

a gross abuse of power. The true remedy was to increase the punishment for repeated convictions, and to adopt the cellular system.

M. de Verninac, the reporter on the Bill, defended transportation as being necessitated by the increase of crime. In 1830 the number of offences was 40,000, whereas in 1882 it was 150,000; and the number of récidivistes had almost doubled. As for transportation being attractive, all but one or two criminals out of a hundred examined were afraid of New Caledonia.

M. Schœlcher, while not thinking Guiana so unhealthy as had been represented, cited the protests of the inhabitants against the Bill, and deprecated the forcing of convicts on them.

M. Faure, Under-Secretary for the Colonies, argued that the colonists would benefit by convict labour, and promised that strict supervision should be exercised. He admitted that Phu-hoc and the Marquesas Isles were unfitted for convicts; but contended that Guiana, with its fertile soil and the scarcity of labour prevalent in it, could receive four-fifths of the convicts, the other fifth being sent to New Caledonia. The latter would consist of men, picked out one by one, who had a handicraft or trade; and it was possible that, after a time, New Caledonia would solicit an increase of its quota.

Admiral Fourichon, from personal knowledge, declared Guiana uninhabitable for Europeans.

M. Milhet Fontarabie, on behalf of Réunion, suggested that some of the convicts might be sent thither, or even to Madagascar. He did not explain whether he meant them to assist in subjugating the Hovas.

The debate was adjourned.

### No. 5.

The AGENT-GENERAL to the PREMIER.

SIR,—

7, Westminster Chambers, London, S.W., 28th October, 1884.

In my letter of the 15th instant (No. 448) I sent you an account of what passed in the French Senate when the Récidiviste Bill first came up for consideration this session. I now transmit to you an account of the debate at the *première délibération* on the 23rd, 24th, and 25th instant. It may be as well for me to mention that, in preparing these notes, I have omitted large parts of the speeches containing arguments for and against transportation as a punishment, and for or against the fitness of French Guiana as a place of relegation. I have confined the notes to what seemed to be of most interest to Australasia.

The Bill will pass on to the *deuxième délibération* in a few days, and, unfortunately, it hardly seems doubtful now that it will pass the Senate.

I have, &c.,

The Hon. the Premier, Wellington.

F. D. BELL.

### Enclosure.

RÉCIDIVISTES BILL.—Notes of the Debate in the French Senate on the 23rd, 24th, and 25th October, 1884.

[NOTE.—A large part of the speeches consisted of arguments for and against the principle of transportation, and the fitness or otherwise of French Guiana as a place of relegation. Only that portion of the debate is here extracted which seemed of special interest to Australasia.]

UPON the order of the day being read for the *première délibération* on the Bill,

M. Bérenger began the debate by objecting that neither the Bill itself nor the Committee's report had given any real explanation of the character of "relegation," the method for carrying it out, the places of transportation, or the sacrifices it would impose on the Treasury. The scheme had no parallel in the criminal legislation of any country but Russia; and, while it must entail the gravest consequences, everything was to be left to the Executive, not only as to method, but even as to locality. This was nothing but a demand for a blank cheque to be given to the Government. There could only be one reason for the silence of the Committee—namely, the impossibility of fixing any principle except the single one of compulsory relegation. Could a serious debate take place on such terms? He would not discuss now whether transportation as a punishment, now abandoned everywhere, was a legitimate or efficacious one; nor whether it was just, or even possible, to attempt it in the way proposed; nor the withdrawal of all discretion, to the Magistrates; nor even the excessive powers confided to the Government. But, before resolving upon relegation, the Senate ought at least to know what the relegation was really to be: the *régime* to which the criminals were to be subjected, the place to which they were to be sent, and the cost which was to be incurred. Nothing of all this was to be seen in the Bill. For instance, M. Gerville-Réache had designed New Caledonia to receive the greatest number. Surely it would have been only natural for the Committee to have ascertained, on this point, what were the precise intentions of the Government, instead of resigning itself to a relegation in the air (*régime en l'air*). The Committee had avowed the difficulty to be insoluble, but had immediately stepped aside and remitted it to the Executive. In the same way as to the cost, the Committee had betrayed an equal impotence to fix any basis. Not choosing to take upon itself to propose anything real, it had simply advised the Senate to relieve itself from all responsibility, too, and leave everything to the Government. But there was a responsibility which was only the more taken by making-believe to fly from it. Who was to be responsible if this measure ended in seriously impairing the finances, in augmenting all their embarrassments? Take, in the first place, the *régime*: must not transportation vary essentially according as it was applied? The scheme now was that, while the criminals were to arrive in the colony free from any penalty for prior offences, they were to be subject to some *régime*, but the *régime* was not to be a reproduction of the penalties they had undergone. Were the *rélégués*, then,