Australian Colonies insist on before they surrender a criminal. The papers which they require have sometimes to be sent for from France, a proceeding which necessitates both delay and expense. M. Billot promised he would keep the matter in mind, and let me have an answer as soon as possible.

The Earl Granville, K.G.

I have, &c.

F. R. PLUNKETT.

No. 7.

The COLONIAL OFFICE to the AGENT-GENERAL for QUEENSLAND.

SIR,—

Downing Street, October 5, 1883.

With reference to your letter of the 26th of July last, and to the reply from this department of the 19th of September, respecting the refusal of the French authorities in New Caledonia,

to apply for the extradition of criminals who have escaped from that colony, I am directed by the Earl of Derby to transmit to you a copy of a letter from the Foreign Office, enclosing a despatch from Mr. Plunkett on the subject.

The Agent-General for Queensland.

I am, &c.

JOHN BRAMSTON.

No. 8.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, November 23, 1883.

I am directed by Earl Granville to transmit herewith, to be laid before Her Majesty's Secretary of State for the Colonies, a copy of the Relapsed Criminals Bill (Projet de Loi sur les Récidivistes), which has been received from Her Majesty's Ambassador at Paris. In forwarding this Bill, His Excellency stated, on the 19th ultimo, that it had not yet come before the Senate, but that it might be brought before it during the present session, and, if passed as it stands, by that body, it might become law without any further proceedings in the Chamber of Deputies. I am to request that the enclosed Bill may be returned to this office at Lord Derby's earliest convenience, in order that it may be printed, one copy only having been received from Paris.

I am, &c.

J. PAUNCFOTE.

The Under-Secretary of State, Colonial Office.

Enclosure.

PROJET DE LOI SUR LES RÉCIDIVISTES.

LA Chambre des Députés a adopté le Projet de Loi dont la teneur suit :—

Article 1^{er}. La relégation consistera dans l'internement perpétuel, sur le territoire des colonies ou possessions françaises, des condamnés que la présente Loi a pour objet d'éloigner de France. Elle sera prononcée contre les récidivistes et malfaiteurs d'habitude des deux sexes qui auront encouru les condamnations visées par les Articles 4, 5, 6, et 7 de la présente Loi.

Art. 2. La relégation ne résultera que des condamnations prononcées par les Cours et Tribunaux ordinaires, à l'exclusion de toutes juridictions spéciales ou exceptionnelles.

Art. 3. Les condamnations pour crimes et délits politiques et pour crimes et délits connexes aux précédents ne seront comptées en aucun cas pour la relégation.

Art. 4. Sera relégué à vie : (1.) Tout individu qui aura encouru dans un intervalle de dix années deux condamnations à la réclusion ou aux travaux forcés à temps, sans qu'il soit cependant dérogé aux dispositions de la Loi du 30 Mai, 1854. (2.) Tout individu qui aura encouru dans ce même intervalle de temps une des condamnations, indiquées au paragraphe précédent et deux condamnations, soit à l'emprisonnement pour faits qualifiés crimes, soit à trois mois de prison au moins pour un des délits spécifiés à l'Article suivant, quel que soit l'ordre dans lequel ces diverses condamnations auront été prononcées.

Art. 5. Sera relégué à vie : Tout individu qui aura encouru dans un intervalle de dix années quatre condamnations, soit à l'emprisonnement pour faits qualifiés crimes, soit à trois mois de prison au moins pour les délits ci-après spécifiés, savoir : Vol ; abus de confiance ; escroquerie ; destruction ou dégradation d'arbres ou de récoltes dans les cas prévus par les Articles 444, 445, 446, 447, et 449 du Code Pénal ; outrage public à la pudeur ; excitation habituelle de mineurs à la débauche.

Art. 6. Sera relégué à vie : Tout individu qui aura encouru dans un intervalle de dix années et dans quelque ordre qu'elles aient eu lieu, outre cinq condamnations pour vagabondage dont une au moins à trois mois d'emprisonnement, deux condamnations au moins dans les conditions et pour l'un des faits visés par l'Article 5 ou par les Articles 4 et 5 combinés de la présente Loi.

Art. 7. Sera également relégué à vie : Tout individu qui, n'ayant été l'objet d'aucune condamnation pour crime ou délit dans les conditions prévues aux Articles 4 et 5, aura néanmoins encouru, dans un intervalle de dix années, six condamnations dont une au moins à trois mois d'emprisonnement par application des Articles 276, 277, 278, 279, 281, du Code Pénal.

Art. 8. La durée de toute peine subie pour crime ou délit quelconque ne comptera par dans le calcul du délai de dix années mentionné aux Articles 4, 5, 6, et 7.

Art. 9. La relégation n'est pas applicable aux individus âgés de plus de 60 ans ou de moins de 21 ans. Toutefois les condamnations encourues par le mineur de 21 ans compteront, en vue de la relégation, s'il est, après avoir atteint cet âge, de nouveau condamné dans les conditions prévues par la présente Loi.

Art. 10. Les condamnations encourues antérieurement à la promulgation de la présente Loi seront comptées en vue de la relégation, conformément aux précédentes dispositions. Néanmoins tout individu qui aura encouru avant cette époque les condamnations pouvant entraîner dès maintenant la relégation n'y sera soumis qu'en cas de condamnation nouvelle, dans les conditions prévues par la présente Loi.

Art. 11. Lorsqu'une poursuite devant un Tribunal Correctionnel sera de nature à entraîner l'application de la peine de la relégation il ne pourra jamais être procédé dans les formes édictées par la Loi du 20 Mai, 1863, sur les flagrants délits. Un avocat sera donné d'office au prévenu à peine de nullité. Le jugement ou l'arrêt de condamnation prononcera la relégation en même temps que la peine principale. Il visera expressément les condamnations antérieures par suite desquelles elle sera applicable.

Art. 12. Les condamnations qui auront fait l'objet de grâces, commutations, et réductions de peines seront néanmoins comptées en vue de la relégation. Ne le seront pas celles qui auront été effacées par la réhabilitation.

Art. 13. La relégation n'aura lieu qu'à l'expiration de la dernière peine à subir par le condamné. Mais faculté est laissée au Gouvernement de devancer cette époque pour opérer le transfèrement. Il pourra également lui faire subir tout ou partie de la dernière peine, soit de réclusion, soit d'emprisonnement, dans un pénitencier agricole de France, de Corse, ou d'Algérie. L'un de ces pénitenciers servira de dépôt pour les libérés qui y seront maintenus jusqu'au plus prochain départ pour le lieu de la relégation. Tout individu condamné à la prison ou à la réclusion pourra, sur sa demande, être envoyé dans un des lieux de relégation, après avoir subi la moitié de sa peine. Il sera soumis aux obligations et bénéficiera aux avantages de la présente Loi.

Art. 14. La relégation devra être effectuée dans l'une des colonies ci-après : La Nouvelle-Calédonie et dépendances ; les Isles Marquises ; l'Île Phu-Quoc ; la Guyane.

Art. 15. Il pourra être accordé par l'autorité administrative des autorisations exceptionnelles de sortir des territoires de la relégation. Ces autorisations ne pourront être données pour plus de six mois ou être réitérées, sauf par décision Ministérielle. Une décision Ministérielle sera également nécessaire pour autoriser, à titre exceptionnel et pendant six mois au plus, le retour en France d'un individu en état de relégation. Tout relégué qui aura outrepassé ces autorisations ou pénétré sans autorisation en France, sera condamné par le Tribunal Correctionnel du lieu de son arrestation ou de la relégation à la peine ci-dessous édictée contre les évasions.

Art. 16. Tout relégué convaincu d'évasion ou de tentative d'évasion hors des territoires de la relégation sera traduit devant le Tribunal Correctionnel du lieu de son arrestation et condamné à un emprisonnement qui ne dépassera pas deux ans. La peine devra être subie sur les territoires de la relégation. Elle pourra, en cas de récidive, être élevée jusqu'à une durée de cinq ans.

Art. 17. Les relégués pourront obtenir, sur les territoires de la relégation, l'exercice de tout ou partie des droits dont ils auraient été privés par l'effet des condamnations encourues.

Art. 18. En cas de grâce, le condamné à la relégation ne pourra en être dispensé que par une disposition spéciale des lettres de grâce.

Art. 19. Dans le délai de six mois à dater de la promulgation de la présente Loi, un Décret rendu en forme de Règlement d'Administration Publique en déterminera le mode d'exécution, et notamment : L'organisation des pénitenciers agricoles mentionnés en l'Article 13 ; le temps à passer dans ces pénitenciers ; les conditions dans lesquelles le condamné pourra être dispensé définitivement ou provisoirement de la relégation pour cause d'infirmités ou de maladie ; les différents départs pour le lieu de la relégation ; les mesures d'aide et d'assistance en faveur des relégués et de leur famille ; l'organisation des établissements destinés aux relégués ; les conditions auxquelles des concessions de terrain, provisoires ou définitives, pourront être faites aux relégués et à leur famille, les avances à leur faire pour premier établissement, le mode de remboursement, l'étendue des droits de l'époux survivant, des héritiers et des tiers intéressés sur les terrains concédés et les facilités qui pourraient être données à la famille des relégués pour les rejoindre.

Art. 20. Est abrogée la Loi du 9 Juillet, 1852, concernant l'interdiction par mesure administrative du séjour de Département de la Seine et des communes formant l'Agglomération Lyonnaise. La peine de la surveillance de la haute police est supprimée en tout ce qui concerne l'obligation de résidence en des lieux déterminés. Elle n'aura désormais d'autre effet que d'entraîner l'interdiction du séjour et de l'accès du Département de la Seine. Restent, en conséquence, applicables pour cette interdiction, les dispositions antérieures qui réglaient l'application ou la durée, ainsi que la remise ou la suspension de la surveillance de la haute police et les peines encourues par les contrevenants, conformément à l'Article 45 du Code Pénal. Tous individus placés au moment de la promulgation de la présente Loi sous la surveillance de la haute police sont et demeureront de plein droit soumis, pour le temps qui restait à courir de cette peine, à l'interdiction du séjour et de l'accès du Département de la Seine. Cette interdiction ne devra être prononcée en aucun cas lorsque la transportation sera encourue.

Art. 21. La présente Loi est applicable à l'Algérie et aux colonies. En Algérie, par exception à l'Article 2, la relégation résultera, dans les conditions de la présente Loi, des condamnations pour crimes et délits de droit commun prononcées contre les indigènes du territoire de commandement par les Conseils de Guerre et les Commissions Disciplinaires.

Art. 22. Toutes dispositions antérieures sont abrogées en ce qu'elles ont de contraire à la présente Loi.

Délibéré en séance publique, à Paris, les 8 Mai et 29 Juin, 1883.

Les Secrétaires—

A. BASTID.

L. BIZARELLI.

FRANCIS CHARMES.

Le Président,

HENRI BRISSON.

No. 9.

The AGENT-GENERAL for VICTORIA to the COLONIAL OFFICE.

8, Victoria Chambers, Victoria Street, Westminster, S.W.,

November 29, 1883.

MY LORD,—

With reference to Mr. Meade's letter to the Foreign Office, of the 10th of August (Parliamentary Paper C.—3,814, No. 32), and to Lord Granville's subsequent despatch to Her Majesty's Embassy at Paris (No. 35), communicating a copy of the joint letter of the Australasian Agents-General to your Lordship, I have the honour to request, for the information of my Government, communication of the reply of the French Government to the representation which Mr. Plunkett was instructed to lese no time in laying before them on the number, and position after arrival, of the convicts to be sent to the Western Pacific, and on the failure of the Government of New Caledonia to demand the extradition of the criminals whom they had lately permitted to escape.

