THE PATRIOTE CONVICTS:

A Study of the 1838 Rebellion in Lower Canada and the Transportation of some Participants to New South Wales.

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April 1977
This thesis is my own work

Berkeley, Dawn, Borissey
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ABSTRACT

The patriote convicts were transported from Lower Canada to New South Wales after their participation in the 1838 Rebellion. It is contended in this thesis that a prosopographical study, both literary and statistical, of these convicts - a limited but representative group - reveals the motivation of the rebels better than a demographical study of all participants. Many of those taking up arms in the parishes south of Montreal in November 1838 were motivated by a deeply felt sense of injustice. Some were angered by the savage suppression of their compatriots after the failure of the 1837 Rebellion. For others who saw the gradual breakdown of their habitant, traditional life (in Beauharnois particularly), the 1838 Rebellion should be more accurately termed a social riot. This study also brings to light many other aspects of the Rebellion period usually ignored in the standard texts. The prosopographical microscope reveals, for example, the political manipulation which lay behind the subsequent Courts Martial.

The study of the patriote convicts' experiences and perceptions of life in New South Wales reveals a great deal about the convict period. Pain, which is an integral part of human life, has been a curiously ignored subject for social historians - particularly that felt by the convict settlers of early Australia. While it is well recognised that there was an excessive amount of flogging, for example, few have worried about the effects such brutality had on the lives and values of the convicts and the possible legacies to Australian identity from such men and women. The patriote convicts felt intense agony when forcibly dislocated from their loved families and country. This thesis documents that pain and the efforts made by the convicts from Lower Canada to remain unaffected by the brutality in early Sydney and
it raises questions about the legacy of pain on the emerging Australian character.
ACKNOWLEDGEMENTS

Needless to say, I have been greatly helped by various people during the course of this thesis. Dr Jim Huzel of the University of British Columbia referred me to Lawrence Stone's article on prosopography. Dr Miriam Dixson of the University of New England shared her enthusiasm and made several constructive criticisms of the material in the concluding chapter. The maps were drawn by Mrs Alyx Russell of Canberra and I am greatly indebted to Mrs Sue Piper for typing this manuscript under difficult circumstances and to Neil Gow for suggestions on research.

I have been fortunate in having Mr and Mrs Frank Willcock as my friends. They helped me greatly in many and various ways. Professor Manning and Mrs Dymphna Clark were founts of hospitality, none of which can be ever repaid. I have valued the lessons taught by Manning and the patience and courtesy he has shown to me.

My greatest debt is to Dr Murray Greenwood of the University of British Columbia, without whom the footnotes in Chapter Five would never have been written, and to whom I have the greatest fortune in being married. His sustenance during the last three years has been incalculable.
A NOTE ON SPELLING

Throughout the text, Canadien has been used to designate a French-speaking inhabitant of Lower Canada. As words such as 'seigneurial' can be spelled in two ways, I have not acknowledged any different spelling in a quotation. For example, there are no [sic]'s after 'seigniorial.

My major source has been the Lepailleur Journal - 165,000 words of phonetic, archaic and anglicised French. After one acknowledgement in the text to this fact, and to avoid cluttering the text with innumerable other acknowledgements, I have made none after the first quotation.

I regretfully have spelled 'chavirie' wrongly throughout the text, realising my mistake too late to correct it.
<table>
<thead>
<tr>
<th>Abbreviation</th>
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<tbody>
<tr>
<td>ANSW</td>
<td>Archives Offices of New South Wales</td>
</tr>
<tr>
<td>ANQ</td>
<td>Archives nationales du Québec</td>
</tr>
<tr>
<td>BRH</td>
<td>Le Bulletin des recherches historiques</td>
</tr>
<tr>
<td>CHR</td>
<td>Canadian Historical Review</td>
</tr>
<tr>
<td>JHALC</td>
<td>Journal of the House of Assembly for Lower Canada</td>
</tr>
<tr>
<td>JLAPC</td>
<td>Journal of the Legislative Assembly of the Province of Canada.</td>
</tr>
<tr>
<td>ML</td>
<td>Mitchell Library</td>
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<tr>
<td>n.d.</td>
<td>no date</td>
</tr>
<tr>
<td>n.p.</td>
<td>no pagination</td>
</tr>
<tr>
<td>PAC</td>
<td>Public Archives of Canada</td>
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<tr>
<td>RHAF</td>
<td>Revue d'histoire de l'Amérique française</td>
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INTRODUCTION TO PAIN,
AN ESCAPABLE FACT FOR HISTORIANS.

...there must be ghosts all over the country - as countless as grains of sand. And we are, all of us, so pitifully afraid of the light.

H. Ibsen, *Ghosts*, Act 2

the whole point of knowing the past is so that one can dispense with such ghosts.

INTRODUCTION

TO PAIN, AN ESCAPABLE FACT FOR HISTORIANS

Thousands of Montrealers forgot their Sunday sermons the fourth of November 1838. As the parishioners emerged from divine worship, they heard one startling word: rebellion! Revolt had come to Lower Canada for the second time in twelve months. Texts, lessons, and domestic responsibilities were abandoned in the clamour for information. Wild rumours circulated. Was it true the seigneur of Beauharnois had been captured and killed? Had the rebels stabbed an English child to death in its mother's arms? One thing did seem certain. The people of Chateauguay had rebelled and their leaders would arrive in Montreal at any moment under guard. By one o'clock, the citizens, talking excitedly, had occupied all vantage points on the route to the gaol. Their babel permeated the streets, focusing on the approach of captives escorted by men and fresh-faced boys in the uniforms and busbies of the Lower Lachine Militia. The prisoners trudged silently through the ankle-deep mud, their faces greyed with fatigue and apprehension. Although most had never been in the city of Montreal, they stared straight ahead and a few Montrealers, thinking it a religious procession, followed dutifully. Others shouted invective from the sidewalks, and the Militia were sometimes forced to protect their charges from the enraged citizens.

1. When Great Britain conquered New France in 1760, she renamed the Colony, Quebec. Lower Canada was created in 1791 by Imperial legislation which divided the colony along the Ottawa River. The western portion was renamed Upper Canada. After the unification of the Canadas in the 1840s, Lower Canada became Canada East officially, but the old name continued to be used in popular speech and even in official documents such as the Civil Code of Lower Canada enacted in 1866. This thesis uses the term Lower Canada throughout.

2. One of the Lachine escort later became the historian of the Montreal gaol. For his description of the day see, J. Douglas Borthwick, A History of the Montreal Prison from A.D. 1784 to A.D. 1886, Montreal 1886, pp. 80-85; and for an example of the hysteria gripping Montreal see the Montreal Transcript, 8 November 1838.
Finally, after a march of three hours, the prison was reached. Inside the gates, officials recorded the particulars of the men, hastily summoned Justices of the Peace to take depositions and, finally, gave nourishment to the exhausted prisoners. Outside the prison walls, the crowds milled, discussing the incident and the implications of another rebellion. While armed loyalists and soldiers deployed cannon and pickets at strategic points, the Lachine escort withdrew to their Montreal headquarters for refreshments and supplies of ammunition. Eventually the residents of Montreal dispersed to their homes.

In the next few weeks, hundreds more men were arrested and brought to the Montreal gaol. From these, one hundred and eight were selected to stand trial before several Courts Martial. Ninety-nine were convicted of treason and twelve men paid the extreme penalty of the law. Of the remaining eighty-seven, two had their sentences reduced to banishment, twenty-seven were released after posting security for their future good behaviour, and fifty-eight received conditional pardons.¹ The properties of the latter were confiscated and sold, and their sentences commuted to transportation for life to the penal colony of New South Wales.²

Ironically, the first man from Chateauguay to enter the Montreal gaol on the fourth of November 1838, was a bailiff and a member of a

¹ See Appendix II for a detailed breakdown of the Courts Martial.
² Two of those sent to New South Wales were not French Canadians. Dr Samuel Newcomb was born in the United States but received his medical training in Lower Canada and had lived there for more than thirty years at the time of the rebellion. The other, Benjamin Mott, was a resident of Alburg, Vermont. Both these men have been excluded from all tables and analyses of the Lower Canadian rebels, unless specifically indicated.
juristical family, François-Maurice Lepailleur. At the time of his rebellion, Lepailleur was a month short of his thirty-second birthday. In 1829 he had fallen in love at first sight and subsequently married Adélaide-Domitilde Cardinal, sister of a rising notary in Chateauguay, by 1838, Lepailleur was the proud (and loving) father of two sons, Alfred and Jean-Baptiste, and to supplement his income he sometimes worked as a mail courier and a house painter. To the parish priest of Chateauguay, Father Jean-Baptiste Labelle, Lepailleur was an outstanding member of the congregation, conscientious both in the fulfillment of his religious and familial duties. At the first Court Martial, Labelle testified that he was surprised to see Lepailleur meddle 'with the troubles' as he was the 'father of a family'.

Many may have thought Lepailleur's brother-in-law, Joseph-Narcisse Cardinal responsible for his involvement. The citizens of the County of

1. Lepailleur used at least five different spellings of his name. See the copy of his deposition printed in the Report of the State Trials before a General Court Martial..., 2 vols., Montreal 1839, Vol. II, pp. 313-32, where the name is printed at the beginning as 'Lepailleur' and the signature given as 'La Pallieur'; the Contract dated 14 April 1836 between Lepailleur, Joseph-Narcisse Cardinal and Antoine Godreau signed 'Le Pailleur', (M.G.8, F. 15, pp. 112-13, Public Archives of Canada, Ottawa [PAC]; and a letter to John Roebuck, M.P. dated 29 November 1844, signed 'Lepailleur', (M.G.24, A. 19, Vol. 4, pp. 68-69, PAC). On the title page of his Journal written while a convict, he used 'Le Pallieur', 'Journal De F.-M. Le Pallieur', (Archives nationales du Québec, Quebec City [ANQ], but perversely indicated on the title page of the Journal of Basile Roy that it was transcribed by 'LePallieur' ('Memoire de Basile Roy, Voyage en exil, Ecrit par Père Maurice LePallieur 1839 à 1844', ANQ). All references to the Lepailleur and Roy Journals are to the typescript copies of the manuscripts.

2. Entry for 18 December, Lepailleur Journal. Throughout this Journal Lepailleur referred to his 'cher Domitile', hereafter the spelling used. The French of the Roy and Lepailleur Journals is phonetically spelt and frequently awkward. Rather than clutter the text with '[sic]'s when quoting from the Journals, this will be the only reference to this fact.

Laprairie had elected Cardinal to the House of Assembly for Lower Canada in 1834, and the young notary quickly became known as a member of the radical Canadien elite. After the rebellion in 1837, Cardinal received help from Maurice Lepailleur as he escaped to the United States, and when he returned the following year he began organising the Chateauguay people for another uprising. Although the parish had not participated in the 1837 insurrection, the savage suppression of the rebellious parishes had so angered the people that they 'decided to take a hand in the movement' which they believed 'solely tended towards securing THE INDEPENDENCE OF THE COUNTRY'. Lepailleur had been unwilling to join, but after having been assured that help would come from the United States, he 'went in with the others'.

To Lepailleur, the cost of this decision was enormous. His house was burnt by vengeful English-speaking citizens and the rest of his property confiscated as part of his conditional pardon. After his arrival in the Montreal gaol, having not been to bed for more than thirty hours, after having gone many hours without food, Maurice Lepailleur was interrogated. In the subsequent deposition, the weary and distraught man implicated his brother-in-law, Narcisse Cardinal. Both Lepailleur and Cardinal were tried before the first Court Martial and sentenced to death. The notary, one of the most important patriotes to be dealt with by the Courts Martial, was hanged 21 December 1838. Lepailleur, racked with anxiety about his own fate, watched him leave for the gibbet.

1. Following the usage of the time and present academic practice in Canada, this thesis will refer to the French Canadians as Canadiens hereafter.

2. From an interview with Lepailleur in the closing stages of his life, Montreal Star, 15 December 1888.

Reprieved just two days later, Lepailleur's punishment was just beginning. Forced to watch the executions of ten other rebels, he dreamt about them and Cardinal for the rest of his life. During his imprisonment, both in Montreal and Australia, Domitile Lepailleur performed menial work for a very meagre wage and Alfred and Jean-Baptiste had to be sent to strangers more than fifty miles from their mother for keeping. These hardships tortured Lepailleur. He felt acute remorse when he heard of his mother's death and believed his involvement in the 1838 Rebellion had hastened her end. In New South Wales Lepailleur often could not sleep because of his despair and worry over his wife and boys, and even Eugénie, Cardinal's widow. The rebellion of 1838 and its aftermath, then, haunted Lepailleur for more than fifty years.

Pain, such as that outlined above, has become an escapable fact for historians.

Today, in the discipline of history, the study of riots and rebellions, rioters and rebels, and the masses, has become popular. This rise to prominence of 'history from below' has been coincidental with the technological developments in the computer industry and, the consolidation by the social sciences of their validity in the various academic disciplines. Certain practitioners of this genre have received international renown. The participants in the rebellions of 1837 and 1838 have been

1. In an interview in 1888, just three years before his death, Lepailleur re-iterated that he would never forget the executions. Montreal Star, 15 December 1888.
2. See, for example, Entry for 22 May 1841, Lepailleur Journal.
3. Entry for 23 January 1843, Ibid.
4. Cardinal entrusted his wife and family to Lepailleur.
5. A most notable practitioner of 'history from below', especially in connection with this thesis, is Professor George Rudé of Montreal's Concordia University.
studied: most notably by Professor Fernand Ouellet. In addition, the convicts transported by Great Britain to Australia have also been analysed with the aid of a computer by Dr. L. L. Robson. The framework provided by such studies allows a limited comparison. For example:

**TABLE I (a and b) - THE CANADIEN CONVICTS IN PERSPECTIVE**

(a) Comparisons of the total convict males with the 'Swing' rioters and the Canadiens transported to New South Wales.

<table>
<thead>
<tr>
<th></th>
<th>Total Convict Males</th>
<th>'Swing'</th>
<th>Canadiens</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. transported</td>
<td>122,620</td>
<td>139</td>
<td>56</td>
</tr>
<tr>
<td>Average Age</td>
<td>26</td>
<td>27</td>
<td>38</td>
</tr>
<tr>
<td>Sentences:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>% with 7 years</td>
<td>50</td>
<td>26</td>
<td>0</td>
</tr>
<tr>
<td>% with 14 years</td>
<td>25</td>
<td>28</td>
<td>0</td>
</tr>
<tr>
<td>% with life</td>
<td>25</td>
<td>46</td>
<td>100</td>
</tr>
<tr>
<td>% Married/Widowed</td>
<td>25</td>
<td>54</td>
<td>79</td>
</tr>
<tr>
<td>% with previous convictions</td>
<td>61</td>
<td>8</td>
<td>0</td>
</tr>
</tbody>
</table>


Many questions come from the above table. For example, the Canadiens were much older than the convicts transported from Britain. Why were older men transported from Lower Canada? Did older men riot more easily in that colony? Or does the older age reflect a government policy toward punishment after the 1838 Rebellion? Why were the Canadiens not given discriminatory conditional pardons such as the 'Swing' rioters received?

1. See, for example, 'Les insurrections de 1837-38: un phénomène social', *Eléments d'histoire sociale du Bas-Canada*, Montreal 1972, pp. 351-79. I would like to point out strongly at this time that Professor Ouellet also uses literary sources extensively - particularly the depositions of the rebels. However, his overall approach can be justifiably termed that of a quantifier.

Does the fact that the Canadiens were exiled for 'life' reflect an English fear of the Canadien society? Some of these questions are put into perspective by Table I(b):

(b) Comparison by ages of the popular leaders in the 1837-38 Rebellions with those punished after the latter insurrection.

<table>
<thead>
<tr>
<th>Age Range</th>
<th>Popular Leaders</th>
<th>Executed Leaders*</th>
<th>Transported Leaders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Older than 30</td>
<td>76%</td>
<td>55%</td>
<td>75%</td>
</tr>
<tr>
<td>Aged between 30-50</td>
<td>55%</td>
<td>45%</td>
<td>63%</td>
</tr>
<tr>
<td>Aged between 40-60</td>
<td>46%</td>
<td>18%</td>
<td>13%</td>
</tr>
</tbody>
</table>

* Excludes the French national, Hindenlang.

SOURCES: F. Ouellet, 'Les insurrections de 1837-38', p. 379, op. cit.; Table V in Chapter 5; Appendix I.

The results obtained by Professor Ouellet come from his study of more than seven hundred rural leaders and those gained by restricting the sample to the punished group (consisting of the eleven Canadiens who were hanged and the fifty-six transported) are not identical. By and large, those selected for punishment came from the sub-altern level of leadership. Almost all the grand chefs in both rebellions escaped punishment - Cardinal being one of the few exceptions. But again questions arise even from such a simple statistical comparison as Table I(b), for it appears to show that a younger group of leaders was selected for punishment and that the majority of those transported were in the prime years of their lives - that is, reaching and consolidating the peak of their influence in the parishes. Do these percentages reflect a government attitude to punishment? If so, there would appear to have been important extra-judicial factors associated with the Courts Martial and the carrying out of their sentences.¹

¹. See Appendix II for a statistical profile of the verdicts of the fourteen Courts Martial and the interpretation of the uniform sentences by the authorities, and Chapter 5 for a discussion, in detail, of the extra-judicial factors associated with the administration of justice after the 1838 Rebellion.
In his article on prosopography, Professor Lawrence Stone identified the main problem faced by historians 'from below'. Sophisticated knowledge is only possible for well-documented groups and in certain of those groups more will be known about some individuals than others. 'If the unknowns bulk very large', wrote Stone:

and if with the seriously incompletes they form a substantial majority of the whole, generalizations based on statistical averages become very shaky indeed, if not altogether impossible.²

The majority of all the participants - including the popular leaders - in the Lower Canadian Rebellions were illiterate. Of those patriotes exiled to New South Wales, only 45% were considered able to read and write by the Surgeon Superintendent's tests administered on arrival in Sydney Harbour.⁴ By contrast, 76% of the 'Swing' rioters transported to New South Wales were literate.⁵ Of the patriote leaders exiled to Australia, the major group were censitaires, that is, farmers owning their land under seigneurial tenure.⁶ Of that group, only 19% were able to read and write. These facts help to explain why the only recent serious studies of the Lower Canadian Rebellions have been by quantitative historians.


2. Ibid., p. 58. Of course, statistical averages may be almost useless in deciphering events. For example, the transported patriotes had an average of 2.67 moles on their bodies. Fully 26% were tattooed. This thesis will not attempt to generalise from these particular statistics.

3. The Canadien term for one wishing to establish 'la nation canadienne'. The word 'patriote' will not be underlined for the remainder of this thesis.

4. 'List of 58 Male Convicts by the Ship Buffalo, J. Wood, Master', The Names and Descriptions of all Males and Females who arrived in the Colony of New South Wales, (Convict Indents), 1840, pp. 48-53.


6. For a detailed explanation of the seigneurial system operating in Lower Canada at the time of the 1838 Rebellion, see Chapter I.
Unfortunately, the computer cannot provide answers to questions of motives and behaviour. No one human being can be fully described by numbers. For example, Basile Roy of Beauharnois was close to the statistical average profile of the transported Canadiens, but the figures do not tell about the risks he took to keep a diary with critical comments on convict life in the Longbottom camp outside Sydney, nor do they explain why Roy - who was illiterate - paid Lepailleur five shillings to write it for him. Maurice Lepailleur when describing the admission of the Chateauguay rebels into the Montreal gaol asserted that his feelings could 'better be imagined than described'.\(^1\) Another transported patriot, Louis Bourdon, believed that men rebelled when motivated by 'a deep sense of wrong'.\(^2\) The fifth Court Martial learned from one witness that the largely illiterate rebels in Beauharnois were 'resolved to succeed or die'.\(^3\) Statements such as these and Roy's journal, pose problems for quantitative historians and are often ignored because it is impossible to measure a 'deep sense of wrong', and a computer can neither imagine nor tabulate imagination. The richness and complexity of the human experience combine to thwart comprehension, although understanding can, and should, begin with generalisations which show gross similarities in motives and behaviour. However, it is only possible to move towards a full historical perspective when one attempts to recognise and deal with all factors - those such as courage, despair, frustration and pain - as well as the quantifiable. The question is, of course, how to achieve this.

Professor Ouellet has compiled convincing proof that the many faceted land problem in Lower Canada lay behind the agitation among the

rural masses and their popular leaders in 1837 and 1838. He denies, however, that more than a small minority of habitants (farmers), artisans and labourers desired an abolition of the seigneurial system or the abolition of their seigneurial dues. This anti-feudal idea could not penetrate 'peasant blindness' and was confined mainly to the radical sections of the patriote elite led by the Doctors Wolfred Nelson, Robert Nelson and Cyrille Côté. Professor Ouellet postulates that the masses only rose in rebellion because they were manipulated to do so by appeals to their hostility towards the English. They were led astray by the elite, most of whom shared Papineau's view that the seigneurial system, as a distinctively Lower Canadian tradition, must be retained.¹

This dismissal of habitant intelligence has been vigorously challenged by Georges Baillargeon² who shows that the desire for the abolition of the seigneurial dues without compensation was widespread.³ This was an important promise in Robert Nelson's 'Declaration of Independence' first proclaimed in February 1838 and reasserted during the 1838 Rebellion,⁴ and the sentiment had been the subject of various resolutions passed at popular meetings during 1836 and 1837. In support of his argument Baillargeon cites a number of Canadien observers who later made statements similar to the observation of a Laprairie notary in 1842. J.B. Dupuy, N.P. testified that habitants had told him they had rebelled to 'abattre les seigneurs' who were their ruin, 'et que,

³. As well as the above article, see also, S.D. Clark, Movements of Political Protest in Canada, Toronto 1959, pp.320-22.
⁴. See below, Chapter 2.
par ce moyen, ils abattaient la tenure seigneuriale'. Sir John Colborne, just before the 1837 Rebellion wrote that:

The habitans in all parts of the Province refuse to pay their rents; as they have been informed by the leaders of the Revolutionists that they are to have their deeds; and that the Seigniorial rights and tithes are to be abolished. Thus they are all interested in the success of the menaced revolt. Support for Baillageon's position comes from the fact that Papineau was not involved in the 1838 Rebellion and that the leadership then was given by the radical wings of the patriotes. There is some reason to suppose, therefore, that in the second insurrection at least, the idea was given a fair hearing in most or all of the rebellious parishes. Thus, on a fundamental point of motivation for rebellion, there is no consensus in the historiography. By concentrating on the fifty-six popular leaders selected for transportation, it is hoped that this debate can be resolved, at least for the 1838 Rebellion.

Prosopography, hitherto, has been used as a tool for historians to understand elites as it allows for 'the investigation of the common background characteristics of a group of actors in history by means of a collective study of their lives'. By asking questions - such as, date and place of birth, marriage, death; economic background; family connections - a biographical picture is drawn. The limitations of the method are obvious. Besides those which are concerned with sources and

3. Which might not have been the case prior to the 1837 outbreak. A deponent from the village of St-Eustache swore that he was asked to "Viens avec nous autres, tu es bien armé, on a du plaisir [sic]; on est comme aux Noces; on boit, on mange, on joue du Violin, on dance, on est libre, on fait ce que l'on veut - Ceux qui ont besoin de cuir en ont et se font des souliers"...'. Documents relatifs aux événements de 1837 et 1838, No. 640 (E. 640), ANQ. The recruiter, a habitant, Jérôme Longpré, was imprisoned after both rebellions.
documents, the practitioner faces intellectual barriers which are inherent in the method. Firstly, the relationship between the group and society as a whole requires careful attention. Another, Dr Stone identifies as a 'relative unwillingness' on the part of prosopographers 'to build into their perspective of history a role for ideas, prejudices, passions, ideologies, ideals or principles'. To overcome this weakness one not only needs the incentive, but access to the rarest sources - those embodying the thoughts of the historical actors being studied. As these are unknown in many areas of history, Stone thinks that many 'elitist prosopographers instinctively opt for a simplistic view of human motivation, according to which the springs of action are either one thing or another'. If the above limitations are accepted and guarded against, and if the historian is willing to 'recognize the baffling complexity of human nature, the power of ideas, and the persistent influence of institutional structures' amongst other things, the power of the method cannot be rejected.

A prosopographical study going beyond the demographic profile of illiterate actors in an historical event has usually been thought impossible. However, the richness of sources and the particular type of documentation available in the various archives in Canada and Australia suggested, at the beginning, that a collective biography of the transported rebels might be possible. These sources range from water colours sketched by Mrs Ellice junior when taken prisoner in Beauharnois during the 1838 Rebellion, to records of Courts Martial, depositions, the physical description of the Canadiens on their arrival in Sydney, and to

1. Ibid., p. 63.
2. Ibid., p. 65.
3. Ibid., p. 66.
the journals kept by Basile Roy and François-Maurice Lepailleur. The latter record dreams, ballads as well as the feelings of these men. Once a set of questions was formulated and the study of the transported rebels begun in detail, it was obvious that illiterates could be the 'stuff' of prosopography.

Some of the questions were obvious: age at the time of arrival in Sydney, marital status, number of children, the ability to read and write, status and/or occupation, and the size of land holdings before the rebellion. The previous history of the Canadien convicts before the rebellion was essential, and so their religious and political backgrounds were investigated. Also, as most of the men came from seigneuries south of Montreal, the histories of those seigneuries and their censitaires were researched. As a pattern slowly built up, it was tested, wherever possible, against the behaviour of the men in Australia and their subsequent lives after returning to Lower Canada. Not surprisingly, some - for example, Michel Alary of Beauharnois - remained shadowy and obscure. A few, notably the illiterate Jacques-David Hébert, were surprisingly good biographical material.

This prosopographical study of the transported patriotes contributes to knowledge both of the Rebellion period in Lower Canada, and the end of the convict era in New South Wales. Prosopography works in this study because of the care with which the group was selected. First, it

1. For a better description of the sources, particularly those pertaining to a study of the Canadiens' lives in New South Wales, see the concluding chapter.
2. This age was chosen for comparative purposes with the total convict group studies by Dr Robson, and the 'Swing' rioters which Professor Rudé researched, rather than that given on depositions.
3. See Chapter 4 for Hébert's biography.
is small enough to allow the concentrated work necessary to compile statistical profiles and to piece together qualitative biographies. Second, this is one of the rare groups of obscure and mainly illiterate men for whom usable source material existed, thus allowing 'history from below' - in both the Canadian and Australian spheres - to be attempted with some degree of confidence. Third, once the dominant attitudes in the group on a number of questions were determined, it is probable that useful insights into the wider society of Lower Canada and New South Wales would be gained.

The fifty-six Canadiens represented the second-level leadership in the 1838 Rebellion. They had contact with, but were not part of the patriote elite, that is the men (mainly professional) who dictated political strategy, official ideology, and assumed overall command like Robert Nelson, Cyrille Côté, or regional leaders such as Chevalier DeLorimier in Beauharnois and Narcisse Cardinal in Chateauguay. The subaltern leaders held positions of minor command. Lepailleur, for example, led a group of men on Cardinal's abortive attempt to obtain arms from the Iroquois of Caughnawaga. The majority of these subaltern leaders either came from families with more property than the average habitant holding in the seigneury, or from families whose respectability was clearly acknowledged in the parish. A few others had received at least an elementary education and had risen above the necessity of earning a living from manual labour. Socially the majority was drawn from the ranks of natural leaders in the parishes: those entitled to respect, but much closer in rank and education to the mass of their parish populations than the radical elite. The remainder of the fifty-six, with

1. See Chapter 6 for detail on this point.
two exceptions, was drawn from the families of smaller farmers, or were artisans or labourers. Therefore, by studying the attitudes of the Canadien convicts in detail, the motives of the mass of the people who rebelled became much clearer and it became possible, for example, to conclude that Beauharnois was the scene of a social riot rather than a political rebellion.

In this thesis, these findings and conclusions are brought out in the narrative and analysed in the final chapter. In many cases they confirm, but make more concrete, the conclusions of Professor Ouellet—in particular, the small degree to which the liberal ideology penetrated to the rural masses in the 1830s. In one important instance the findings revise his conclusions: namely, the degree to which hostility to the seigneurial system amongst the censitaires motivated their participation in the 1838 Rebellion. In addition, this thesis also reveals the danger of treating the two Lower Canada rebellions as one event as other historians have done, including Professor Ouellet. The savagery and destruction of the Loyalists after the 1837 Rebellion angered many to the point where they were prepared to participate in a second uprising. Generally speaking, the prosopographical study brings out the almost endless variety and multiplicity of reasons or prejudices which cause people to riot or rebel. It thus serves to correct any tendency there may be on the part of historians to allow generalisations, however useful, to obscure the many-sidedness of life.

