

vasion of barbarians. This was all mere misapprehension of the Bill. The criminals would be constrained to work if they had no regular means of existence; they would be subjected to a *régime* and to control. As to the cost, the Government adhered to their estimates; but, even if the expense were much greater, it ought not to be an objection when compared with the results to be attained and the evil in face of which they all were. The Government objected to any ambiguity of terms that would allow relegation to take place in France, Corsica, or Algiers, and now asked the Senate to restore the condition that it should take place in "colonies or other possessions."

7th February.—M. Labiche renewed his arguments of the previous day.

M. Buffet said it was not necessary to be an expert in criminal law to show that the Bill in its present shape ought not to pass. The Bill might be described in a few words by saying that certain classes of habitual criminals were to be sent wherever it might please the Government, and be subjected there to any *régime* the Executive might think fit. Could that be called law? The legislative power ought not to delegate to the Executive the right of determining punishments or changing the penal code. What right except that of force had the mother-country to say to her colonies, "I have so many incorrigible malefactors, and I send them to you?" The colonists would be perfectly right in replying, "We will not have them; we also have our crime. Let each of us keep its own." This was a grave question, which the legislative power ought to settle. Why did it not do so? It only needed to glance at the Committee's reports to see why. No colony or territory was to be designated, simply because there was none to designate. Whatever colony was mentioned, a crowd of peremptory objections presented themselves against sending any *récidivistes* there. So, in order to get out of their embarrassment, the Committee asked the Senate not even to indicate any place at all. Did the Government know where they meant to send these criminals? If they did, they could tell the Senate as well to-day as the Council of State to-morrow. But, if they did not know it now, could the Senate be sure they would know it in another six months? Surely here was a first step which was essentially legislative, and ought not to be left to the Executive. Then, as to the *régime*. Surely here, again, relegation was a punishment which might be light or severe according to the *régime*, and ought to be fixed by the Legislature. The Chamber of Deputies had said the *récidivistes* were to be free; and it was this prospect of 30,000 criminals at liberty and in possession of common rights which had really alarmed the colonies, and would have provoked a revolt if they had been strong enough for one. There were to be various classes of criminals, so that for crimes of unequal guilt there was to be a uniform punishment of penal servitude for life (*travaux forcés à perpétuité*). But there were to be some from whom this forced labour was not exacted. Were these to be the most guilty? No; they were to be men who had some personal resources. Now, it was revolting to argue that the least guilty might be treated more hardly than the most, merely because the latter had private means.

M. Laroze (Under-Secretary of State for the Interior) defended the Government.

M. Bérenger pointed out that the Minister of the Interior had now given a precise definition to the term "colonies:" it was only to mean Guiana.

M. Waldeck-Rousseau (Minister of the Interior): Chiefly (*notamment*) Guiana.

M. Bérenger: "Chiefly;" but, as it had been abundantly demonstrated that there was no other colony possible, the Senate would understand the true signification of the present vote to be the adoption of Guiana. But under the Empire they had been obliged to give up transportation to Guiana, and the sole question now was whether the Republic of 1855 would do what the Empire of 1868 had abandoned.

The President then explained the question to be voted upon, being the first paragraph of clause 1.

Clause 1 of the original Bill as passed by the Chamber of Deputies was that "relegation should consist in the perpetual *internement* within French colonies or possessions of the convicts which it was the object of the law to remove from France." The Senate Committee proposed to amend this by providing that relegation should consist in "the perpetual *internement* of the criminals to whom the law was to be applicable."

The Senate divided—For the Committee clause, 15; against, 227: majority against, 212.

The President then put the first paragraph of the clause in the shape passed by the Chamber of Deputies.

The Senate divided—Ayes, 182; Noes, 39: majority, 143.

The other two paragraphs of the clause, as proposed by the Senate Committee (Executive regulations to decide the place of relegation and the *régime* of enforced labour), were then agreed to, and clause 1 passed as amended.

9th February.—Clause 2 (relegation to be by sentence of tribunals) passed after a short debate respecting military sentences.

Clause 3 (political crimes excluded) agreed to.

On clause 4 (classes subject to relegation) M. Labiche moved an amendment leaving a discretion to the Judges to inflict relegation. The amendment was strongly supported by M. de Pressensé, but rejected by M. Waldeck-Rousseau. The Senate divided—For the amendment, 77; against, 170: majority, 93.

10th February.—The debate was resumed on clause 4. Ultimately part was agreed to, and the remainder referred back to the Committee.

Clause 5 (formerly 6, commuted sentences) agreed to.

Clause 6 (limit of age) agreed to.

Clause 7 (new clause, relegation not to release from army) agreed to.

Clause 8 (provisions respecting age) postponed.

Clause 9 (certain sentences to count) agreed to.

Clauses 10 to 17 (legal provisions) agreed to.

Next clause (sentences under law of 1854) negatived.