More than three months have elapsed since the despatch of Lord Granville, to which I have referred, was written, and inquiries which I have made lead me to believe that, not merely is the French Government pressing forward the scheme of transportation from which the colonies apprehend such unhappy results, but that a new service from Havre to Noumea has been specially chartered in connection with it. I shall be glad, for obvious reasons, to be able to inform my Government, during the meeting of the Convention at Sydney, what may have been the reply of the French Government to the representations made by Mr. Plunkett, in reference to which Mr. Meade wrote that your Lordship felt it to be necessary to obtain immediate explanations from that Government.

I have, &c.

The Right Hon. the Earl of Derby:

ROBT. MURRAY SMITH.

No. 10.

The AGENT-GENERAL FOR NEW ZEALAND to the COLONIAL OFFICE.

SIR,—

7, Westminster Chambers, November 30, 1883.

When the Earl of Derby received the Agents-General a few days ago, his Lordship desired me to lay before him, in writing, the grounds on which we had ventured to urge that renewed remonstrances should be addressed to the French Government with respect to the Récidivistes Bill, before that measure reaches a further stage in the Senate.

I understood Lord Derby to say that he desired to have further evidence of the correctness of my statement that the *récidivistes* would be free, on their arrival in the colony to which they might be sent, as the terms of the Bill appeared to him to provide for their permanent confinement ("internement perpétuel") within the colony. I beg, therefore, to make the following explanation. When the Bill was before the Chamber of Deputies a remarkable incident occurred. The first clause of the Bill had declared, as the amended Bill does now, that the criminals should be confined within the territory of the colony ("la relégation consistera dans l'internement perpétuel sur le territoire des colonies ou possessions françaises"). But clause 16 (now 15) provided that permission might be given by the colonial authorities to the *relégués* to leave the colony ("il pourra être accordé par l'autorité administrative des autorisations exceptionnelles de sortir des territoires de la relégation"), such leave not extending beyond six months; and the next clause provided that any *relégué* who should be convicted of running away ("tout relégué convaincu d'évasion ou de tentative d'évasion hors de territoires de la relégation") should be liable to punishment. These clauses passed the Chamber without amendment. When, however, clause 20 (now 19) was proposed, providing, among other things, for the organization of the necessary convict establishments, a deputy (M. Lorois) moved an amendment expressly declaring the absolute freedom of the *relégués* throughout the colony ("les relégués jouiront de leur liberté entière dans toute l'étendue de la colonie dans laquelle ils seront relégués"). He recalled the declarations which had been made during the debate as to the freedom of the *relégués* on arrival, saying that these were only expressions of opinion not binding on the Government, and that, although M. Waldeck-Rousseau himself could of course be relied upon to do what he said, Ministries passed away, and his successor might hold contrary opinions; that it was now proposed to have, besides gendarmerie, 200 warders ("surveillants") to control the *relégués*, and it was not easy to see why such a force was wanted to look after people who were to be free; and that, accordingly, the Chamber ought not to be satisfied with mere declarations about their freedom, but should insert express provision to that effect. But the Minister of the Interior (M. Waldeck-Rousseau) replied that the proposed amendment was quite unnecessary ("est absolument inutile"). The *récidiviste* would be free from the moment he touched the soil of the colony ("lorsqu'un récidiviste est transporté, il est libre du moment où il touche le sol de la colonie"): as for the establishments in question, they were merely to provide for cases where a *récidiviste* should come to the Government for employment, or for land; the provisions of the clause were really in favour of the *relégué*, and in no way implied the idea of confinement ("n'impliquent à aucun degré l'idée d'internement"). When you pass a penal law, he added, you need not say in it that those who are no longer subject to any penalty are free: so long as the law does not say that the *relégué* is not free, it is incontestable that liberty is his right ("du moment qu'il n'est pas dit que le relégué ne sera pas libre, il est incontestable que c'est la liberté qui est son droit"). Whereupon M. Lorois said that, after such a declaration, binding, as it would now do, not merely M. Waldeck-Rousseau, but the whole Ministry, he was satisfied and would withdraw his amendment.

It will be obvious to Lord Derby that the Minister of the Interior could hardly admit an amendment which, in terms, expressly contradicted the preceding clauses of the Bill: indeed, the appearance of the two in juxtaposition would have been an absurdity. But when the Bill was sent back to the Committee for reconsideration before the *deuxième délibération*, at the end of June, the Committee reported to the Chamber that, while the debates of May had shown the necessity of explaining more clearly the *régime* to which the *relégués* would be subject, it had been officially declared over and over again that this *régime* would be exactly the same as if the convicts had gone to the colony voluntarily, with the sole difference that they would not be able to leave it as an ordinary colonist might do ("comme l'ont dit dans la discussion à plusieurs reprises M. le Ministre de l'Intérieur et votre rapporteur, le régime des relégués dans le lieu de la relégation est exactement celui sous lequel ils vivraient s'ils s'y étaient rendus volontairement, avec cette seule différence qu'ils ne pourront pas en sortir comme le ferait un colon ordinaire"). Their punishment would consist only in the obligation to stay where they were sent ("leur peine consistera dans l'obligation de rester dans le lieu de la relégation"): even those who were incorrigible would be treated in exactly the same way ("les incorrigibles . . . tout comme les précédents [i.e., the well-behaved] seront libres dans les lieux où ils auront été relégués; comme eux, ils ne seront astreints qu'à l'internement dans ces lieux").

Now when the Bill came on for the "deuxième délibération," the meaning of the word "internement" was more clearly stated. A deputy (M. Jules Maigne) asked whether internment was to extend over the whole island to which the criminals were sent, or only to fixed places within that island; to which the president of the Committee (M. Laroze) replied that it was meant to extend over all the island. But when the discussion reached clause 19 (formerly 20), another deputy (M. Granet) referred to the explanations given in the Committee's second report upon the régime to be applied to the *relégués* in the colony, and to the assurance that they would be as free there as if they had gone voluntarily ("dans l'état où ils se trouveraient s'ils étaient volontairement rendus sur le sol de la transportation, c'est-à-dire à l'état de liberté complète"): he reminded the Chamber how often the Committee had repeated the same assurance ("la commission a prétendu elle a répété que les récidivistes seront en état de liberté"), and he bade them remember that they were going to leave in absolute freedom 5,000, 10,000, 20,000 habitual criminals ("vous allez laisser à l'état de liberté absolue 5,000, 10,000, 20,000 récidivistes"). Not only was there no denial to this, in reply, but, on the contrary, a confirmation. M. Thomson, a member of the Committee, acknowledged that the certainty of the freedom of the *relégués* was not only assured by the formal and reiterated declarations of the authors of the Bill, of the Minister of the Interior, of the reporter, and of the President of the Committee, but also by the terms of the Bill itself ("la certitude que ce régime de liberté leur sera appliqué résulte non seulement des déclarations formelles et répétées des auteurs du projet, du Ministre de l'Intérieur, du rapporteur, et du président de la commission, mais elle résulte aussi du texte même du Projet de Loi"). On this, the Minister of the Interior interjected, "Especially by the Bill itself" ("surtout du texte de la Loi"). Further, M. Thomson distinguished between internment and residence ("en effet la Loi dit que la peine de relégation sera l'internement perpétuel, c'est-à-dire le séjour perpétuel sur le territoire des colonies"), and said that, so long as the malefactors remained on the territory, they had paid their debt to society, and there was no right to require anything more from them ("à la condition qu'ils demeurent relégués sur le territoire d'une colonie, les condamnés ont payé leur dette à la société, et vous n'avez le droit de leur demander rien de plus").

It is evident, therefore, that there will be no real restraint upon the *relégués* after their arrival in the colony; and this is what the Agents-General urged upon Lord Derby. We say it is in vain for any one to imagine that habitual criminals, steeped in vice and debauchery, and stained with every crime, to whom a distinct promise is given of absolute freedom on their arrival in the French colony, will really be interned within its limits. On the contrary, the attempt to intern them will be so difficult and costly that it will be hard to resist a constant temptation to the authorities to use the power which is given by the Bill, and allow them to escape.

The English colonies must guard themselves as they can against such a danger; and, indeed, Lord Derby has plainly stated, in his despatch to the Foreign Office of August 10, that, if increasing numbers of French convicts are to be transported to the Western Pacific, it will not be possible for the Imperial Government to resist legislation such as that which took place two years ago in Queensland, but to which, at that time, Her Majesty's Government were unwilling to assent. Nor is it only of themselves that the colonists are thinking: they appeal to Lord Derby on behalf of the native people in the islands, to whom no more cruel fate could be reserved than the one of being permeated by the very dregs of these foreign criminals. Powerless as the High Commissioner already is to repress an outrage by a foreigner, he will find himself confronted by a new and formidable danger to the natives, against which no authority, no devotion, of his own will avail. The very *raison d'être* of the Western Pacific Acts was the acknowledgment by the Imperial Government of a duty towards the native races. This duty, and the obligations which flow from it, Lord Derby has now said there will be much less difficulty in transferring to the colonies if they decide either upon confederation or united action. But neither by the Imperial nor by the Colonial authorities can these obligations ever be fulfilled if the islands are to be the theatre of this new experiment in criminal law by a great and friendly nation. The first to suffer will be the New Hebrides, for it is not attempted to be concealed that efforts will be made to farm out *récidivistes* for the properties which French companies have acquired there: but one island after another will follow, if they are not saved now, by Her Majesty's Government, from the evil fate which seems to threaten them. Against a law which must bring such calamity upon both races the English communities in Australasia feel they have a right to protest: and the prayer of the Agents-General to Lord Derby, therefore, was, that Her Majesty's Government would address a renewed remonstrance to the Government of the republic, not more for the sake of the Queen's subjects in Australasia than of the native people, to whom, by the Pacific Islands Acts, Her Majesty extended her gracious protection.

The Under-Secretary of State for the Colonies.

I have, &c.

F. D. BELL.

No. 11.

The COLONIAL OFFICE to the AGENT-GENERAL for VICTORIA.

SIR,—

Downing Street, December 3, 1883.

With reference to your letter of the 29th ultimo, I am directed by the Earl of Derby to No. 9. transmit to you a copy of a letter from the Foreign Office, with its enclosure, respecting the representations which Mr. Plunkett was instructed to make in connection with the reported intention of the French Government as regards transportation to New Caledonia, and the alleged failure of the Government of that colony to demand, as heretofore, the extradition from Australia of escaped criminals. A copy of this letter was sent to the Agent-General for Queensland on the 5th

of October, and Lord Derby concludes that it may have now reached the Government of Queensland. His Lordship desires me to add that there is nothing further to communicate on the points above mentioned, but that the subject is, of course, receiving continued attention.

The Agent-General for Victoria.

I am, &c.

JOHN BRAMSTON.

No. 12.

The AGENT-GENERAL FOR NEW ZEALAND to the PREMIER.

(Extract from Letter dated December 7, 1883.)

For other portions of this letter see A.—3B, No. 21.