The advantages of the chosen group of fifty-six for increasing understanding of the late convict period in New South Wales are less obvious, but nevertheless substantial. The Canadiens were one of the largest groups of political rebels transported to New South Wales at one time. Moreover, they were mainly family men who, unlike the 'Swing'
rioters, expected to return to their homes and families. They therefore had an incentive to write letters and/or preserve some record of their convict experience. Unlike other groups of political/social offenders, they were imprisoned in one camp, Longbottom. A study of their experiences therefore adds to the scanty knowledge of political/social convicts, and additionally, to the way in which the less notorious prison settlements were conducted. Also, a study of the Canadiens shows the effects of the convict system on the men subjected to it. The patriotes, in addition, had a great deal to say about Australian society. As a group mentally detached, as it were, from that society and not suffering from the class prejudices of most British visitors, their comments are worthy of consideration.

Finally, an attempt is made to recapture not merely the actions but the thoughts and emotions experienced by the Lower Canadian convicts. That is, this thesis is not only concerned with the motivation driving respectable men to rebellion, but with the consequences of that action also in their lives, and its legacy, if any, to our times.
CHAPTER I

SEIGNEURIAL LOWER CANADA

... 'if there had been no injustice on the part of the Seigniors, there would never have been any troubles'.

censitaires from De Léry
CHAPTER 1

SEIGNEURIAL LOWER CANADA

Many evils beset Lower Canada in the 1830s. The Roman Catholic Church courted and won contempt; the crops failed; the government pursued crises; cholera plagued the colony; and the agricultural system instituted in the 'golden age' of New France disintegrated. In 1837 and 1838 Lower Canada erupted in rebellion, dividing those who waited for Moses from others who sought Jonah.

The majority of the participants in the rebellions were habitants - Canadien farmers who clung to a way of life brought by their forefathers from Normandy. Life in New France had been hard and the colonists clustered in tightly-knitted groups centered around the church to support each other against the rigours of pioneer life, the harsh climate, and blows from the Evil One. They developed a reverence for tradition as it taught them to live in the present, for the church as it guaranteed the future, and for the family which provided the strength to endure. As land was plentiful, the inefficient farming methods and customs of the seventeenth century persisted into the nineteenth. Decades of struggling for survival and the absence of markets dictated the aim of self-sufficiency for these habitant families.

Their farms were long and narrow, averaging between ninety and one hundred arpents\(^1\) in size, and fronted (wherever possible) on a river which was used to dispose of waste, to raft supplies and send excess produce to market. The concessions were divided, longitudinally, by a fence;

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1. An arpent was a French linear measurement equivalent to 192 feet. A square arpent (the measurement referred to in this thesis unless otherwise stated) was approximately five-sixths of an acre, although by 1840 the terms arpent and acre were interchangeable.
one half was farmed for two years while the family cattle pastured on the other.\(^1\) On the farming portion, the ground was ploughed by two pairs of oxen led by a horse (or a pair of horses). The plough, a wooden implement hung between two high, heavy wheels, barely disturbed the upper crust of the soil and needed to be manned by two habitants. Weeds grew unchecked and competed with wheat, the principal crop for survival and as no fertilizer was used, the soil degenerated rapidly. A natural means of fertilizing, the animals' manure, was tidily gathered up and placed on the frozen river to be washed away in the spring thaw or stored in a barn. On the grazing half of the farm, the animals needed the whole range to survive as neither grass nor clover seed was planted and forage was sparse by the second year. As the years and decades passed, the ways of the forefathers seemed sacrosanct for even the innovations forced by the land became hallowed traditions. As Stewart Derbishire\(^2\) reported to Lord Durham in 1838:

> Each man seems to desire to dig the same piece of ground, and no more, that his father dug before him, and to dig it with the same spade; for an improvement in the instruments of cultivation or in the mode of cultivation would almost be regarded as an insult to the memory of the dead.\(^3\)

Until the 1820s and 1830s there was little reason to alter the ways of the fathers for they provided a rude plenty in the colony. The habitant families lived in relative 'ease and affluence'\(^4\) in white,

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3. Ibid., p. 57.

Plate 2.- Habitant Farmer by Mrs M.M. Chaplin.
wooden, one-storey houses. They produced almost everything to satisfy their wants from furnishings to food. The women grew vegetables in small plots around the houses and the produce was preserved, together with summer fruits, with maple sugar or syrup as a sweetening agent. Pea soup was a major part of the diet and a pot of stock simmered constantly on the stoves. Tourtières (pigeon pies), fish and game were welcome additions to the pork which supplemented the soup. On feast days the women prepared extraordinary quantities of roasts (beef, mutton, pork) which were supplemented by huge turkey pies and a variety of fruit puddings. The household linen and the family clothes were made from flax, or homespun wool. The role and status of women, though, went beyond the household drudgery implied above. Having had more time for schooling in their childhood, they were usually more literate than their husbands, and this, together with the equality springing from the demands of pioneering life gave them an important role when contracts were discussed, news disseminated and marriages contemplated. Some Canadien women, in the late eighteenth century, took advantage of this heritage and voted for a few short years.

The men worked hard and long, and although the division of labour was clearly defined between the sexes, there was a common goal; the family and its continuity. Children laboured on the farm from a very early age but when they reached maturity, they received some fruits from their labour. As the sons married, they were established on new farms. The parents provided implements, furniture, assistance with building the new farmhouse, and sometimes a small herd of cattle.

1. Although the Canadien farmers were descended, in many cases, from French peasants, they fiercely resisted being called 'paysan' referring to themselves as either 'voyageurs' (those who travelled to hunt, fish or trap), or 'habitants' (those who dwelt and farmed the land). Professor Eric Wolf has contended that there are three definitive
dowries. The inheritance pattern which had developed by the late eighteenth century was distinctly Canadien. The family farm did not normally pass to the eldest son as in England, nor was it subdivided among the heirs as in France usually. The successor to the farm was chosen from the middle or younger sons by the parents. With that son, they contracted their well-being. In return for the farm, the heir undertook the maintenance of his parents and certain stipulated comforts. He also assumed some responsibility for his younger brothers and/or sisters. In 1839, Hugh Murray a British observer noted that the 'custom of parents and children living together, often to the third generation, in the same house', marked 'a mild and friendly temper'. More likely, it illustrated the careful choice of a congenial bride and the respect of the children for their parents and family. So the care taken by the parents to ensure their sons a viable farm solidified the position of the family, and the habitant innovations to the traditional life brought from France only enhanced the Canadiens' respect for the past and the land which they farmed.

1. characteristics of peasants - the accumulation of caloric, replacement and ceremonial 'funds' (Eric Wolf, Peasants, Englewood Cliffs, N.J. 1966). Like their French counterparts, the Canadiens were self-sufficient for their food requirements, the manufacture and replacement of their farming implements and their furniture, and for their festivities, but they (unlike the French) would not accept the designation of peasant. In a paper delivered at the University of British Columbia, 21 February 1975, entitled 'The Rebellions of 1837-38: Peasant Uprisings?', Dr F. Murray Greenwood not only pointed out this refusal but postulated that the Canadiens could not properly be regarded as peasants since they established a fourth 'fund', namely their 'succession fund' for their children. For a summary of the paper see, Peasant Studies (Pittsburgh), Vol. V. (1976), pp. 29-33.

2. The civil law, inherited from France, provided for undivided ownership of real estate among all the children.

The farms were held under a system of tenancy known as seigneurial tenure - another legacy from France. However, this system had been deliberately modified to be the means of colonisation. Settlers were attracted to New France to become seigneurial tenants, or censitaires, by the prospect of large tracts of land at low rents. To encourage investment in the new colony, various incentives were offered to the seigneurs; such as monopolistic rights over milling and rents. Land cultivation was the official raison d'être of seigneurial New France and a closely regulated system evolved to protect it. The censitaires lost their concessions if the land was not cleared and cultivated. The government realised that the seigneurs had more opportunity to exploit the system in the isolation of New France and therefore defined and restricted seigneurial rights by the Edicts of Marly (1711) and later proclamations. Seigneurial privileges were controlled by the Intendant, the civil administrator of New France, and adjusted periodically to meet local needs and conditions.¹ There were restrictions as to the granting of land, the withholding of timber, setting rents, fishing claims and the grist banalité.² The Edicts of Marly compelled a seigneur to grant land to any prospective tenant at the rent and those conditions which were customary in that seigneury. A habitant who was refused land could apply to the Intendant who would, together with the Governor, not only concede the land but receive the customary rent for the Crown in perpetuity. With penalties such as this, few seigneurs refused prospective tenants.

¹ A direct contrast with France where the seigneurs possessed vested rights. For an excellent study of the seigneurial system in New France see, Richard Colebrook Harris, The Seigneurial System in Early Canada, Madison, Milwaukee, London and Quebec 1966.

² A monopoly forcing censitaires to use seigneurial mills to grind their grain - an unquestioned and unfettered right in France. In the colony, the mouture (fee for grinding) was one-fourteenth of the ground grain.
The rents were a particular responsibility of the Intendant. Although rates were never set officially, he protected the censitaires from speculative or unscrupulous landlords by making sure the amount, which had been set when the land was allocated, was fair and the customary rent in the area. Another important power of the Intendant was the authority to void even a written contract between seigneur and censitaire if the terms were higher than usual. He ensured also that the rents did not rise from those in the original deeds of concession, even when the land was sold to someone outside the immediate family of the tenant. As compensation - and to discourage speculation in land - one-twelfth of the purchase price, the lods et ventes, was paid to the seigneur when a concession was sold. The office of the Intendant, therefore, guaranteed stability to the habitants, and in time the innovative features of the Canadien seigneurial system were legitimatised in the memory of the censitaires as deeply as the farming methods from Normandy, and belief in the church.

The Roman Catholic Church offered relief from the inexplicable by its traditional salvation and it was clung to with the tenacity of those who faced a hostile land with unthinking courage. As the Intendant was the rock protecting the habitants from the waters of avarice, the curé was their terra firma - the representative in a community of a Rock which nothing could erode. Most British observers of Canadien life noted the unwillingness of the habitants to settle outside the sound of church bells. Social life revolved around the church and the religious calendar, and the Canadien observance of the Sabbath provoked much Anglo-Saxon criticism. Mass, on Sunday mornings, was attended by everyone but as one British observer sniffed, 'that part of their duty to the Creator fulfilled, it is considered equally a duty to devote the
remainder of the day to festivity'. Hugh Murray concurred:

'Sunday,' it is said, 'is to them their day of gayety; ... the parish-
church collects together all whom they know; ... the young, and the old,
men and women, clad in their best garments, ... meet there for the pur-
poses of business, love, and pleasure ... in short, Sunday is the grand
fête'.

The grandest occasions were weddings. After the curé had celebrated
the union, as many as thirty carriages brought the guests to the home
of the bride's parents. The feasting, brandy drinking and dancing
lasted for hours and often continued the next day at the groom's parents.

Like many pre-industrial rural peoples, the Canadiens were super-
stitious. Marsh gasses and fireflies were souls in torment; lutins -
small people similar to leprechauns - were a bane. The habitants blamed
the lutins' penchant for nocturnal equestrianism when they found their
horses dishevelled in the barns. To prevent these rides, they either
put the skin of a cat over the window of the barn or placed a large
bucket of grain in the doorway. When the lutins crept in, they knocked
the grain over and thereby were forced to spend the night replacing it,
kernel by kernel, to avoid detection. In the morning, the farmer entered


transported patriotes sang a ballad which expressed the French and
Canadien outlook on the Anglo-Saxon observance of the Sabbath. The
following stanza is taken from the Entry for 7 June 1840, Lepailleur
Journal:

Deux cents dimanches anglais
En valent-ils en francais
Ce Jour si joyeux en France
Est leur Jour de pénitence
Et quand un anglais se pend, se pend, se pend
C'est un dimanche qu'il prend
A paris le Dimanche on danse
Vive la France (bis)
the stable, saw the undisturbed wheat and horses, laughed at the acumen of the lutin who had escaped discovery, and congratulated himself on his cleverness in outwitting the little men. Undoubtedly these beliefs were known to the curés and permitted to co-exist with the traditional dogma. But while the priest was the leader of their communities, the habitants were by no means 'priest-ridden'. Generations of involvement in the fur trade - where a Canadien could escape all authority for months at a time - had fostered an independence of mind, remarked upon by numerous European observers throughout the history of New France.

The British Conquest placed the Church in a position which, in political matters at least, could not help but undermine its authority. At the time of the Quebec Act of 1774, and for half a century after, the Church and State joined in close harmony. In return for legalising the tithe, and not enforcing the Royal Supremacy, the government expected the Church to inculcate loyalty and give the fullest co-operation in political matters, for example by having the curés read proclamations, report seditious behaviour, and take the censes. Thus the priests, visibly linked to the government in the popular mind, became associated with the traditional enemy. Not surprisingly, the integrity of political pronouncements from the pulpit was often questioned and orders disobeyed. During the invasion by the American Revolutionary army in 1775-76, for example, the mass of the farmers remained neutral, despite clerical instructions to perform their militia duty. During the French Revolution, the habitants tended to discount atrocity stories told them by the curés and seigneurs. For five or six years most of them refused to believe their French kin could have executed Louis XVI or massacred the clergy. All that type of thing, they said, was 'un conte inventé par les Anglais'. In at least one general election, that of 1810, the curés
openly intervened to support pro-government candidates. In the rural constituencies the effect was negative, if anything, as pro-government candidates fared worse than they had for more than a decade. On the eve of the Rebellion in 1837, the parishioners in St-Cyprien (in the seigneurie of De Léry) walked out of the church when their curé read a political letter. They held a public meeting and announced that the priest's mission was not 'to preach the political rights of mankind, but to teach ... the precepts of the Gospel'.¹ This traditional, habitant resistance to clerical authority owed no allegiance to intellectualised notions of separation of church and state and remained a stubborn force in rural communities at the time of the Rebellions.

The seigneurial system was also profoundly altered by the Conquest. Neither the new judiciary (trained, of course, in English common law), nor the new administration wished, or felt obliged to assume the duties of the Intendant. After the withdrawal of French troops, authorities and nobles, many of the better and more valuable seigneuries along the St Lawrence River were bought by British landlords. Some French seigneurs remained and they, together with the ecclesiastical orders, provided an element of continuity for the Canadiens. But loyalists fleeing the United States after Independence, and settlers from England demanded their own land. Consequently, the freehold system grew up around the old seigneuries. The habitants, held back by their attachment to their families, churches and traditions, were reluctant to compete for land in these new areas and in the new system. They felt 'as if in leaving these things [their parishes and seigneuries] they would leave all'.² Other factors added to their unwillingness. The government

¹ North American, 13 May 1840.
saw the land as a political reward, not a means of colonisation; for example, in 1796-97, townships were given to some Crown witnesses in the trial of the spy, David McLane.¹ English merchants who hastened to the colony to exploit the new opportunities, saw proprietorship of a seigneury as a business proposition as well as a social advantage. Often these new seigneurs were not only speculators but absentee landlords and had little, if any, contact with their censitaires. As the better seigneuries around Quebec City and Montreal became more densely populated, the rents were raised² and as the amount of arable land decreased, demand for new concessions multiplied and enabled the seigneurs to impose new and illegal conditions on their tenants - for example, a tithe of all maple sugar produced by the censitaires. The first House of Assembly, composed largely of seigneurs and British placemen, adopted the same attitude. An attempt to add to the habitants' traditional corvée duty on the roads, resulted in the Road Act Riots in 1796 and 1797³; an unheeded warning that Canadiens would defend their interests and traditions with force if the provocation was severe.

The Edicts of Marly were, of course, ignored. The seigneurs - especially the English ones - governed according to the law of supply

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2. Of course most Canadien seigneurs abused the terms of their seigneurial grants. The difference between the English seigneurs and them was the degree of abuse perpetrated on the censitaires.

3. M. Greenwood, 'Garrison Mentality', pp. 74-76. It is interesting that just the same point was made recently that the Montreal riot of 17 March 1955 over penalties awarded Maurice Richard in a hockey game was a harbinger for the Quebec unrest of the 1960s which culminated in the election of a provincial government, 15 November 1976, dedicated to separating Quebec from Canada: see Montreal Gazette, 11 January 1977. (Fisher on Blakely).
and demand.¹ Some Canadiens, unwilling or unable to pay the higher rates for uncultivated land now demanded by the seigneurs, subdivided their own plots 'whereby the population, instead of diffusing itself in the extension of the settlements, became crowded within a smaller space, contrary to the wise policy of the ancient Government'.² As early as 1793 a petition presented to the House of Assembly for Lower Canada protested the illegal exactions. The Solicitor-General, later Chief Justice, Sewell acknowledged the justice of these complaints but pointed to the high cost of litigation which prevented the censitaires obtaining their legal rights.³ These abuses flourished unchecked and eventually eroded the habitant pride and communal life.

In a desperate effort to retain the old system, twenty-one petitions came before the House of Assembly between 1831 and 1837 requesting relief from seigneurial abuse. From these petitions, from evidence given before the standing committees established to investigate the complaints, and that sworn before a commission enquiring into seigneurial tenure a decade later, the extent of perversion wrought by sixty years of British rule declared itself. Although seigneurial abuse was widespread throughout the colony, the censitaires in the area south of Montreal suffered the most severely. Of the twenty-one petitions, three came from

¹ In 1828, John Neilson, editor of the Quebec Gazette, claimed in evidence before the House of Assembly that the English seigneurs were 'the worst of all', because 'They insist upon what they have no right to, so much that the people cannot pay it...'. Journal of the House of Assembly for Lower Canada (JHALC), 1828, App. (H.H.) n.p.

² 'Appendix (F.), Report of the Commissioners appointed to inquire into the state of the Laws and other circumstances connected with the Seigniorial Tenure in Lower Canada', (hereafter App. F.), Journals of the Legislative Assembly of the Province of Canada (hereafter JLAPC), 1843, n.p.

³ Opinion of Jonathan Sewell on the Petition from the Baronie of Longueuil against D. A. Grant, 'Q' Series, Vol. 67, p. 86, PAC.
Beauharnois\(^1\) and eight protested the exactions of General Burton and William Plenderleath Christie.\(^2\) (More than fifty per cent of the rebels transported to Australia in 1839 were tenants of the seigneurs of Beauharnois and De Léry - another indication of the problems in those seigneuries.) The petitions and testimony had one common factor; a detailed knowledge of the edicts and customs of the French regime, and the ability to cite circumstances of various delivered on the system and the dates those judgments were registered in Quebec. Obviously professional legal help was given the petitioners and witnesses: for example, a petition from Beauharnois contained a detailed history of the seigneurial system and systematic citation of the abuses existing in that seigneury.\(^3\) The House of Assembly in the 1830s was dominated by the patriote-seigneur, Louis-Jospeh Papineau of Petit-Nation,\(^4\) and did little beyond referring the petitions to a standing committee and ordering that 'consideration of this subject be taken up afresh at the next Session of the Provincial Parliament'.\(^5\)

The censitaires complained that many seigneurs were evading their responsibilities. Roads were not being built; the mill in Napierville

\(^1\) As the rebels stormed the manor house in Beauharnois in 1838, they shouted demands for seigneurial change. This was a unique feature of the 1838 rebellion as it showed the motive for their rebellion had little to do with the 'radical ideology' espoused by the patriote elite. Beauharnois is dealt with, in detail, in Chapter 3.

\(^2\) General Burton was succeeded by Christie after his death in 1835 as seigneur of La Colle, Foucault, Noyan, Sabrevois, de Bleury and De Léry. The rebellion in De Léry (centered around Napierville and Odelltown) is dealt with in Chapters 2 and 4.

\(^3\) Petition presented 5 December 1832, JHALC for 1832-3, pp. 160-163.

\(^4\) Papineau's contempt for his own censitaires is shown by a letter written in 1848 to his brother in which they are called 'ces animaux'. Cited by Cole Harris, 'Of Poverty and Helplessness in Petite-Nation', CHR, Vol. LII (1971), p. 38.

\(^5\) JHALC for 1832-33, Appendix (N.n.), n.p.
for example, was run by speculators and many of the Burton/Christie
tenants had to travel to the United States to mill their grain. Some
seigneurs charged fees to prospective censitaires before they issued
Deeds of Concession and then refused to concede the land or refund the
deposit. A number of Canadiens, remembering the safeguards of the French
regime, appealed in vain to Governor Dalhousie after being refused land.¹
Rents were a universal grievance. Between the years 1732-59, they had
reached as high as two sols per arpent.² After the British victory and
the removal of the Intendant's watchful eye, rates soared to more than
sixteen sols³: see Figure 1 for the seigneuries in the District of
Montreal known to have charged rents in excess of eight sols per arpent.
In De Léry, emplacements in the village of Napierville rented for £1/1/-
an arpent - that is, 504 sols.⁴ Rural land in the same seigneury was
assessed, generally, £1/1/- per fifty-six arpents - the equivalent of
nine sols per arpent.⁵ Nearly all the petitions and witnesses asked
that rents be reduced to their pre-conquest peak of two sols/arpent.

Many seigneurs defended their exactions on the grounds of good
business. They had bought the properties at fair market prices and they
argued they should be allowed to make profits on their investments.
Evidence in 1836 before the House of Assembly, detailed the assets and
liabilities of the seigneury of Lauzon which was estimated to be worth

¹. Petition from Beauharnois, ibid., p. 162.
². A sol was equal to a halfpenny: a dollar equivalent to four shillings
   and four pence halfpenny. Computation in this thesis is based on the
³. See Appendage B. 128 to App. F, 'Tables of the Rates and Conditions
   of Grants of Lands en censive', Ibid., for the variety of rents charged
   in the seigneuries.
⁴. Rent Book, Napierville, McGinnis Papers, M.G. 8, F. 99-9, Vol. 12,
PAC, passim.
⁵. DeLery Folio, ibid.
Figure 1 - Seigneuries known to have charged rents of eight sols per arpent or higher.
£50,000. The seigneur of Lauzon received £2,500 annually from rents and lods et ventes. Of the five grist mills, three returned £25 and the others made between £500-£600. The two saw mills produced an income of £4000-£5000. One eighth of the land was unconceded. Against these assets were debts of £7000-£8000, half of which was recognised as being uncollectable, and the costs of management of the estate, estimated at £200. The witness, Jean Bouffard, M.P.P., told the committee that the agent had collected £3000 from the censitaires in the autumn of 1835. ¹ Lauzon was an old seigneury and its rents were known to be low. ² But when bought and the assets detailed as above to the prospective buyer, ³ requests for rent reductions could not have been regarded favourably.

Morton, in the reign of Henry VII, could not have devised a better dilemma than that forced on the tenants by the inflated rents and the refusal of seigneurs to concede new land. If the censitaires fell into arrears with their cens et rens, they faced eviction; if they subdivided and sold part of their land to raise money, they reduced the amount of their produce and their consequent chances of solvency. Only the seigneurs, usually, profited from subdivision of concessions for they were paid one-twelfth of the purchase price (lods et ventes) by the buyer, ⁴ and they frequently used this opportunity to force new Deeds of

3. For confirmation of this view see the Evidence of John Neilson, op. cit.
4. It appears from the 'Report of the Solicitor-General upon various questions relating to the Seigniorial System, October 5, 1790', that subdivision of land between ascendents, and more importantly, descendents, was exempt from lods et ventes: see William Bennet Munro, ed., Documents Relating to the Seigniorial Tenure in Canada 1598-1854, Toronto 1908, pp. 250-66, specifically, p. 258.
Concession on their hapless tenants. Although renewal of the Deeds was intended to reiterate the original terms of concession, new reservations - such as every stick, tree, stone, mineral, and waterway - and other demands were sometimes slipped into the new Deeds. Most censitaires, illiterate and unable to afford legal advice, frequently made their crosses ignorant of the changes or additions. Once the marks had been made, the tenants were completely at the mercy of the seigneur and his agent. They had no assurance the courts would apply the old law prohibiting rent-raising and the imposition of new conditions. Indeed, in one case the Court of King's Bench held that the concession deed was the same as any other legal agreement, that is parties were absolutely free to bind themselves in any way they saw fit. In any case, few censitaires dared risk a suit because they:

always feared the hatred of the Seignior too much to go to law with him ... especially those, who wishing to establish themselves have hardly sufficient means to do so.

Witnesses and petitioners cited example after example of poverty denying justice to the seigneurial tenants, as in the case of a certain Terrien from L'Acadie who had the courage to sue his seigneur in the Superior Court of Montreal and Quebec. After the censitaire won the case, the seigneur announced he would appeal the decision to the Privy Council in England. This being outside Terrien's resources, wealth triumphed again as the censitaire was forced to compromise. The habitants from De Léry, who cited this example to the Commission in 1843, concluded bitterly:

no once since has ventured to go to law ... Thus Seigniors have always had their own way, and done as they pleased.

1. See the petition from Nicolet, JHALC for 1835-36, pp. 85-86.
2. A direct contrast to the Intendant who voided written contracts if duress had been applied to the tenants.
The seigneurial privilege of lods et ventes outraged the censitaires also. Not only were they a tremendous burden to anyone buying seigneurial land, they were frequently unfair. When wild land had been tamed, cleared and cultivated, by the sweat of the tenant's brow, the selling price naturally included an increase for these improvements. So did the lods et ventes, for the seigneur received one-twelfth of the improved price. It was, as the De Léry censitaires claimed, 'a most crying injustice'.

Often the purchaser of a seigneurial farm could not pay his lods et ventes and immediately went into debt to the seigneur. In 1835, the De Léry petitioners claimed that the executor of General Burton's estate was putting unbearable pressure on them to pay their seigneurial debts which had accrued through inability to pay cens et rens as well as lods et ventes. They claimed that three-quarters of the seigneury's tenants were being forced to abandon their properties 'and to seek elsewhere an asylum where less oppression may exist'. The bitterness undoubtedly owed something to the fact that the roots of many habitants had been planted in that area long before the current seigneur owned the land. The De Léry petition was supported by one from the neighbouring seigneuries of De Bleury, Sabrevois and Noyan protesting the high rents, the assessment of lods et ventes on the improved land value, and the fact they were charged higher rents than other seigneuries. The problems of these particular tenants had an outside cause as well with the death of Burton. As they were unable to pay their arrears to Burton's executor, they received credits which eventually resulted in their debts

1. Ibid.
2. Petition from De Léry, JHALC for 1835-36, p. 86.
exceeding the value of their properties. In a pre-industrial society which prided itself on self-sufficiency, increased rents and other seigneurial demands ate into a family's meagre cash resources and made the farmers more dependent than ever on good harvests. But by the 1830s, the soil was so exhausted by the inefficiency of the traditional cultivation methods that a bare subsistence was the most that could be wrung from it.

