

to be free (*à l'état de liberté*); or were they to be kept in confinement? If they were to be free, they might, themselves, have less objection; but, then, what kind of fate would their freedom be to the colony? Would not the sending of thousands of criminals threaten its very existence? Besides, how were the criminals to supply their own wants (*suffire à eux-mêmes*) if they were free? In a thinly-peopled colony like Guiana, for instance, where were the criminals to be housed? Who was to give them work? They must have bread; for how long? And the difficulty would increase as fast as the penal population. Did the Senate suppose that work created itself, or that it must necessarily come into existence in a place because workmen were sent there? The end would be that they would have both to feed and house all the criminals. The consequences would not only be bad for the finances, but for the moral effect of relegation. What would soon be said, in the great towns and country districts, where so many honest and laborious people found the earning of their own bread from day to day so hard, when they learnt that the corrupt wretches who had been deemed unworthy to remain on the soil of France were to be housed and fed without having to work? So much for the "state of liberty." But was it really liberty that was meant? The Committee report left this point quite undecided, and the Bill itself said absolutely nothing. The report was contradictory; for, while announcing this "state of liberty," it really went on to enact the opposite. It was, in fact, a "state of confinement." Yet the Bill was dumb. Then, as to the place of transportation. Could the Senate vote for "relegation" without indicating where it was to be made? or vote for sending criminals to "a colony" without saying which? The report admitted that there ought not to be any transportation to a "prosperous" colony. This disposed of some; but what of the rest? The Chamber of Deputies, after long debates, had fixed upon four: New Caledonia was to have 20,000, and there were the Marquesas, Phu Quoc, and Guiana. Well, the Senate Committee now said it would be imprudent to select those places; but did it propose any other? Not at all. Did not that mean that there was not one of their colonies that was really fit? Victor Hugo had called transportation "the dry guillotine." Yet it was to that they were being led. The Committee said, in effect, that Guiana was the only possible colony, yet the responsibility of naming it was exactly what they would not take. Let the Senate look at the other colonies named by the Chamber of Deputies. Take New Caledonia: there were some fine illusions once. New Caledonia was "alone to suffice" for the relegation; it was a "vast territory;" it offered an unlimited field for "concessions of land;" it had a "good climate;" nothing was easier than to send 20,000 there. Well, the Governor (M. Pallu de la Barrière) had been asked, and the moment his loyally-given answer came New Caledonia had to be given up. The Governor had declared there was no work to be got there, nor land to give. The Chamber of Deputies had spoken of the "dependencies of New Caledonia," meaning the Loyalty Isles; but here, again, the Governor told them they were in face of an absolute impossibility. So much for New Caledonia and its "dependencies." As for the Marquesas, the Committee had admitted that only a few hundred criminals could ever be sent there; and as for Phu Quoc, it was even impossible to send so many. There remained the New Hebrides. The Chamber of Deputies had left these islands out, and the Senate knew very well what diplomatic difficulties would arise if France attempted to use them for such a purpose. At last the Committee, after passing all possible places in review, had divided the relegation into four-fifths for Guiana and one-fifth for New Caledonia. Such a solution was, however, impossible. But let the Senate remember that the Governor of New Caledonia had said she could not receive one single *récidiviste*; and the views of the Governor of Guiana, M. Chessé, were mere illusions. Guiana was really uninhabitable for Europeans. Everything, in fact, tended to the same conclusion, that the Senate ought not to be asked to pass the Bill without knowing the place of relegation. Lastly, there was the question of cost. The figures now given were sensibly different from those which had been given to the Chamber of Deputies. The Committee had made no real investigation into their estimates, and had simply accepted them from the Government. Well, he (M. Béranger) absolutely denied them: they were a complete illusion. Take the question of the garrisons. The figures given might, perhaps, suffice for three or four thousand convicts; but what about 12,000, of whom a great part were free, or, rather, 30,000, as there would be in three years? The Committee had evaded its responsibility, and the Senate would be wanting to its own dignity and duty if it accepted such a position. The scheme ought to be sent back to the Committee for reconsideration.

M. Waldeck-Rousseau, Minister of the Interior, declined to follow M. Béranger into the numerous questions he had raised, and proposed an entirely different method for the debate. The Senate was in presence of a problem which really must be solved, which involved the gravest and most complex social questions, and which could no longer be put off. It would be time enough, after having first recognized the existence of an evil that was growing each day, to discuss whether the form of treatment proposed was the right one. In the Bill there were very diverse provisions: some touched the principle of relegation, others the method of its application. The 19th section enacted that not only the place of relegation, but also the conditions of work and subsistence, in a word, the whole *régime*, should be left to Executive regulation. Now, one might be in entire accord with a principle without agreeing on legislative provision for the details. The logical and simple way was to ask, first, whether any law about the *récidivistes* was necessary to be passed at all, and, if so, whether that law should be based on relegation. Thus, he (the Minister) might well confine himself to asking the Senate, first, to decide the principle of relegation, and afterwards go on to inquire if it was not absolutely indispensable to leave the place, the conditions, and the cost of it to Executive regulation. But he would meet the objections of M. Béranger, who was an eminent juriconsult, by telling him that the thing which would really be without precedent was to attempt, in a law on transportation, to provide for even a part of what was required. He had himself brought before the Chamber of Deputies the first proposal for relegation, which at that time was called "transportation"; and in the first draft everything was left to Executive regulation. The original scheme was really the same, therefore, in that respect, as the one now before the Senate