As regards the Récidiviste Bill, it is still before the Committee of the Senate. The Agents-General, in their telegram to the Convention, suggested that it might be well to consider whether a direct representation should be made to the French Ministry before the Bill reaches a further stage. It is, of course, true, as the Convention pointed out in reply, that the British Government is the proper authority for making any representations to the French Ministry, and there are obvious inconveniences in going out of that course. At the same time, since circumstances have happened to impose upon me the task of examining into the causes which led to the introduction of the Bill, the arguments by which it was defended, the elaborate reports presented to the Chamber of Deputies, and the debates which took place in that Chamber, it may be excusable for me to say that, if there was anything of which, during that investigation, I became more persuaded than another, it was that the feelings of the Australasian colonists upon the question had never been guessed at, either by the promoters of the Bill or by its adversaries. I think it will take a good deal more than official remonstrances by the Foreign Office to induce the French Government to make any material alteration in the scheme, still less to withdraw it altogether: and, if so, we may have lost a favourable opportunity of making that kind of explanation to the French Ministers as to the gravity of the position in the eyes of Australasia, which we certainly cannot expect to be made in communications from Her Majesty's Government. It is now close upon six months since the Agents-General had their first interview with Lord Derby: it is nearly five months since his Lordship received, in our joint letter of the 21st July, a written remonstrance against the Bill: and it has been by the purest accident (the adjournment of the French Chambers, and the pre-occupation of French statesmen by political complications) that the Bill has not long ago become law. If during all that time the remonstrances of Her Majesty's Government have not been effectual on the Récidiviste question, I hardly think they will be much more effectual now in preventing the passage of the Bill. It is not necessary for me to point out that the principle of allowing direct representations to be made on the part of Colonial Governments to a Foreign Power is fully recognized by the Imperial Government. Sir Alexander Galt, High Commissioner for Canada, has more than once had conferences with the French Cabinet upon questions of political importance to the Dominion; and even in the lesser question of a postal line I was myself accredited by Lord Granville to M. Cochery, Minister of Posts and Telegraphs. There would have been, therefore, no novelty in the course we suggested to the Convention.

No. 13.

The AGENT-GENERAL FOR NEW ZEALAND to the PREMIER.

PREMIER, New Zealand, Sydney.

Upon Lord Derby requiring me supply further evidence accuracy my statement *récidivistes* free on arrival, gave full extracts debates French Chambers, proving that, although Bill apparently stipulated internment within colony, clause empowered officials give permission quit; and that reiterated official declarations, *récidivistes* absolutely free: therefore, evident no real restraint. Said Australia must defend against such danger. Appealed behalf native races, permeated foreign criminals. Asked renewed remonstrance made French Government.

BELL.

London, December 5.

No. 14.

The COLONIAL OFFICE to the FOREIGN OFFICE.

SIR,—

Downing Street, December 5, 1883.

No. 8.

I am directed by the Earl of Derby to acknowledge the receipt of your letter of the 23rd ultimo, transmitting a copy of the French Relapsed Criminals Bill.

No. 10.

2. With reference to this Bill, I am to transmit to you a letter from the Agent-General for New Zealand, in which, after describing the proceedings in connection with that measure, he calls particular attention to the fact that, if it becomes law in its present shape, it will provide for the transportation to islands near Australia of *récidivistes* of the worst character, who will be free on their arrival.

3. There is much apprehension and excitement in Australia and New Zealand as to the probable consequences of the Bill, if the powers to be conferred by it should be exercised in respect of New Caledonia and its dependencies; and, while Lord Derby does not suggest that Her Majesty's Government could interfere with the existing French penal settlement in New Caledonia, it appears to his Lordship that there is ground for a strong remonstrance against any material increase of the number of criminals to be sent thither, and more particularly against the proposal to include New

Caledonia among the places to which relapsed criminals shall be sent, and at the same time to give them an amount of liberty not hitherto enjoyed by those now under penal servitude in that island. This liberty, in the opinion of those best acquainted with the circumstances of the Australian colonies and the neighbouring countries, would inevitably lead to a wide dispersion of the French convict population among islands not under French authority, whence they would migrate to the Australian continent.

4. The French Government should be pressed to consider that, having regard to the very numerous cases in which convicts have, during recent years, escaped from New Caledonia to Australia, any increase of the numbers sent thither must necessarily be viewed as an unfriendly act; and more particularly that the provisions of the Bill, and the manner in which, according to explanations publicly given, it is contemplated that those provisions should be carried out, compel Her Majesty's Government to express their strong hope that they may receive an assurance that it will not be applied to New Caledonia.

5. I am to return the copy of the Bill enclosed in your letter, and to request that copies may be sent to this department as soon as it is printed.

The Under-Secretary of State, Foreign Office.

I am, &c.

ROBERT G. W. HERBERT.

No. 15.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, December 7, 1883.

With reference to my letter of the 23rd of November, I am directed by Earl Granville to transmit to you herewith, to be laid before the Earl of Derby, copy of a despatch from Her Majesty's Ambassador at Paris, enclosing copy of a *note verbale* which he has received from the French Minister for Foreign Affairs, in answer to the memorandum which Her Majesty's Chargé d'Affaires addressed to the French Government in August last upon the subject of the Bill for the transportation of relapsed criminals to New Caledonia. I am to add that your letter of the 5th instant upon this subject is now under Lord Granville's consideration.

I am, &c.

The Under-Secretary of State, Colonial Office.

PHILIP W. CURRIE.

Enclosure.

MY LORD,—

Paris, December 3, 1883.

With reference to my despatch of the 28th of October last, to Mr. Plunkett's despatches of the 31st of August and 21st of September last, as well as to your Lordship's despatch of the 4th of September last, I have the honour to transmit to your Lordship a copy of a *note verbale* which has been sent to me by the French Minister for Foreign Affairs, in answer to Mr. Plunkett's memorandum of the 31st August, respecting the apprehensions excited in Her Majesty's Australian Colonies by the Bill for transportation of relapsed criminals to New Caledonia which has been passed by the French Chamber of Deputies. The note states that, as the Bill, though adopted by the Chamber of Deputies, is still liable to amendment by the Senate, the French Government cannot yet speak positively as to the purport of the measure, or the mode in which it will be carried into execution. The French Government hopes, however, to be able in a short time to give an estimate of the number of criminals, now in prison, to whom the law will be applicable, if it shall be passed by the Senate in its present shape. Finally, it appears from the note that orders have been sent to the Governor of New Caledonia to continue to apply to the competent authorities, in conformity with the 16th Article of the Treaty of the 14th of August, 1876, for the extradition of transported convicts who escape to Australia.

I have, &c.

The Earl Granville, K.G.

LYONS.

Sub-Enclosure.

Le Ministre d'Angleterre à Paris a remis, le 31 Août, à M. Ch.-Lacour une note appelant l'attention du Gouvernement de la République sur certaines conséquences qui paraissent au Gouvernement Britannique devoir résulter pour les colonies Australiennes de la mise en exécution du projet de la loi sur les récidivistes présenté récemment à la Chambre des Députés.

D'après les dispositions de cette loi, la rélegation dans différentes colonies françaises, parmi lesquelles figurent la Nouvelle Calédonie et ses dépendances, doit être prononcée dans certains cas. Les populations des possessions anglaises ont manifesté les craintes que leur inspirent le voisinage éventuel des individus ainsi éloignés de la métropole, et Lord Granville désirerait savoir quelles sont les intentions du Gouvernement français en ce qui concerne le nombre des condamnés destinés à nos établissements de l'Océan Pacifique, et le régime auquel ils seraient soumis.

Il convient, tout d'abord, de remarquer que les dispositions dont il s'agit n'ont encore été sanctionnées que par l'une des deux assemblées dont l'accord est nécessaire pour leur donner force de loi, et que les délibérations du Sénat, auquel elles sont soumises en ce moment, peuvent même les remanier par voie d'amendement devant la Chambre des Députés.

Dans ces conditions une certaine réserve s'impose au Gouvernement français, et le Gouvernement anglais se rendra facilement compte qu'il nous soit difficile de fournir dès à présent des indications positives sur la portée et sur le mode d'application d'une loi qui attend encore la sanction complète des pouvoirs publics.

Dans l'état actuel de notre législation, tout condamné libéré, sauf le cas où la surveillance de la haute police l'astreint à une résidence fixe, demeure libre de se rendre dans les pays étrangers,

après l'accomplissement de sa peine. Dès lors, toute mesure destinée assurer une répression plus sévère de la récidive et notamment la séquestration des récidivistes sur des points déterminés constitue par elle-même une garantie de plus pour la sécurité des autres nations.

La loi soumise au Parlement français a précisément pour objet de réduire à l'impuissance les malfaiteurs d'habitude, en les internant, de préférence, dans des régions éloignées autant que possible séparées de tout autre pays par l'océan, où ils sont placés sous la surveillance de la force publique. C'est donc, en réalité, une œuvre d'intérêt universel que poursuit le Gouvernement français en se résignant à de lourds sacrifices pour entretenir, surveiller, amender des hommes qui, abandonnés à leurs instincts ou aux entraînements de la misère, ne sauraient manquer de devenir un danger commun pour tous les pays voisins de la France. Les individus soumis à la relégation ne seraient pas d'ailleurs exclusivement dirigés sur la Nouvelle Calédonie et ses dépendances; la Guyane, les îles Marquises, l'île Phu-Quoc, seraient également appelées à en recevoir un certain nombre.

Enfin, les pénalités sévères édictées par l'Article 16 de la loi à l'égard des relégués convaincus d'évasion ou de tentative d'évasion achèvent de démontrer le peu de fondement des appréhensions manifestées par les colonies australiennes.

Quant au nombre des individus qui pourront éventuellement tomber sous le coup de la loi, les recherches prescrites par Monsieur le Ministre de l'Intérieur à la suite de la communication de M. Plunkett en vue d'arriver à une évaluation approximative ne lui ont pas encore permis d'établir des chiffres précis. Il n'est guère possible, en effet, de déterminer, dès à présent, combien d'individus seront détournés ou non de la récidive par la perspective de l'expatriation devant suivre l'accomplissement de leur peine.

Toutefois, nous serons prochainement en mesure d'indiquer au Gouvernement anglais le nombre des détenus auxquels la loi pourrait être appliquée dans les conditions projetées actuellement si ces conditions ne sont pas modifiées par le vote du Sénat.

Notre attention a été appelée en même temps sur ce fait que les autorités françaises de la Nouvelle Calédonie s'abstiendraient aujourd'hui de réclamer, comme elles le faisaient précédemment, l'extradition des malfaiteurs évadés qui se réfugeraient en Australie et notamment sur le territoire du Queensland.

Dès qu'il a été avisé de cette observation le Ministre de la Marine et les Colonies s'est empressé de prescrire au Gouverneur de nos établissements de la Nouvelle Calédonie de continuer à poursuivre auprès des autorités compétentes conformément à l'Article 16 du traité du 14 Août 1876 l'extradition des transportés qui parviendraient à se réfugier dans les colonies anglaises d'Australie.

No. 16.

The Right Hon. the Earl of DERBY to Governor the Right Hon. Lord A. LOFTUS, G.C.B.
CAN colonies supply number and particulars of escaped New Caledonia convicts arrested in colonies?
London, December 7.

No. 17.

Governor the Right Hon. Lord A. LOFTUS, G.C.B. to the Right Hon. the Earl of DERBY.
Yours seventh. Two hundred and forty-seven landed since 1873. Most inmates of gaols.
Details by mail.

Sydney, December 13.

No. 18.

The COLONIAL OFFICE to the FOREIGN OFFICE.

SIR,—

Downing Street, December 15, 1883.

No. 15.

I am directed by the Earl of Derby to acknowledge the receipt of your letter of the 7th instant, with a copy of a despatch from Her Majesty's Ambassador at Paris, enclosing a *note verbale* from the French Minister for Foreign Affairs on the subject of the Bill for the transportation of relapsed criminals to islands in the Pacific Ocean.