Until that decade, wheat had been the principal crop for home consumption and export. Conditioned by custom, the habitants ignored warnings and the model set up by English settlers and continued to sow wheat in spite of decreasing productivity. Mildew appeared in the Chateauguay Basin as early as 1827, and thereafter successive plagues ravaged the crops. In 1828, wheat sold for $1.20 a minot in the Montreal markets; by 1836 the price had risen to $2.00. The replacement of wheat by oats as the principal crop in the Richilieu Valley was detailed in the census returns of 1844. In Lower Canada, 3,404,756 bushels of wheat had been produced in 1831; by 1844, only 942,835 were harvested. During the same period oats rose from a percentage of 43.8% of the total production


2. Robert Sellar, The History of the County of Huntingdon and of the Seigniories of Chateauguay and Beauharnois, Huntingdon 1888, p. 222. Sellar's accuracy is the subject of an article by Ubale Baudry, 'Sellar et al et les Ellice', Bulletin des recherches historique (BRH), Vol. LVI (1950), pp. 169-79; and another, Gustave Lanctot, 'Un regionaliste anglais de Quebec, Robert Sellar', BRH, Vol. XLI (1935), pp. 172-74. Although biased towards the English, Sellar is, generally, an accurate source and he took great pains to interview residents of the area when he was writing his history. A minot was roughly equivalent to a bushel.


of wheat, oats, barley and rye in 1831 to 74.6% thirteen years later. In Beauharnois, the three Canadien parishes - St-Clément, Ste-Martine and St-Timothée - produced a total of 198,250 bushels in 1844: 81.4% being oats. In Chateauguay, oats accounted for 70% of the produce in 1844. In De Léry, the pattern changed. Oats had already been the principal crop in 1831, but rye supplanted it in the later census rising to 69.9% of the total crop, compared with 20.3% for oats and only 9.6% for wheat.¹

Various travellers noticed the decline of wheat and its resultant effects on habitant life. Patrick Shirreff, a Scottish farmer from the Lowlands, traversed the parishes south of Montreal and remarked on the presence of the wheat-fly. He reported that the habitants of St-Philippe held meetings and walked in processions to rid themselves of the plagues.² He observed that the Canadiens, even when possessed of good soil, were unable to cultivate abundant crops because they sowed wheat amongst 'truly luxuriant indigenous tares, thistles, and white clover', and reported the result of such an agricultural system was the number of habitant families who clung to their farms 'until starved from them - that is, till the soil did not yield them food to subsist on'.³ Shopkeepers and money-lenders moved quickly into the parishes and profited from this misery. Unable to cope with the rapid changes in their lives, many Canadiens mortgaged the future. To maintain their farms some sold their oxen, for example, and then rented them back to work the ground. Others borrowed money at an interest rate of a few pence a month, not realising that the annual rate was an exorbitant fifty to one hundred per cent. These

³. Ibid.
farmers were forced eventually to give up their farms and drift to the
cities.1 Further documentation of the widespread economic distress in
the seigneuries south of Montreal was lodged at the Sheriff's Office in
Montreal between 1839 and 1842 by various seigneuries. During this
period a total of 664 writs of execution (seigneurial eviction) were
issued.2 The average number initiated by any one seigneur was twenty-
three: see Figure 2 for the seigneuries in which this average was
exceeded. Messrs Ellice and Christie accounted for 41.4% of the total
number of writs issued with ninety-six and 179 respectively. As the
remaining Canadiens looked around their seigneurs, they saw English,
Scots, Americans and Irish flooding the concessions. A new saying came
into being and battered their pride - 'an Anglais would get rich on a
farm where a French-Canadian would starve' - and contributed to their
hatred of things English.3

To avoid leaving the land they loved and which was an embodiment
of their culture, the censitaires resisted as best they could. Faced
with seigneurial refusals to grant new land, and their own bleak economic
futures, they subdivided their concessions to escape financial ruin and
to provide for their sons. As shown by the following table, by 1831
most of the families in the seigneuries of La Salle, De Léry and
Beauharnois had found that subdivision was inescapable:

2. 'Statement of the Number of Executions issued and lodged in the
Figure 2 - Seigneuries in which an above average number of writs of execution were served, 1839-42.
TABLE II - PERCENTAGE OF FARMS LESS THAN 100 AND LESS THAN 50 ARPENTS IN PARISHES SOUTH OF MONTREAL AS SHOWN BY THE 1831 CNESUS.

<table>
<thead>
<tr>
<th>Parish</th>
<th>100 arpents</th>
<th>50 arpents</th>
</tr>
</thead>
<tbody>
<tr>
<td>St-Clément (Beauharnois)</td>
<td>77%</td>
<td>45%</td>
</tr>
<tr>
<td>Ste-Martine (Beauharnois)</td>
<td>78%</td>
<td>25%</td>
</tr>
<tr>
<td>Georgetown (Beauharnois)</td>
<td>85%</td>
<td>29%</td>
</tr>
<tr>
<td>St-Timothée (Beauharnois)</td>
<td>85%</td>
<td>57%</td>
</tr>
<tr>
<td>St-Cyprien (De Léry)</td>
<td>92%</td>
<td>57%</td>
</tr>
<tr>
<td>St-Edouard (La Salle)</td>
<td>94%</td>
<td>61%</td>
</tr>
</tbody>
</table>


As shown by Figure 3 (overleaf), the correspondence between these parishes and the unrest in the 1838 Rebellion is unmistakable. A limit to subdivision was soon reached and the habitants were forced to the expediency of giving tiny emplacements to their sons. Although these allowed the young men to keep a few cattle and to grow vegetables and satisfied (to some extent) the moral obligation which the parents felt so deeply, they effectively reduced the young Canadiens' status to labourer. The 'succession fund' - that is, establishing farms for sons on new concessions - became a memory in many parishes and parents sadly watched their sons leave for Upper Canada and the United States. Many of those emigrating were 'desirous and able to erect new settlements, provided they could obtain lands near their relatives ... or not far distant from them', wrote Joseph Bouchette in 1832, and added that 'instead of travelling in the spring to other countries, and living during the winter like vagabonds, spending the produce of their travels at public-houses in default of better occupation', these young men 'would prefer taking farms in the seigniories and would zealously attach themselves to the cultivation of their lands.'

Figure 3 - Seigneuries with the highest levels of subdivision.
The English occupations of farms which had been habitant aroused deep resentment from the Canadiens as they remembered its historical parallel. In 1755 the French in Acadia had been dispossessed by the English. Some of those Acadians came to the Richelieu Valley area (St-Denis, L'Acadie and other De Léry areas) and that dispersion etched itself deeply into the folk memory of the habitants. Even the educated Canadien elite cited this grievance and fear of English domination:

Our adversaries move heaven and earth to deprive us ... they may succeed if we are not watchful. In that case, at one blow, we should be true Acadians.3

This racial apprehension and bitterness was detected by Stewart Derbishire in a conversation with a calêche driver who told him:

that the English wanted to take ... their laws, drive them from their lands, and make them 'labourer les terres pour leur profit'.4

The traditional self-sufficiency of the habitants was becoming a folk memory also. 'The introduction of English luxuries ... has, in some degree, altered this; tea, English broad cloths and calicoes, cutlery &c.' formed part of Canadiens' necessities by 1830, although still not to the extent of dependency of his English neighbours.5 To buy these imported British goods, the censitaires relied on cash from their surplus produce. But even their fellow poor from Ireland conspired against them in the market place. Another observer of Canadien life in the 1830s noted the number of habitants returning from market with fully laden carts:

1. See Abbe S.-A. Moreau, Histoire de L'Acadie, Montreal 1908, pp.28-29. The descendants of Antoine Coupal dit Lareine, a transported rebel, were farming still in that area. Several other Canadien convicts were descendants of Acadians. See also, Antoine Bernard, C.S.V., Histoire de la Survivance Acadienne 1755-1935, Montreal 1935, pp. 429-30 especially.
2. The Acadian issue was used by Louis-Joseph Papineau in a rally before the 1837 Rebellion. See E.846 ANQ, for example.
5. [Pierre de Sales Laterrière], Political and Historical Account of Lower Canada, London 1830, p. 127.
with a scowl on their ... countenance. The cause ... was simply this: the Irish now crowd the markets in Lower Canada; at first they ask the same price as the habitants, but being as usual 'from hand to mouth', they speedily reduce their price, and take whatever they can for their pork, butter, eggs, etc.⁴

Different motivations inspired the English and the Canadiens. The former, imbued with the spirit of mercantilism and economic growth, and the challenge of its application in a new land looked at Lower Canada with fresh eyes and a determination to succeed. Many of the Canadiens, however, were descended from families which had lived in the land for more than two centuries. They were like a tree which had weathered many storms, seen many summers and whose roots, although gnarled and weakened by age, clung tenaciously to the soil. There was, and could be, little understanding between them and their conquerors - only contempt and resentment. The English despised the Canadien lack of ambition; the Canadiens hated their subjection to a minority 'who cared nothing for them or the Country', and who desired only to:

make money out of it to carry away to spend elsewhere, and who for that purpose would 'fouler aux pieds les lois et les coûtumes [sic] des habitans.'²

In the Canadiens' memories, the church had always been their salvation from the unknown and feared,³ but in the disintegration of the habitant life it failed to offer spiritual solace or economic relief. Many curés wrote letters detailing the distress in their parishes, but their superiors were too busy tending the fold to look for fallen sheep by the wayside. The clerical hierarchy was dependent upon the Governor and

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1. J.E. Alexander, Transatlantic Sketches, 2 vols. London 1833, Vol. II, p. 213. The Irish were a factor in the 1837 Rebellion but their support was negligible in 1838.
3. Although, it must be repeated, the habitants evolved a political independent stance from the church.
had bartered its independence for a mess of potage. It could only regard any change of the status quo as a de facto attack upon itself. In 1835 the disparity between the Church and its parishioners was pointed out. Dr Cyrille Côté testified before the Standing Committee of the House of Assembly that in Napierville, the parish church of St-Cyprien paid one sol per arpent for its lands, whereas its neighbours in the village were assessed rents between 240 and 504 sols per arpent.¹ As befitting a church which had once enforced its dogma with a rack, it inflexibly exacted tithes from its members - irrespective of depression or debt. The tithe was such a widespread source of discontent the Governor of Lower Canada after the 1838 Rebellion asked the Church to prepare plans for an alternate source of fund raising.² From the hierarchy's elevation on the Rock, people such as Cyrille Côté could only be regarded as wreckers, chipping away at the Church's foundations.

Dr. Côté, however, represented a new Canadien - the discontented, educated elite. Often these men, whose intelligence had marked them out for education in the Catholic collèges, were sons of habitants, artisans or labourers: for example, Hypolite Lanctôt, a young notary transported to Australia, was a son of a labourer in St-Constant, a parish in the seigneury of La Salle.³ Others were scions of radical families: for example, Lanctôt's fellow convicts, Léon Ducharme whose grandfather was an opposition deputy in the House of Assembly between 1796 and 1800, and Charles Bouc whose father had been expelled from the

1. JHALC, 1834-35, p. 74.
2. Bishop Bourget to the Bishop of Sidyma, 16 April 1839, Rapport de l'Archiviste de la Province de Québec, (RAQ), 1945-46, p. 196.
3. Lanctôt was twenty-three when transportation interrupted his career. His views on life on his return from Australia are noteworthy and will be dealt with later in the thesis.
House at the beginning of the nineteenth century. Although educated, few avenues were open to them - the church, medicine, shopkeeping and the law - and in each, social activity and economic success was controlled by the English. Their financial position was frequently bettered by their *habitant* relatives in the villages. As they returned to the parishes they had left, they found little in common with those they had left except discontent and worry over the increasing English domination. The elite sought to improve their status through politics and they became a political factor, for they experienced the same prejudices as the *habitants* and could articulate their common racial grievances. Their influence in the villages struck many British observers and Durham reported their 'extraordinary influence' on the illiterate Canadiens who respected and followed them politically.

The elite espoused republicanism, the separation of church and state and liberal democratic notions of Government; yet these concepts were not those of the *habitants*. For example, many stubbornly believed that the Canadien leader of the first rebellion would be king. The political message from the elite to their fellow Canadiens was expressed through oratory and political songs. The latter were sung in the fields, around the hearth, in the inns and disseminated the political messages quickly and easily, as in the following *chanson politique*:

1. For confirmation see the 'Statement of Confiscations in that part of the Province which lately constituted Lower Canada ...', R.G. 4, B. 37, Vol. 10, PAC. The most affluent of the transported Canadiens was a wheelwright, Edouard-Pascal Rochon.


3. As demonstrated convincingly by Professor Ouellet. See F. Ouellet, 'Les insurrections de 1837-38', p. 366.
Ecoutez Je vais vous chanter
Une chanson qu'a été composée
C'est deux bêtes qui se présentent
Pour faire des membres à la Chambre
Ah! Ah! Ah! mais cependant
Ils ne sont pas représentans

C'est au village de St André
Où ils croyaient avoir gagné
Ils se sont fait traiter de bêtes
Par ceux qui étaient à la tête
Ah! Ah! Ah! mais cependant
Eugène n'était pas content

J'entends de tous bords et de tous côtés
Raccommode ton moulin à papier
Quand t'auras payé tes dettes
Nous travaillerons pour t'y mettre
Ah! Ah! Ah! mais cependant
Brown dit qu'il n'a pas d'argent

C'est le Jeudi à St Eustache
Où le Poll il a commencé
Avancez tous patriotes
Venez tous pour Mr Scott
Ah! Ah! Ah! mais cependant
Les chouaguens ne sont pas contents

The indifference of the habitants to the ideological position of their radical spokesmen was strikingly revealed during the 1838 Rebellion and its aftermath. As stated above, the republican plank of the ideology was ignored by the masses with their belief in a Canadien monarch, and the anti-clericalism, if bruited at all in the parishes, was not borne out by the behaviour of the masses nor their popular leaders. While the censitaires agitated for the abolition of the tithes, they remained devout. In Australia, the transported popular leaders held evening prayer daily, and some joined an auxiliary lay brotherhood. In 1836, Dr Côté gave evidence again to the House about conditions in his constituency and warned of desperate measures being considered by the

1. This song probably dates from between 1834 and 1837. The original (including succeeding stanzas) is found in the Salle Gagnon, Bibliothèque de la Ville de Montréal, Montreal.

2. For a detailed treatment of the Canadiens' religious observance in Australia, see Chapter 8.
censitaires of De Léry: subscription for a test case to be appealed as far as England, and more ominously, a proposal to resist evictions, attempts to collect rents, tithes and lods et ventes with physical force. A submission to the Seigneurial Commission in the 1840s bitterly blamed seigneurial woes for the rebellions:

This is what we do complain of, and what we complained of before the troubles, and which has caused all the misfortunes which have overwhelmed our unhappy country, Canada, and of which we have been the victims; for if there had been no injustices on the part of the Seigniors, there would never have been any troubles.

The belief in this motive was echoed in testimony from another rebellious parish - St-Césaire in the seigneury of St-Hyacinthe - where some censitaires thought:

the iron rule and exaction of the Seigniors ... wholly ruinous to the farmers, and they would get rid of them at any sacrifice; they attribute the disaffection which prevailed ... in 1837 and 1838, principally to the exactions of the Seigniors.

Not all disaffection could be explained by 'the exactions' of the Seigniors'. For example, two men were hanged and six more transported for complicity in the 1838 Rebellion from the seigneury of Chateauguay. Owned by the Grey Sisters of Montreal, Chateauguay was an old seigneury with all its land conceded. Rents were low - approximately 1.5 sols per arpent. In Chateauguay the violence of the English reaction to the 1837 revolt prompted some to take up arms. But there also, rebellion had deep political roots and underlying the thoughts of all Canadiens was resentment, as they observed everywhere the breakdown of habitant traditions, poverty spreading throughout their concessions

2. App. A.29 to App. F, n.p. This evidence was from the De Léry seigneury. Further evidence has been cited by Georges Baillargeon, 'A propos de l'abolition du régime seigneurial', op. cit., passim.
and the movement of English settlers into Canadien lands. Seigneurial abuse and unrest was a major cause of the Rebellion of 1838, but the barbarity of the Loyalists in the aftermath of the 1837 outbreak and political agitation in the parishes, fanned the deep-seated resentments into insurrection.
CHAPTER 2

BACKGROUND TO REBELLION

'a government of choice is an inherent right of the people'.

the Montreal *fils de la liberté*
CHAPTER 2

BACKGROUND TO REBELLION

As the snow and ice thawed in Montreal in the unseasonable warmth of the last week of February, 1839, a young Canadien stood before thirteen Britons. Crowds witnessed his arrival and spectators packed the small court room. With two others from St-Césaire, Louis Bourdon faced his judge and jury - military officers with little or no juridical training - men for whom a command meant instant obedience; and disobedience, punishment. Bourdon, charged with treason, understood his desperate position. Each morning on his way to the Court House he passed under gallows where twelve of his comrades had been hanged - five only a week earlier. In the Montreal streets, preparing for the day's business, the clatter of his chains provoked abuse as he was marched to his trial. In the court room, to army men with frigid faces, straight backs and disciplined souls, he explained that his attempt to overthrow the British government in Lower Canada had been motivated by outrage - by a 'deep sense of wrong'. The court martial was unmoved by his eloquence; the frustrations and angers provoked by deeply felt injustices did not mitigate the fact that Bourdon had rebelled against a duly constituted authority. On the last day of February 1839, Louis Bourdon, aged twenty-two, was sentenced to hang by the neck until dead.

Until the preceding November, Bourdon's life was a model for others to emulate. With the encouragement of his father, a carpenter, he had learned to read fluently and to write well. At nineteen, he

married Césarie Papineau, a young girl whose ancestor (Samuel Papineau dit Montigny) had come to Canada more than a hundred and thirty years earlier. At the time of Bourdon's marriage in 1836, his father-in-law, François Papineau, was a major in the Third Battalion of the St-Hyacinthe Militia and the second cousin of the proprietor of the seigneury, Madame Dessaulles, 'a clever and very charitable woman ... much beloved'. In the seigneury of St-Hyacinthe, the influence of the Papineau family was 'very considerable'.

François Papineau had another important second cousin: Louis-Joseph Papineau, Speaker (until 1837) of the House of Assembly of Lower Canada, and a man determined to give the Canadiens a major role in the shaping of their destiny. Although they possessed a vast numerical superiority (seven-eights of the population), the Canadiens had been dominated by a powerful English oligarchy since 1759. Enfranchised in 1791, they quickly understood the machinery of the elective processes and immediately elected a majority to the House of Assembly. By 1796, this majority was controlled by the Canadien bourgeoisie. To counter this strength, the appointed Executive Council was composed of landed gentry, placemen of both races and a few wealthy English merchants. Similar appointments were made to the Legislative Council which acted as the Upper House and, from 1808, consistently opposed the will of the elected majority. As frustrations grew, Papineau attempted to neutralise

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1. For this specific and other genealogical information in the thesis I am indebted to Monsieur Roland Auger of the Archives nationales du Québec.
3. Ibid.
4. Merchants, professional men and shopkeepers. Unlike the landowners or seigneurs, such men had few ties to the government and little expectation of patronage.
the power of the Councils by demanding an elected Upper House and total control of the finances by the Assembly. He attempted to enforce his aims by having the Assembly withhold supply and later by boycotting British goods. The constitutional crisis thus provoked was monumental. The clash of Papineau's intransigence and Whig imperialism began to climax when the House of Assembly adjourned after sitting only thirteen days of the 1836-37 session.

The House determined, by a vote of 54-9, never to resume its functions until the British government rendered 'the second branch of the Legislature conformable to the wishes and wants of the people', and commenced 'the great work of justice and reform'. As Governor Gosford remarked in reply, this determination placed the colony in a 'situation in which the greatest embarrassments must be felt until a remedy can be applied by the supreme authorities of the Empire'. The remedy applied by these authorities became known as the Russell Resolutions. Acting on the advice given by a Royal Commission composed of Lord Gosford, Sir Charles Grey and Sir George Gipps, the Imperial Parliament rejected the constitutional and land reforms demanded by the Lower Canadian Assembly and resolved the financial deadlock by giving the Governor and the Councils fiscal autonomy. This news, which reached the colony in April 1837, had disastrous consequences.

The moderate Gosford became isolated and the extremes to which Lower Canada had swung were summarised by two newspapers: the Montreal

1. JHALC, 1836, p. 139.
2. Ibid., p. 149.
3. In 1837, Gipps was appointed Governor of New South Wales, and thus in charge of the colony at the time of the transportation of the patriotes.
Herald and the Vindicator and Canadian Advertiser. The former was edited by Adam Thom, the spokesman for the ultra-reactionary English merchants. Thom taunted Gosford for his conciliatory policy towards the Canadiens and reminded him that the victories of Cressey, Poitiers Agincourt and Minden 'were ... by "miserable" minorities of Englishmen over vast majorities of Frenchmen'. The Vindicator, edited by an Irish-born, French-educated radical, Edmund Bailey O'Callaghan, trumpeted that 'A howl of indignation' against the Russell Resolutions:

must be raised from one extremity of the Province to the other... HENCEFORTH, THERE MUST BE NO PEACE IN THE PROVINCE ... Agitate! Agitate!! Agitate!!! Destroy the revenue, denounce the oppressors. Everything is lawful when the fundamental liberties are in danger. 'The guards die - they never surrender'.

In an attempt to 'destroy the revenue' patriotes used only goods on which no duty had been paid: a situation which led several fashionable city-dwellers to wear the homespun clothes of the habitants. This passive resistance to the imperial will was encouraged not only by Papineau and other members of the Assembly, but also by Vindicator and the Canadien patriote newspaper, La Minerve. By May 1837, more overt opposition was evident. Advertisements appeared in various newspapers inviting inhabitants of various districts to meetings held 'to take into consideration the COERCIVE RESOLUTIONS proposed by Lord John Russell'. Leading patriotes in each county signed these notices: for example, Major François Papineau endorsed the Anti-Coercion meeting planned for St-Hyacinthe.

2. Ibid., p. 158.
3. The Vindicator, 26 May 1837.
The first meeting at St-Ours set the pattern for the others. It was addressed by Dr. Wolfred Nelson, Cyrille Côté and a schoolteacher, Siméon Marchessault. Twelve motions were carried. Gosford responded by issuing a proclamation which deplored the sentiments and the 'evil disposed and designing men' who had spread abroad 'statements and opinion, inconsistent with loyal duty to His Majesty and to His Parliament'. The Governor exhorted 'the subjects of His Majesty' to:

unite in the cause of peace and good order, to discontinue all writings of an exciting and seditious tendency, and to eschew all meetings of a dangerous or equivocal character....

He strictly commanded:

all Magistrates in and throughout the Province, all Officers of the Militia, Peace Officers and other ... to oppose and frustrate the insidious design ... and to preserve by their loyal co-operation, the vigour and inviolability of the Laws, on which their religion and future happiness depend.¹

If anything, Gosford's Proclamation made the meetings grander and the rhetoric more extreme. An example of the lack of respect which met the Governor's appeal was the Anti-Coercion meeting in the County of L'Acadie, in the village of Napierville, to which the Speaker of the House had been invited.

When Papineau used a ferry to cross from Montreal to Laprairie on his way to Napierville, the tory owners lowered the flag to half-mast. But that was the only opposition Papineau experienced in the next few days. The streets of Laprairie were crowded and Canadiens strained for a glimpse of their leader.² After a short delay and many greetings,

². The Vindicatore, 25 July 1837.
the entourage left for L'Acadie. An 'immense concourse of carriages' and a hundred horsemen met him a league from the village and swept past schoolboys in their uniforms who vainly waited to proffer a choral paean. After Papineau addressed the inhabitants of L'Acadie from a window in his host's home, he met with various men from the area to discuss the course he was taking and to receive their support.

That was visible the next morning. When the Speaker left for Napierville, horsemen carrying flags preceded him. The flags, emblazoned with patriote slogans such as, 'Exports! may Gosford be the first'; 'Liberty, the bread of life!' and, 'The elective principle, the one thing needful'\(^2\) waved defiance in the breeze. A train of carriages a mile long followed Papineau. Habituants stood outside every house on the route and cheered 'Vive Papineau! vive la liberté'\(^2\) as he rode by, and 'Wreaths, starred with roses, suspended from windows along the road, showed that the gentler sex at home were not idly indifferent to the day's excitement'.\(^3\) In Napierville, four thousand partisans thronged the streets, and when their champion appeared they broke into cries of 'Point de despotisme - a bas la proclamation!' Women in the upper windows of the surrounding houses showered roses into the street. More mottoes decorated the hustings: 'Equal rights'; 'Reform in the county of L'Acadie'; and 'The House of Assembly: the Guards die but never surrender'.\(^4\)

Papineau spoke for a short while in English which, surprisingly,

1. Ibid., 18 July, 1837.
3. The Vindicator, 25 July 1837. For more information, including the documentation of women's collaboration in the rebellions see Marcelle Reeves-Morache, 'La Canadienne pendant les troubles de 1837-1838,' RHAF, Vol. V (1951-52), pp. 99-117.
4. The Vindicator, 18 July 1837.
gratified his hearers and then addressed the Canadiens for more than two hours. Various resolutions (patterned after those at St-Ours) were then brought to the meeting. A prosperous cultivateur of the De Léry seigneur, Jacques-David Hébert, seconded a motion which scolded Gosford for:

issuing a Proclamation, characterising as seditious and perverse, men who have defended the neglected rights of their oppressed country, and who have had the noble courage to raise their voices against the oppression and tyranny of the British Ministry against this Colony.

Côté's resolution alleged that the Commissioners had reported against the Canadiens because they had brought with them 'Prejudices common to Europeans against the people of America'. Votes of confidence were given to the members of the Assembly who supported its adjournment and to their demands, 'particularly that of an Elective Council, which we will never abandon at any risk'. Joseph Paré, another censitaire of De Léry resolved that Committees of Vigilance should be established (in defiance of Gosford's Proclamation), and Hébert was named a representative for the parish of St-Cyprien.

The reaction of the English in the L'Acadie county was swift. Over one thousand attended a meeting to affirm their loyalty the following Monday. After the addresses, motions were passed. This meeting tried to depict racial unanimity by having each resolution proposed and seconded by a member of each race. 'La majorité de la Chambre d'Assemblée', was censured for:

1. Hébert is described in detail in Chapter IV as he was one of those transported to Australia.
2. This and the following quotations from resolutions at the Napierville meeting are from the Vindicator, 18 July 1837.
3. Paré was transported to Australia. In all, five men sent to Australia took a prominent part in that 1837 meeting: Jacques-David Hébert; his cousin, Joseph-Jacques Hébert; Charles Huot (the secretary of the meeting); Paré; and Théodore Béchard who was elected a representative for the L'Acadie parish.
d'arrêter un cours de choses funestes aux intérêts de la colonie et pesant avec plus grand préjudice sur toutes les classes de la population.¹

The authorities acted quickly also. Magistrates, officers of the Militia and Commissioners of the Peace who had participated in the Anti-Coercion meetings were asked to explain their actions. Although Gosford readily admitted:

the constitutional right of all British subjects to discuss and express their opinions ... to allow those who held a commission from the Crown, to employ the weight and influence it confers in the furtherance of objects subversive of existing laws and order² could not be countenanced. Côté was dismissed from the Commission of the Peace. François Papineau was stripped of his Majority in the Militia and the Governor's disapproval reached even Jacques-David Hénert.³

A similar Anti-Coercion meeting was attended by two thousand people at St-Constant in August. Papineau, who sent his regrets, deputised Joseph-Narcisse Cardinal (the County representative in the Assembly) to address the meeting. Presiding over it was the venerable Major Joseph-Marie Longtin, whose heroism as an officer in the battles of Pointe des Erables and Chateauguay in 1813 were still remembered. His five sons had fought against the Americans with him, and three attended this Anti-Coercion rally.⁴ The hero pointed out that he and many other inhabitants of the County had been prepared 'to shed their blood for the defence of the country and the authorities which govern them', but the

¹ L'Ami du Peuple, 29 July 1837.
² The Vindicator, 18 August 1837.
³ See Chapter 4 for detail on this point.
⁴ One son, Jacques and a grandson Moyse (Jacques' son) were transported to Australia.
actions of the British Parliament proved to them that 'they have no more justice to expect from the metropolitan State'. Longtin's attitude may have been tempered by the problems in his parish. For example, his son Jacques, aged in his late fifties, farmed eighty-six arpents. Jacques had twelve children, some without land.

In the midst of the meetings and vitriolic propaganda from both tory and patriote presses, Gosford made one last attempt to reconcile the factions. Although the Russell Resolutions had passed both Houses of the Imperial Parliament, the death of William IV postponed their implementation. With the hope that the accession of the young Victoria to the throne might lead to a cessation of the animosities in Lower Canada, Gosford summoned the Assembly to a session beginning 18 August. Much to the amusement of the Loyalists, the patriote members arrived en étoffe du pays. They reluctantly swore allegiance to their new sovereign and adamantly declined to expedite her colony's business; refusing, again, to release any funds until constitutional reforms were made. Lower Canada remained deprived of the 'benefits of domestic legislation', and hysteria mounted.

1. The Vindicator, 11 August 1837. The italics are mine, for they illustrate a consistency in the Canadien attitude: that is, Canadiens are prepared to defend their interests. This is a consistent theme throughout their history and explains their attitude in this century to conscription.

2. 'Statement of Confiscations.' Moyse, in 1839, possessed no land.

