

LAWS AND REGULATIONS

It was at the time of the Algerian emigration in 1851 that the cantonal authorities of the Valais undertook the first regulatory measures.

In response to warnings by the French colonial authorities, who complained about the many paupers from the Valais ? which complaints were taken up by the press in the Valais ?, the State Council decided to stop issuing passports to persons who could not prove that they had property worth at least a thousand francs. This financial question was to become a constant preoccupation of the government in the following years.

The decree of the State Council dated 20 December 1856 turned the Valais into a very protectionist canton in matters of emigration. It subordinated the activities of the agencies to its authorization, which was granted upon the presentation of contracts drawn up between foreign states and the candidates for emigration, under penalty of 80 francs per emigrant; twice that in case of recidivism. A minimal guarantee of 10,000 francs was required of the agencies. The freedom to emigrate was seriously hampered by financial and ethical clauses: "The emigration of persons who are in possession neither of intelligence nor of the resources necessary to meet their needs, and who consequently are exposed to dying of penury or being sent back to their municipalities, is absolutely forbidden".

In 1857, the State Council even considered completely prohibiting emigration, but it settled on provisionally suspending the activities of the Beck & Herzog and Barbe agencies: the only two agencies that were officially recognized.

In 1863, the government decided to rescind the decree of 1856, which denied emigrants the right to sign contracts; only the agencies were allowed to do this.

The cantonal law ratified by the High Council of 19 November 1873, in the context of an increase in departures abroad, made the conditions for emigration even more difficult. Its purpose was to try to prevent clandestine departures, granting permission to emigrate "only to persons domiciled in the Valais and able to meet their obligations before a court of law". Henceforth, the names of the emigrants were published in the Bulletin Officiel upon mandatory registration at the Department of the Interior. The prohibition of emigration was expanded to include "crippled" persons and those over 60 years of age. Special permission was required for widows, pregnant unwed women, mothers accompanied by children, minors in judicial custody and children under 15 not accompanied by their parents.

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