2. Lord Derby understands this note to intimate that, if the Bill is passed in its present shape, the French Government will have discretion as to sending any of the *récidivistes* to New Caledonia and its dependencies; and I am to request that you will inform Earl Granville that it seems to his Lordship to be desirable to press upon the French Government the propriety of allaying the constantly-increasing apprehensions of the colonies, by an assurance that these criminals will be sent to some of the other places named in the Bill, and not to New Caledonia.

3. That there is strong foundation for the complaints of the colonies is shown by the answer to an inquiry which Lord Derby recently addressed to the Governor of New South Wales as to the number and particulars of escaped New Caledonia convicts who have been arrested in the Australian Colonies. Copies of Lord Derby's telegram and of the answer received from Lord Augustus Loftus are annexed.

4. Lord Derby observes that instructions have been given to the Governor of New Caledonia to continue to apply to the Colonial Governments of Australia for the extradition of escapees, and he would suggest that the French Government should be thanked for this action on their part; but that Lord Lyons should at the same time call special attention to the very serious extent to which the escape of French criminals has been permitted during the last ten years.

I am, &c.

The Under-Secretary of State, Foreign Office.

R. H. MEADE.

No. 19.

The COLONIAL OFFICE to the FOREIGN OFFICE.

SIR,—

Downing Street, December 15, 1883.

I am directed by the Earl of Derby to transmit to you, for the information of Earl Granville, printed copies of the telegrams which have passed between his Lordship and the Governor of New South Wales, relative to New Guinea, and the resolutions of the Intercolonial Convention. Lord Derby is considering what action he shall recommend Her Majesty's Government to take with regard to each of the resolutions reported in Lord Augustus Loftus's telegram of the 5th December, and the only one of those resolutions to which Lord Derby would call Lord Granville's special attention at this moment is the sixth. It seems desirable to communicate this resolution to Lord Lyons without delay, in order that he may understand the feeling of the colonies with respect to the Bill which has formed the subject of previous correspondence, and may avail himself of every opportunity of explaining to the French Government the intensity of that feeling.

I am, &c.

The Under-Secretary of State, Foreign Office.

R. H. MEADE.

No. 20.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, December 27, 1883.

With reference to your letter of the 5th instant, I am directed by Earl Granville to No. 14. transmit to you, to be laid before Her Majesty's Secretary of State for the Colonies, copy of a despatch which has been received from Her Majesty's Ambassador at Paris, enclosing copy of a note addressed to the French Government, expressing the hope, on the part of Her Majesty's Government, that no material increase may be made in the number of criminals to be sent to New Caledonia under the provisions of the Bill relative to relapsed criminals, and remonstrating against an application to that colony of the Relapsed Criminals Bill passed by the French Chamber of Deputies.

I am, &c.

The Under-Secretary of State, Colonial Office.

J. PAUNCEFOTE.

Enclosure.

MY LORD,—

Paris, December 20, 1883.

I have this morning had the honour to receive your Lordship's Despatch (No. 1,241) of the 18th instant, directing me to make an appeal to the French Government against any material increase in the numbers of convicts sent to New Caledonia, and particularly against an application to that colony of the Relapsed Criminals Bill, passed by the French Chamber of Deputies. I enclose a copy of a note which I have addressed, in consequence, to the French Minister for Foreign Affairs.

I have, &c.

The Earl Granville, K.G.

LYONS.

Sub-Enclosure.

M. LE PRÉSIDENT DU CONSEIL,—

Paris, December 20, 1883.

I did not fail to communicate to Her Majesty's Government the note which your Excellency did me the honour to address to me on the 1st instant, in answer to the representations which had been made by their order to the French Government respecting the apprehensions excited in Her Majesty's Australian Colonies by the Bill for the transportation of relapsed criminals which has been passed by the Chamber of Deputies, and is now before the Senate.

The agitation which is growing up, both in the Australian Colonies and New Zealand, is so great and the alarm felt there so intense, and to all appearances so well founded, that Her Majesty's Government cannot refrain from making another appeal to the French Government on a subject so important in its relations to Great Britain and to some of her most considerable colonies.

Her Majesty's Government desire to represent very seriously to the French Government the danger to the neighbouring British colonies which would be the consequence of any material increase in the number of convicts sent to the existing penal settlement in New Caledonia. They would wish to direct, with still more earnestness, the attention of the French Government to the evils which would be brought upon these colonies if relapsed criminals should be sent to New Caledonia, and should be allowed in that island an amount of liberty not hitherto conceded to those now under penal servitude there.

Her Majesty's Government would point out that this liberty, in the opinion of those best acquainted with the circumstances of the Australian Colonies and the neighbouring countries, would inevitably lead to a wide dispersion of a French convict population among islands not under French authority, whence it would migrate to the Australian continent. Having regard, moreover, to the very numerous cases in which convicts have, during recent years, escaped from New Caledonia to British colonies, Her Majesty's Government cannot but ask, as a question of friendship, that no increase may be made in the numbers sent to that island. And, considering the nature of the provisions of the Bill relative to relapsed criminals, and the manner in which, as would appear from explanations publicly given, it is contemplated that those provisions shall be carried out, Her Majesty's Government feel bound to express their strong hope that the position of the British possessions in relation to New Caledonia will be considered, and that the Bill will not be applied to that colony.

I have, &c.

His Excellency M. J. Ferry.

LYONS.

No. 21.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, December 31, 1883.

Nos. 18 and
19.

With reference to your two letters of the 15th instant, relating to the question of the proposed transportation to the French possessions in the Pacific of large numbers of relapsed criminals, I am directed by Earl Granville to transmit to you herewith, to be laid before the Earl of Derby, copies of the instructions which have been addressed to Her Majesty's Ambassador at Paris on the subject, in accordance with his Lordship's suggestion.

I am, &c.

The Under-Secretary of State, Colonial Office.

J. PAUNCEFOTE.

Enclosure 1.

MY LORD,—

Foreign Office, December 31, 1883.

With reference to my immediately-preceding despatch, I transmit to your Excellency herewith, for your information and guidance, copy of a letter from the Colonial Office, calling Lord Granville's special attention to the sixth resolution adopted at the recent meeting of the Inter-colonial Convention, protesting against the declared intention of the French Government to transport large numbers of relapsed criminals to the French possessions in the Pacific.

I am, &c.

(for Earl GRANVILLE),

His Excellency the Viscount Lyons, G.C.B.

J. PAUNCEFOTE.

Enclosure 2.

MY LORD,—

Foreign Office, December 31, 1883.

I furnished Her Majesty's Secretary of State for the Colonies with a copy of your Excellency's despatch of the 3rd instant, enclosing a *note verbale* from the French Minister of Foreign Affairs upon the subject of the Bill before the French Senate for the transportation of relapsed criminals to islands in the Pacific and elsewhere, and I now enclose, for your Excellency's information, copy of a further letter which I have received from the Colonial Office relative to this question.

Your Excellency will perceive that Lord Derby is anxious that an assurance should be obtained from the French Government that these criminals should not be sent to New Caledonia, but to the other places named in the Bill; and that his Lordship further suggested that, while the French Government should be thanked for their promise to instruct the Governor of New Caledonia to continue to apply to the Colonial Governments of Australia for the extradition of escaped convicts, their special attention should be called to the very serious extent to which the escape of French criminals has been permitted during the last ten years.

I have to request your Excellency to address a strong representation to the French Government in the sense of Lord Derby's suggestions.

I am, &c.

GRANVILLE.

No. 22.

The FOREIGN OFFICE to the COLONIAL OFFICE.

SIR,—

Foreign Office, January 8, 1884.

No. 21.

With reference to my letter of the 31st ultimo, I am directed by Earl Granville to transmit to you herewith, for the information of the Earl of Derby, copy of a further despatch from Her Majesty's Ambassador at Paris, forwarding copy of a note addressed by His Excellency to the French Government, on the subject of the Bill for the transportation of French habitual criminals to New Caledonia and other places.

I am, &c.

The Under-Secretary of State, Colonial Office.

J. PAUNCEFOTE.

Enclosure.

MY LORD,—

Paris, January 4, 1884.

I have this morning had the honour to receive your Lordship's despatches of the 31st ultimo, and I enclose herewith a copy of a further note which I have addressed, in consequence, to the French Government, on the subject of the Bill for the transportation of relapsed criminals to New Caledonia and other places.

The report of the Senate Committee on that Bill was laid on the table of that House on the 22nd ultimo, but no further progress has yet been made. I will send your Lordship a copy of the report as soon as I am able to get one.

I have, &c.

The Earl Granville, K.G.

LYONS.

Sub-Enclosure.

M. LE PRÉSIDENT DU CONSEIL,—

Paris, January 3, 1884.

In my note of the 20th of last month I had the honour to inform your Excellency that I had communicated to Her Majesty's Government the note which you did me the honour to address to me, on the 1st of that month, respecting the Bill for the transportation of relapsed criminals, and

at the same time I expressed, on behalf of Her Majesty's Government, a strong hope that the position of the British possessions in relation to New Caledonia would be considered, and that the Bill would not be applied to that French colony.

I have now received instructions to submit to your Excellency a further representation on this important subject. Her Majesty's Government understand your Excellency's note to intimate that, even if the Bill should become law in its present shape, the French Government would have discretion as to sending *récidivistes* to New Caledonia and its dependencies; and they very earnestly desire to obtain the means of allaying the constantly-increasing apprehensions of the British colonists, by receiving from the French Government an assurance that these criminals will not be sent to New Caledonia, but rather to the other places named in the Bill.

Her Majesty's Government have learnt with satisfaction, from your Excellency's note, that instructions have been given to the Governor of New Caledonia to continue to apply to the Colonial Governments of Australia for the extradition of fugitive convicts, and they beg the French Government to accept their thanks for sending these instructions.

That there is strong foundation for the alarm felt in the colonies is shown by a report which Her Majesty's Government have received from the Governor of New South Wales, to the effect that 247 fugitive convicts from New Caledonia have landed since 1873. Her Majesty's Government desire to direct the special attention of the French Government to the very serious extent to which the escape of criminals is thus shown to have taken place during the last ten years.

In conclusion, I will ask your Excellency's permission once more to recommend most earnestly to the friendly consideration of the French Government, the representations which I have, on this and on previous occasions, had the honour to make to them on a matter which has excited intense feeling in Her Majesty's Australian Colonies, and to which Her Majesty's Government attach very serious importance.

His Excellency M. Jules Ferry.

I have, &c.

LYONS.

No. 23.

The AGENT-GENERAL for VICTORIA to the COLONIAL OFFICE.

8, Victoria Chambers, Victoria Street, Westminster, S.W.

January 11, 1884.

MY LORD,—

I trust I may not be considered importunate in requesting your attention to my letter of the 29th of November of last year, in which I applied, on behalf of my Government, for information No. 9. as to the nature of the answer of the French Government to the representations which Her Majesty's Embassy at Paris were instructed in last August to make on the subject of the French Relapsing Convicts Transportation Bill, and concerning which your Lordship then declared that it was necessary to obtain immediate explanations from the Government of the republic. The length of time which has elapsed since Her Majesty's Embassy were instructed to act, and even since the papers containing their instructions were published; the fact that the French Government have not only not withdrawn the Bill from the consideration of the Senate, but have, as I am informed, chartered a new special line of steamers from Havre to Noumea, the better to give effect to its provisions; the serious anxiety to which the discussions in the French Legislature, and the conduct of the Government of New Caledonia in regard to recently-escaped convicts, have given cause throughout the Australian Colonies, and the necessity which is felt for the adoption, in good time, of common measures of legislative self-protection upon their part: all these considerations may, I trust, justify me in requesting your Lordship to bring the subject, with as little delay as may be, again under the consideration of Her Majesty's Government.

