

October [1883] the Government directed an inquiry to be made in all the penitentiaries of France and Algeria as to the probable effect of the Bill. Out of fifty-four reports, forty-seven recommended the adoption of the scheme, and most of them deemed it to be a necessary preliminary to any prison reform: while all, or nearly all, spoke of the great impression produced by it upon the prisoners, though this impression had unfortunately been effaced by the belief that the Bill would not be carried into effect.

### 3. *Ought Relegation to be Perpetual and Compulsory?*

Relegation ought to be perpetual, for this alone will make it feared, and experience has shown that it is only when a return to France is forbidden for ever, that transported convicts will seek to make for themselves a new life by honest labour. But, differing in this respect from the Chamber of Deputies, the Committee wish to give the *relégués* a hope, however distant, of seeing their country once more, by good conduct and by a resort to work. Then, as to relegation being compulsory instead of being left to the sentence of a Judge, it is only after long hesitation that the Committee have adopted the views of the Chamber. Against many admittedly strong arguments in favour of relegation being only imposed in each case by a Judge, a number of cogent reasons have made the Committee resolve—though by a majority of 6 to 3—to make it compulsory. Out of 78,998 recidivists who were tried in 1882, 11,690 (15 per cent.) had merely been fined, 63,150 (80 per cent.) had been sentenced to less than a year's imprisonment, and only 4,158 (3 per cent.) to more than a year; while nearly two-thirds (65 per cent.) of the "legal" recidivists who were condemned anew in 1882 were sentenced for vagabondage, mendicancy, breach of conditions of ticket-of-leave, and theft. But a decision in favour of compulsory relegation must entail, as a matter of course, a limitation of the crimes to be subjected to it; and these are accordingly comprised under the general formula of "crimes against property and morals," namely, theft, swindling, breach of trust, public outrage against modesty, and habitual excitation of minors to debauchery. In fact, these are the crimes which by their nature and frequency may be called "professional," and in 1882 they were in the proportion of 56,456 out of 153,655.

### 4, 5. *Vagabondage and Mendicancy, Breach of Ticket-of-leave (rupture de ban).*

The Committee here explain their views on these subjects at great length.

### 6. *How to carry out the Bill.*

The Committee have not thought it sufficient merely to accept and justify the principle of the Bill; they had also to examine into its application. In October, 1883, a Government inquiry showed that about five thousand prisoners would then have been subjected to the Bill. Were they to throw this mass upon a far distant shore, without organization or previous precautions? To have done so would have been a culpable imprudence. Relegation ought only to be resorted to after expiry of the principal sentence. While this sentence is being undergone, and while the recidivists are waiting for the vessel that is to convey them, they must be classified, and their aptitudes and chances of moral reintegration carefully studied. The best of them, artisans for the most part, and of course the least numerous, must be sent to those colonies where their presence may be utilized. The Colonial Administration must indicate the places where they can find work, and facilitate their obtaining it. Allotments must be set apart for them in those centres of colonization where there is likely to be a deficiency of artisans. This will be "individual relegation." Then, as to the bulk of the criminals, they must be dealt with by "collective transportation" to a colony where they will be interned. The Committee do not conceal from themselves that difficulties will then begin, which can only be overcome by patience, firmness, steadfast purpose, and a profound study of penitentiary science. What, in fact, is to be done with all these men landed in an unknown country? The first care of the Administration must be to get them work; but, as it cannot be hoped that the free colonists can or will employ them all, the State must supply their wants. And as no one would think of the State giving them food and lodging without exacting something in return, it will be necessary to open workshops of various kinds for them, where they must submit to whatever rules are imposed.

But this, it will be said, is the galleys (*bagne*). Not so. At the galleys the convicts must work wherever they are told, whereas here the *relégués* cannot be detained if they have resources of their own, or can honestly get their own living. If they come to the State for help, as will probably be the case with the most part, there is nothing in right or equity to prevent the State from attaching such conditions to that help as it thinks fit. Free labourers who work in manufactories and arsenals often submit themselves to severe regulations; and why not the *relégués*? To those who exhibit any willingness or aptitude for agriculture, allotments of land must be granted, and every facility given to their wives and families to join them. To those who are unmarried, the Government must facilitate marriage, as the best way of preventing such vices as once disgraced Botany Bay. As for those who refuse to work, and would renew their life of rapine, rigour must be resorted to. To govern this lazy and insubordinate class will undoubtedly be a heavy task: it must be at once benevolent and severe; benevolent to those who show any desire of amendment, inexorable for all refractories.

When Governor Phillip landed at Botany Bay with his convicts and a handful of soldiers, he had only a few tools, seeds, and provisions. England seemed to forget them. Three years after, when a new batch of convicts arrived, many of the first had succumbed to disease and privation: the rest had taken to work, and had begun to receive its fruits. Hunger, that unanswerable argument, had subdued the most rebellious. It is not a hundred years since this happened, and now-a-days it would not be possible to deal so harshly: it should be said, indeed, in honour of France, that such things would be absolutely foreign to her national character. Yet there must be no sentimentalism, nor idea of doing for criminals what would not be done for free emigrants. The régime to which the *relégués* are to be subjected must be one to awaken in them a sense of duty and