3. R. Christie, Lower Canada, Vol. IV, p. 373. The patriotes were dramatising their policy of destroying the revenue by wearing either home-spun or smuggled clothes. Robert Christie quotes several examples to explain the amusement. One was Mr. Rodier whose 'dress excited the greatest attention, being unique, with the exception of a pair of Berlin gloves, viz: frock coat of granite colored étoffe du pays; inexpressibles and vest of the same material, striped blue and white; straw hat and beef shoes, with a pair of home-made socks, completed the outré attire. Mr. Rodier, it was remarked, had no shirt on, having doubtless been unable to smuggle or manufacture one.' (pp. 373–74).

In this atmosphere, Catholic churches throughout the colony included Te Deums for the queen and her family in their services. In St-Césaire, François Papineau outraged some, but encouraged many, by walking out during 'la grand messe' when the curé Lamarre announced the Te Deum. This type of action was widespread as the patriotes justified their doctrine of the separation of church and state. However, as the tories pointed out, this lofty idealism did not prevent them preaching patriote gospel as the habitants emerged from the church doors each Sunday.

Inflammatory articles in La Minerve and the Vindicator brought the American Revolution before the eyes of the patriotes. A group of young elite Canadiens formed themselves into an association modelled upon the pre-revolutionary American 'Sons of Liberty.' The Montreal fils de la liberté announced they held government to be 'instituted for the benefit, and can only exist justly by the consent of, the governed ... that a government of choice is an inherent right of the people'. More distressing to the loyalists than these doctrines and the revolutionary speech was the fact that the military arm of the association drilled, erected liberty poles and carried firearms. The tories begged Gosford for permission to establish their own drill corps and when refused, used the euphemism of a 'fraternal order' to set up their volunteers.

After dissolving the Assembly, Gosford was convinced there was no hope for mediation and that a suspension of the constitution was England's only course. Papineau, he wrote to the Colonial Secretary Glenelg, felt

1. Deposition E. 1483, ANQ.
2. The Vindicator, 6 October 1837.
he must hold out for:

the separation ... from England and the establishment of a republican government ... The violent and unjustifiable attacks which have been made by the ultra-Tories against the French Canadians have created an animosity and there is need of much precaution and vigilance to prevent and check the disorders which might take place....¹

Gosford used the financial power vested in him through the Russell Resolutions to pay the many servants and pensioners of the government. Some had been without payment for five years. They ranged in status from cleaners accepting their few pounds, to the Chief Justice of Lower Canada whose family collected a munificent £8949/12/9.² As the coins clinked from the government's coffers, many patriotes willed to remain poor. The Speaker of the Assembly, Papineau, had not collected his pay since 1832, and even in the face of the Assembly's will regarding the Colony's finances being thwarted by the administration, he remained convinced that his policy of constitutional resistance would win reforms.

Others saw the situation differently. The administration continued to dismiss Justices of the Peace, Militia Officers and others who held Crown Commissions when they indicated support for the patriotes. Rallies repudiated this policy; one held at L'Acadie (at which Théodore

¹ Gosford to Glenelg, 2 September 1837; cited by M. Wade, The French Canadians, p. 166.

² J. Schull, Rebellion, p. 49. The regard by Canadiens for Sewell is shown by the following stanza of a chanson politique in the Salle Gagnon, Bibliothèque de la Ville de Montréal:

    Si le Juge Jonathan
    Nous fut donné par Satan,
    Et si sa chère famille,
    Les deniers due peuple pille
    Du Juge jusqu'au bourreau
    C'est la faute à Papineau.

This song was sung to the air 'Sur ce globe argent fait tout.'
Béchard was vice-president) attracted twelve hundred protesters.\(^1\) A deliberate plan was established in some areas to force all Canadiens who held Crown appointments to resign. For example, Charles Huot of Napierville, a notary, had been the secretary of public meetings held in 1836 and July 1837. In November 1837 he was charavaried because he had not resigned his office in the Commissioner's Court,\(^2\) which Côté, allegedly, wanted to replace with one responsible to the patriotes.\(^3\) In the Two Mountains area, the Committee of Vigilance reacted to the dismissals by announcing elections for Justices of the Peace and Militia Officers to replace those dismissed by the Civil Secretary.\(^4\) These were ominous signs to the moderates and conservatives in the colony and a meeting of over five thousand patriotes in St-Charles only added to their apprehensions.

That meeting, presided over by Dr Wolfred Nelson, addressed by Papineau and attended by thirteen members of the House of Assembly and one member of the Legislative Council, first agreed to admit the County of L'Acadie to the Confederation of Five Counties.\(^5\) After this agreement it passed several resolutions which set the stage for the 1837 rebellion. A brief enumeration of the Rights of Man was given. Then it decided that elections of Magistrates and Militia Officers would be held in the six Counties in December and that a militia would be trained.

1. The *Vindicator*, 3 October 1837.

2. A local court which handled petty civil matters.


5. St-Hyacinthe, Rouville, Chambly, Richelieu and Vercheres. The meeting also invited the neighboring counties of Laprairie and Missiquoi to join them - which would have, in effect, created a small state as all the counties were adjoining.
The meeting protested the 'introduction of armed troops in time of peace, in the colony'; approved the *fils de la liberté* organisation; called for similar bodies to be set up in the parishes; and erected a liberty pole dedicated to Papineau. In conclusion, young men marched to the pole, laid their hands on it and 'swore that they would be faithful to their country, and conquer or die for her'.

The Catholic Bishop of Montreal, Jean-Jacques Lartigue, added his share to the tension. In a *mandement* issued 24 October 1837, he dictated the moral position for Catholics in the colony. Citing the religious reasoning of Pope Gregory XVI, he directed the principle of 'inviolable submission to Princes' and condemned those who directed 'all their efforts against the rights of authority'. He compared the patriotes to past anathemas to the Apostolic See such as the 'Wickliffites' and Luther. In conclusion Lartigue appealed to the 'noble and generous' hearts of his flock asking:

*Did you ever seriously reflect on the horrors of a civil war? Did you ever represent to yourselves, your towns and your hamlets deluged with blood, the innocent and the guilty carried off by the same tide of calamity and woe? Did you ever reflect on what experience teaches, that almost without exception, every popular revolution is a work of blood? Did you ever reflect that even the Philosopher of Geneva, the author of the *social contract*, the great upholder of the sovereignty of the people, says himself, that a revolution which cost only one drop of blood would be too dearly bought?*

The *Vindicator* summarised the letter as broaching and promulgating 'those principles of absolutism, passive obedience, and "divine right of Kings to govern wrong"', which had been scornfully censured by:

1. The *Vindicator*, 27 and 31 October 1837.

2. Lartigue was a cousin of Papineau. His *mandement* is printed in R. Christie, *Lower Canada*, Vol. IV, pp. 415-19. The quotations used above are from pp. 418 and 419 respectively.
the British Parliament, British Statesmen and the British people, ... by the Catholic Bishops of Belgium, South America, and Ireland.¹

The reaction of the parishioners in the churches was more direct. When the mandement was read, they shouted 'a bas le mandement', sang the Marseillaise, and walked from the churches.

An example of the distress of the Loyalists about the inflammatory situation was the announcement of Gosford's appointments to the Legislative Council by the Quebec Gazette, a moderate newspaper. All members were characterised by their racial origin and much was made of the fact that more Canadiens were appointed than those of British or Irish blood. A comparison was made to Upper Canada where only one British company kept the peace. In Lower Canada, the paper complained:

common order cannot be maintained with five regiments ... the whole machine of government is paralyzed. The anarchists are permitted to marshall and exercise for revolution, under the eyes of the soldiery.²

The exchanges between the Vindicator and the Herald grew more abrasive and irrational. The former reported an attempt to bribe a boy to carry the Irish flag in a parade and when no takers were found, the Tories 'displayed that respect for their few Irish Tory friends ... by placing the Irish flag into the hands of a colored man'.³ The Herald taunted that the high numbers at patriote meetings were a result of children's attendance, and, that a hundred troops slept fully clothed every night in case of a patriote attack. In reply the Vindicator pointed out that 'Most of the Tories ... prudently sleep with their trowsers [sic] off,

¹. The Vindicator, 31 October 1837.
². Cited by R. Christie, Lower Canada, Vol. IV, pp. 419-20. Although the intrinsic value of these quotations is slight, they show clearly the atmosphere in Lower Canada in 1837.
³. The Vindicator, 31 October, 1837.
as fear sometimes has a more prompt effect on the bowels than even Morrison's pills'.¹ With this level of thrust and counterthrust, weak government, racial animosities, widespread fear and hatred, came the 1837 rebellion.²

With the success of Sir John Colborne over the patriotes in that rebellion; with the viciousness with which trapped men were killed one by one at St-Eustache; with the subsequent pillage and destruction by the British regular and triumphant English-Canadian troops (such as the terrible Glengarry Militia); the seeds were planted for another rebellion.³ They were watered by the disassociation of the Catholic Church from most of its believers, who in turn were alienated by its unwavering support of the government. In a letter to Governor Gosford, describing the state of Bourdon's parish, the Justice of the Peace at St-Césaire reported 'Our Curé is loyal to the backbone but he is but one amongst so many ... Mr. Lamarre has rec[d] Notice that if he preaches Next Sunday, he will be torn from the pulpit'.⁴ Clerical support for the government was carried to extremes: at one point the priests were asked to explain that Colborne's fiery progress through the parishes in the aftermath of the

1. Ibid.

2. As it is the contention of this thesis that the two rebellions although connected, have different motivations, the course of events in the 1837 Rebellion has not been detailed. For reading on this rebellion see: R. Christie, Lower Canada, Vols. IV and V; L.-O. David, Les Patriotes de 1837-38..., Montreal 1894; Alfred D. Decelles, The Patriotes of '37, Toronto 1916; Gérard Filteau, Histoire des Patriotes, 3 vols. Montreal 1938-42; M. Wade, The French Canadians, Chap. IV; Donald Creighton, The Empire of the St. Lawrence, Toronto 1956; Helen Taft Manning, The Revolt of French Canada, 1800-1835, Toronto 1962; F. Ouellet, Histoire économique et Sociale du Québec; J. Schull, Rebellion; F. Ouellet, 'Les insurrections de 1837-38'.


4. W.A. Chaffers to Lord Gosford, 9 November 1837, E. 3557, ANQ.
rebellion had been solely 'pour proteger les bons et fideles sujets'.

In a mandement directed to clergy and laity alike in January 1838, Lartigue reiterated the denial of any sacraments to patriotes. As the rebel dead had been already banned from the consecrated parish cemeteries, this emphatic condemnation seemed vengeful and inexcusable to their desolate families. On Sundays, the habitants might cluster round the curés and sign Loyal Addresses to the Governor, but their eyes remembered the smoke from burning Canadien farms and villages and their hearts registered another wrong to their already long list. And help, though perforce covert, was given the patriotes. Jean-Baptiste Bousquet, Lieutenant in Her Majesty's Militia and the miller for the seigneur Debartzch, signed the Loyal Address from the parish of St-Césaire 18 December 1837, but admitted aiding and abetting the escape of such notable rebels as Dr Wolfred Nelson, and Bonaventure Viger as they attempted to flee to the United States. Lepailleur of Chateauguay helped Cardinal in his successful flight south.

Another of the fugitives streaming to the United States was Louis-Joseph Papineau. After his arrival in Albany, New York, he began prepar-

2. 'Loyal Address to Lord Gosford from the parish of St Césaire, 18 December 1837,' R.G. 4, B. 37, Vol. 3, PAC. Bousquet was another transported to New South Wales.
3. 'Voluntary examination of Jean-Baptiste Bousquet, 9 February 1838,' E. 1485, ANQ.
4. Wolfred Nelson led the only patriote victory in the 1837 rebellion at St-Denis.
Plate 4 - Jean-Baptiste Bousquet by Jean-Joseph Girouard.
Two American generals, Scott and Wool, offered to lead the patriote forces and there were secret consultations with Governor March of New York regarding the neutrality and/or support of that state in the event of another uprising in Lower Canada. Papineau was encouraged also by the belief that he could borrow $200,000 from banks in cities such as New York, Baltimore and Philadelphia. Papineau made no definite plans or commitments and in January 1838 a meeting of all refugees in the United States took place. At this meeting, the organisation for the new rebellion was discussed and an ideological platform debated. The problem of a land ownership system proved to be a divisive one.

Most of the patriotes advocated the abolition of the seigneurial system and wanted to resume the lands from the seigneurs and speculators to give the habitants outright title to their concessions. But Papineau, a seigneur himself and with seigneurial connections, was implacably against the overthrow of seigneurial tenure. When this principle was adopted as part of the patriote policy, Papineau ceased to involve himself with the 1838 Rebellion.

1. From the deposition of Jean-Baptiste-Henri Brien. After the 1838 rebellion this young doctor, a member of the Montreal fils de la liberté in 1837 told the government everything he could in an effort to avoid execution. A copy of this 39 page document is in the Public Archives of Canada (Jean-Baptiste-Henri Brien Papers, M.G. 24, B. 39). The deposition, however, had such value to the government that it was translated and published as an appendix in State Trials, Vol. II, pp. 548-61 in a slightly expurgated form. For the purposes of this thesis all quotations are from this English form. Unless otherwise indicated, all information regarding the patriotes' activities in the United States is from the Brien deposition.

2. For example, Madame Dessaulles of St-Hyacinthe.

3. In fact, he was alleged to have opposed it strenuously. Governor Metcalfe to Lord Stanley, 7 August 1843, C.O. 537/142, p. 437.
The leadership was assumed by Robert Nelson, brother of Wolfred. He had not taken an active part in the 1837 insurrection, but had been arrested in the aftermath. Embittered by this and the imprisonment of his brother, he determined to succeed in another uprising. After building a supply of munitions, he loaded forty sleighs and crossed the border in February 1838 to proclaim the Republic of Lower Canada. As self-appointed President, Nelson severed all ties with Britain, the monarchy, and the Catholic church, and abolished seigneurial tenure 'as completely as if such Tenure had never existed in Canada'.1 The sixth clause of his Declaration promised discharge 'from all dues and obligations, real or supposed, for arrearages in virtue of Seigniorial rights' to 'each and every person who shall bear arms or furnish assistance ... in this contest of emancipation'.2 But 'emancipation' was postponed when scouts reported Volunteers waiting to attack and Nelson retreated to the friendly confines of the United States. General Wool, however, had since found employment as Commander of the American frontier forces and he was waiting on the border. Nelson and his lieutenant Côté were arrested and fifteen hundred stand of arms confiscated.

Despite Nelson's failure, the authorities in Lower Canada remained vigilant. The government was taken from the hands of the Earl of Gosford and placed, provisionally, in the safe-keeping of the senior military officer in the province - the detested Colborne. One of Sir John's first decisions was to continue martial law and keep the Habeas Corpus Act in abeyance. To replace the adjourned Assembly, he announced the formation of a Special Council chosen with great care - eleven men of each race with impeccable conservative credentials. Colborne's choice included significantly, William Christie, seigneur of De Léry, and seventy-

2. Ibid., p. 43.
one year old Samuel Gerrard, a representative in Canada for Edward Ellice, proprietor of Beauharnois.

With the establishment of the Council, Colborne ended Martial Law 27 April, but he continued the suspension of *habeas corpus*. The Montreal gaols were filled with men arrested during and after the 1837 Rebellion. These prisoners ranged in importance from Wolfred Nelson and Papineau's Viger cousins to lowly habitants. Some were imprisoned merely on suspicion; others' participation could be, and was, fully documented. It was obvious they could not be brought to trial: English juries would hang them; Canadien jurors would free them; a racially mixed jury would never agree unanimously on a verdict. As he waited to hand over the reins of government, Colborne quietly released more than one hundred prisoners, but the problem remained - a festering sore in the minds of the people awaiting healing from the new appointee from London, Lord Durham.

John George Lambton, first Earl of Durham, was the most spectacular governor in the history of Lower Canada. His solution to the problem of the prisoners befitted one whose entry into the colony had been made astride a white horse and followed by his host of retainers and aides. With a bland disregard for legal niceties, Durham forbade the return of the leading fugitives in the United States to Canada on pain of death, exiled the eight principal offenders from the New Gaol to

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1. When Jalbert was tried for the murder of Weir, a British officer killed during the rebellion, the jury consisted of eight Canadiens and four English. Jalbert was found not guilty by a vote of 10 - 2 (Christie, *Lower Canada*, Vol. V, 290; J.D. Borthwick, *History of the Montreal Prison*, p. 74).
Bermuda, and extended an amnesty to all other participants in the 1837 rebellion except those implicated (or thought to be) in the deaths of Weir and Chartrand. The proclamation, which was well received in Lower Canada, had one major fault - illegality. It was beyond Durham's power to order men to another colony, and also to condemn others, even conditionally, to death without the due processes of the law. When the proclamation was disallowed by London, Durham resigned in a fit of pique and made arrangements to return to London. Most of the inhabitants of the colony were distressed by his resignation for Durham had reduced racial recrimination during his brief government. He had sent emissaries, like journalist Stewart Derbishire, throughout the colony to talk with Canadiens and to probe the extent and reason for their hostility. By giving men such as Adam Thom, a voice in his Councils, he had defused the hatred which had been directed towards Gosford. Colborne re-assumed the mantle of acting governor with undercurrents and rumours sweeping the colony, the most persistent being of a secret society and a planned invasion by the Canadien refugees and Americans.

Many of the fugitives in the United States, encouraged by Durham's amnesty and the onset of summer, returned to their farms - but Nelson retained control of these repatriated rebels. One was Théodore Béchard who returned to the L'Acadie area. In his late forties, married with ten children, he was one of the more prosperous farmers in the area -

1. A ninth principal offender, Girouard refused to sign the letter admitting guilt. He was not sent to Bermuda and was subsequently released.
2. Chartrand was a Canadien informer killed during the 1837 Rebellion.
4. See for example, Address to Lord Durham upon his Departure from North America, from Georgetown, Beauharnois, 1 October 1838, M.G. 24, A.27, Vol. 3, PAC.
farming a total of 210 arpents in the De Léry and Longueuil seigneuries. In July, 1837 he had been a vice-president of the Anti-Coercion meeting in L'Acadie, and had proposed a motion complaining of 'the injustice of the metropolitan government towards this colony'.\(^1\) Before he left the United States in 1838, Dr Côté visited him, warned him to be ready to revolt, and then initiated him into the new patriote secret society.\(^2\)

The Frères Chasseurs society was founded because the leaders were 'desperate ... seeing all their secrets exposed by the indiscretion of the people'.\(^3\) There were other secret groups (particularly in Upper Canada) but the Frères Chasseurs - modelled roughly along Masonic lines - proved to be the most effective. It was adopted quickly by all patriote groups, spreading throughout the Canadas, Michigan, Vermont, New Hampshire and Maine, and reaching as far as Paris. The long-term aim of the society was the replacement of the British government in the Canadas, and this aim 'connected all the ties which united the rebels', forming them into a compact body which was controlled more easily.

The success of the society as an organisational tool of the patriotes must be admired. It was through the Chasseurs that the finances of the patriotes were co-ordinated, information collected and dispersed, and morale controlled. Several means were used to raise money; the first, and most reliable, being subscriptions from members. Some money was given solely for the welfare of the exiled men in the United States and other

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2. Deposition of Théodore Béchard, 11 November 1838, E. 2456, ANQ. Béchard was to become one of the fifty-eight transported to New South Wales.

subscriptions were for arms and ammunition. Louis Bourdon, a castor\textsuperscript{1} and treasurer for St-Césaire, testified he had been requested by the commander of the Richilieu Valley area, Edouard-Elisée Malhiot, to find money 'afin de subvenir aux dépenses' and that on another occasion he was able to give Malhiot $17.50 when asked 'd'amasser autant de souscriptions que possible vu qu'ils manquaient d'argent'. But, he continued, 'J'ai en ce moment dix sept piastres que j'ai ramassés sur prétexte de soutenir les exilés'.\textsuperscript{2} Another deposition spoke about the second fund also. Timoléon Ducharme of Lachine stated, 'il m'a aussi fait souscrire cinq piastres pour les Exilés aux Etats-Unis'.\textsuperscript{3} Some donations were in kind - Jean Baptiste Tetro, innkeeper of St-Marie, gave twenty-five American guns, eight bayonets and ammunition to the St-Césaire chasseurs because the men in his parish were too few to 'rise in the rebellion'.\textsuperscript{4} A unique form of money raising was encouraged by Nelson: he suggested patriotes borrow money from the banks in Montreal and dash to the United States and the rebels' coffers. This method had the additional advantage of placing a strain on the specie resources of the banks. Nelson also sought to borrow from the American banks - specifically the house of Astor and Creal - using as security a promissory note signed by the leading patriotes. In these negotiations Nelson grandiloquently referred to his embryonic 'Bank of the Republic of Lower Canada'; a bank which would have birth with the establishment of the republic. To fund this bank, Nelson planned to use the resources of the expropriated lands from the British American Land Company and Crown lands. He also

\begin{enumerate}
\item For the meaning of this title see below, p. 68.
\item \textbf{State Trials}, Vol. II, pp. 533-34. (Deposition of Bourdon).
\item Voluntary examination of Timoléon Ducharme, 5 November 1838, E. 2790, ANQ.
\item \textbf{State Trials}, Vol. II, p. 533.
\end{enumerate}
intended that leading Montreal anglais, such as Peter McGill and John Molson, would pay reparations for their 'wrongs' against la nation canadienne. ¹ But for all Nelson's grand schemes, the only tangible assets he had and could rely on were the subscriptions of members. They were so small usually that a single donation of $400 was remembered and talked about. ²

To ensure secrecy, Chasseur affairs could only be spoken about in lodges, the minimum size being three persons. Initiation into the society was a frightening ceremony, calculated to be reinforced by the habitants' fears of the unknown. The blindfolded recruit was taken to a room where he saw the symbols of the society aimed at him – long daggers and rifles. They were held in the hands of men he knew; but the eyes above the weapons were cold and unfamiliar. With this encouragement (or intimidation), the oath was rarely broken. Some latitude was allowed the local leaders in the form of oath used. The standard oath, as testified to by Brien, was:

I, A.B. freely and in the presence of Almighty God, solemnly swear to observe the secret signs and mysteries of the said society of Chasseurs – never to write, describe, nor make known, in any way, any things which have been revealed to me ... to be obedient ... providing I can do so without great prejudice to my person; to aid with my advice, care and property, every brother Chasseur in need, and to notify him in time, of misfortune that may threaten him. All this I promise without Reservation and consenting to see my property destroyed, and to have my throat cut to the bone. ³

Théodore Béchard administered a more direct oath to his recruits:

¹ Molson's wrongs, for example, were valued at £80,000 – $320,000.
³ Ibid., p. 555. This oath was considered so significant that the original French of Brien was printed in a footnote to add verisimilitude to the printed translation. For a similar version see the deposition of E. -P. Rochon, Ibid., p. 542.
Vous faites serment sur les Saintes Evangiles sur la part que vous prêtez de Paradis de vous tenir tranquille et ne point parler de politique ni le jour ni la nuit mais si l'on nous trame en prison cette année comme on l'a fait année dernière il faudra faire des résistances.¹

Béchard's oath was more comprehensible to his habitant followers and exploited their grievances effectively. After the oath-taking, the new member received his rank in the society, the passwords and the secret signs appropriate for his rank. The most common was chasseur, corresponding to an ordinary soldier. Nine chasseurs were led by raquet or corporal. Five squads of raquets and chasseurs (that is, fifty men), were under the command of two castors or captains. If the importance of the area warranted it, or if the number of men reached approximately five hundred, a brigadier colonel or aigle took command.² Overseeing the entire district was a grand aigle or commander-in-chief; for example, Malhiot supervised the Richelieu Valley area. The three inferior ranks had their own identification signs and passwords; for example, placing the forefinger of the right hand in the corresponding nostril; or the little finger of the same hand in the right ear; or saying 'Chasseur, this is Tuesday', to elicit the response of 'Wednesday'.

After the rebellion of 1838, many habitants claimed they had been forced to join the Chasseurs by neighbourhood pressure; and beyond doubt, pressure was applied. But while some of the numerous recruits were men unable to resist the fiery leaders of their parishes, others may have joined to preserve their status in the communities, or their

¹. Béchard deposition, E.2456.
². There is only one known example of a habitant obtaining this rank: Joseph Dumouchelle of Ste-Martine in the Beauharnois seigneury.
property. For example, an unwilling recruit in the L'Acadie area was Béchard's cousin, Louis, the marquillier of the parish.¹ Edouard-Pascal Rochon of Terrebonne admitted he had been urged to join the patriotes 'par un de mes freres [sic] qui me dit qu'ayant des propriétés ce serait les mettre en sureté'.² Some men joined the society because their families enlisted. Many chasseurs could not, or did not choose to, understand the aims of the society, seeing the lodges as pleasant social gatherings where the detested English could be safely discussed. Other men, farmers with generations of farmer forbears, mourning the memory of the 'succession fund' as land became more tightly controlled by the English, believed an independent nation canadienne was the sole remedy.

In Lower Canada, the nerve-centre of patriote operations was the Montreal office of an advocate, John Picoté de Belestre M'Donell.³ Not only were members enlisted there, but leaders from the parishes brought subscriptions, membership lists and news to it. M'Donell sent a messenger at least weekly to New York State with money and information regarding troop movements, rumours, and the tenor of the parishes. Men from the rural areas journeyed south also to share in the planning, and to have their doubts washed away by the fervour of the grand chefs. When they returned to Lower Canada, they travelled from inn to inn, parish to parish, giving the secret signs proclaiming the latest gospel

¹. Voluntary examination of Antoine Coupal dit Lareine, 23 November 1838, E. 1312, ANQ. A marquillier corresponded to a church warden and was chosen by the priest for his influence in the parish, piety and sobriety.
². Deposition of Edouard-Pascal Rochon, 15 December 1838, E. 1131, ANQ.
³. M'Donell was arrested 3 July 1839, released on bail 16 May 1840. His imprisonment lasted ten months and three days only, yet he was involved far more deeply in the plan to overthrow the government than some of the men hanged, and many of those transported.
and baptising others. They urged *chasseurs* 'sometimes by compliments, sometimes by reproaches',¹ to be ready to 'march',² and they expounded upon the support promised by the American people. Even though the United States government had legislated neutrality,³ Nelson's emissaries insisted that the Americans were only waiting for the patriotes to rally 'in some corner of the country' to provide the Canadiens with as many men and arms as required.⁴

The parishes understood the overthrow of the English was set for October. As men steeled themselves for revolt, messages announced a delay. Some rebellious ardour cooled as *habitants* thought about the onset of winter and Nelson's deputies scurried throughout the countryside restoring morale. Malhiot warned Béchard that his buildings would be burned if he did not lead his recruits, and probably many others received similar threats.

As Durham's departure drew nearer, Nelson's plans became firmer, and his optimism grew. By the end of October, his final plan was made. Malhiot was to lead an attack on the fort at Sorel and command eleven parishes. The aim was to not only capture the fort with its stores of arms and ammunition, but to cut communication between Montreal and Quebec also. Malhiot had scouted the fort with two engineers and felt confident of success. A second force, led by Nelson and Côté, was to invade from the south and capture St-Jean, another fort on the Richelieu

2. An euphemism used by the patriotes to mean either the act of revolting or going to the place of insurrection.
3. The Neutrality Act of 1838 which followed a proclamation made by President Buren 5 January 1838.
NELSON'S PLAN OF ATTACK 1838

Communication lines to be cut
River. After this, the two armies, augmented by rebels who had participated in some secondary attacks, would converge on the central fort at Chambly in a pincers movement. The parishes of Beauharnois were to rise the same night, attack the seigneurial manor house and acquire the store of Militia arms stored in the grounds. They were also to cut communications with Montreal and Upper Canada by seizing and dismantling the steamer Henry Brougham. The patriotes of Chateauguay were to take arms and ammunition from the Indians of Caughnawaga and then join Nelson's army at Napierville. Communication between Montreal and the north was to be cut by rebels of Terrebonne led by A.-B. Papineau, and to ensure the total isolation of Montreal, the railway line between St-Jean and Lapraire was to be severed. By isolating Montreal, Nelson would consolidate his strength in the area most sympathetic to the patriotes.

Nelson's plan was excellent: but it depended upon the Frères Chasseurs' organisational ability to have the men at the right places at the right time. Equally important, it depended on the promised arms, ammunition and American support to arrive in time. Nelson's final choice for the moment of attack was good also. As word began filtering through the ranks to 'march' on November third, Sir John Colborne was travelling from Quebec to Montreal after farewelling Lord Durham to London.