I have, &c.

The Right Hon. the Earl of Derby.

ROBT. MURRAY SMITH.

No. 24.

The COLONIAL OFFICE to the AGENT-GENERAL for VICTORIA.

Downing Street, January 18, 1884.

SIR,—

I am directed by the Earl of Derby to acknowledge the receipt of your letter of the 11th instant, respecting the Relapsed Criminals Bill which has been passed by the French Chamber of Deputies.

I am to state that Her Majesty's Government have not lost sight of this important question, and are in communication with the French Government on the subject.

The correspondence, as far as it is then completed, will be presented to Parliament as soon as it assembles.

I am, &c.

The Agent-General for Victoria.

JOHN BRAMSTON.

No. 25.

The FOREIGN OFFICE to the COLONIAL OFFICE.

Foreign Office, January 22, 1884.

SIR,—

I am directed by Lord Granville to transmit to you herewith, to be laid before Her Majesty's Secretary of State for the Colonies, copy of a despatch from Her Majesty's Ambassador at Paris, reporting the language held by him to Monsieur Jules Ferry upon the subject of the Relapsed Criminals Bill, and its proposed application to New Caledonia. I am to add that His Excellency has been informed that his language is entirely approved by Her Majesty's Government.

I am, &c.

The Under-Secretary of State, Colonial Office.

J. PAUNCFOTE.

Enclosure.

Paris, January 9, 1884.

MY LORD,—

With reference to my despatch of the 3rd instant, I have the honour to report that I took an opportunity this afternoon of speaking very seriously to M. Ferry on the subject of the Relapsed Criminals Bill. I begged him to give full attention to the notes on the subject which I addressed to him, by your Lordship's order, on the 12th ultimo and 3rd instant; and I said that I was sure that it would be unnecessary for me to dwell on the subject, if he were aware of the intensity of the feeling in regard to it which prevailed in Her Majesty's Australian Colonies.

M. Jules Ferry answered that he must ask me whether the emotion which appeared on the surface was genuine and sincere. Was it not rather caused by the thirst for annexation of territory with which the colonists were beset, than by any real alarm felt by them as to the consequences of the transportation of a certain number of French criminals to New Caledonia.

I answered that M. Jules Ferry seemed to me to be putting effect for cause. It was, I said, quite certain that one of the principal incentives in Australia to the cry for annexation of neighbouring islands was the fear that those islands might be converted into penal settlements by foreign Powers, or become the resort of escaped criminals from such settlements. The alarm on the subject of the proposed transportation of a criminal population to New Caledonia was, I could assure M. Ferry, perfectly sincere, and it was growing in extent and intensity.

M. Jules Ferry answered that he really could not understand the apprehensions about which the colonists made so much noise. The relapsed criminals who would be sent to New Caledonia would not be positive convicts (*forçats*), they would not be very numerous, and they would be prohibited from quitting the island.

I said that, if I understood the Bill correctly, the persons who would be transported under it would be still more objectionable than the positive *forçats*. They would be criminals who had proved to be incorrigible; but they would not be shut up in a convict establishment, or kept under strict control: they would be at liberty, or nearly so, on the island, and would have very great facilities for escape. In another respect, too, they seemed to me to be in a position which made them peculiarly dangerous to the neighbouring British colonies. Would their departure from New Caledonia be an offence rendering them fit subjects for a demand for extradition? If so, would the French authorities be sure, in all cases, to apply for the extradition? Could the extradition be granted by the colonial authorities under the ordinary laws and treaties?

M. Jules Ferry said that he was not prepared with an opinion on the question respecting extradition. He thought, however, that, as the persons transported would all have been under sentence for serious offences, they would carry the effect of their sentences with them.

I observed that the Bill did not seem to make this at all clear. On the contrary, it would seem from it that the objects to whom it would be applied would be criminals who had worked out their sentences in France, and who would not be held to be liable to any other restriction than that of remaining on the island to which they were sent.

M. Jules Ferry answered that of course they would render themselves liable to penalties if they quitted the island. He went on to say that he did not think that, after all, very many would be sent to New Caledonia: there was a French population there which must not be swamped. He thought that by far the greater number would go to Cayenne, a place which did not at all deserve the evil reputation it had for unhealthiness.

I expressed a hope that, in answer to the request made in my note of the 3rd instant, he would enable me to assure Her Majesty's Government that no relapsed criminals at all would be sent to New Caledonia.

M. Jules Ferry replied that he would examine the matter with a sincere desire to show every consideration for the wishes of Her Majesty's Government, and for the feelings of the British colonists; but that, of course, he could not admit that any foreign country had a right to prevent France from sending convicts to one of her own colonies.

I said that I had not at all wished to put the matter on this kind of footing. As a rule every man had a right to do what he liked with his own house, but it was surely reasonable for a friend who lived next door to ask him not to make his house a danger to his neighbours.

M. Jules Ferry repeated that he was sincerely desirous of showing all reasonable consideration for the feelings of the British colonies.

The Earl Granville, K.G.

I have, &c.

LYONS.

No. 26.

Governor the Right Hon. Lord A. Loftus, G.C.B. to the Right Hon. the Earl of Derby.

MY LORD,—

Government House, Sydney, December 13, 1883.

In reply to your Lordship's telegram of the 7th instant, I have now the honour to enclose copy of a minute from Mr. Stuart, Colonial Secretary and President of the Convention, with telegrams from the police authorities of the other colonies, and report of the Inspector-General of Police here, containing all the information he has been able to obtain in regard to the number of escaped convicts from New Caledonia.

2. Your Lordship will observe, from these papers, that the greater part of these escapees were to be found among the criminal classes of the colonies, and that only one-tenth were computed to earn an honest livelihood.

I have, &c.

The Right Hon. the Earl of Derby.

AUGUSTUS LOFTUS.

Enclosure.

MINUTE of the COLONIAL SECRETARY.

Subject.—French Escapees and Expirees landed from New Caledonia in Australian Colonies, between the Years 1874 and 1883.

For the purpose of enabling His Excellency to reply to Lord Derby's telegram, I have ascertained, through the Chief of Police in New South Wales, Victoria, and Queensland, that the following have landed in—New South Wales, 158; Victoria, 33; Queensland, 56: total 247. Besides which, considerable numbers are suspected of being expirees or escapees from New Caledonia. The larger proportion of those of the 247 who have not been extradited under the provisions of the treaty are amongst the criminal classes of the colony. Not more than about one-tenth are earning an honest livelihood; the others harbour with and live upon prostitutes, and about one-half of them are, or have been, inmates of our gaols from time to time, thus forming a source of expense, annoyance, and increased crime in the colonies. I have instructed that a list be prepared of those who have been extradited or surrendered to the French authorities.

ALEX. STUART.

Sub-Enclosures.

TELEGRAM from BRISBANE to the Hon. S W. GRIFFITH.

Five escapees in 1875, one in 1878, nineteen in 1879, six in 1880, eight in 1881, eight in 1882, and nine in 1883: in all, 56.

ROBERT GRAY.

TELEGRAM from MELBOURNE to Hon. GRAHAM BERRY.

THE number of New Caledonia convicts known to have reached Victoria is thirty-three: three are known to be earning honest livings, thirteen live on the earnings of prostitutes, &c., twelve are now in prison, three have served sentences of imprisonment here, one was extradited to New South Wales, and one was committed for trial for burglary, but Crown entered *nolle prosequi*. Besides these known cases, there are reported to be a number of men employed on vineyards, &c.; also are rumoured to be six New Caledonia convicts, but police cannot obtain reliable information of their antecedents. I can, if you desire it, send by post the names and particulars of the thirty-three known cases, but will not do so unless you telegraph that you desire it.

H. M. CHOMLEY.

Police Department, Inspector-General's Office,
Sydney, December 11, 1883.

THE subjoined statement respecting French convicts and expirees who are known to have landed in New South Wales is submitted for the Colonial Secretary's information. As a matter of course—there having been no special official record—many other such persons may have come to the colony without the knowledge of the police:—

1873. Escapee from New Caledonia as a stowaway; jumped overboard at Heads, and got away	...	...	1
1874. Escapees from New Caledonia landed in New South Wales	...	...	9
1875. Escapee from New Caledonia landed at the Tweed	...	...	1
1878. Liberated convicts landed from New Caledonia	...	8	58
Frenchmen from New Caledonia (antecedents unknown) applied for country railway passes, being destitute	...	50	
Many others arrived, but not reported.			
1879. Escapee stowaways arrived in New South Wales	...	2	78
Ditto, overland from Queensland	...	1	
Ditto, arrived in New South Wales	...	1	
Expirees arrived in New South Wales	...	20	
Pardoned criminals arrived	...	54	
1880. Escaped convicts arrived and extradited	...	...	1
1882. Escapee stowaways arrived	...	3	4
Ditto, extradited	...	1	
1883. Escapees landed on coast now in custody	...	...	6

158

Without reference to the gaols it could not be stated what number of Frenchmen have been convicted, and then it would be difficult to ascertain their antecedents. In one year alone (1879) six ex-convicts from New Caledonia were, to my knowledge, convicted in New South Wales of serious offences. It would take a considerable time to obtain accurate particulars from the country. It appears, from the imperfect information obtained, that during the past ten years thirty-four escaped French convicts landed in New South Wales, and at least 124 expirees or pardoned convicts were permitted to come to this country during the years 1878 and 1879. No doubt many more came.

EDMUND FOSBERY,

Inspector-General of Police.

The Principal Under-Secretary.

No. 27.

The COLONIAL OFFICE to the FOREIGN OFFICE.

Downing Street, January 28, 1884.

SIR,—

With reference to previous correspondence respecting the French Relapsed Criminals Bill, I am directed by the Earl of Derby to transmit to you, for communication to Earl Granville, a copy

of a despatch from the Governor of New South Wales, with its enclosures, containing statistics respecting convicts from New Caledonia who have reached the Australian Colonies. I am to request that Lord Lyons may be instructed to bring these particulars before the French Government, in connection with the previous correspondence that has taken place.

I am, &c.

The Under-Secretary of State, Foreign Office.

JOHN BRAMSTON.

No. 28.

The PREMIER, New Zealand, to the AGENT-GENERAL.

SIR,—

Premier's Office, Wellington, February 5, 1884.

I have the honour to acknowledge the receipt of your letters on the Pacific question, which were sent by the New Zealand Shipping Company's steamer "Aorangi," and by the San Francisco mail.

2. I thank you for the very great care bestowed upon the preparation of your letter to the Under-Secretary of State for the Colonies, explaining why you held, in opposition to the view of Lord Derby, that the Récidiviste Bill, in its then state, provided for the freedom of *récidivistes* on their arrival in the colony to which they might be sent.

3. I was glad to find that you promptly called the attention of the Colonial Office to the statement, recently published, of French claims to islands of the Pacific—claims which, because of their extent, might involve serious complications, and which, in view of the threatened operation of the *récidiviste* law, may become of the gravest importance to the Australasian Colonies.

4. Your telegrams on these subjects, addressed to me at Sydney, were duly received, and were submitted to the Convention.

I have, &c.

Sir F. Dillon Bell, K.C.M.G. Agent-General, &c.

H. A. ATKINSON.

No. 29.

The AGENT-GENERAL for NEW ZEALAND to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W. March 22, 1884.

