

Committee are convinced that, even allowing the measure is not perfect, it certainly is a necessity. It will not immediately produce all the results hoped from it. It is no panacea which will to-day, or even in a few years, suppress habitual crime. But it will cause minor crimes, and the relapse from one crime to another, to diminish, just as the crimes of a higher degree have diminished, down to a normal number, below which, in our present social condition, it would be chimerical to expect they should ever fall.

15th August, 1884.

True *précis*.

F. D. BELL.

No. 2.

COMPARISON between the Recidivist Bill as it came up from the Chamber of Deputies, and the Bill as amended by the Senate Committee.

Chamber of Deputies.

Section.

1. Relegation consists in the perpetual internment of criminals to be removed from France; and applies to the recidivists specified in sections 4, 5, 6, and 7.

2. Relegation may only be inflicted after sentence by the ordinary tribunals, and not by special and exceptional jurisdictions.

3. Sentences for political crimes or offences may not be counted for relegation.

4, 5, 6, 7, and 8. The following criminals shall be relegated for life :—

(Offences specified.)

12. (*This section is taken out of its place, presumably for comparison with the Senate section opposite.*) Sentences which have been remitted or commuted shall be counted for relegation, but not any which have been effaced by rehabilitation of the criminals.

9. Relegation may not be applied to criminals over sixty or under twenty-one except in certain cases.

10. Sentences incurred prior to the promulgation of this Act shall be counted for relegation subject to certain exceptions.

11. Legal provisions as to inflicting relegation.

12. [See *ante*.]

13. Relegation may only be inflicted after the expiry of the last penalty to be undergone by a criminal (subject to certain powers to the Executive, and to certain exceptions).

14. Relegation may take effect in New Caledonia, Marquesas, Phu-Quoc, or Guiana.

15. The Administration may permit (in exceptional cases) a *relégué* to leave the place of relegation for a period of six months; but such permit may only be renewed by Ministerial authority, and a Ministerial decision alone may authorize the return of a *relégué* to France, and then for not more than six months.

16. A *relégué* escaping or attempting to escape out of the territory of the relegation shall be brought before the tribunal of the place where he was arrested, and sentenced to imprisonment for a term not exceeding two years, within the territory; and on a second offence may be imprisoned for not exceeding five years.

Senate.

Section.

1. Recidivists specified in section 4 shall, at the expiry of their sentence, be relegated in perpetuity to such colonies or possessions as shall be determined by the Government.

2. Relegation may only be inflicted by the ordinary tribunals as a consequence of sentences already incurred, and not by special and exceptional jurisdictions. The tribunals may take into account sentences by military courts, for offences outside of war, or of a state of siege.

3. Verbally amended.

4. The following criminals shall be relegated :—
(Offences specified : Theft, swindling, breach of trust, public outrage against modesty, habitual excitation of minors to debauchery, and vagabondage or mendicancy.)

5. Relegation shall be incurred by any criminal who has been sentenced for the offences specified in the preceding section.

6. Section 12 of the Chamber Bill is incorporated here with slight verbal amendment.

7. Same as Chamber section 9.

8. Further provisions as to criminals over 60 and under 21.

9. Same as Chamber section 10.

10, 11. Chamber section 11 amended verbally, and divided into two sections.

12. Same as Chamber section 13, but amended in several points.

Struck out.

13. A *relégué* may leave the colony for a short time (*momentanément*), upon a special permit by the superior local authority; but the Minister alone can give a permit for longer than six months, or renew it, and the Minister alone may authorize a return to France, in exceptional cases, and for not more than six months.

14. A *relégué* who after the expiry of his sentence is guilty of escaping or attempting to escape, or who returns to France or leaves the colony without a permit, or who exceeds the time to which his permit extends, shall be brought before the tribunal either of the place where he was arrested or of the colony, and upon identification shall be imprisoned, within the territory, for a term not exceeding two years, and on a second offence may be imprisoned for five years.