As determined men began to march through the thick mud which served as roads, a British officer, Charles Grey, worried about the

1. Lieutenant-Colonel, the Honourable, Charles Grey was the commanding officer of the 71st Light Infantry stationed in Lower Canada in 1838. He had refused a place in Durham's retinue. His father, second Earl Grey, and his elder brother, Lord Howick, had strong connections with the colony.
changes which must come to the province after Durham's departure. He knew one of Colborne's first acts would be the suspension, yet again, of habeas corpus and that Colborne would invoke other measures 'to which Lambton has declared he would not have recourse'.\footnote{William Ormsby (ed.), Crisis in the Canadas: 1838-39, The Grey Journals and Letters, Toronto 1964, p. 139.} Grey told his father that he thought the British could only be considered to have military occupation of Lower Canada, so strong were the stresses in the colony, and the majority of Canadiens were against the British. In his opinion, if an armed insurrection came, the Canadiens would have no chance of success. With chilling insight he wrote that he could not:

quite understand the winter being the best season for such attempts. It is quite clear if we have anything serious to do in this Province, that our system must be to burn the houses on each side of the roads as we go along and, with the thermometer 20 degrees below zero, what will become of the poor misguided wretches.\footnote{Ibid., pp. 140-41.}

The troops numbered five thousand regulars and were augmented by thousands in the volunteer Militia. They were ready: although few believed they would see action. The Chasseur secrecy had worked well. The first two days of November passed. In various places, Colborne prepared to re-instate his trusty Special Council, Grey worried about the consequences to the vanquished in a skirmish fought in sub-zero weather, and word went from aigle to castor to raquet to chasseur - 'Marche.' Timid bodies disappeared; but in other houses warm clothing, ancient weapons and provisions materialised when the knocks rattled the doors. The habitants were prepared. Undetected by the English amongst whom they lived, an undercurrent of resolve swept through the Canadien community. In St-Césaire, Louis Bourdon and two hundred others marched off to wage war at Chambly shouting as they went: 'Vive la nation canadienne'; 'Vive les patriotes'; 'a bas les anglais'.

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2. Ibid., pp. 140-41.
'The object of the assemblage of armed men occupying Beauharnois was to suppress the priests' tythes, rents, and "lods et ventes" ... I believe they meant to fight the troops'.

Robert Orr Wilson,
Captain, Beauharnois Militia
CHAPTER 3

THE RISING IN BEAUHARNOIS

Among the unperceptive was a cousin of Charles Grey, Edward Ellice junior: son of 'Bear' Ellice of London, Whig M.P., merchant, seigneur of Beauharnois. Edward junior arrived in the seigneury 10 July 1838, ignorant of the tensions existing in his inheritance, unable to visualise the impact of his presence and, unaware that plans to revolt were already made.

Beauharnois had been purchased by his grandfather, Alexander Ellice in 1795 for $40,000. Immediately an American had been hired as a land agent and a surveyor commenced the subdivision of Beauharnois' 324 square miles. The seat of the estate was located near the junction of the Ottawa and St Lawrence Rivers where the latter was so broad that it looked 'like a large Lake'. Before the British Conquest, the rent on the seigneury had been one and one-third sols per arpent, but within four years of the acquisition of the estate by the Ellices the rents were raised to eight and a quarter sols per arpent. Alexander Ellice also reserved all timber and forbade his tenants to market anything from their concessions. The pattern of abuse had been set.

1. Edward Ellice junior was Durham's private secretary, and thus officially in Lower Canada as part of Durham's retinue.
2. The reason for the high price was probably speculative - the seigneury had changed hands in 1763 for only $800. For more information see U. Baudry, 'Sellar et al et les Ellice', passim, especially p. 176.
3. Entry for 11 July 1838, Diary of Jane Ellice (Ellice Diary), M.G. 24, A.2, Vol. 50, PAC. (typescript copy). The area she referred to is Lake St-Louis.
4. Title Deed of Jean-Baptiste Laviolette, 9 February 1759, App. F.
5. Title Deed of Jacques Tessier, 25 January 1799, Ibid.
Plate 5 - The Seigneury of Beauharnois, 1838 by Mrs E. Ellice.
When Alexander Ellice died in 1805, he was succeeded by his son George who shortly afterwards disappeared on a trip to South America. In 1810, the legatees of Alexander and the heir of George, ceded their rights to the seigneury to the third son of Alexander, Edward. But until death could be presumed, the seigneury was plunged into a legal hiatus, which was resolved in 1817. Although the disappearance of George stopped the concession of land in Beauharnois, the influx of settlers into the seigneury continued: mute evidence of the growing land shortage in Lower Canada. The census of 1825 shows 2205 people living in the seigneury, half of whom were Canadiens. Four hundred and thirty-three families lived by farming and few had titles to their lands. In 1818 the Canadiens living near the seigneurial seat petitioned for a parish church and the building of St-Clément began in 1820.

The new seigneur had first visited Lower Canada in 1803 and had maintained close links with the colony through his interest in the family's mercantile business and the fur trade. Edward Ellice was determined that the seigneury - like any other part of his business interests - should return a sizeable profit. To that end he appointed a Scot, Lawrence George Brown, to be the agent and general manager of the estate. Not happy with seigneurial tenure, Ellice attempted to change it to free and common soccage, knowing English and Scottish settlers would flock to

4. Among the petitioners were Charles Roy dit Lapenseé and Jacques Goyette, two men later transported to Australia.
Beauharnois if absolute ownership of the land could be advertised. Legislation in 1822 and 1825,¹ allowed this change in title, but when Ellice tried to implement it, he was frustrated by technicalities raised in Quebec. Sensing it would be a long and difficult time before the tenure was amended, he instructed Brown in 1826 to issue seigneurial deeds. By 1827, twenty thousand arpent[s] had been conceded to 228 settlers, at an average rent of more than twelve sols per arpent - a perpetual total rent of £500 per annum.² Brown regularly extorted $10 for a location ticket,³ and levied ten sols per arpent as the minimum rent. To a large extent Beauharnois began to resemble an ethnic patchwork with Americans dominant in the south, Canadiens in the north and settlements of Scots scattered between. Each group was suspicious of the others and in time these doubts crystallised into a tension between the French and English speaking censitaires of Ellice. The obvious differences in farming methods, dress, diet, religion, customs, and political loyalties solidified the language barrier.

One issue united all groups - seigneurial abuse. Petitions protesting the perversion of the seigneurial system were presented to the House of Assembly in 1831 and 1832. One petition alleged that the seigneury had, in violation of the Deeds of Concession, 'illegally and arbitrarily, gradually raised the rents ... to the amount of 12 sols' instead of the two sols which had been customary in the time of the Intendant.⁴ Another protested the rents and asked that Ellice's request

1. 3 Geo. IV, c.119; 6 Geo. IV, c.59.
3. A location ticket was sometimes issued to settlers until they proved themselves by clearing and cultivating the land. They received the formal concession deeds after the seigneur was satisfied they would be industrious and good tenants.
4. Petiton from Beauharnois, JHALC, 1832-33, p. 162.
to commute the seigneury into freehold lots be refused. These petitioners
pointed out that Ellice already owned a considerable amount of freehold
land south of the seigneury and that he charged 420 sols per arpent ($4
an acre) for free and common soccage land. Other Beauharnois grievances
were detailed in evidence given before the committee established by
the House to investigate the petitions. A habitant from St-Timothée,
Pierre Leduc, testified that many settlers came to the seigneury in the
interregnum between Alexander and Edward Ellice. Although no deeds were
issued, some were given a written permit by the seigneurial agent to
begin clearing and cultivating land, and were promised deeds when the
seigneury could issue them. Most of these squatters were evicted in
1821. The improvements they had made resulted in the lots being more
valuable and the new farmers were forced to pay a higher price for the
land. This tactic particularly affected the Americans in the southern
part of the seigneury. The improvements they had made on their lands
were valued between £10 and £32, and they were given the option of pay­
ing this assessment or being evicted. Leduc also testified that Brown
had refused land to a number of young men in St-Timothée. One man had
justified his request in terms which revealed that habitants remembered
their ancient rights for he declared that 'as a native of Canada he had
a right to take land in any Seigniory wherever there was some unconceded'
land.

The evidence of Charles Manuel, surveyor for the seigneury, was -
if anything - even more damning. He testified that seigneurial land had

1. Ibid., p. 220
2. Testimony of Pierre Leduc, Ibid., Appendix (N.N.); n.p.; underlining
mine.
been sold to certain settlers and detailed the prices paid. He stated
that Brown favoured some when conceding land: for example, he gave one
of the best lots to his children's nurse, another to his hostler. These
lots were later sold to the advantage of Brown's servants, and Manuel
added, 'I have also knowledge that the said Agent has promised to several
other persons the choice of lands to be conceded in return for bargains
made'.¹ People were often denied land because Ellice wanted the tenure
commuted, and, the more unconceded land he had, the greater his profit.
When Manuel made this statement only slightly more than half the seig-
neury had been conceded.²

The American settlers from Russelltown complained in their petition
of 5 December 1832 that they were forced to build and maintain the fences,
roads and bridges thereupon, although the Seignior himself is thereunto
bound by the Order of the 18th June 1709.³ Testimony supported this
point. Charles Manuel had declared that Brown had forced the St-Timothée
censitaires to bring materials to construct a bridge in St-Clement after
the habitants of that parish had refused to build it. In this instance,
the labour was paid by the seigneury.⁴

The Russelltown petitioners summarised their position with the
following outraged statement:

1. Testimony of Charles Manuel, Ibid. One of those mentioned as receiv-
ing favoured treatment from Brown was 'Roi dit Lapensée'. This man
was probably Charles Roy dit Lapensée who was later transported.
3. JHALC, 1832-33, p. 163.
oppressed by the load of these abuses and of these impositions, ... we present the sad anomaly of a population composed of the vile serfs of the Seignior of Beauharnois, infected with all the vices and moral degradation which are the concomitants of so miserable a condition.¹

The bitterness of the Americans originated more than twenty years earlier when many of them had come to the seigneury through error. Forced to move from Massachusetts by a rapid population growth, they had travelled west and been attracted by a fertile plain with easy access to the Montreal market. Ignorant of both seigneurial tenure and the location of the international boundary, they divided the virgin land between themselves. During winters they cut trees into cordwood or squared timber which they rafted to Montreal when the ice thawed. In summer they cleared, cultivated their lands and made potash.² At night they sang about their independence, about being away from judge and jury, and of the joy of being free from taxes.³ Their dismay after the visit of the seigneurial agent; the subsequent assessment of their lands and the loss of their lyrical existence made their relations acrimonious with the seigneury from the beginning. Greed motivated Brown's dealings with them as much as it did with the Canadiens, and the willingness of the Americans to testify, petition, and resort to litigation revealed the plight of all Beauharnois censitaires, not only their own.

Edward Ellice visited his seigneury in 1832. Accompanied by his friend Peter McGill,⁴ he invited the censitaires of St-Clément to air their grievances at a public meeting. He was astounded by the size of the crowd and by the sight of several Americans who had travelled from

1. Ibid., p. 163.
2. Potash was one of the few ways of earning cash for many. Jane Ellice reported the payment of £5 for a small barrel in 1838. Entry for 12 July, Ellice Diary.
3. R. Sellar, History of Huntingdon, p. 34.
4. Peter McGill was a leading merchant in Montreal, President of the Bank of Montreal (from 1834-60) and a member of the Legislative Council.
Russelltown in the south. The magnitude and variety of the discontent angered him and he stopped the meeting with the claim that the seigneury was costing him more than he received from it. The major grievance which surfaced was the arbitrary and illegal refusal to concede land. Although Beauharnoys was one of the newest seigneuries in the colony, many of its lines of concessions were seriously overcrowded. The withholding of land by Ellice not only resulted in a chronic population problem, but in a decrease of living standards also as the ancient farming methods and the deterioration of the soil became evident. A model farm established to show agricultural efficiency to the Canadiens was ignored and distrusted by them and this paternal gesture could not counterbalance their resentment over the virgin territories being held for speculation. In the years of crop failures in the 1830s, in the years of petitions to, and investigations by the House of Assembly, Brown conceded only 10,208 arpents from a total 120,208 arpents. The size and land holdings of two men subsequently transported to Australia were affected by the seigneury's stubbornness to concede land. Charles Roy dit Lapensée, aged 52 in 1840, had been a resident of the seigneury for more than twenty years. He was a marquiller of the St-Clément church and had probably been a favourite of Brown's. He lived in some substance in a stone, two-storey house, and farmed a concession of 159 arpents - obviously the size of the original concessions in his area.

1. Brown admitted in 1842, in testimony before the Seigneurial Tenure Commission that 110,000 acres were unconceded in the seigneury. If one projects the minimum price Ellice was receiving in 1832 for a freehold acre, the commutation of tenure would realise $440,000, or, £110,000. R.G.4, B. 53, v.1-2, PAC.
3. He had signed the petition for the erection of St-Clément church in 1818: R. P. Augintin Leduc, Beauharnois, Ottawa 1920, p. 20.
4. See above, p. 77, n. 1.
His nephew, Basile Roy, farmed one holding of sixty arpents and another of fifty-four.¹ Significantly both Basile Roy's lands bordered other Roy lands, indicating that a previous subdivision had taken place. Both uncle and nephew must have been concerned with the future plans of Brown and Ellice, for each had five sons to settle.²

Education also concerned the censitaires. English influence in the schools was increasing to an intolerable point. In St-Clément, for example, surnames were anglicised: Gauthier to Gatia; Bourbonnais to Berbonnet; Gendron to Gondra.³ In 1838, the extent of the English domination was happily reported by Jane Ellice, wife of Edward junior.⁴ After a visit to the Beauharnois village (St-Clément) school, she noted in her diary that the Scottish teacher taught twenty Canadien children who learned 'even English quicker than the English - one boy, a little Papineau (a relation of the Papineau) in particular read remarkably well in English'.⁵ Jacques Goyette, a petitioner for the erection of the St-Clément church in 1818, and another Beauharnois censitaire transported to Australia, was a syndic for one of the Beauharnois schools.⁶ The school, established in 1831, was actually built on an emplacement on his modest farm of sixty arpents. The overseer of the Beauharnois school

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1. 'Statement of Confiscations'. For a fuller description of Basile Roy, see Chapter 6.
2. A sixth son was born to Basile Roy after the 1838 Rebellion, see Chapter 6.
4. Catherine Jane Ellice, nee Balfour, is an invaluable source for the rebellion in Beauharnois. She painted watercolours of the seigneury and the rebels and, more important, kept a diary which reveals the atmosphere in the seigneury: when for example, she expressed pride in dirtying floors of the village women; and recorded her husband's amusement when he thought a nest of muskrats was actually the home of woodcutters (Entry for 3 November 1838, Ellice Diary).
5. Entry for 1 August 1838, Ibid.
6. A syndic was the equivalent of a school trustee.
was Charles Archambault. A man of considerable local influence, Archambault was the Commissioner and Inspector of Schools, the local representative in the House of Assembly and a surveyor for Ellice also. He used his position as an Ellice employee to enrich himself through land dealings. He would have been very unsympathetic to any complaints about land speculation and equally unresponsive if Jacques Goyette or André Papineau dit Montigny (the father of the precocious scholar who impressed Jane Ellice) had deplored the English ascendancy in the schools.

Jane's husband, Edward junior, had come to Lower Canada in 1838 ostensibly as a member of Lord Durham's staff. His father, however, was very explicit about the real mission of his son. 'I wanted you to go out', he advised young Edward, 'not to be included in Durham's affairs or disputes, but to look minutely and with industry into my own concerns'. While he enjoyed the information which his son transmitted, and was encouraged by Edward junior's assurance that he had begun to understand the character of 'the natives and their country', 'Bear' Ellice admonished his son not to be misled 'by Mr Brown's blarney', but to examine everything himself, to 'sift everything'.

1838 was not a good year financially for Ellice and he depended on the seigneury to alleviate his difficulties in Britain. Therefore an income from Beauharnois was paramount. 'I must and will have an

1. Evidence of Charles Manuel, op. cit.
3. Same to Same, 26 August 1838, Ellice Correspondence, p. A2 - 196.
income', he insisted on 17 September.\(^1\) In another letter he reproved Edward for spending money in the colony instead of sending it to Britain where it could have been invested at six percent, and for making an offer of $8000 for a house.\(^2\) The seigneur was realising he had missed a lot of information from his censitaires at that meeting in 1832. Now, in 1838, he doubted the efficiency of his management in Lower Canada, and discovered that he was an absentee landlord being bled by his retainers. He acknowledged Brown as being 'shrewd - clever - and active', but instructed his son to 'examine rigidly his money matters - and put him to the proof of remitting a certain income from the property'.\(^3\)

'Bear' Ellice was aware of the ethnic tensions in his estate and in the colony generally. He thought 'the antipathy of Race' would continue in Lower Canada and that 'the French should not be left to the ascendency of a vulgar English faction'.\(^4\) His solution for the unrest was surprising for such a powerful Whig. He believed the colony must eventually adopt American laws and institutions, and perhaps even become one of the United States.\(^5\) As for the seigneury and its woes, he thought of segregation. Brown would be allowed to continue handling the English, Scottish and American tenants but the control and management of the Canadien censitaires Ellice thought of giving to 'a very respectable man - altho' very French': Louis-Hippolyte Lafontaine. As Ellice avowed,

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1. Same to Same, 17 September 1838, Ibid. p. A2 - 205.
2. Same to Same, 26 August 1838, p. Ibid., p. A2 - 196.
5. Same to Same, Ibid.
'politics should never be allowed to interfere with business'. Reports of a planned rebellion had reached Ellice senior, but he supposed them to be rumours spread by the Militia and Volunteers in order to perpetuate their stipends from the government, and he told his son that he had no fear of revolution damaging his investments in North America, and that Edward junior should not be involved too deeply in Durham's pursuits.

With these precepts and philosophies in mind, young Ellice began inquiring into the chaos of the seigneurial books. He found virtually everything debited to the estate and very few credits. In August he itemised his impressions to Samuel Gerrard, his father's representative in Montreal. He accused Brown of gross mismanagement, financial irregularities and sought an independent opinion from John Molson regarding the model farm which absorbed so much of the seigneury's income. Molson agreed with him that:

> the sooner the last farm is disposed of the better. The soil is bad - and worn out - and the crops this year most wretched ... I look at the whole of the ...arable land to be a dead loss.

This assessment was undoubtedly correct. Unfortunately for Beauharnois, young Ellice could not count empathy among his virtues and did not seem to realise that if the seigneurial soils and crops were bad - on which money had been lavished - the conditions faced by his censitaires must

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1. Same to Same, 15 August 1838, Ibid., p. A2-190. Lafontaine had been a follower of Papineau until the first rebellion and dissociated himself from the patriotes when violence erupted. He later became Premier of United Canada and ended his career as Chief Justice of Lower Canada.

2. Robert Sellar stated that young Volunteers received 20¢ daily and rations during the 1837 Rebellion. In its aftermath they continued to draw upon the government for 'guard duty', History of Huntingdon, p. 506.

3. Ellice senior to Ellice junior, 26 August 1838, Ellice Correspondence, p. A2-197.

4. Ellice junior to Samuel Gerrard, 4 August 1838, Ibid., pp. A5-291-94. Gerrard, as already mentioned, was a stalwart of Colborne's Special Council.

5. John Molson was also a member of the Special Council.

6. Ellice junior to Gerrard, Ellice Correspondence, A5-293.
be appalling.

When the heir examined the seigneury's dealing with its tenants, he discovered a debt of 'unknown quantity' in arrears of *lods et ventes*. 'Should not certain cases be selected', he queried Gerrard:

and ejections tried to be enforced?...it would show we possessed the power...sh— not the payments be enforced as soon as possible?¹

One debt selected to prove his point was that of £10/6/9, owed by Jacques Goyette, the *syndic*.² Following this report to Gerrard, the gross revenue of the seigneury rose by 136.7%³ - £4890/11/2 - evidence that pressure was applied to the *censitaires* to pay up. Legal actions were initiated also: of the 664 seigneurial suits between 1839 and 1842, Beauharnois accounted for ninety-six, the third most litigious seigneury in the colony.⁴ The investigations by young Ellice and the close supervision now given to Brown, must have provoked fear and uncertainty in the *censitaires*, and when the heir and his wife sat in the family pew in St-Clément on Sundays, they could not have been seen as fellow worshippers - but as objects of suspicion.

Jane Ellice kept a diary during her stay in Lower Canada. Her self-revelations revealed an upper middle-class mentality and contempt for the 'lower orders': she saw the Canadiens as 'poor ignorant

1. Ibid., p. A5-292.
2. As noted earlier, Goyette's holding was modest. His residence in the seigneury was over twenty years and it could have been that the quality of his soil had decreased to such an extent that he was forced to buy goods to supplement his produce. It is probable, also, that he augmented his income by piece-work as he claimed in Australia that he was a mason and farmer.
3. From the 'Statement of Annual Revenue & Cost of Management since 1 January 1822 to 31 December 1841, (Beauharnois)', R.G. 4, B. 53, Vol. 1-2, PAC.
4. 'Statement of the Number of Executions', op. cit.
habitants’. As early as 15 July she feared the sound of distant cannons being an indication of violence. When her husband’s associate, Charles Buller, visited Beauharnois in August, she recorded that all three shoemakers in the village refused to repair his shoes, but she drew no conclusions from this incident. In October she was impressed when the Scottish teacher told her that two or three of the Canadien children had asked for Bibles and that 'Young Papineau, the blacksmiths [sic] son saved all his little earnings until he had collected enough'. She wondered then that the priests allowed it, but added that they obviously were not as 'vigilant [sic]' as she had thought. The curé, Michel Quintin, was distressed by the increasing occurrence of instances such as this, and wrote a letter to his bishop protesting developments of this kind and pleading for a Catholic school in his parish. André Papineau dit Montigny, the boy’s father, harboured his resentment and was ready when rebellion came.

Although the seigneury did not rise in 1837, the rebellion - and especially its ruthless suppression - had a profound effect in Beauharnois. A sense of ethnic humiliation could make a man such as Charles Archambault, a political opponent of Papineau say:

1. Entry for 15 July 1838, Ellice Diary.
2. Entry for 1 August 1838, Ibid.
3. Entry for 14 October 1838, Ibid.
5. It is probable that the impressive lad was Narcisse, who later became a merchant and a deputy in the Legislative Assembly in 1864. See Jean-Jacques Lefebvre, 'Le patriote André Papineau', BRH, Vol. LXVII (1961), pp. 71-72.
6. André Papineau dit Montigny was a second cousin of Louis-Joseph Papineau and was transported to Australia.
'I have always been the foremost to keep down the discontented Canadians, but by God as it seems that the Canadians are to be made slaves of I will do my utmost and spend the last drop of my blood to support the Canadian cause'.

Almost as the military pillage and arson ceased, Canadiens less favoured than Archambault began preparing the seigneury for insurrection. In the summer as the men worked the fields and prepared for harvest, the women quietly promoted the Frères Chasseurs and frequently administered the oath of allegiance. One such woman was Marguerite-Julie Cornelier, wife of Joseph Dumouchelle of Ste-Martine. As Joseph could neither read nor write, his wife read the conditions of membership in the Chasseurs as she swore in the recruits. Dumouchelle, aged in his late forties and with four children, confided to Brien that his policy in enlistment was 'to implicate all the crime...to oblige the timid to fight, after having been thrown in spite of themselves, into the horrors of civil war'.

Joson, as he was commonly called, and his brother Louis (an innkeeper in Ste-Martine) had relatives who had been affected by the aftermath of the 1837 insurrection. After meeting one, Madame Dumouchelle of St-Benoit, Stewart Derbishire wrote to Durham she had told him:

that having had seven houses belonging to the family burned down, the whole of their property, cattle &c taken, her husband & two sons in prison, she was subject in the miserable hut in which she had taken refuge to the visits of the Volunteers who came & threatened her with their drawn swords placing them close to her face and almost depriving her of life by terror. The statement above...is strictly consistent with the fact.

1. Quoted in deposition of David Rutherford, 24 February 1838, E.1082, ANQ.

2. R. Sellar, History of Huntingdon, p. 506. This accords with a tradition stretching back into the seventeenth century when the women of Montreal fought the Iroquois alongside their men, and in the eighteenth century in Quebec City when they rioted against the Road Act in 1796.

3. Canadien women were usually known by their maiden names.


5. 'Derbishire's Report', p. 53. Joson and Louis were both transported.
Joson admitted that the treatment of his relatives made him a rebel and turned him from a Captain of Militia into the aigle of the Ste-Martine Frères Chasseurs.¹

When the talk turned to politics in his brother's inn, Joseph would have been an intimidating figure. He stood five feet eleven inches tall, and his brown eyes flashed and his voice would have seethed with hatred² as he declaimed against the English government which had allowed such widespread, indiscriminate property destruction. He argued that the Canadiens had one choice - that of taking up arms to defend their property and to preserve their lives from the English desire to destroy them all. He farmed over 114 arpents and he must have understood from the experiences of his relatives that by defeat he would lose much, perhaps all. His zeal was unquestioned and few dared refuse when Joson invited them to join the Chasseurs. But the success of Dumouchelle's recruiting went far beyond his passionate intimidation. One of his neighbours, François-Xavier Touchette, hammered pikes in his forge for the chasseurs throughout the autumn in order to supplement the ammunition Joson bought. Some of his lieutenants were established churchmen who had petitioned for the establishment of the Ste-Martine parish in 1829.³ One, Charles Bergevin dit Langevin, farmed more than 140 arpents and had fought with de Salaberry against the Americans in 1813. Twenty-five years later when Langevin was fifty and had seven sons, he enlisted

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1. State Trials, Vol. I, p. 341; Entry for 12 June 1840, Lepailleur Journal detailing a copy of the Certificate of Character for Joseph and Louis Dumouchelle by T. Greece, a Montreal advocate. Greece testified that several of the Dumouchelle family were curés and one a member of the House of Assembly for several years.

2. The physical details are from the Convict Indents and the passion deduced from Lepailleur's and Brien's description of Joson.

in the rebel cause and served as a treasurer for his parish. One
chasseur from Ste-Martine was not a Dumouchelle recruit Jean-Baptiste-
Henri Brien. This young doctor had access to the highest patriote
circles, but his ideological beliefs and friendships took second place
to his fears as the day of reckoning dawned in Ste-Martine.

Although habitants of similar substance to Touchette and Langevin
were recruited in the other Canadien parishes of the seigneury (notably
the St-Clément marquillier, Charles Roy dit Lapensée), the leaders of
St-Clément and St-Timothee were perhaps motivated more by self-interest
than Dumouchelle. The castor for St-Clément - thirty year old Toussaint
Rochon, a painter, carter, wheelwright and bailiff - had moved to the
parish only three years earlier, and saw, perhaps, membership in the
Chasseurs as a means to enhance his standing in the community. St-
Timothee was led by the sycophantic François-Xavier Prieur who - although
sincere in wishing to redress the grievances - was exhilarated by his
contacts with the grand chefs, by the promise of success and social
mobility; and by power. As Nelson's plans became more definite, a
Montreal notary, Chevalier DeLorimier, supervised the preparations.¹
When the final orders came for Beauharnois, they were addressed to the
nearby Chateauguay notary, Narcisse Cardinal. His articling clerk,
Joseph Duquette, also a castor for Chateauguay, ordered Lepailleur to
deliver the instructions to Prieur.²

Saturday, the third of November 1838, was a sunny day, giving

¹. DeLorimier had a brilliant youth in the Papineau party and was the
only chef to be captured in the 1838 aftermath. The actual role he played
in Beauharnois is shadowy.

². In his deposition, Lepailleur referred to the young merchant as Mr
Prieur - a title he subsequently abandoned.
little indication that the evening would have torrential rains and the storm of insurrection. It was a busy one for the Chasseurs. Prieur and Lepailleur rode from St-Timothee to Chateauguay; Prieur confirmed Nelson's directions and returned to organise his parish. Lepailleur travelled throughout Chateauguay 'borrowing' arms and spreading the news. In the afternoon more than 250 habitants assembled in that parish ready to assist their colleagues in St-Clément attack the manor house. As night fell, Rochon and Dumouchelle quietly mustered their forces in Beauharnois, bullying the reluctant ones where necessary.