Besides the proposed Récidiviste Bill, the French Senate has had before it for some time another short Bill, designed to provide means for preventing the relapse of criminals. The Senate held the "first deliberation" on this measure yesterday, and adopted it without material amendment, ordering the "second deliberation" to take place shortly.

The Bill may be simply described as one to authorize a system of "ticket-of-leave" to a certain class of criminals, under proper precautions. It was described in the Senate as being *in pari materia* with the other measure (the Récidiviste Bill), but there is nothing in it requiring any special attention in Australasia. I enclose a short *précis* of its provisions.

I have, &c.

The Hon. the Premier, Wellington.

F. D. BELL.

Enclosure.

PRÉCIS of the *Première Délibération* in the French Senate, at the Sitting of 21st March, 1884, on M. Bérenger's Bill to provide Means for preventing Relapse into Crime.

THE Bill is described as being allied to the Récidiviste Bill by community of intention and object, but as differing essentially in means. The Récidiviste Bill proposed to suppress the evils arising out of the relapse of criminals, by transporting them; the aim of the present Bill was to attack the causes of that relapse.

The Bill consists of only nine clauses:—

Clause 1 establishes a *régime* of punishments and rewards in the French prisons. Clause 2 provides that a prisoner condemned to a term of not less than six months may, after serving half his time, be set conditionally at liberty. Clauses 3, 4, 5, 6, 7, and 8 regulate the mode in which the Minister of the Interior and other public officers are to exercise their powers, and how the prisoners may forfeit their ticket-of-leave; and they grant State subsidies to certain societies formed for the employment of prisoners. Clause 9 amends a number of clauses in the criminal code and adapts them to the Bill.

The Senate then ordered that the Bill should pass in due course to the *deuxième délibération*.

F. D. BELL.

No. 30.

The AGENT-GENERAL for NEW ZEALAND to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W. April 2, 1884.

In the French Senate yesterday the Bill referred to in my letter of the 22nd ultimo passed through the second deliberation with one or two amendments, not important in character, with the exception of a new clause making the Bill applicable to French colonies.

I have, &c.

The Hon. the Premier, Wellington.

F. D. BELL.

No. 31.

The AGENT-GENERAL for NEW ZEALAND to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W. April 9, 1884.

I have the honour to acknowledge the receipt of your despatch of the 5th February last on No. 28. the Western Pacific question.

On the 28th of March, the Earl of Rosebery asked, in the House of Lords, whether Lord Granville had yet received from the French Government the estimate they had promised, in their *note verbale* sent by Lord Lyons to the Foreign Office on the 3rd December, 1883, of the number of convicts to which the *Récidiviste* Bill was intended to apply. I annex the *Times* report of Lord Rosebery's question, and the reply, from which you will observe that, although the estimate in question had not been received, the Minister for Foreign Affairs had assured Lord Lyons of the French Government's intention to send the bulk of the convicts to Cayenne, and only a small number to New Caledonia.

I also enclose an extract from a Reuter's Paris telegram, to the effect that the Minister of Marine and Colonies had been under examination before the Committee on the Bill, and had consented to French Guiana being designated as the place to which the convicts should be sent, proposing, moreover, that the Bill should not be put in force for another year; and I have just heard from Paris that the Committee have decided to give the Government discretionary power as to where the convicts shall be sent, and to omit the designation of any particular colonies such as was contained in the Bill sent up from the Chamber of Deputies. One of the Paris papers, the *Télégraphe*, referring to Lord Granville's *note verbale* to the French Government respecting the Bill, spoke of it as a pretext for an English annexation of the New Hebrides. Other French newspapers have devoted a good deal of attention to the subject for some time past, and in particular a remarkable series of articles adverse to the Bill has appeared in the *Temps*. The *Economiste Français*, an influential paper edited by M. Leroy-Beaulieu, speaking early in March of the agitation in Australasia, referred in somewhat contemptuous terms to the demands of the colonies, which, he said, had apparently yet to learn that they were not of a stature to measure themselves with a power like France.

An event of some significance has taken place within the last few days, to which I ought not to omit drawing your attention. Lord Derby sent for Mr. Murray Smith, Agent-General for Victoria, and, in the course of conversation respecting the *récidiviste* question, desired him to see M. Waddington, the French Ambassador, with whom Mr. Murray Smith accordingly had a long and important interview. I think Mr. Smith has rendered an essential service to Australasia by the manner in which he pressed on the Ambassador the opinions and wishes of the colonies, and the international complications which might arise out of a law, passed simultaneously and uniformly by the colonies, such as was contemplated by the Convention. The accrediting of an Australian Agent-General, first by Lord Granville to Lord Lyons at Paris, and then by Lord Derby for a direct intercourse with the French Ambassador, shows, I think, that Her Majesty's Government would not have objected to the personal representations to the French Ministers in Paris which, in my letter of the 7th December (No. 371), I had myself ventured to advise.

In the meantime, no further progress has been made with the Bill in the Senate, and the French Chambers yesterday adjourned to the 20th May.

Permit me to express my acknowledgments for the kind terms in which you are pleased, in your despatch now under reply, to allude to such little service as I had been able to render to the cause we all have so much at heart.

I have, &c.

The Hon. the Premier, Wellington.

F. D. BELL.

Enclosure 1.

The *Times*, Saturday, March 29, 1884.]

HOUSE OF LORDS, FRIDAY, MARCH 28.

THE DEPORTATION OF FRENCH CONVICTS.

THE EARL OF ROSEBERY asked the Secretary of State for Foreign Affairs whether the French Government had yet communicated the estimate, promised in the *note verbale* enclosed by Lord Lyons in his despatch of the 3rd of December, 1883, of the number of persons to whom the Bill for the deportation of *récidivistes* was applicable. He explained that a recent Blue Book contained a note on the subject of the wholesale deportation of French convicts and ticket-of-leave men to islands in the vicinity of Australia. That note had caused dismay and horror in the southern part of Her Majesty's Australian dominions. In the Blue Book it was suggested that the excitement about this matter in Australia was possibly exaggerated. He wished to say emphatically that it was not. Since the last shipload of English convicts was sent to Australia there had been no feeling in that country comparable to the excitement existing there now. The noble viscount near him (Viscount Sherbrooke) would remember the agitation that prevailed then—in fact, *pars magna fuit*. But the present excitement was more than double in intensity. He suggested that a courteous intimation should be given to the French Government to the effect that the subject was one which largely interested the inhabitants of a portion of the British Kingdom, and that further information was desirable.

EARL GRANVILLE: The noble earl has recently had the opportunity of making himself personally acquainted with the views of the Australian Colonies, and I believe that he has not exaggerated their feeling with regard to the possible immigration of convicts into settlements in the neighbourhood of Australia. The noble earl may rest assured that Lord Lyons, acting under our instructions, has neglected no opportunity of bringing before the notice of the French Government

the extreme feeling which exists with reference to this matter. The subject is mixed up with questions of international law; but it may certainly be expected from a friendly country like France that it would not, without very cogent reasons, take steps which might cause the exasperation which undoubtedly now exists in the colony. We have not yet received the estimate referred to by the noble earl from the French Government, but in a recent conversation the French Foreign Minister verbally assured Lord Lyons that the intention of the Government was to send the great bulk of convicts to French Guiana, and only a very small number to New Caledonia, and these are to be selected from among men who have been trained to manual labour, and who will therefore be serviceable in the colony. (Hear, hear.)

The EARL of CARNARVON observed that his private information was such as to satisfy him that the noble earl who had asked the question had not overstated or exaggerated the strength of the feeling about this question in Australia. He had reason to think that the number of criminal refugees who had found their way into Australia was rather large. It was important that the French Government should be made acquainted with the tension of feeling that this question caused, and with the fact that there was always a risk of some strong measures being taken by the colonists which would place both countries in considerable difficulty. He trusted that the Government, in their communications with the French Government with reference to this question, would use what diplomatic pressure they could, and would not treat the subject as if it were of small importance.

The EARL of ROSEBURY said he would call attention to the subject on an early day after Easter.

Enclosure 2.

[*The Daily News*, March 29, 1884.]

Paris, Friday.

THE *Télégraphe* says that the English Cabinet has sent a very strong note to France about the New Caledonia convicts, who escaped to Australia. It treats this as a pretext for annexing the New Hebrides, and suggests that the French expeditions in Tonquin and Madagascar are made the occasion for pretensions which, under other circumstances, would be absolutely inadmissible.

Enclosure 3.

[*The Observer*, March 30, 1884.]

Paris, March 29.

THE Minister of Marine was to-day examined by the Committee on the Bill relating to the transportation of habitual criminals. He said he was willing to agree to the selection of Guiana as the place to which such convicts should be sent, but pointed out that, under present arrangements, only 2,000 could be received there. He therefore asked that the law should not be put into operation for a year.

Enclosure 4.

[*The Times*, Wednesday, April 2, 1884.]

Paris, April 1.

THE Senate to-day gave the second and final reading to M. Bérenger's Bill for the prevention of relapse into crime. This measure, which now goes down to the Senate, has no connection with the Government Bill on transportation. The latter is still pending before a Committee, which has decided on recommending that the place of transportation shall not be mentioned in the Bill, but shall be left to the discretion of the Government. As for the system pursued at New Caledonia, an article in to-day's *Nouvelle Revue* shows that it is anything but a success, and requires a thorough remodelling.

No. 32.

The AGENT-GENERAL for NEW ZEALAND to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W. 23rd April, 1884.

Since writing to you on the 9th instant (No. 194), it seems to me that the *récidiviste* question has assumed a more complicated, and even critical, phase.

I transmit to you herewith a number of extracts from articles and letters which have lately appeared in the English Press; and I may add, that the Paris newspapers reflect feelings of great bitterness which have been growing up in France. Nor will such feelings be lessened by the letter which appeared the other day in the *Times* under the signature of "Australasian," in which I could not see without regret a threat that the colonies would, "as a last resource, destroy the settlement of New Caledonia;" the writer adding, that "it would be an easy task for Australasia to overwhelm the forces which France maintains in her settlements in the Pacific." The situation, in fact, under the influence of violent language on both sides, is getting more and more strained every day.

Mr. Murray Smith, Agent-General for Victoria, followed up the letter from "Australasian" by one describing the provisions of the Victorian Statute of 1854, and pointing out, as indeed he had already done in his interview with the French Ambassador, how such provisions must inevitably entail the risk of collision between France and Australasia.

You will observe, from the Paris extracts, that M. Waddington, the French Ambassador, was said to have delivered a strong *note verbale* to Lord Granville last week, in reply to the one which

Lord Lyons presented to M. Ferry some time ago; and this supposed note was even described very circumstantially. No such note, however, has, in point of fact, been delivered; and Lord E. Fitzmaurice, the Under-Secretary of State for Foreign Affairs, said last night, in the House of Commons, that no communication of the kind had been received from the French Government.

You will also find among these extracts a sensible and interesting statement by the *Times* correspondent in Paris, pointing out that, if the *Récidiviste* Bill were to pass in its present form, and were made to apply to all the classes of offences it describes, the entire criminal population of France might soon be transported under it beyond seas.

The *République Industrielle* contained news the other day from M. Courmeaux, who, you will remember, was sent out last year on a special mission from the Minister of Marine and Colonies, respecting a proposal made by him to the Committee of Caledonian Interests for an immigration from the New Hebrides; and also one for the establishment of a new steam communication, whereby the Messageries boats would not go farther than Melbourne, but there would be a round service between Melbourne, Sydney, Noumea, and Auckland, cargo being transhipped at Melbourne. M. Courmeaux is further said to have asked the opinion of the Committee on the annexation of the New Hebrides, "taking full account of the grave diplomatic complications which would arise from such a step."

