

from penitentiaries in 1880 having been again sentenced for fresh crimes up to the end of 1882. The unavoidable conclusion is, that the only remedy, or at least the only means of self-preservation, must be sought in transportation; and an exhaustive study of the problem only points to the same solution which public opinion had already instinctively reached.

2. Transportation as a Punishment.

Transportation has always had its advocates and its passionate adversaries. These allege that it is only an empirical device for removing the presence of the evil, without suppressing its causes; that, hurtful as the criminal classes are in the mother-country, they will not be less so in the colony which has the misfortune to receive them, while the further they are sent the greater will be their cost; and that, fatal in itself to a colony as introducing an element of disorder and ruin, transportation is also useless as a means of repression of crime. Nevertheless, the Chamber of Deputies passed the Bill by a majority of 344 to 87, and the majority of the Senate Committee has also now adopted its principle. It is true that, in older and more prosperous colonies, possessing a high civilization and an adequate population, transportation would not only be a calamity but be devoid of common sense; nor could it ever enter into the mind of any one to choose, for instance, as places of transportation such colonies as the Antilles or Réunion: it would be as reasonable to intern criminals from Gironde in the Department of the Rhone. But it is not so with a virgin country, hardly inhabited. Again, it had been objected that it is chimerical to believe in any future for convict colonies. But, without going any further into the past, the contemporary example of Australia seems to prove what results can be attained by penal colonization. It is said that although Australia submitted for eighty years to transportation, she would have broken her ties to England rather than let it be continued. But what conclusion ought to be drawn from this? Only that the limit of a colony to absorb and utilize the scum of the mother-country is not indefinite. Every one knows how persistently the Australians deny having ever received any benefit from transportation. Nor need any one be surprised at those new and marvellously prosperous countries repudiating their origin. A time will doubtless come when in Sydney Governor Phillip and his comrades in exile will be spoken of as fabulous and legendary beings. But that anywhere outside of Australia even the greatest adversaries of transportation would be found to argue that it cannot be and has never been anything but a source of ruin to a colony, is what the Committee cannot admit. It is true that penal colonization cannot suffice by itself, and must be associated with and enclosed (*encadrer*) within a free colonization; and it had been the glory and greatness of England, as well as her profit, that she had known how to solve this problem. Of course, any accumulation of large numbers of convicts at one point must bring about excesses and disorders; but has there not been violence at every beginning of colonization? and can it be supposed that even free colonists are recruited from the healthier parts of old societies? Did the morals of the Far West or California resemble, even only thirty years ago, not to say those of Paris or London, but those of New York, or Boston, or Philadelphia? It only needs to mention lynch law to show how great was the difference. What was Australia in 1787, when Phillip landed at Botany Bay? A desert. What is she now? One of the richest and most prosperous countries in the world. And who is there that will believe that the 180,000 convicts who in those eighty years were sent to Australia left no traces, when it is remembered that in 1854, only thirty years ago, they formed in New South Wales and Tasmania three-fifths of the population? Nor must it be forgotten that, when transportation was given up on the persistent protests of the other Australias, Queensland, the latest founded, still desired convicts to be sent to her, and her demands were only silenced by the threats of her more powerful neighbours. After such examples, to deny the possibility of a penal colonization, to deny its being the best if not the only means of utilizing that impure element in the mother-country which is a cause of so many dangers, is, in the Committee's opinion, to deny the evidence of facts. The Committee firmly believe that France can, if she only chooses, attain results analogous, if not equal, to those attained by England. At any rate, no one can say, without being contradicted by undeniable facts, that transportation in a colony almost uninhabited to-day can ever be a serious obstacle to her development.

If the utility, or at least the possibility, of transportation be once admitted, then, looking at it from the point of view of the security of France, the expulsion of habitual criminals seems the only way to check the rising tide of habitual crime. Take, for instance, the effect of the law of 1854. [Here follow a number of criminal statistics.] Can any one deny the efficacy of a law which has produced such results? and is there not hope for analogous effects from this Bill? But, it is objected, penal legislation will be completely upset. Transportation, which has hitherto been deemed the gravest penalty next to death, would no longer be reserved for great criminals condemned to the galleys, but would be applied to mere minor criminals. The gravity of this objection has not escaped the Committee; but it can be answered. It is not proposed to apply the law of 1854 to recidivists. The purpose of that law was to remove far from French soil the galleys (*bagnes*) which were for every one an object of scandal and horror: and it subjected even those *libérés* who had served their time, to a perpetual (or at any rate prolonged) sojourn in a distant colony. It is to these *libérés*, and not to the *forçats*, that the recidivists now being dealt with may be likened. The Bill certainly removes them from the mother-country, and interns them in a colony with the condition of not leaving it; but, subject to that condition, they are and will remain free, under the single reservation of such measures of order and police as the Government must have the right and the power to adopt, in order to prevent this liberty from degenerating into license, becoming a danger to the free colonists, and troubling the security of all. It is not the *bagne* that is meant, it is only exile; and in order the better to differentiate the position, even in its terms, the Committee have not hesitated to adopt, as the Chamber of Deputies did, the new name of "relegation," as one that expresses more completely the novelty it introduces into penal jurisprudence. [Here follows an elaborate argument in favour of the scheme of relegation.] Last