The Ellices had been back in the seigneury for only two days after a visit to New York. They spent that Saturday performing good works. Jane copied a watercolour of Quebec and, with her sister Tina, walked to the village 'tho the roads were a mass of clay & mud' such as they had never seen. In St-Clément they called upon the wife of the Presbyterian minister, Mrs Roach, who regaled them with stories of the 1837 disturbances. They then visited two village women and satisfied themselves by dirtying floors which had been immaculate after a Saturday's scrubbing. Edward Ellice went shooting. He mistook the nests of muskrats for houses of 'some poor wood cutters' and guffawed about his error on his return. He and Jane listened to Tina finish reading an improving book on Russia and then went to bed. Once upstairs, Jane and Tina sat joking about the fantasies of Mrs Roach, Tina determining that she would outdo the heroic

1. See the following chapter for the details of the rising in Chateauguay.
2. Entry for 3 November 1838, Ellice Diary.
3. Entry for 4 November 1838, Ibid.
4. The term and idea of 'satisfaction' is Jane Ellice's: see Entry for 3 November 1838, Ibid.
5. In 1832, Ellice junior was the private secretary to Lord Durham during the latter's mission to Russia, which may explain the interest in the book.
Cora of *The Last of the Mohicans* if attacked by rebels. Jane slept badly. She woke to tell her husband the dogs were barking and the turkeys making strange noises. Ellice twitted her fondly, made an indulgent check and then fell back asleep knowing his seigneurial world was secure.

As he slept, a messenger clattered into the village bringing news of the disturbance in Chateauguay. The boy stopped at the largest store and asked the Captain of the Beauharnois Volunteers, John Ross, the way to Brown's house. Curious about the boy's urgency, Ross gave directions and asked why the boy needed Brown at such a late hour. The answer spurred him to begin rounding up his Volunteers. Brown refused to believe the courier - the tranquillity of the seigneury that day effectively discounted the warning from Chateauguay - but he did go to the manor house to check the cache of Volunteers' arms. Waking Ellice at one o'clock, he discussed the situation. As Chateauguay was sixteen miles away and the seigneury quiet, Brown went to the village and Ellice went back to bed. St-Clement, though, was quietly restless. Twelve Volunteers discussed the rumour in Ross's shop; partly incredulous and very angry. Living in the heart of a Canadien settlement they had no indication of any planned uprising.¹ Some had helped their Canadien neighbours with mutual chores that day and had perceived no signs of revolt. But they needed little convincing now. Every window in the village was shuttered and men waited in the inn of François-Xavier Provost.² Relieved that the

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¹ The surprise of the English was general throughout the area, and it is well documented. See, for example, a letter to the Editor of the *Montreal Transcript*, 1 December 1838.

² Throughout 1837, an advertisement advising of a petition to form a Beauharnois Railway Company was published in the newspapers. It was signed by Brown, other prominent Beauharnois anglais, and, François-Xavier Provost. See *The Vindicator*, 24 October 1837, for example.
English in the village were awake and prepared, Brown headed back to the seigneur.

In the inn, indecision, despair and fear gnawed at the assembled men. As they waited for support from St-Timothée and Ste-Martine, many thought the message from Chateauguay augured betrayal. Forebodings were obliterated by Joseph Dumouchelle galloping through the village. His men, he explained, had been delayed by the tardiness of the St-Timothée contingent. But now this support was positioned on the churchyard hill, overlooking Beauharnois. Relieved, the St-Clement patriotes burst exultantly from the inn. To the watching Loyalists, it appeared that the village exploded as men, women and children erupted from houses, shouting and cheering their warriors on. The village ammunition cache was seized and the march on the manor house begun.

In their tastefully decorated bedrooms, Tina and the Ellices had been disturbed by noise. When Edward checked, he heard 'nothing but a cow'.¹ They laughed at their apprehensions, once again and retired to bed. Five minutes later, hundreds of Canadiens shattered the quiet. Led by Joson, they thundered their demands. Not claims for constitutional change or an elected upper house, but as remembered by one Volunteer, 'they said they wanted their rights. I did not hear them speak of the government'.² David Normand, a merchant in St-Clement, he was told that they wished to abolish the lods et ventes and...they were now for Nelson and Papineau, and were resolved to succeed or die'.³ The tenor of the

1. Entry for 4 November 1838, Ellice Diary.
Beauharnois outrage was confirmed by a carpenter, Robert Orr Wilson who was told by the patriotes that 'the lods et ventes and the rents were to be abolished also the tithes'. Wilson added that the rebels said 'a great number of the Americans were coming in to assist them'. He added that he 'understood...that the object...of armed men occupying Beauharnois was to suppress the priests' tythes, rents and lods et ventes'. No one heard any republican sentiments. The nearest demand for a republic was that heard by Lawrence Brown. He remembered hearing the patriotes shout, "We have suffered long enough - we want no more of the present Government - the Canadiens must have their rights".

As these demands were shouted outside the manor house a confused but dutiful Ellice struggled into his clothes and dragged the women 'en chemise' and barefoot into the cellar while his servant captured the few rebels who first dared to enter the house. Overwhelming numbers of patriotes followed and he and the others had little choice but to surrender their arms and persons. After a debate, the Chasseur leaders despatched the Beauharnois seigneurial heir, his estate agent and others to Chateauguay.

While Jane, Tina and their servants huddled in the damp cellar, several farm employees brought their weapons down for safe-keeping, as they could not believe the sanctity of the manor house would be violated.

1. Ibid., p. 318. Wilson was also a Captain in the Volunteers.
2. Ibid., Vol. II, p. 159.
4. Estimates of the numbers varied - Jane Ellice believed there were at least five hundred armed men; Prieur claimed six hundred; and others, over a thousand.
5. Several patriotes claimed, after the rebellion, the honour of securing the lives and well-being of the Beauharnois prisoners - notably, Brien and Frieur.
From sounds, above and outside, it was soon apparent that the house and grounds were being scoured for arms. Shortly 'five or six of the most ruffian men' Jane had ever seen (except as she noted, in her vivid dreams of Robespierre), descended and proceeded to ransack the basement. More than an hour passed before the women were allowed the relative warmth of their bedrooms. They packed some clothes in the hope of escape, but as they looked from their windows their optimism was chilled by the sight of three or four hundred men still outside the house.

Before his forced departure for Chateauguay, Ellice advised the women to 'get to Montreal...in the Steam Boat, Canoe or any how' and as they waited, they pinned their faith on the arrival of the Henry Brougham. As dawn revealed the smoking funnel of the steamer nearing the Beauharnois dock, it showed also, a number of patriotes concealed in the wood near the wharf. When the Brougham touched, a number sprang aboard and Toussaint Rochon efficiently dismantled the engines by unscrewing the starting bar. He also took the opportunity to swear one of the passengers into the Chasseurs. Not certain about machinery - and perhaps a little superstitious about it - other rebels scuttled the boat as it lay tethered to the dock. The passengers were taken to Provost's inn for later dispatch to Chasseur leaders elsewhere.

Many patriotes, elated with their success, began to pillage the manor. Jane wrote they tossed blocks of maple sugar around before devouring it and that 'several 100 lbs. disappeared in a moment'. She attempted to alleviate her situation by summoning the curé - oblivious

1. Entry for 4 November, Ellice Diary. Until noted otherwise, the following quotations are from this page.
that his responsibilities to the Divine might have precedence over her state. Many of her captors forgot it was the Sabbath also. After a full breakfast they turned their attention to the seigneurial cellar and quickly became gloriously drunk. The only protest Jane made was in her diary as she wrote indignantly that they drank the cherry brandy which the Ellices had planned to take back to Britain, and she noted that it must have been good for 'they were the only bottles, they did not break the necks of, for fear of losing a drop'. Other patriotes celebrated by attending mass with their families and discussing the rebellion with other worshippers.1

Joseph Dumouchelle returned to his parish after overseeing the safe journey of Ellice et al to Chateauguay. In Ste-Martine, the English settlers had gone to bed 'without dread and with a full feeling of security'. 2 They woke to the sound of pounding on their doors and their houses being searched for weapons. When David Cameron's shanty was rummaged, he asked why. In reply a rebel told him:

'we are going to get tithes and rents put away, which will be a good thing for you too. [Cameron] then asked what they were going to do...'We are going to take you to Ste-Martine to see King Papineau'. 3

was the response. When Cameron, his father and others reached Ste-Martine they found Joson distributing arms from his brother's inn. The Canadiens attempted to make their cause a common one with their fellow censitaires. Dumouchelle even promised to allow them to return to their homes and the use of an English Bible if they would swear allegiance to

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1. For example, Jacques Goyette and Charles Roy dit Lapensee.
3. Ibid., p. 529. I have been unable to find a deposition made by David Cameron in AMQ or PAC, and therefore am relying on the general accuracy of Sellar. However, this statement is consistent with other accounts, and it is known that Sellar talked with his witnesses (e.g. Cameron) when writing the book. The underlining is mine as it shows again the lack of political understanding in the parishes. The English, as typified by Cameron did not appear to have been surprised by this statement.
'King Papineau'.

In control of the northern part of the seigneur, the Beauharnois censitaires made no effort to proclaim a republic, to fly the republican flag of two blue stars on a white background, or even to preach the radically liberal ideology of Nelson and his patriote elite. As indicated by the aigle of Ste-Martine, they believed the change in government would result, obviously, in the transfer of the British monarchy to their Canadien chef - Papineau - and then in changes to the seigneurial system and the abolition of the tithes. As they attacked the manor, they had shouted they were now for Papineau and Nelson. Obviously the only part of the patriote gospel they understood, or chose to listen to, concerned their habitant values. For some who had fought for the end of the tithe the preceding night, the authority of the curés did not diminish the next day. For example, Joseph Goyette, nephew of Jacques and Rochon's brother-in-law, asked Quintal's advice when ordered to take a message to the Chateauguay loge, and the priest was able to bring the Ellice women to the sanctuary of his presbytery on the hill above the village.

Monday, the fifth of November was a day of consolidation in the seigneury. Goyette rode to Chateauguay where he found the patriotes bereft of leadership, and engaging in military drills to keep their

1. Robert Sellar, *The Tragedy of Quebec: The Expulsion of its Protestant Farmers*, Huntingdon 1907, p. 82. There were differing accounts of the rebel flag, even as early as the Court Martials; see, *State Trials*, Vol. I, p. 157, which states 'it was a large white flag with two blue spots'.
3. Deposition of Joseph Goyette, 29 December 1838, E.2131, ANQ.
spirits up.  

The women in the St-Clément presbytery spent the day scanning the river, watching for possible salvation, and reading and re-reading the messages brought back from Chateauguay by Joseph Goyette.

The seigneurial house was occupied still by rebels, many of whom spent the day happily exercising the Ellice horses. That night, two hours after the prisoners in the presbytery had retired to bed, they were wakened by noise. As they wondered, the curé walked in:

& explained that the noise was occasioned by the arrival of all the prisoners from the 'Brougham' — Poor people they had been driven to Chateauguay [sic] in Carts, thro' all the rain & snow, & when there, were sent back as they came — only half dead with cold — wet and fright.  

Food became a problem as the numbers expanded. Jane Ellice was forced to get written permission from her captors to have the Ellice cattle and sheep slaughtered for food and milk brought from the dairy herd. Although the patriote leaders read letters from the Brougham (a mail courier), and a search was instituted of all the prisoners' personal baggage, no money was taken. Comical relief was provided by a habitant who sat on a Union Jack in one of the rooms. He claimed Quintal had given him the flag and 'Cest [sic] le bon Dieu qui est dedans.' They tried to feed him soup which he spurned until told by Quintal:

'que le bon Dieu etoit dans le bouillon comme dans le drapeau, et qu'il failoit bien le boire.' Upon which all the people standing round repeated this most preposterous idea — and the man instantly swallowed it.

1. Most of the Chateauguay Chasseur leaders (that is, Cardinal, Duquette, Lepailleur and Jean-Louis Thibert) were captured by the Caughnawaga Indians on Sunday morning at dawn. Leadership in that parish was then assumed by the twenty-two year old Leon Ducharme.

2. Entry for 5 November, Ellice Diary. One of the couriers was a nineteen year old lad who had been employed by the seigneury for eighteen months. Bourbonnais was transported for little more than this incident.

3. Entry for 6 November, Ellice Diary.
Other men claimed Jane's attention, begging she remember they were reluctant rebels, forced by threats to life and property to 'rise'. It was a measure of her recent experiences that she at last began to see things more clearly for she noted, 'This may be true of some but it cannot be the case with all who plead this excuse',¹ and to relieve her tedium, she painted her captors - the 'picturesque ruffians' who surrounded Quintal's house.

Outside of Jane Ellice's vision, patriote operation in Beauharnois continued in their exceptional way. As the Montreal Transcript advised its readers, 'The rebels at Beauharnois, having everything their own way, broke into the stores of the loyalists, and got so gloriously drunk, that they were rolling about in the fields'.² Stores were looted but the rebels kept a tally for repayment by the new government: a stark contrast to the pillage which would come after their overthrow, and an indication of their scrupulous regard for property which was etched into their traditions. That they would be overthrown was a remote possibility to the Beauharnois men and as they waited for more instructions and the promised American support, they continued to enjoy themselves and to guard their success. On Wednesday evening an urgent call for help reached them from Ste-Martine where the Huntingdon Volunteers threatened the patriote base. Under the command of Joson and a merchant, Dr James Perrigo, the Ste-Martine chasseurs had their centre of operations on property owned by an American, George Washington Baker. Camp Baker was situated at a bend in the Chateauguay River, close to the junction of roads from

¹. Ibid.

². Montreal Transcript, 8 November 1838.
Plate 6 - The insurgents at Beauharnois, 1838 by Mrs E. Ellice.
Huntingdon in the south and St-Clément. Perrigo[^1] and Dumouchelle barricaded the river banks and road. When their request reached the Beauharnois village, two hundred armed men commanded by Prieur left in response: amongst them Jacques Goyette and the enigmatic Chevalier DeLorimier, who Goyette noticed moved easily between the three Beauharnois camps (St-Clément, Ste-Martine and Camp Baker), watching developments, encouraging and advising the leaders, and reading correspondence from the chefs elsewhere.[^2]

On Thursday morning the rebels at Camp Baker, over 1000 strong,[^3] easily repulsed the Huntingdon Volunteers. But news of patriote failures elsewhere was beginning to penetrate into Beauharnois. The prisoners in the presbytery were guarded more closely and Jane Ellice noted plaintively that Friday was 'another day of watching & wondering...& this is the day we were to have left Beauharnois for England'.[^4] Sixty two refugees overcrowded Quintal's residence and the priest's many kindnesses could not dissipate the tension and pettiness which developed. The patriotes became more surly, refusing to allow more milk from the seigneurial farm and forcing their captives to keep the shutters of the parsonage closed.

Saturday began with dissension and ended with failure for the patriotes. Reports reached Beauharnois that troops were nearby and some rebels spent the morning arguing that their captives should be

[^1]: Perrigo, Baker's brother-in-law, had been implicated in the 1837 rebellion.
[^2]: Deposition of Jacques Goyette, 12 December 1838, E. 2059, ANQ. This deposition is unusual because of its apparent honesty and lack of excuses.
[^3]: Estimate of patriote strength from the *Montreal Transcript*, 1 December 1838.
[^4]: Entry for 9 November, Ellice Diary.
moved 'further up the country'. Two hundred and fifty men marched from the village to shore up chasseur strength at St-Timothée. Xavier Prieur commanded this group which dragged four wooden cannon on improvised gun carriages along frozen ground. They stopped about four miles from St-Clément forming a semi-circle and planned to rake the advancing Volunteer troops with fire. But as they waited on the frozen ground, guns on hips and repeating the litanies together, a Captain Roy addressed the group saying it was madness that they should prevail upon the well-armed and well disciplined enemy and that their resistance would not only bring bloodshed but reprisals to their hapless parishes. Prieur gave the order to disarm and the men left for their homes.

In his presbytery the curé Quintal read the signs correctly and his 'pale frightened face' added to the apprehension. The day crept slowly by and in the evening the glory of the censitaires' conquest ended in Beauharnois. At eight o'clock, Jane Ellice thought she heard a shout and:

In five minutes a brisk firing commenced all round the cottage - bullets coming thro' the houses in all directions - then came a dreadful rush of men women & children screaming some falling & being trampled upon in the doorway....

Jane and Tina 'thought the rebels were coming to murder' them and clung together trying to be brave. Then someone rushed through the crowd and told them they were safe and in Jane's words, 'thank God' was all she could say. The confusion in the village matched her incoherence.

1. Entry for 10 November, Ibid.
2. François-Xavier Prieur, Notes d'un condamné politique de 1838, Montreal 1972 (first published 1884), pp. 100-01.
3. Ibid.
Beauharnois was 'free'. Its 1400 liberators were the Glengarry Volunteers from Upper Canada and a Company from the 71st Regiment. Before they ran, the patriotes who had remained to guard the village had fired one volley which killed one soldier and wounded three from the 71st. After they had freed the prisoners, the Glengarries began their business of the evening. Jane Ellice stayed up to four o'clock in the parsonage, 'watching the village in flames - an awful sight - but very beatiful'.

When she left Quintal's house the following morning Jane, Tina and the other erstwhile captives inspected their deliverers who were drawn up into a guard of honour round the Catholic church. The road from that place of worship was bloodstained, Canadien barns and homes were burning in the village, and women and children were seeking sanctuary in all directions - 'the melancholy consequences of civil war'. The rebellion had ended for the Ellices.

The Glengarry Volunteers buried their dead comrades to the lament of bagpipes. Jacques Goyette was captured immediately. Other rebels took to the woods until absence of food forced their surrender: for example, the 'notorious rebel named Dumouchelle' who was in a state of complete starvation not having tasted anything for several days when he capitulated. As the Ellices were rowed across the St Lawrence to Lachine by four Glengarries, Jane's last impression was of 'the water... lighted up by the reflection of the villages, burning in all directions'.

1. Ibid.

2. After their release and journey to Montreal, the Brougham passengers presented Quintal with plate in return for his kindnesses, see R. Christie, Lower Canada, Vol. V, pp. 258-59.

3. Entry for 11 November 1838, Ellice Diary.

4. Entry for 12 November 1838, Ibid.
Edward Ellice tried to control the pillage and destruction, as did Charles Grey, but the racial animosities were too strong. Families fled to the frigid woods and waited for compassion and/or sanity to come to the English. Colonel Grey wrote sadly to his father that:

the Glengarry arrived having come through Beauharnois where they dispersed the rebels leaving a trail, to use their expression, of six miles wide as they came along - burning and pillaging. I heard nothing but dropping shots the whole day which is said to be the Volunteers shooting Poultry, etc. I hope, but would not answer for it, that they are not shooting Canadians as well. Colonel Fraser, who commands the Glengarrys, say they are looked upon as savages, to which I could not help answering that I thought by his own account they rather deserved it.¹

In the three Canadien parishes of Beauharnois, the property burned and pillaged by the Loyalists and troops was estimated to be:

TABLE III - ESTIMATED PROPERTY DAMAGE AND DESTRUCTION OF CANADIENS IN THE BEAUHARNOIS PARISHES.

<table>
<thead>
<tr>
<th>Parish</th>
<th>Total in $</th>
</tr>
</thead>
<tbody>
<tr>
<td>STE-MARTINE</td>
<td>146,181</td>
</tr>
<tr>
<td>35 houses</td>
<td>35,533</td>
</tr>
<tr>
<td>19 barns, 45 sheds and stables</td>
<td>12,400</td>
</tr>
<tr>
<td>376 families pillaged</td>
<td>98,248</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ST-TIMOTHÉE</th>
<th>Total in parish: 13,600</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 houses burned</td>
<td>3,200</td>
</tr>
<tr>
<td>3 sheds and stables</td>
<td>400</td>
</tr>
<tr>
<td>60 families pillaged</td>
<td>10,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ST-CLÉMENT</th>
<th>Total damage in parish: 84,512</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 houses burned</td>
<td>27,200</td>
</tr>
<tr>
<td>4 barns, 48 sheds and stables</td>
<td>5,912</td>
</tr>
<tr>
<td>350 families pillaged</td>
<td>51,400</td>
</tr>
</tbody>
</table>

**TOTAL LOSS IN SEIGNEURY:** $244,293

Source: North American, 31 July 1839.

¹ W. Ormsby, Crisis in the Canadas, p. 161. This quotation is used to corroborate the general accuracy of Jane Ellice's diary. Her entry for 14 November reads in part, "The Glengarries [sic] boast is "No fear of our being forgotten, for we've left a trail six miles broad all thro' the country"." (Continued on page 102).
Amongst those whose homes were burnt in the seigneurie were Langevin, Joseph and Louis Dumouchelle, Provost, Prieur, Rochon, Charles Roy dit Lapensée, Touchette and Jean Laberge. After giving the estimated damage referred to in the above table, the North American summarised the effects of the Volunteers' revenge:

By these acts hundreds of Canadian farmers have been exposed to the piteless blasts of a Northern winter, without shelter, without food, and almost without clothes. This has produced an extremity & amount of suffering without parallel in the history of this Continent.¹

The contrast between English and Canadiens was never as obvious as that shown by their behaviour during and after the rebellion. When in power, the rebels signed chits and took none of their captives' money. The English asserted their supremacy by force and without mercy.

The punishment (and damage totalling almost a quarter of a million dollars) meted out by the Glengarries and others struck terror into the habitants but the subjection of their hearts was not yet complete. As early as December 1838, the Montreal Transcript reported that three pieces of wooden cannon² were brought to the city of Montreal together with sixty-four prisoners from Beauharnois. It added regretfully 'that already, in the district so lately visited by Her majesty's [sic] Troops, the rebellious disposition is again visible'.³ In 1839, the curés of St-Timothée, Ste-Martine and Chateauguay reported dissatisfaction amongst

People are less afraid of the Indians, than of the Glengarries - They seem to be a Wild set of men - very like what one imagines old highlanders in Scotland & equally difficult to manage - one of them who rowed us over to Lachine told me, that the houses they had spared in coming down the country they would surely burn in going back. This entry was written at the same time as Grey's letter and at a distance of more than 30 miles.

¹ North American, 31 July 1839. This paper, a blatant propaganda instrument for those patriotes who escaped to the United States, is accurate with its estimates of property damage. For corroboration see, for example, evidence given to the Rebellion Losses Commission, JLAPC, 1846, App. (X.).

² These pathetic instruments of war were hollowed logs reinforced by bands of iron.

³ Montreal Transcript, 1 December 1838.
their parishioners and Quintal, who fought valiantly for his charges after their imprisonment and sentence to death, asked his bishop for a transfer. But before Edward Ellice left the seigneury for England, he showed that his period of captivity had given him some perception of the feelings in his inheritance. He, his wife and Brown, met the curé of Ile Perrot in the Beauharnois village. When they asked:

if it was true that he had preached to his congregation ... 'that the Deeds of Independence had been sown this year - and that next year they would flower & they gain their liberty' - He not only admitted it but began to justify his having done so.

Brown flared with anger, wanting to make an example of the priest, but Edward - maybe sickened by the senseless burning and destruction, or by the fear in the eyes of Canadien women and children as he approached - dismissed the man, 'merely telling him that in the future he would be considered "un homme suspect"'.

1. Edward Brown to William Coffin, 5 June 1839, E. 3677, ANQ.
2. Entry for 11 November, Ellice Diary.
... he said he wanted reform, and not revolution....

Loop Odell, merchant.

... I believe their object was to overthrow Her Majesty's Government - judging from their acts.

Jean-Baptiste Trudeau, gentleman.

CHAPTER 4

'Sometimes called Patriots and sometimes Rebels'

In Beauharnois, the anger caused by seigneurial abuse, land shortage and the influx of English settlers, was directed at the British seigneur and his agent. Beauharnois did not take an active role in the political protests of 1837, nor in the subsequent rebellion. Its leaders, in 1838, were either those with a record of parish responsibility and influence (Charles Roy dit Lapensée, Jacques Goyette, for example); newcomers to the seigneury eager to consolidate their position in the community (Toussaint Rochon, Xavier Prieur); or those provoked by the repression of the first uprising (Joson Dumouchelle, the sole habitant aigle). Only two (the doctors Perrigo and Brien) had been known patriotes in 1837. As already noted, a Canadien monarch was expected to rule and the ideology of the Declaration of the Rights of Man was not used to entice members into the Frères Chasseurs. Beauharnois was a small detail in Nelson's plan for the overthrow of the British, and its success - and the surprise that success evoked - told more about the social unrest in the seigneury than it did of republican sentiment in Beauharnois.

By contrast, the leaders in the other rebellious parishes in 1838 had been conspicuous in the various protests of the 1830s; with the seigneurial petitions to the House of Assembly, moving from public meetings in the various counties, and culminating in pitched battles against Her Majesty's forces. The men of Beauharnois were social rioters. Some at least from the other seigneuries were political rebels, and had been active politically in the years preceding the 1838 revolt. One such man was Jacques-David Hébert, a prosperous farmer in the parish of St-Cyprien;
a censitaire in the De Léry seigneury.¹

Hébert's grandfather had been expelled from Acadia, and had settled in the L'Acadie county in the 1760s.² Jacques-David's evolution from petitioner to a captain of rebel forces,³ undoubtedly owed much to his Acadian heritage. Not only did the heirs to that tradition fear another dispossession from English settlers greedy for their lands, but they developed a bellicose protectiveness.⁴ Hébert's conversion to political action was doubtlessly influenced by the political agitators in his seigneury - particularly his fiery representative in the Assembly, Cyrille Côté. Frustration played a part also. To vote for their representatives in the House, the habitants of De Léry had to travel, sometimes more than thirty miles, to a voting place outside their constituency. In 1831 they petitioned in the House of Assembly to transfer the place of election to St-Cyprien - a more central location. The petition was referred to a committee which agreed with the complaint and the Committee of the Whole was ordered to consider it. No action resulted from the consideration.⁵ Another grievance of the De Léry habitants was the continued appointment of Loop Odell, a Napierville merchant, as a small debt Commissioner. The Canadiens felt that Odell was a particularly bad choice as his command of French was poor and his

¹ Hébert farmed 228 arpents, including a lot he had been given by his father on his marriage - an example of the 'succession fund'.
³ I have been unable to find any petitions from St-Cyprien, and therefore am postulating that they were signed by Hébert. This conjecture is supported by evidence such as the motion he made at the meeting of 1836 described in the text below.
⁵ JHALC, 1831, pp. 171, 231-32, 242 respectively.
education 'altogether inadequate' to enable him to perform his official duties. As he was not fluent in French the petitioners said, he and other Commissioners recently appointed by the Governor would not be able to 'conscientiously and impartially decide all suits which might arise among persons who speak that language and no other'. The death of General Napier Christie Burton complicated matters further as his executor began enforcing the payment of arrears. Again the censitaires resorted to petitioning the House asserting that if the executor was allowed to continue:

to force the Censitaires...to pay the illegal arrears...more than three-fourths of the Censitaires will be forced to abandon their property, and to seek elsewhere an asylum where less oppression may exist.

Later in the session, giving evidence before a committee struck to investigate the seigneurial abuses, Dr Côté warned the House that his desperate constituents were being driven to drastic action. In the summer of 1836, on the 'Glorious 4th of July' Hébert was a vice-president of a public meeting. Several hundred inhabitants of the County of L'Acadie protested 'the odious system of misgovernment and irresponsibility ... notwithstanding our frequent complaints, petitions and protests.' Hébert presented a successful motion to the meeting to petition the House once again in order to expose 'the grievances under which we labour by the feudal tenure, as practised in the different seigneuries of this country'.

But before the petition could be put before the House, the Assembly

1. Ibid., 1835, p. 72.
2. Ibid., p. 86.
3. See above, Chapter 1, p. 40.
4. Hebert's parish was St-Cyprien, otherwise known as Napierville. The County of L'Acadie should not be confused with the parish of St-Marguerite-de-Blairfindie which was also called L'Acadie because of the number of exiled Acadiens who settled there.
5. The Vindicator, 19 July 1836.
refused to transact further business and adjourned. Deprived of their usual method of protest, the Canadiens of De Léry held a large Anti-Coercion meeting in July 1837. As a result of his vice-presidency of that meeting, Hébert received an intimidating letter from the Civil Secretary. As the letter was written in English, Hébert angrily delayed answering it for weeks, giving the lack of English readers in his parish as the ostensible reason. In the eventual letter of reply, he resigned his commission as Captain in the County's Militia as he stated he preferred his countrymen's esteem to the 'empty honors of an administration' which was 'reprobated by all that is respectable in the country'.