A notice was given last night by Mr. Gorst, M.P. that he will ask the Under-Secretary of State for Foreign Affairs to give some information to the House upon the Bill, and it is Lord Rosebery's intention to call the attention of the House of Lords to it again presently.

In the meantime the French Chambers are still in recess, and nothing will be done till they reassemble and the Senate resumes the consideration of the Bill.

The Hon. the Premier, Wellington.

I have, &c.

F. D. BELL.

Enclosure 1.

FRANCE AND THE AUSTRALIAN COLONIES.

SIR,—

To the Editor of the Times.

I shall be greatly obliged if you will afford one who has dwelt for more than thirty years in the Australasian Colonies, the opportunity of placing before the English public the real significance of the cloud, at present little bigger than a man's hand, which has arisen on our horizon.

Since the revolt of the North American Colonies, a century ago, no event has occurred so ominous to the future of the British Empire as the recently-disclosed determination of France to make use of the Islands of the Pacific as the receptacle of her criminal population, and that this is no exaggerated view of the result of that policy, it is the object of this letter to show. No event has produced a deeper feeling of indignation and alarm throughout the Australasian Colonies, and, if that feeling has not yet found more violent expression, it is because we have not as yet fully realized the effects of so wicked and inhuman a policy. It is not, however, with the terrible evils which must be entailed on the colonies by the success of the scheme of the French Government that I wish only or mainly to deal, but with the influence which, in my humble opinion, it must ultimately exercise on the relations of European States to their colonies and to one another, and on the interests of humanity at large.

Englishmen cannot have forgotten how their brethren on this side of the world resisted, and finally compelled the abolition of, the system of transporting the criminals of the Mother-country into their midst. They cannot have forgotten the closing scene of that drama, when the Cape Colony rose as one man, and refused to permit a cargo of convicts to be landed on its shores, nor how the Minister of that day wisely gave way to the storm which he had unwisely evoked in that feeble but resolute dependency. That which the colonies would not tolerate from their own Imperial Government, we are now informed we must submit to at the dictation of the French Republic. You are not unaware that a feeling of great dissatisfaction has been for some time growing in the Australasian Colonies, owing to the presence on their shores of convicts who have escaped from the French convict settlement of New Caledonia. These convicts are, however, presumed to be kept under sufficient restraint and seclusion by the Government of the settlement, and their presence among us to arise only from want of competent power or vigilance on the part of their keepers. The new scheme is of a different character. The *récidivistes* are, we are led to believe, to be sooner or later loosed from custody, and permitted to wander at their pleasure throughout the Islands of the Pacific. They are avowedly criminals of the worst class—professional rebels against all law and constituted authority.

I propose to inquire, what will be the result of this flight of ruffians let loose on the world, as affecting—(1) the aboriginal inhabitants of the Pacific Islands; (2) the colonists of Australia, Tasmania, New Zealand, the Fijis, the Chatham, and other islands; and (3), what is far more important, the future relations of some European States.

First, as regards the native races, it is difficult calmly to contemplate the horrors which must ensue from turning loose this horde of miscreants among the islanders of the Pacific. We know by long experience how difficult it is to regulate the intercourse between savage and civilized races; what calamities have occurred, often through misunderstanding, sometimes in revenge upon the innocent for acts of wrong done by others; and what noble efforts have been made, and what valuable lives have been sacrificed, in the endeavour to reconcile the restless activity of the trader and the colonist, ever seeking fresh fields for his enterprise, with a due consideration for the rights of the aborigines, ever ready to resist aggression after the savage modes of native warfare. Apart from exceptional cases, the Europeans who have been brought in contact with the Australian, the Maori, and the South Sea Islander, have not been the worst or lowest of their race. Among them

have been some of the noblest of any age or people. And yet what scenes of cruelty and bloodshed have been witnessed! If European civilization is now to be represented in the Pacific by the irreconcilable ruffianism of France, the outrages of abandoned wretches will be avenged upon the innocent, peaceful trade will become impossible, and missionary enterprise synonymous with martyrdom. The Pacific will be converted into a pandemonium, and all hope of extending civilization over its islands must be indefinitely abandoned. The common-sense of humanity revolts from the consummation of so hideous a crime.

Secondly, what is to be the effect on the colonies of Australasia? It is certain that those of the wretched criminals who escape the tomahawk of the savage will gravitate towards those communities where wealth and the isolation of population will offer a tempting field for their professional outrages. We know, by sad and costly experience, what bushranging means in a country where vast solitudes shelter the bandit from the arm of the law. To the Australian and New Zealand colonist the presence of these hardened criminals means the insecurity of all life and property in thousands of homes scattered throughout the bush, the exchange of the peaceful freedom of country life for the constant and wearing dread of impending danger: it means a vast increase of the machinery for repressing crime, and a corresponding burden of taxation on all classes of the community. To all this we are asked to submit, solely for the convenience of the French people.

Thirdly, what will be the inevitable re-action on European politics? It cannot be believed that these powerful colonies will calmly submit to such an intolerable burden. They will be driven by sheer necessity, in defence of life and property and all that is dearest to men, to put an end to the terrible infliction. It is inconceivable that they will permit all that they have been toilfully building up for many a century—a state of law and order and peaceful settlement in secure and attractive homes—to be corrupted and spoiled, only to save a foreign State from the expense and trouble of maintaining and dealing with the criminals who have been bred and nurtured in her own breast. It may be said we exaggerate the danger. But we know that the *récidivistes* law has passed, and that a very large sum of money has been voted by the French Chambers to carry it into operation; and we know to a certain extent the numbers to which the law will apply, if really and fully enforced. And, if the principle be admitted, if a stop be not at once put to it, why should it not be enforced? Assuming that it will be carried out to the full extent, what resource will the colonies have? If England fails in her duty to stay this iniquity at the outset, I can see but one result—Australasia must put an end to it by force of arms.

I am the last to indulge in language of bravado or bounce, which is sometimes attributed, perhaps not without justice, to colonists. But I ask our countrymen in England soberly and calmly to consider what they would themselves do in our case. Suppose that this influx of French convicts becomes, as it threatens to become, an intolerable grievance, and suppose that no effort is made on the part of the British Government to crush it before it becomes a formidable reality—what, then, would Englishmen do, whether at Home or in the colonies? I am well convinced they would fight, and they would be unworthy of their name and race if they did otherwise. Over-run by a horde of miscreants more terrible than an invading army, because unrestrained by discipline, and owing no allegiance to God or man, Australasia would have but one resource left—namely, to destroy the settlements whence the noisome stream flowed. If France were to place her convicts in boats on the south side of the British Channel, and tell them to go where they would—to the nearest foreign shores—would England look tamely on or welcome the dangerous emigrants as they landed on her coasts? Are the shores of Australasia less the shores of the British Empire because they are separated from England by the ocean? What our fathers and brothers would do in the one case, we, be well assured, will do, and will be compelled to do, in the other.

Hence I am driven to the conclusion, that the *récidiviste* law of France means, sooner or later, war—a war for the mastery of the Pacific—a prolongation of the great struggle whose history during three centuries Professor Seeley has so ably traced—a struggle for the mastery of the New World. If the Australasian Colonies are driven to destroy the French settlements in the Pacific, so surely England will be compelled to support her dependencies: for England cannot afford to see these rapidly-growing States transformed into French colonies. Apart from the question of prestige—and the loss of Australasia would surely be the first scene in the downfall of the British Empire—her pecuniary interests are too deeply engaged to permit her to stand aloof in the contest. England holds mortgages over Australasia, in public and private debts, in investments both by land and sea, in banks, companies, and ships, which would not be overstated at £300,000,000. It is to these colonies that England looks, and will probably for a long time look, and wisely look, for profitable investment of her superabundant capital, and as a home for her superabundant population. A large part of her labouring classes are supported by manufacturing goods and conveying them to the Australasian Colonies, in exchange for the cereal and animal food, for the gold and raw material, she requires. The value of her trade, import and export, with these communities is worth more than £100,000,000 annually. Can England, rich as she is, afford to lose all this? And for what? Merely to avoid the unpleasantness of firmly telling her neighbour that a great crime contemplated, a grave violation of international justice, must not be perpetrated, and will not be permitted. To talk of Australasia going to war with France may create a smile. But why? Even if she stood alone, the story of the revolt of the American colonies might teach us that it would be very difficult for a country on the other side of the world to conquer a small community fighting on their own soil for hearth and home. With her large fleet of fast steamers, her ample armaments, and her fairly-disciplined and trained Volunteer corps, it would be an easy task for Australasia to overwhelm the forces which France at present maintains in her settlements in the Pacific. It would be hard to show that a greater disproportion exists between Australasia and France now, than between the American colonies and England in the last century. But Australasia would not fight alone. As I have shown, England would be compelled to join in the struggle; nor, if England shrunk from what would be her manifest interest and duty, would Australasia necessarily be single-

handed. It cannot be doubted that, if she threw herself into the arms of the United States, that great and expanding republic would not fail to grasp an opportunity which would raise America into the first rank among Naval Powers, and convert the whole Pacific into an American lake.

To many these may appear as idle and fanciful speculations on the future, and, if they were based upon mere possibilities, they would deserve the smile which awaits most political prophecies. But I have endeavoured to show that they are based on a forecast of what must, rather than what may, result from the success of the policy of the French Government.

What, then, should England do? On what grounds can she interfere in the action of France at the present moment? And this brings me to the ~~last~~ aspect in which the *récidiviste* policy should be regarded. It is a fundamental violation of international law. It is the assertion of a new doctrine, which cannot fail, if accepted, to introduce a new source of discord among the human family. International law is not a defined and written code. It is the instinct of the human race, its behests ever changing as a higher civilization develops a higher sense of justice in nations, and a keener perception of what is due from each to all. That crime produced by the conditions of society in a State should be dealt with within her own borders, and without injury to her neighbours, is a condition imposed upon every nation, the violation of which would inflict perpetual war on mankind. The duty and cost imposed on every State, of punishing and repressing its own crime and maintaining its own criminals, is the penalty attached by the providential order of human affairs to the production of crime and criminals—a penalty which cannot be evaded without infringing on the rights of other nations, upon whom a corresponding duty is imposed. The system of transportation was no violation of this law: for the establishment of convict settlements involved no more than the removal of its criminals from one part of the State territory to another; but even that system had to be abandoned when the convict settlements assumed by free colonization the character and dimensions of subordinate free States.

The duty of England, then, in this great crisis of our fate, seems clear. It is to represent to the Government of France that to turn her criminal population loose upon the world, especially in the neighbourhood of civilized and rising English communities, is not only a grave violation of international obligation and duty, but is a step which must, in the natural sequence of events, lead to a disastrous conflict between the two nations. I cannot believe that England would stand alone in making such remonstrances. I cannot but believe that an appeal to the civilized world would be followed by a general approval of the European States, and that a formal condemnation of the doctrine on which France proposes to act, would be adopted by a Convention of the leading Powers.

Sir, I do not profess to be the mouthpiece of the colony in which the greatest part of my life has been passed, still less of the whole body of the English population in those seas. Taking no part in the politics of my own or other colonies, I only desire to call the attention of my fellow-countrymen to the dangers which seem to threaten the future, in the view of one not wholly ignorant of the past. I can well understand that those in authority among us may think it prudent to observe a politic reticence in expressing their sense of the magnitude of the present crisis; and that those who guide the counsels of our Mother-country may fail to realize, in the pressing interest of home and European politics, dangers which may recoil with terrible force on the parent State, from a neglect of their immediate influence on the remote frontiers of her vast Empire. But I am persuaded that the truth of the view I have endeavoured to express will be recognized by all whose fortunes are in present peril in the Pacific, as I earnestly hope it will be by their countrymen in the Atlantic, whose interests are as vitally, although more remotely, involved.

I am, &c.

AUSTRALASIAN.

February 29.

Enclosure 2.

SIR,—

To the Editor of the Times.

In your Paris correspondence, reference is made to approaching troubles with the French Government, likely to arise from their project for shipping off *récidivistes*, estimated to number ten thousand yearly, to the Pacific Islands, near the eastern Australian Colonies.

There can be no doubt that these colonies will pass exclusive laws to protect themselves from the irresistible stream of French scoundrels who will overflow from the French convict colonies, nor that the Home Government must sanction such laws: for it has been forced to sanction them when passed by the same colonies, as a protection against the immigration of persons who have been sent out as convicts to Western Australia, from England.

In this latter case, however, the Home Government have naturally co-operated with the eastern Australian Colonies, by preventing the emigration of convicts from Western Australia, and finally by ceasing to send any convicts there at all since 1867; but we cannot expect co-operation of this sort from the French authorities, nor could they effectually prevent the emigration of these *récidivistes* from these islands, if they desired.

Nearly fifty years ago, when our convict transportation system was at its fullest vigour, we never sent out more than 4,273 convicts in a year, which was the number transported in 1836; but the average was much under this, and during the last ten years of the system, the average was only about 500. We had the whole Continent of Australia, and Van Diemen's Land, to absorb our exiles, and in the former of the two periods no great amount of communication to facilitate the escape or emigration of the convict population, and no great temptation to draw them away to any neighbouring and accessible country.

The French will pour their incorrigibles into islands of restricted area, affording very limited means of employment, within easy reach of a country which the honest poor man in Europe can only reach by dint of self-sacrifice and by the aid of public and private benevolence. If the French Government will profit by our experience, they will find that their project cannot fail to prove a most

expensive mode of achieving their object; and, moreover, that in a longer or shorter time, it must break down from the evils which accompany it, but not before it has led them into troubles and difficulties greater than those which attended our abandoned transportation system.

I need only refer, perhaps, to one of these. The formation of a community composed mainly of persons of low moral type was proved by our experience to create a frightful condition of depravity, of which the records are to be found in the inquiries of Royal Commissions; and after the trial of many systems, it was found that transportation was only possible where there was a free community of untainted character, among which the exiles could be absorbed. To secure this result, it was found necessary, in our last experiment, to undertake to send out a free emigrant for every convict transported. These free emigrants, as well as the prisoners, had to be provided with passages, and secured from pauperism. The system, therefore, became exceedingly costly, and the Home Government found itself obliged, by liberal expenditure, to foster the accumulation of capital and the development of the colony. But since the chief benefit the colonists derived from the introduction of convicts, consisted in the large supply of cheap labour, it soon became apparent to the free emigrants that they might do better elsewhere, and, as nothing could prevent their re-emigration, it was soon found that they trickled away, and left the community to be formed of the convicts, who could not escape, and whom the other colonies would not receive. The system, in fact, broke down in that respect; we have been forced to retain our convicts at home, and, wonderful to relate, we find that, concurrently with the adoption of this system, our convicts, instead of increasing in this country, as was by some anticipated, have decreased in the most marvellous manner, so that, with a population 50 per cent. more than it was thirty years ago, we have less than half the number sentenced to penal servitude in a year, and the convict population whom we are maintaining in prisons has steadily decreased in numbers from nearly 12,000 in 1870, three years after transportation ceased, to below 10,000 at the present time.

If, then, we ask the French Government to refrain from inflicting such dreadful evils on our colonies, as must follow from their persisting in their purpose, we can also show them a better way of effecting their object, and one which will be much less costly than that which they contemplate. It may be well to point out, also, that if the French convicts get away to Australia, which is the only possible way they can ultimately dispose of themselves, they can of course get back to Europe; and, indeed, the Australian Colonies will probably find it necessary to return them either to the French colony or to the Mother-country.

Your obedient servant,
E. F. DU CANE.

Enclosure 3.

SIR,—

To the Editor of the Times.

The powerful letter published in your issue of yesterday, on the proposed deportation of French convicts, will be a valuable aid to Lord Rosebery in his generous efforts to arouse the attention of Parliament and the public to the attitude of the Australasian Colonies on this vital question. In your article of to-day, however, it is suggested that the writer "has perhaps exaggerated the political effects of the step which he so warmly deprecates." Permit me to point out, that the danger of conflict between France and the Australasian Colonies, and, therefore, presumably, between that country and the British Empire, is not only possible but imminent. There stands at present in the Statute Book of Victoria, an Act entitled the Criminals Influx Prevention Act, passed by the Victorian Legislature, and assented to by the Imperial Government in 1854, directed, it is true, against criminals from British possessions, but only needing the addition of half-a-dozen words to render it applicable to all countries or colonies. Such an amendment could not be disallowed by the Imperial Government, and would be in accordance with the opinion expressed by a former Minister of Foreign Affairs in France, M. Barthélemy St. Hilaire, that no objection could be made to the enactment, by the Australasian Colonies, of any regulations "to prevent the influx of criminals or to enforce their return."

It may be assumed as absolutely certain that not only in Victoria, but also in the remaining Australasian Colonies, laws similar to the Victorian statute of 1854 would be enacted within a very brief period of the passage by France of their *Récidiviste* Bill; and it is, therefore, to the practical working of this Act that I would invite public attention. Its provisions are made applicable not only to criminals who may have escaped from custody, but to any person whose sentence or sentences "shall not have expired for a greater period than three years previous to his arrival in Victoria." Any two Justices of the Peace before whom any such suspected person shall have been brought, are entitled to adjudicate on his case, and, if he be convicted, either to take bail that he shall leave the colony within seven days, or to cause him to be conveyed in custody to the country from whence he came, or to sentence him to hard labour for any period not exceeding three years. Additional punishments are provided for convicted persons remaining after expiration of their sentences, and penalties for all who may harbour them. Further, any master of a vessel bringing such person to Victoria, is made liable to a fine not exceeding £100, or to imprisonment not exceeding six months, or to both penalties, at the discretion of the Justices.

It is in the last-named provision that every one must perceive the probability of collision between the Australasian authorities and the French nation. Any master of a *Messageries Maritimes* steamer may, without his own knowledge, have on board an escapee, ticket-of-leave man, or ex-*prisonnier* from New Caledonia, and may naturally resent being treated as an accomplice in a crime; while, on the other hand, experience has taught the Australasian authorities that it is to this provision they must specially look for a check to the threatened influx of desperadoes to their shores. And should such collision take place, as, in the event of this Bill becoming law, appears inevitable, the Imperia

Government will be called upon to decide promptly between the Australasian Colonies, acting strictly within their legal and constitutional rights, and a neighbouring Power the value of whose friendship can scarcely be over-estimated. The situation is fraught with peril, which, however, is not, in my opinion, to be obviated by such threats as those in which your correspondent has somewhat rashly indulged, and which are calculated only to produce increased irritation in France. It is rather by temperate and earnest representations, supported by such irrefragable arguments as are put forward by Sir Edmund Du Cane, in your issue of to-day, that we may hope to demonstrate to the French nation and Government the extent of the delusion as to the fancied success of the old English convict system, by which, I am convinced, they are at present misled, and the nature of the trouble which they will bring upon themselves, as well as others, by their persistence in it.

And surely, while this measure is yet in progress, it is not inconsistent with the dignity or good sense of the French nation to modify their ill-omened project, and to listen to the earnest remonstrances of those colonial communities who appreciate fully the value of their friendship, but who have learned, by bitter experience, the absolute necessity of protecting themselves at all hazards against such direful evils as those with which they are now threatened.

I have, &c.

ROBERT MURRAY SMITH.

8, Victoria Chambers, Victoria Street, Westminster, S.W. April 17th.

Enclosure 4.

SIR,—

To the Editor of the Times.

It is impossible to exaggerate the importance of the question raised in the forcible and important letter published in the *Times* of yesterday, by an Australasian. Your correspondent, while notifying the fact that he has dwelt for more than thirty years in the Australasian Colonies, is careful to make the assurance that he does not profess to be "the mouthpiece of either the colony in which (taking no part in politics himself) the greatest part of his life has been passed, still less of the whole body of the English population in those seas."

With your permission, I should like to supplement the weighty and powerful appeal he has made, in proof that he does actually represent the views of the entire people of Australia, by quoting a passage in a letter I recently received from a prominent politician, now holding high office in one of the Australian Colonies, and who was himself a member of the Confederation Convention which met at Sydney in December last. "On one subject," he writes to me, "we are all agreed. We will not permit France to pour hordes of her worst criminals into the Islands of the Pacific. We shall go any lengths to prevent that."

There can be no doubt that these words fully express the determined attitude of the political as well as the non-political portion of the Australasian population, on this subject. The crisis is rapidly assuming an acute form. It is earnestly to be hoped that your correspondent's appeal to the importance of the *récidiviste* question, as affecting the vital interests of the whole British Empire, and the future relations of England and her colonies, will attract the attention its exciting character deserves on the part both of the British Government and the British people. The subject is unquestionably one of the utmost delicacy: it requires to be treated with the greatest tact; but it equally demands the exercise of unflinching firmness on the part of the English Government in their communications with the Government of France. It will not do to let things slide, nor to be satisfied with friendly diplomatic declarations, and enigmatical assurances that unnecessary alarm has been created in the Australian Colonies with regard to the intentions of France. Your correspondent vividly expresses the sentiment that the Australians are thoroughly in earnest.

For the sake of the grave national interests involved, as well as to preserve the continuance of the friendly understanding with France, the value of which it is impossible to over-estimate, it is earnestly to be hoped that this crucial question will be treated by our Government with decision and promptitude, and with all the seriousness it demands.

I am, &c.

April 17.

FREDERICK YOUNG.

Enclosure 5.

SIR,—

To the Editor of the Times.

The question of the distribution of French convicts has been discussed in the *Times*, by "Australasian" and other correspondents, as if it only concerned the Australian Colonies. The French convict settlement at Cayenne has in past years been a source of great trouble and expense to some of our West India Colonies, especially British Guiana and Trinidad. Particularly in 1866, and several subsequent years, the arrival of frequent batches of convicts (whose escape, for various reasons, was connived at by the French authorities) caused much embarrassment to the Governments of these two colonies, as considerable official correspondence, now at the Colonial Office, will testify. All the arguments against infecting the Australian Colonies (where areas are large and thinly peopled) with foreign depravity, apply with tenfold force to the small and crowded towns and confined spaces of Georgetown and Port of Spain. It is stated in your leader of Thursday,

that "elements of questionable character" are to be found in the composition of a West Indian population. Permit me to say that such a remark would apply to the population of any country; but in certain instances the evil would be aggravated by the contiguity of a convict settlement. Without depreciating the Australian grievance in regard to New Caledonia, I may express a hope that the result of the discussion raised by Lord Rosebery will not be the increase, or the resumption on a large, or indeed on any, scale, of the transportation of convicts to Cayenne. Such a proceeding would cause bitter complaint and indignant protest by British Colonies lying within reach of the influences of such a vicious centre.

Yours, &c.

WEST INDIAN.

By Authority: GEORGE DIBSBURY, Government Printer, Wellington.—1884.