Hébert represented his parish on the Committee of Vigilance set up by the Anti-Coercion meeting, and with his neighbour (François Bigonesse dit Beaucaire) was a delegate from the County of L'Acadie to the Confederation of Six Counties in October 1837. At that meeting he proposed that:

the people should consequently provide for its own wants, establish that superintendence necessary to good order as well as social happiness, and that the CONVENTION, the members of which were named at the general primary meetings of Counties throughout the Province, would be a body to which such a duty might be confided.

This revolutionary motion, with its sophisticated sentiments and Rousseau undertones, was a far cry from Hébert's resolution in July 1836, and showed clearly where seigneurial dissatisfaction had taken the illiterate censitaire. While the rebellion raged in 1837, Hébert's actions must have been supportive, but no depositions were made against him.

1. See above, Chapter 2, pp. 50-51.
2. The Vindicator, 12 September 1837.
3. Ibid., 31 October 1837.
4. There are none in PAC or the ANQ.
Leaders elsewhere, like Hébert, had been deeply implicated in the events which led up to the 1837 Rebellion. The three patriote leaders of St-Césaire - Louis Bourdon, François-Xavier Guertin and Jean-Baptiste Bousquet - are examples. Bousquet, who held a commission as a lieutenant in the Militia announced during the Rebellion 'son intention avec les Patriotes de renverser le gouvernement de sa Majeste & de substituer "la franche liberte" à sa parish'.\(^1\) He was arrested but released after posting a bond of $1000 for his future good conduct. As befitted one who signed a Loyal Address with one hand while aiding and abetting fugitives with the other,\(^2\) Bousquet's 'good conduct' meant active Chasseur recruitment, and the oath he administered to his members included a provision to resist the government of the province. Louis Bourdon was another arrested in 1837. The deposition accompanying his commitment orders declared that he endeavoured 'to excite the people ... to actual rebellion' and:

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\text{did endeavour to raise a force to rescue some provisions which had been stopped in Her Majesty's name...and did call upon and threaten the mis-called Patriotes who were inclined to be loyal to take arms against Her Majesty's Liege subjects and was in communication with the rebels at Point Oliver.}\(^3\)
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The third castor in St-Césaire, François-Xavier Guertin, had encouraged the rebels in 1837 to distribute cattle and, more seriously, various commodities from the store of William Chaffers,\(^4\) who by his own admission, was 'very active in the exercise' of his duties as magistrate

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1. Deposition of Jean-Baptiste Archambault against Bousquet, 16 December 1837, E. 1481, ANQ. Bousquet was imprisoned 20 December 1837 in the Montreal Gaol (Borthwick, Montreal Prison, p. 105) and during this period had his portrait drawn by Jean-Joseph Girouard.

2. See above, Chapter 2, p. 60.

3. Deposition of Thomas Wood cited by J. D. Borthwick, Montreal Prison, p. 103. The person named is 'L. Boindon' but from internal evidence - namely, 'a person known...as son-in-law of M. Papineau, L. Boindon' - it appears that Borthwick deciphered the name incorrectly.

4. Deposition of Thomas Wood, 15 December 1837, E. 303, ANQ.
and zealously imprisoned any whom he suspected of treason.\(^1\) Even though Guertin professed loyalty by signing the Address to the Governor, he joined his fellow patriotes behind bars in Montreal.\(^2\)

Released from the Montreal prison in 1838, Bourdon, Bousquet and Guertin took up the threads of their lives. Bourdon was initiated into the Frères Chasseurs by Beausoleil and charged with the administration of recruitment and finances in St-Césaire. Working to a plan calling for an October rising, he diligently enlisted many habitants who remembered they had taken their oaths before the 'trains' (sleighs) were used.\(^3\) After the October rising had been postponed, the St-Césaire patriotes received a visit from Jean-Baptiste Tetreau, the tanner and innkeeper in the neighbouring parish of St-Marie. Tetreau, who had visited Nelson in the United States in October, advised the St-Césaire leaders on the first of November that he and Bourdon would lead the chasseurs 'en bas de Chambly' where they would be given a signal and the weapons to attack Fort Chambly. As this news became widely known, Guertin made many — such as Moise Roy, a farmer — swear 'to say nothing of the approaching trouble',\(^4\) and forty men met in Guertin's house to discuss going 'a la chasse': an euphemism described later in the Court Martial as having 'a secret and conventional meaning, perfectly understood by the initiated'.\(^5\)

On Saturday, men filled the street of St-Césaire, talking of the coming 'hunt'. At six o'clock that evening, two hundred chasseurs, commanded by Bourdon, left the village in quest of big game.\(^6\) Some undoubtedly

2. Loyal Address from St-Césaire, op. cit.
5. Ibid., p. 345.
6. The estimated total of men in this contingent vary from deposition to deposition. The total given is that of Bourdon. See Ibid., Vol. II, p. 533.
were motivated by fear but Moise Roi claimed that no one ordered him to 'marche' - he went from curiosity, to see 'what was going on'.

The chasseurs travelled north to the parish of St-Jean-Baptiste, arriving four hours later. At the house of one Gingras, Bourdon disappeared into the stable loft, and then distributed some 'bright American muskets' from a cache to about thirty men. He then led his troop to Tetreau's inn in St-Marie. When they arrived they found more patriotes and, Guertin and Bousquet. Spears were allocated to some and flagging spirits revived. Then they left for Pointe-Oliver. Some, however, had had enough hunting. About sixty threw down their weapons and announced their intention to return to their homes. Bourdon brandished his small fowling piece at his defiant subordinates and threatened to shoot any who left. Twenty or thirty men picked up their arms and sullenly continued, the rest started back to St-Césaire. Some tried to persuade others to accompany them, an action which incensed Bourdon who shouted at one that he was an unwelcome, 'impudent fellow' and ordered the others to 'Marchons, marchon'.

The men, cold and wearied by Bourdon's circuitous route, arrived at Pointe-Oliver between one and two in the morning. There was no sign of a burning building - their signal to attack - and they bedded themselves down to conserve their energies for the coming struggle. Bourdon stared at the dark, willing flames to appear and Guertin paced up and down looking through the window of the house in which they sheltered. The men talked of the overthrow of the government, of Nelson, and the coming hunt as cold and exhaustion slowly began to sap their will. As

1. Ibid., Vol. II, p. 295.
2. Ibid., p. 297.
3. This incident is reconstructed from the accounts published in the State Trials, Vol. II, pp. 287-353, and Bourdon's deposition, Ibid., Vol. II, pp.533-34, and the Deposition of Ignace Trahan, E. 1491, ANQ.
the castors peered at the gloom, their chasseurs began to slip off towards home. In the eerie light of dawn, Bourdon walked to the bottom of Chambly and found everything quiet. He sent a message back to those who waited at Sanscartier's house in St-Mathias (Pointe-Olivier) to return to their parishes as he was going to Montreal. Back in their homes in St-Césaire, Bousquet and Guertin continued to administer the chasseur oath of secrecy to fearful recruits and attempted to keep the patriote spirit alive by explaining that the fiasco at Chambly had been caused by the rebellion beginning two days early. Later in the week, on the ninth, Guertin and Beausoleil went from house to house extending Dr Nelson's invitation to his 'wedding' in L'Acadie: another euphemism which most understood and warily refused to help consummate.

The rising in Chateauguay ended almost as quickly but had much more disastrous consequences for its participants. The patriote leader was Joseph-Narcisse Cardinal, the young, ambitious member of the Canadien elite. His early legal career had been sponsored by a Chateauguay notary, François-Georges Lepailleur, father of François-Maurice. Cardinal began to rise in the esteem of his countrymen through activity in the affairs of the parish church. For example, in 1831 he was the secretary of a meeting which petitioned the bishop for permission to erect a belfry and to make renovations to the church building. In 1834 he was elected to the House of Assembly and quickly became widely known as an ardent supporter of Papineau. He spoke at


2. This is the correct spelling, according to M. Auger of ANQ, of Lepailleur's father's name.
various Anti-Coercion meetings in 1837\(^1\) and was not hesitant to advocate the use of force if necessary. When violence broke out later in that year, Cardinal fought enthusiastically but the success of the British forced him to flee to the United States. He was helped in his escape by his brother-in-law and bailiff, François-Maurice Lepailleur. When Cardinal returned to Chateauguay after Durham's amnesty, he enlisted Maurice and Joseph Duquette (his young articling clerk) as leaders in the Frères Chasseurs\(^2\) and his office became an important centre in the patriote network. The notary was fortunate also in the quality of the men he enlisted for they included the doctor Samuel Newcomb and his sons, and the marquillier in charge of the parish in 1838, Jean-Louis Thibert and his brother Jean-Marie.\(^3\) Meetings in Chateauguay attracted many of the patriote elite including Cardinal's fellow notary, Chevalier DeLorimier and the doctor of the neighbouring parish, Henri Brien.\(^4\) Seigneurial problems were minor in Chateauguay but the patriote cause was strong because of the influence of Cardinal and the Lepailleur family and the links of the parish with the Ducharme family, the DeLorimier family and others. Chateauguay was another place where the cruelty to Canadiens after the 1837 revolt prompted many - such as Lepailleur - to immerse themselves in the patriote cause.

When Nelson's instructions reached Chateauguay on Friday, the

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1. Such as the Laprairie meeting; see The Vindicator, 11 August, 1837.
2. Duquette became an aigle and Lepailleur a castor.
3. The chief marquillier was elected to the office by the curé and the previous and present marquilliers. To hold such an office one needed impeccable credentials, the respect of the entire parish and the confidence of the priest.
4. From internal evidence in a letter published by the North American, 29 January 1840.
second of November, Duquette sent Lepailleur to Prieur in St-Timothée with them. Nelson had detailed the actions he wanted from his followers in Beauharnois - the dismantling of the Brougham, the capture of Edward Ellice and the Volunteers' weapons - but he had left the initial role of the chasseurs in Chateauguay fatally vague.¹ Lepailleur returned to his parish with Prieur on Saturday and was immediately ordered to 'borrow' arms from the farms along the Chateauguay River. The castor from St-Timothée verified his orders and listened to Henri Newcomb, Duquette, Dr Newcomb and Cardinal discuss with some others what they should do. While castors and raquettes summoned the recruits, the leaders decided they would help the rising in Beauharnois. As men began to collect at the house of Louis Guérin dit Blanc Dusault on the outskirts of Chateauguay, another decision was made to help the insurrection in Laprairie instead. Brien passed through the village on his way from Montreal to Ste-Martine and talked briefly with Cardinal, confirming that the rising was set for that night. By six in the evening more than 250 men had responded to the call and were waiting for their orders at a 'camp' (Guérin dit Dusault's house on the outskirts of Chateauguay). Some of the waiting men had been forced to come, and when the waiting was prolonged, threats - such as 'that whoever returned would have his brains blown out'² - had to be used to keep the force intact. An hour later the chiefs made a third determination; the Chateauguay patriotes would send one hundred men to Beauharnois and another hundred to Laprairie and use the remainder to guard the village. Some leaders wandered amongs the patient troops and talked of local

¹. For a fuller account of the indecision racking the leaders see the Deposition of François-Maurice Lepailleur, State Trials, Vol. II, pp. 531-32. Brien, however, believed (Ibid., p. 553) that the Chateauguay camp was to go to Laprairie.

grievances against the English and Scots and the wonders of the coming Canadien independence while the hierarchy continued to argue. At eight o'clock the final decision was made. Chateauguay would help neither Beauharnois nor Laprairie but would disarm and capture the Scots in their community and attempt to persuade the Indians of the nearby reservation of Caughnawaga to make common cause with them, to lend their weapons to the patriotes, or at the very least, to remain neutral. This aim was immediately communicated to the habitants. A month later one of them - Pierre Reid, son of Antoine Reid - recalled that he understood they were to 'get the arms belonging to the Indians' and that he 'did not hear any of them say...they intended to do any harm'.1 Pierre Reid, son of Joseph Reid, testified that he had heard 'From Desmarais and Newcombe [sic];...that the Indians were coming, with the Scotch, to massacre the Canadiens'.2

With this plan settled, the camp was moved to the inn of Duquette's mother near the church in the village, and more importantly, close to the bridge which spanned the Chateauguay River. From this base, groups set out to collect weapons and capture those who might lead an attack against them. One band, commanded by Jean-Louis Thibert, demanded arms from the leading merchant and loyalist in Chateauguay, John M'Donald.3 A search of his house and store4 yielded powder and shot, and the Justice

1. Ibid., p. 40.
2. Ibid., p. 42.
3. It seems incredible that the Scots should have been taken by surprise. M'Donald was getting into bed when accosted and had only time to hide a servant with directions to inform Ellice of the troubles when he was accosted (State Trials, Vol. I, p. 25) and another Scot had only time to hide in the chimney (Ibid., p. 27).
4. From M'Donald's own testimony (Ibid., p. 26) nothing other than powder and ammunition was taken from his house: a startling contrast to the pillage of the Loyalists after the revolt.
of the Peace was put into the ignominious position of marching with
Thibert in the advance guard and asking settlers of British origin to
surrender their persons and weapons. After the captives had been taken
to Cardinal's office,\(^1\) the chasseurs settled down as best they could to
wait for dawn and their journey to Caughnawaga. Cardinal and the other
leaders believed that Canadien independence had come, and few thought
there would be problems the next morning. Chateauguay was secure with­
out any blood being spilt; Brien had given assurance that Nelson's
plan was being implemented elsewhere; the noted 'bureaucrat' M'Donald
was under guard; God was in his heaven and all was well in Chateauguay.
Rain was falling heavily, but it was not quenching the ardour of the
rank and file unduly.\(^2\) Even though some had not slept for more than
twenty-four hours - notably Lepailleur - exhaustion had not yet set in.\(^3\)
Weapons ('guns, some sticks, with iron points'\(^4\)) were distributed and an
hour before daybreak the order to move out was given. Describing the
scene later at the first Court Martial, a blacksmith, Narcisse Bruyere,
testified that he heard everyone call out and then he was asked if he
was afraid. 'I replied', he stated, 'not more so than he, and that if
I was to die, I would do so in front as soon as behind, and then went
to the front with my gun'.\(^5\) As the men trudged through the woods,

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1. Brien deposed that Nelson had ordered the execution of M'Donald
'whose activity and indefatigable vigilance as a Justice of the Peace
and a political partizan, were dangerous to the execution of his plans',
(Ibid., Vol. II, p. 553). All other captives were released that night.
2. Threats were used by Desmarais and Newcomb to force some to march.
3. Lepailleur's rebellion began with his trip to St-Timothee, and the
participants would not sleep until they were locked in cells in the
Montreal gaol Sunday evening.
5. Ibid., p. 52.
their leaders moved amongst them encouraging the laggards and giving final directions. As they neared the Sault, Bruyere asked Cardinal what were his plans. Cardinal answered:

that as soon as they had taken possession of one place, the mark of independence would be put there, and the Americans would come in, and that they would not come before, because they would be considered as murderers if they were taken prisoners, and not as prisoners of war.¹

At seven o'clock Sunday morning, the Caughnawaga chiefs visited the house of Ignace Kaneratahere who had just returned from Montreal and questioned him to learn the latest intelligence from the city.²

Reassured by Kaneratahere's answers, they retired to their houses to prepare for mass. Half an hour later a squaw - who had been chasing a recalcitrant cow in the woods - ran to them with the unwelcome news that armed Canadiens were approaching. A horseman sent to verify the story confirmed that the patriote force was only a mile away. As church bells summoned the devout to celebrate their Saviour, the chiefs plotted their attack. One of them visited the house of a shopkeeper, Georges Delorimier.³ After the departure of the chief, Cardinal entered within minutes. When he was told there were only thirty weapons in the village, Cardinal replied in disgust that thirty arms was not worth the effort and that he would try to get money from one Gervase Macomber instead,⁴ and left the shop. Delorimier then hurriedly dressed. Soon Duquette and others appeared in his yard. According to his own testimony, Delorimier rushed to the curé and notified his congregation to arm themselves 'as

¹. Ibid., p. 51. This fear may explain the lack of American participation in the rebellion.

². This, and their later actions, may show that the Indians were quite well informed of the patriotes' intentions - probably through Georges Delorimier.

³. It is quite probable that Delorimier was an outcast cousin of Chevalier DeLorimier for genealogical research shows that Delorimier's grand uncle married Louise 'un sauvage' or Louis Iroquois and resided in Caughnawaga.

⁴. Macomber was an Indian interpreter at the first Court Martial.
the enemy was coming'. By 'enemy' he specified 'the Canadians'.¹ Five
minutes later the Indians congregated at their maypole and decided to
send ten unarmed men - including Delorimier - to intercept the rebels
and bring them to the village. Into this atmosphere sauntered Maurice
Lepailleur with a comrade and an implausible story of being on his way
from Laprairie to Chateauguay. His arms - a pistol loaded with ten
slugs and a shot belt - were confiscated in spite of his assurances
that he intended no harm and his companion raced off to the woods. In
response to calls for help, a hundred armed chasseurs emerged and began
to advance on the small group to rescue their leader. As their approach
became more ominous, Lepailleur called out reassurances that he was
unharmed and wished to continue negotiations with the Indians in a
'brotherly' way. He advised Kaneratahere to lend the arms to the
patriotes adding, 'as you are a Chief, use your influence...if the
Government is displeased, we will protect you'.² The impatient rebels
cocked their guns and one called out, 'we are ready, Lepailleur -
give the word'.³ The bailiff repeated his aims and forbade his men
to fire. The chasseurs then followed the Indians to the village to
persuade the chiefs and were immediately captured, although the Iroquois
had explicitly guaranteed otherwise.⁴ The Caughnawaga band had an
unshakeable belief that the Canadiens were their enemies. One, Jacques
Teronhiahere, believed 'The French wanted to take us prisoners; they
could not do that; so we Indians took them prisoners'.⁵ The patriotes
had emphasised many times that they meant no harm and Lepailleur's

². Ibid., p. 34.
³. Ibid.
⁴. Ibid., p. 47.
⁵. Ibid.
actions had proved it. Even though the Indians were promised control of their lands, the chiefs refused to lend arms saying, 'they would not give them up, and would defend them with the last drop of their blood, as they had been given to them by the Government'. From the attitude of the chiefs, their anticipation of a patriote visit and the stubborn belief of all in the enmity of the patriotes, the finger of suspicion pointed to a betrayal of chasseur affairs by Delorimier. More than sixty-five patriotes were captured in Caughnawaga and taken across the St Lawrence to the authorities in Lachine. As they left the Indian village, its curé and his congregation watching their departure, Jean-Louis Thibert and others must have wished they were with their priest in Chateauguay.

Some - for example, Desmarais and Newcomb - escaped the Indians' trap and by eleven o'clock word filtered back to Chateauguay that their leaders were on their way to gaol in Montreal. Command was assumed by Léon Ducharme who kept the remainder of the chasseurs occupied in drills and guarding not only M'Donald but the prisoners from Beauharnois. But by the seventh of November, Ducharme had been committed to the Montreal gaol, and the patriotes were again leaderless. On Saturday, the tenth, they attempted to link up with the main forces at Napierville and set off with their prisoners. They had reached as far as La Pigeonnière when word reached them of Nelson's defeats. Some wanted to kill the prisoners, but wiser heads prevailed and the captives were released.

1. Ibid., p. 34.

2. For corroboration see, Deposition of Antoine Sainte-Marie, 9 August 1839, E.2408, ANQ.

3. Another example of the Canadien dislike of shedding blood needlessly.
Cardinal's constituency included the seigneury of La Salle as well as Chateauguay, and La Salle also was ready to follow Nelson's orders on the third of November. Ethnic tension had been blatantly obvious for at least twenty years. Some censitaires - undoubtedly including the respected Major Joseph-Marie Longtin - remembered their previous landlords as generous and humane and believed, rightly or wrongly, that the Sanguinet family had been deprived of their seigneurial property by an illegal Tory plot. After La Salle had changed hands, the tenants 'were constantly harassed by the hirelings of the English government', and two of the Sanguinet sons, Charles and Ambrose, settled in poverty amongs their erstwhile censitaires and began to farm their way back to prosperity in the parishes of St-Constant and St-Philippe, respectively. As could be expected, Charles and Ambrose Sanguinet were an anti-government influence in their communities. They supported the petition against the Union Bill in 1822, the movement calling for Lord Dalhousie's resignation in 1828 and the Papineau party in the 1830s. In 1837, the anti-Gosford feeling was so strong in the seigneury that the English farmers felt very threatened. Four of them - David Vitty, Robert Boys, Thomas Henry and Rickinson Outtret - deposed at the beginning of November 'that a certain number of men disguised and armed' paraded at night 'using threats to all loyal subjects' who refused to join their cause. About thirty of this group of Canadiens forced Aaron Walker 'to say he was of the same political party as them, meaning the Papineau party' and made him resign his captaincy in the Militia. The deponents concluded angrily that they had 'ceased ploughing and threshing and otherwise working on their land to their great loss and damage' as a

1. See the North American, 29 May 1839, 5 June 1839 for biographies of the Sanguinet brothers and a short history of their family.
result of these actions. This incident, which took place before the 1837 Rebellion, affected the uprising of St-Constant a year later.

During Saturday 3 November 1838, raquets and castors prepared for the rising. With the advent of darkness, resolute men walked along the roads summoning their chasseurs. Most responded. As their ranks swelled, bands began to systematically canvas all the houses in the parishes. When reluctance to 'hunt' was detected, men were taken prisoners. John Hood, an engineer from St-Philippe, described the activities of the twelve who took him captive:

They continued calling at all the houses on the road, and made prisoners of the loyalists; they called at all the houses of the habitants, and those who would not go, had to go - others went voluntarily.

Hood's group called at Aaron Walker's house which they found empty. They confiscated his muskets and 'volunteer accoutrements', divided them amongst themselves and continued on their way.

Aaron Walker had apparently sensed the approach of the patriotes and taken his wife and four children to David Vitty's house in St-Constant opposite the bridge spanning the La Tortu River, the border between the two parishes. Vitty was in bed when the refugees came. There were others besides the Walkers and some had left their houses in such haste that the children were unclothed. After showing the families to his bedroom, Vitty directed a servant to summon help from the Lapraire barracks and secured his house. The rebels arrived within minutes. More than forty called for the householder to open his door. Robert North, one of the refugees, heard the patriotes threaten to break the door down. Then:

1. Deposition of Rickinson Outtret, David Vitty, Robert Boys, 7 November 1837, E.90, ANQ.
Vitty told them, that if they broke open the door, we were well armed, and would fire upon the first who dared to come in. - They repeatedly told us to open the door.¹

Then came a fatal chain of events. The rebels broke open the outer door and attacked the inner door. Vitty fired. He and Aaron Walker manned the doorway to repel the intruders, the latter determining that he would not be humiliated by patriotes again and would make no second conversion to the 'Papineau party'. Instantly the house was riddled with bullets from all sides. Vitty received at least four wounds which did not prevent him from firing as his 'spirit was up'.² The thunder of the guns drowned the screams of the women and children and any appeals for mercy which Vitty may have made.³ Then Walker gasped, "I am gone", fell down, and died instantly.⁴ At this, Vitty opened the inside door. Canadiens poured into the house and one fired at Vitty from behind. This wound incapacitated him. Some of the intruders took an almost sadistic pleasure in forcing the occupants to kneel and avow allegiance to their cause. The chasseurs found three military muskets, a gun and eleven rounds of ball cartridge, a pint and a half of spirits which they made Mrs Vitty distribute amongst them. There was a mixed reaction to Walker's death. John Hood testified that:

Charles Sanguinet said it was good for the old fellow - he had no business to fire; when North came out, he said Vitty was killed and Sanguinet spoke of him; some were exulting and others regretting that the murder had been committed....⁵

The LaSalle patriotes left no doubt as to their aim. Charles Bradford stated that they intended 'to declare their independence, and destroy the British Constitution'.⁶ John Hood was told the British government

² Ibid., p. 233.
³ Ibid., p. 231.
⁴ Ibid.
⁵ Ibid., pp. 242-43.
⁶ Ibid., p. 241.
would be overturned and that he 'would have the pleasure of seeing the
Laprairie barracks on fire and the steamboat Princess Victoria burned'.
Jacques Longtin, the fifty-nine year old son of Major Joseph-Marie
and himself a father of twelve children, was a leader of a group on the
opposite bank of the river behind Vitty's house. When coercing a day-
labourer to march with him, Longtin told the reluctant emancipator that
the Laprairie barracks would be taken. He added there was no need for
fear as ten thousand men would be waiting on the La Tortu bridge
and that Americans were coming to help the Canadiens establish a gov-
ernment of their choosing.

The sound of gunfire had drawn all the patriotes in the area to the
La Tortu bridge. The whole contingent then moved off towards Laprairie
continuing to acquire recruits and weapons and informing all that they
must stand by the patriotes until death. As they marched, some talked
of Walker's death in whispers while others - notably the Sanguinet
brothers and a young man not yet twenty-one called Petit Hamelin -
boasted of their bravery. John Hood taunted his captors by remarking
what a good beginning had been made to the Sabbath. After a mile's
journey, two horsemen arrived with the intelligence that, in response
to the appeal of Vitty's servant, the Laprairie cavalry was nearing.
The chasseurs found themselves unready for this quarry and after a few
shots, abandoned the chase. Only Jacques Longtin, the veteran from 1813,
was left vainly trying to rally his company to fight the Hussars.
Another patriote impressed one Loyalist that night with his 'considerate
and forbearing' conduct. René Pinsonnault, a castor, appropriated a

1. Ibid., p. 239.
2. Ibid., p. 253.
Volunteer's house that Saturday night and 'refrained himself and restrained his men from indiscriminate pillage and wanton destruction'. In spite of their mixed success and uneven leadership, the St-Constant and St-Philippe found their mettle and regrouped and they were part of Nelson's forces at Napierville.

In the 'President's' overall plan, communication between Montreal and the northern and western districts was to be blocked by the patriotes of Ile Sainte-Jean and Terrebonne under the command of A.-B. Papineau. In late September or early October, the leading carriage-maker in Terrebonne - Edouard-Pascal Rochon, 'a most pestilent subject': visited Champlain, New York and met with the leaders there. Rochon had a pragmatic conversion to the rebel cause after being advised by one of his brothers that membership in the Chasseurs would afford protection for his property. Once a chasseur, Rochon recruited many. His workshop was used to make weapons and ammunition and visitors were frequently induced to subscribe a dollar to the patriote cause and to swear an oath of secrecy concerning the armament manufacture. Rochon's shop was a meeting place for the rebels, many of whom turned their hands to weapon making. Another leader in Terrebonne was Charles-Guillaume Bouc, a very respected man, whose cousin, J.-O.-A. Turgeon, was a leading Loyalist. Bouc and Turgeon had debated the merits of the patriotes

1. Deposition of Alfred A. Andrews, 28 January 1838, E.2618, ANQ. In spite of his consideration of person and property, René Pinsonnaultt was transported to New South Wales.

2. Letter of A. Buchanan, George Weekes, John Bleakley and Duncan Fisher to Hon. D. Daly, 25 January 1839, E. 1119, ANQ.

3. Besides Toussaint of Beauharnois, another brother (Jérémie Rochon of St-Vincent-de Paul on Ile Sainte-Jean) was transported with Edouard-Pascal. See, Deposition of Edouard-Pascal Rochon, 15 December 1838, E. 1131, ANQ. E.-P. Rochon's possessions made him easily the most affluent patriote to be transported to Australia: see 'Statement of Confiscations'.
before November 1838 as Turgeon was convinced that his cousin was being 'influenced by the mob' and used as a tool. While Bouc agreed with these comments to some extent, he thought that he and 'two or three others were the only men to fight' and that, therefore, his participation was essential for the patriotes' chances of success.

The rebels made their camp in Terrebonne on the second of November. Turgeon was quickly informed that a rebellion had broken out, but he understood also that the actions in his village were subsidiary to those elsewhere. He left the next day for Montreal in response to a letter from the superintendent of police upon whom he waited on Sunday the fourth. He heard with dismay the news from Chateauguay and Beauharnois and informed the police of the 'most active instigators in Terrebonne' basing his report on his knowledge:

of the persons' characters in the previous rebellion; from the notices given by the Captains of Militia; and from the perusal of depositions given under oath by other persons.\(^{2}\)

He added that if the leaders were arrested the revolt would collapse in the village. He visited General Clitherow\(^{3}\) and Colonel Wetherall at Government House and accepted authority 'to disarm, and to act in the best manner for the interests of the Government',\(^{4}\) and undertook - together with Alexander Mackenzie, a Terrebonne magistrate who also had been summoned to Montreal - responsibility for the arrests he had suggested. Turgeon, Mackenzie and their escort of a police constable and captain, proceeded to Terrebonne and the house of notary Joseph-Leandre

\(^{2}\) Ibid., p. 384.
\(^{3}\) Clitherow later became President of the Courts Martial.
Prevost. Prevost had disappeared but they captured Eloi Marié. On the advice of a magistrate, the Hon. Joseph Masson, they attempted to arrest Rochon but found he had fled also. They returned to Montreal with Marié, fording the river to avoid losing their prize to any patriote patrol which may have been on the bridge. To the surprise of Turgeon and others, the imprisonment of Marié created resentment in the village which hardened into a resolve to resist any further arrests. Bouc sent a letter to Rochon for advice which was duly delivered to him in Lachenaye. In reply, Rochon directed that Bouc also should flee if the situation in Terrebonne became untenable, but better he should form a camp and fight. Rochon added ironically that the best site for a patriote base was a house of Turgeon's at the entrance to the village and near the bridge across the river. Rochon allegedly told the messenger 'to be sure and shoot, and execute Mr. Alfred Turgeon, Mr. Alexander' if fighting broke out.山上

Approximately fifty armed men were present in the village on the sixth, wandering in groups of four or five. Magistrate Masson testified that the 'ultimate object of that unusual assemblage of armed men' was their own defence and a determination not to allow any more arrests.下

Another magistrate, John McKenzie, thought their immediate aim was 'to destroy the few loyalists' and their ulterior purpose was to take possession of the country with American help. This difference in view between the magistrates is dealt with below.

Unaware of the hostility in Terrebonne and the presence of armed men, Turgeon marched back from Montreal with an escort of eleven, determined to arrest Bouc but without a warrant in his pocket. (He later stated that 'it was considered perfectly ridiculous to send to Montreal for warrants, when the people were in arms' conveniently forgetting that he had come

1. Ibid., p. 381.
2. Ibid., p. 364.
3. Ibid., pp. 372-73. This difference in view between the magistrates is dealt with below.
4. Ibid., p. 390.
from Montreal with a warrant when Marie had been arrested.) When
Turgeon's troops reached the village they found Terrebonne on alert -
all the houses were lit even though it was nearly midnight. They quickly
proceeded to Bouc's residence and surrounded the house. Turgeon and
Loiselle, the Montreal police constable, entered. Two men immediately
reached for a cupboard shouting 'Aux fuils, [sic] aux fusils' and ran
for the kitchen. On their way they dropped a gun which Loiselle picked
up. Admonishing each other to 'Tirez donc, tirez donc', they shot
Loiselle in the stomach. After hearing the shots, the magistrates and
police outside the house evaporated into the darkness, allowing Bouc and
his friends to escape. Considerable thought was exercised during the
remainder of the night by both loyalists and patriotes. The next day
Turgeon eagerly attempted to carry out his commission to disarm the
habitants but his party was frightened away by the appearance of armed
men. The patriotes took the bridge, established a base at Bouc's house
and surrounded the village. Their strength was evident from a tureen
of cartridges (probably Rochon-made) on the bridge and the number of
resolute faces denying access to the village. Instead of consolidating
their position further, the rebels negotiated a treaty with the loyalists
from this posture of force.

Bouc, armed with a sword and hunting knife, requested Masson to
meet his followers. On the afternoon of the seventh, Masson met with
the armed patriotes at Bouc's house. The rebels demanded to know why
there had been an attempt to arrest Bouc and to disarm the habitants.

1. Ibid., p. 391.

2. Turgeon's troop reconstituted itself at Masson's house and returned
to Bouc's empty residence. The frustrated police began to burn bedding
and furniture until stopped by John McKenzie and a J.P.
Masson recommended they disperse but Bouc rejected the idea that the peace of the village could not be maintained if the patriotes remained together and promised to forbid alcohol amongst his men. In reply, Masson promised that if the rebels dispersed, he and his 'party will undertake that what you have done already will be overlooked by the Government', and promised that his men would 'abstain from causing any arrests' as a consequence of the patriotes' actions in the village. He later offered to put this undertaking in writing. Masson's overture was discussed during the night. Some were satisfied but others lacked the traditional habitant reverence for the written form and insisted that a verbal contract from a loyalist meant nothing. The next morning a meeting was arranged to sign the treaty. The patriote notary Prevost attempted to negotiate recompence for the damage done by Turgeon's troop to Bouc's house, but was unsuccessful. Four copies of the agreement were prepared. Those signed by the rebels were kept by Masson and the patriotes kept the ones which the loyalists endorsed. After this meeting Bouc repeatedly offered to give up his arms and stated his 'earnest desire' was to 'maintain order and tranquillity' in Terrebonne. Other patriotes became vendus immediately also with the maintenance of peace their ostensible purpose. Rochon returned to the village within a few days after the agreement and pragmatically accepted that the aim of the patriotes in Terrebonne was placation. Some loyalists - such as Magistrate John McKenzie - accepted the contract only because they, their families and property - endangered by the superior numbers of the rebels - considered the treaty 'a local agreement, not at all binding

2. For the text of the agreement see, Ibid., p. 420.
3. See, for example, the statements of Roussin, Ibid., p. 368.
4. Ibid., p. 373.
on the part of the Government'. And so, with both sides protecting their essential interests, the revolt in the village of Terrebonne whimpered to its end.

But while cautious men negotiated in Terrebonne, ardent rebels played their part in Napierville. One of the more unusual actors was Charles Hindenlang, a Parisian. Born in 1810 of Swiss parents, Hindenlang enlisted as a private in the French revolutionary army of 1830. After rising to the ranks of the officers, he resigned his commission and shortly afterwards when news of the success of the Canadien rebels at St-Denis reached France, an excited Hindenlang (and other Frenchmen) set sail for North America. En route though, they heard of the patriote defeat and its consequences, and not surprisingly Hindenlang associated the aftermath in Lower Canada with the suppression by the Vatican after the uprising in the Papal states. After reaching New York and hearing of the Chasseurs, he sought out Nelson and offered his services to the patriote army. With his compatriot Touvrey, Charles Hindenlang arrived in Napierville on Sunday, 4 November, as Brigadier-General of the chasseur forces.

Those he would command began converging on Napierville the previous day - some of them castors and raquets who would either join Charles Hindenlang in execution or be transported to New South Wales. One was Joseph Paré who had been prominent at the Napierville Anti-Coercion meeting in July 1837. Paré, standing six feet tall, was a dairy farmer

3. See, for example, The Vindicator, 18 July 1837, 25 July 1837.
with the modest holding of fifty-six arpents. Aged forty-seven years, married but with no children, Paré commanded respect in his parish, probably stemming from his unusual height, considerable ingenuity and superior intelligence.  

He had played host early Saturday morning to a party of 'Etrangers', some of whom were Americans. They told him 'le temps etoit venu qu'il failloit marcher du le village', and left his house after receiving his promise to follow them to Napierville.

Another was Antoine Coupal dit Lareine, a very prosperous censitaire in the seigneurie of Laprairie. Descended from a marine who had served in Ramezay's company, Lareine had lived in the parish of L'Acadie all his fifty years, during which he had married Catherine Lavallee in 1808 and fathered twelve children. He was twelve inches shorter than Paré and an epileptic. In 1831 he had possessed 604 arpents, but his property had been halved by 1838. On the third of November he was told to round up his men as the Volunteers were coming to kill. He assembled approximately twenty at his house. Later in the day he was told by Dr Côté, François Nicolas and Julien Gagnon to take the men to Point-a-la-Mule (presumably to aid the St-Césaire group), and to obtain the fabrique funds from marquillier Louis Béchard of L'Acadie. Taking his men to Béchard's house, Lareine made the Chasseur secret sign of putting his left thumb on his nostril with a finger above while saying the weather was beautiful. He then demanded the money. When Béchard failed to

1. For example, Paré submitted the plea of lunacy to the Courts Martial. After an examination of him, it was declared that he was 'superior' in intelligence, and more intelligent than five-sixths of the rebel prisoners (State Trials, Vol. I, pp. 192-3).


3. One of Lareine's children was born after the rebellion. He deposed 23 November 1838 that he had eleven children (E. 1312) while on the Convict Indents he stated he was the father of 2 boys and ten girls.

4. Professor Ouellet cites Lareine's holding from the 1831 census as 604 arpents - see Elements d'histoire, p. 126 - but from the 'Statement of Confiscations' the area had been reduced to half.
respond to the signs, Lareine decided he was a danger to the patriote cause and ordered him tied up, and put in a cart for despatch to Napierville. Béchard quickly remembered the countersigns and was released, and Lareine's men resumed their progress to the Chambly region. They were stopped on the way and told to report to Napierville instead. Lareine angrily dismissed his chasseurs and went to the village himself to find out exactly what was happening.

Napierville was swelling with men. Jacques-David Hébert had reached the village and was at the head of forty-two rebels. Others were imprisoning 'bureaucrats'. By the early afternoon more than one hundred and fifty men had assembled armed with weapons of every description. One the notary, Charles Huot, who had been the secretary of the Anti-Coercion meeting, had yet been the subject of a charavie in 1837. A friend of Dr Côté, he had also frequently acted as secretary to the radical doctor. He had been known for five years by Loop Odell, the despised merchant-magistrate in Napierville, to be peaceable and honest, and had told Odell he 'wanted reform, not revolution'. But after demanding and getting merchandise from the merchant-magistrate for Nelson's army, Huot was himself arrested as a 'bureaucrat' and joined Odell in the Napierville prison. In the midst of the 'rising', some attended to their normal business. Pierre-Hector Morin, a brother-in-law of Côté's, went into Montreal on a shopping expedition. Louis Defaillette, a

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1. From the depositions and testimonies at the Courts Martial, the truth is not always evident. However, the mere fact that Béchard not only recognised the signs but answered with the countersignals indicates how widespread was the Chasseur membership.


3. Ibid., p. 183.
farmer of modest means, had testified in favour of the young Daunais when he was tried for Chartrand's murder. On this day, however, he took his grain to the United States for milling. When he returned, rebels occupied his home and told him 'que le monde etoit bouleversé partout', and that they were patrolling the area. In Napierville, some chasseurs kept guard also, others returned as best they could and Joseph Paré went home.

When Paré returned to Napierville the next morning, more than five hundred patriotes roamed the streets. Cyrille Côté had effected Huot's release, appointed him quarter-master and the notary was issuing the first of the more than one thousand bons to various castors: such as No. 11 to Bigonnesse dit Beaucaire for 26 pounds of bread; No. 13 to Joseph Marceau dit Petit Jacques for 25½ lbs.; No. 17 to Jacques-David Hébert for 100 lbs. of bread and another hundred pounds of beef; to Louis Pinsonnault for nineteen pounds of bread; and Bon No. 31 to Antoine Coupal dit Lareine for four pounds of bread. Other patriotes scoured the countryside, compelling more recruits to 'rise'. Théodore Béchard, who had gone to a pre-arranged site the day before, was visited by Lucien Gagnon. After intimating that Béchard was a coward, Gagnon threatened to burn his buildings if he did not take his habitants to Napierville. News of the imminent arrival of their messiah reached those in the village early in the morning and Côté ordered the men into

1. Defaillette had a concession of just fifty-six arpents.
3. Defaillette's reason for his trip to the United States has support from an agent's letter to Mr Plenderleath, 15 March 1835 which states that the seigneurial mill of De Léry had a bad name amongst censitaires as it lacked a 'smut machine' and that the farmers travelled to Champlain when they needed a mill (McGinnis Papers, M.G.8, F.99-2, Vol. I, p. 004343, PAC).
4. Voluntary Examination of Louis Defaillette, n.d., E.2712, ANQ.
5. State Trials, Vol. I, pp. 116, 117, 136-38. The 'bons' were used by the rebel Captains to procure provisions for his company and from them, men can be identified as being castors.
ranks to receive him. Standing proudly at the head of his company, Jacques-David Hébert watched his 'President' and the two French 'brigadier-generals' canter in. After welcoming words from Côté, Nelson addressed his troops. After asking for fifty horses for cavalry, he explained clearly that the fight was against the English government and that sacrifice was necessary for success. He introduced Hindenlang and Trouvrey to the rally, and J.-D. Hébert, for one, was impressed that Frenchmen were ready to give their lives for 'la cause des canadiennes'. Although frequently interrupted by cheers, Nelson proclaimed Lower Canada a republic, severed all ties with Great Britain and read his Declaration of Independence. The Declaration was a far-reaching document embodying the ideals of the patriote elite. Indians were promised the same rights as 'any other citizen', religious freedom granted, and the separation of church and state guaranteed. Feudal tenure was abolished 'as if it had never existed in Canada' and absolution from 'all debts, dues, obligations, real or supposed, for arrearages in virtue of seigniorial rights' promised to 'each and every person who shall bear arms, or otherwise furnish assistance ... in this contest for emancipation'. The Douaire Coutemier was abolished and prohibited; capital punishment reserved for murder only; imprisonment for debt severely curtailed; freedom of the press and severe regulation of mortgages promised; trial by jury in all criminal and most civil suits; and public education provided as soon as possible. Nelson also addressed himself to the elective process: voting would be by ballot

1. For a full text of the Declaration of the Independence of Lower Canada see R. Christie, *Lower Canada*, Vol. V, pp. 242-44. Apart from Cardinal and DeLorimier, Nelson and the rest of the elite were not forced to redeem any of their pledges. This failure on their part to back up their grandiose words created real bitterness in those who paid a price for their crimes: see, for example, letter from René Pinsonnault, *Le Canadien*, 16 August 1843.
and the franchise extended to every male over twenty. Land reform and a bilingual policy completed the revolutionary programme to which the 'president', his officers and followers pledged their lives, fortunes and 'most sacred honor'. Nelson's address raised the fervour of his men as he reminded them that 'last year they had no arms - that this year they must conquer or die'. The loyalists in Napierville understood Nelson very clearly. 'I saw a proclamation which was handed to the prisoners, of whom I was one, by Dr. Coté [sic]', testified Pierre Gamelin a Notary Public. 'From the tenor of their proclamation, I understood, their intention was to subvert the government, and establish laws of their own. The name of Robert Nelson', he continued, 'was printed at the foot of this proclamation as President'. But to Jacques-David Hébert, Nelson's guarantees, promises and rhetoric meant just one thing: 'l'exemption detous Droits - Seigneuriaux - and l'abolition des Dimes'. For that promise, Hébert risked his life and property.

The rank and file continued to enlist in the cause. While some were armed with 'new American muskets, some muskets they took from Volunteers, American swords, pitchforks, scythes, and poles with spears to them', the enigmatic Paré noticed entire companies without weapons. Although he was given a horse, pistol and sabre, a command because (he claimed) Nelson though he had 'l'air d'un grand homme', he remained singularly unimpressed with Nelson and his organisation. To help provis-

2. Ibid., Vol. I, p. 163.
3. Examination of J.-D. Hébert, op. cit.
5. Examination of Paré, op. cit.
ion the forces, Côté (as Commander in Chief) raised a 'loan' of £327/12/6 from the caisse of the fabrique, and later made a disastrous foray to the American border in search of arms and men leaving Napierville before noon on the sixth. Some supporters, the previous night, had managed to land a small cannon and 250 stand of arms at Rouse's Point. Four hundred men had crossed the border from Alburg and secured their position on the road between Champlain, New York and Odelltown. However, in so doing, they had alerted the Volunteers who posted a guard at the steam mill in Lacolle which effectively blocked the northward progress. Côté determined to attack this position and make the route accessible for rebel movements. Initially it seemed he would be successful. However, the Volunteers had time to get re-inforcements and although outnumbered won the skirmish. Their tactic, as described in the Montreal Transcript was simplicity in the extreme. They dropped to the ground as soon as the patriote gunners 'applied the match. ... as soon as the ball passed over them, they would rise again on the march'. The correspondent, who had been part of this action, continued:

The application of the next match brought the whole company on their faces. On this General Côté [sic] exclaimed, 'Hurra boys! Canada is our own'. When the ball passed over, the dead men sprang to their feet; when lo! the redoubtable General Côté was so terrified by the bristling steel of these dead men, that he fell into an epileptic fit, and had to be removed from the field by four of his men.¹

By whatever method the Volunteers used, they put the patriote forces to flight. Combing through the area for weapons and prisoners afterwards, one group was attracted by a dead horse near a barn. On closer inspection, they discovered a man lying between the supporting frame work and the ground. Benjamin Mott was captured only two hundred yards from the United States border - just seconds away from his homeland.

¹ Montreal Transcript, 26 January 1839.
In spite of Mott's protests that he had only come to Canada to collect a bad debt and had taken cover through fear, the American was collected as part of the Volunteer's spoils. Not only Benjamin Mott's freedom was lost though. The new cannon and arms became the prizes of the victors together with the body of Théodore Béchard's brother-in-law. Ten other corpses were discovered and seven more patriotes taken prisoner. But to some extent Cyrille Côté lost the most. Radical Assemblyman, anti-clerical, second only to Nelson in the fight of 1838, Côté lost his honour when he left his followers and country for sanctuary, yet again, in the United States.

A few survivors struggled back to Napierville and joined the remnants of other groups – such as the Chateauguay, St-Remi and St-Césaire loges – in the village of Napierville. News also reached the village that Sir John Colborne had taken personal command of the forces to extinguish the insurrection and was advancing towards the village. Some patriotes left for their homes, some to the United States, and others for the forests. Nelson announced his determination to make a retreat southward in order to make a stand at Odelltown, telling a sceptical Jacques-David Hébert that if the Volunteers could only be dispersed and Odelltown taken, 'il aurait des États-Unis des Armes plus qu'il ne fallait'. Hébert, according to his deposition, had doubts now about the efficacy of Nelson's struggle for 'la cause canadienne' and thought seriously about taking him prisoner. When Nelson left for the south the next day, Hébert and Paré stayed in the village; the

1. Mott, because of his presence underneath the barn, was convicted of levying war and murder, and transported to New South Wales for 'the term of his natural life'.

2. Examination of J.-D. Hébert, op. cit.
latter 'consoler les prisonniers et surtout les Dames'! 1 Those who
accompanied Nelson to the border numbered more than one thousand and
included such leaders as Bigonesse dit Beaucaire, Hypolite Lanctôt (a
young notary of St-Remi), and Achille Morin, kin of Cyrille Côté.

Others, such as Louis Defaillette, had been patrolling the borders
for two days. On Thursday, the eighth, Defaillette received a message
from 'President' Nelson asking to see him. In spite of a bad snowstorm,
he presented himself promptly at the appointed place. He expected, of
course, he would see Nelson in the house where he was staying but to
his surprise was directed to the barn. Shocked by this, he concluded
that Nelson was 'un poltron' because, as he testified, 'j'ai servi dans
la derniere querre et je trouvais tres estrange qu'un General se mettroit
parmi les petites gardes comme il le fesoit'. Not reassured by Nelson's
facile reply that he had come to take Defaillette to join the main body
of the troops, Defaillette refused to go with Nelson and commanded his
men to take the 'President', and his aides (Trepannier and Nicolas)
prisoner. Although the three protested their outrage, Defaillette re-
mained unmoved as he thought they were only contributing to the misery
of the Canadiens. He persuaded his men to put the three in a cart and
take them to Colborne in Odelltown. But on the way, thoughts of patriote
swords and the brutal menaces by which some had been forced to 'march'
dominated the minds of his men and they became convinced that a better
punishment for the three (if indeed they were traitors) would be to take

1. Examination of Paré, op. cit. The action of these men in staying
behind seems inconsistent with their records - particularly on such
excuses. Maybe their rearguard presence should be regarded in the
light of the documented reason for Marceau dit Petit Jacques in the
rearguard (see below). Petit Jacques had a supportive role. On the
other hand it is undeniable that many decamped through fear.
them to the patriote camp in Lacolle. Defaillette did not go to Lacolle and resumed his guard duty on the border the next day. His thoughts about Nelson remained unchanged in the coming days and he later deposed that:

Je crois et je croyais dans le temps que le dessein de Nelson etoit de nous en servir de garde sur sa route dans les etats pour eclaircir le chemin a lui.¹

However, in the early morning of Friday the ninth, Nelson continued to command support. In Napierville, one company captained by Marceau dit Petit Jacques set out for Odelltown with two barrels of gunpowder needed to make cartridges for the patriote army. Two hours later Colborne swept into the village, only to find it quiet and deserted. Besides some irregulars (four hundred Indians and about five hundred Montreal Volunteers), the forces accompanying him included the 15th, 24th, 71st, 73rd and part of the 93rd regiments, the Dragoon guards, the Hussars and part of the Royal Artillery with eight 'field pieces'.² Had Nelson been occupying Napierville the bloodshed would undoubtedly have been greater than it was.

Compared with the discipline and might which accompanied Colborne, Hindenlang found himself in charge of one thousand men with limited or no military experience. Eight hundred were armed with firelocks and two hundred with pikes. He split these men into three units - the central

¹. There are at least two versions of this episode - see Depositions of Pierre Babin, Edouard Latremouille, Joseph Pinsonnault, E. 2713-16. However, the point which raised Defaillette's suspicions seems unassailable. What was Nelson doing in such a furtive manner, in such an unimportant location, if he was not searching for a guard and passage to the United States as Defaillette concluded? The latter, by his own testimony, seems unfathomable. He remained on guard duty until Saturday morning, long after it seems reasonable for him to have heard about the Napierville defeat.

². R. Christie, Lower Canada, Vol. V. p. 244. Grey ironically noted that despite this imposing force, the Metropolitan Police could have easily pacified the Napierville area, Crisis in the Canadas, p. 159.
core commanded by himself and Nelson, reluctantly or otherwise, assuming command of the right wing. As the patriote army neared Lacolle, Nicolas made the rounds of the men, sometimes cajoling, but more usually brandishing his cocked pistol and stationing himself between the patriotes and the road home. Many Canadiens must have breathed easier as they swept through Lacolle with no resistance and headed into Odelltown. There, the Volunteers protecting the village and the vital path to the United States numbered only two hundred. But, as an indication of the patriote fortunes, they were re-inforced fortuitously just before Hindenlang's arrival by a company of regulars under the command of Lieutenant-Colonel Cyril Taylor, and the cannon which Côté had been forced to leave behind now served the British cause. It was placed in front of a stone Methodist church which straddled the north-south route and it gave notice of the Volunteer's determination to stop the approach of 'Papineau's men'. The battle was joined just before eleven in the morning and 'hot firing' lasted about two and a half hours. During that time, castors such as Bigonnesse dit Beaucaire exhorted and led their men as best they could. Hindenlang was frankly disappointed in the fighting quality of the Canadien habitants, remarking later that they seemed 'more occupied in praying than fighting' and mentioning one man who was shot while kneeling in prayer. Indeed, the Montreal Transcript reported that he broke his sword at the conclusion of the battle, and 'declared he would rather be hung, than shot in such company as he had found in the rebel ranks'. In spite of Hindenlang's exhortations, commands and personal example, the bell in the Methodist

1. To one Volunteer the struggle was 'between Papineau's men and the British men', a clear statement of the issue behind which many fought - State Trials, Vol. II, p. 12.
2. Ibid., p. 13.
3. Ibid., p. 17.
church was soon ringing the death knell of the Frères Chasseurs and
Canadien nationalism would need more than a century before it could be
resurrected.

Fifty bodies littered the battlefield at Odelltown. Many wounded
struggled towards safety as best they could. Some of the defeated
Canadiens reached Napierville, twenty miles away, late in the afternoon
and held a council of war. François Nicolas clearly understood the
situation and declared he would never surrender alive because 'if taken,
he would be hanged'.¹ Others seemed not to have such a clear understand­
ing. Théodore Béchard called at the house of Loop Odell to get liquor
which he paid for and presumably shared with his men.² Charles Huot
believed that by laying down their weapons, the patriotes could avoid
further bloodshed. The young Achille Morin could have enlightened
them. In a letter published by the North American, he described his
capture the next day by the dreaded Colborne. He had been wounded in
the leg at Odelltown, and unable to escape the area. Found by Colborne,
he was placed between two soldiers armed with bayonets which were used
to make him keep the pace. After reaching Napierville, a compassionate
major found him a carriage and despatched him to Laprairie. Even then
his troubles did not end. Attempts were made to force him to march
from the quay in Montreal to the gaol. After refusing vehemently, he
was finally taken to prison in a barouche.³

At the council of war in Napierville, the patriotes decided to
disband. Hindenlang and fourteen others set off for the United States,

³ North American, 17 September, 1839.
but Hindenlang (through sheer exhaustion) decided to surrender to the first guard. His feet were swollen and he was unable to walk without stumbling, and on the morning of the tenth, James Lucas and Abraham Ling, two obscure men, had the privilege of arresting the patriote 'brigadier-general'. Béchard's arrest, as 'a highly patriotic' character, was reported in the Montreal press. Families and individuals must have been struggling between the dictates of survival and the tradition of communal solidarity and loyalty to the Canadien ideal. Many depositions, sadly enough, show little reluctance about informing on family members. The Volunteers, intent on teaching the despised Canadiens a lesson they would never forget, must have been a factor in this struggle. The houses of many rebels, or even those thought to be sympathetic to the patriotic cause, were being put to the torch. In Napierville alone, fifty-two houses, forty-seven barns, fifteen sheds and stables were burning, the flames brightening the sullen sky in every direction. As shown by the Table IV below, there must have been little check to the destructive impulses of the 'English' element in the rebellious seigneuries:

<table>
<thead>
<tr>
<th>COUNTY OF LAPRAIRIE</th>
</tr>
</thead>
<tbody>
<tr>
<td>St-Remi</td>
</tr>
<tr>
<td>1 House burned</td>
</tr>
<tr>
<td>102 Families pillaged</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

1. Lucas was a private in the Volunteers and Ling a labourer.
3. See, for example, the Deposition of Albert Defaillette Murailler against his father Louis Defaillette, 5 December 1838, R.G.4, B.37, Vol. I, p. 197, PAC. Louis was identified as a captain of the rebels.
<table>
<thead>
<tr>
<th>Location</th>
<th>Houses burned</th>
<th>Barns, Sheds &amp; Stables</th>
<th>Families pillaged</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chateauguay</td>
<td>19</td>
<td>3, 22</td>
<td>816</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>25,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4,500</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>81,600</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>111,500</td>
</tr>
<tr>
<td>COUNTY OF L'ACADIE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lacolle</td>
<td>5</td>
<td></td>
<td>19</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2,400</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>6,050</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>8,450</td>
</tr>
<tr>
<td>St-Valentine</td>
<td>11</td>
<td>13, 19</td>
<td>69</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>5,800</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2,420</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>7,950</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>16,180</td>
</tr>
<tr>
<td>St-Cyprien or NAPIERVILLE</td>
<td>62</td>
<td>47, 72</td>
<td>503</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>51,200</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>11,390</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>101,700</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>164,290</td>
</tr>
<tr>
<td>St-Edouard</td>
<td>5</td>
<td>7, 15</td>
<td>31</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>9,050</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>15,050</td>
</tr>
<tr>
<td>COUNTY OF CHAMBLY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>St-Marguerite de Blairfindie or L'Acadie</td>
<td>39</td>
<td>32, 49</td>
<td>206</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>31,100</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>16,650</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>76,970</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>124,720</td>
</tr>
</tbody>
</table>

SOURCE: North American, 31 July 1839. Excluded from this table are the County of Vaudreuil; the parishes of Longueuil and Boucherville in the County of Chambly; the Counties of Vercheres, Shefford, St-Hyacinthe, Rouville; and the parishes of St-Isadore and St-Constant in the County of Laprairie.

The figures cited by the North American were incomplete, but the damage done in those parishes and counties for which the paper had statistics totalled nearly a million dollars. The rapacious hands of the Volunteers
touched over three thousand families. More than two hundred houses were burnt in the chill of the Lower Canadian winter: an indication that little compassion could be expected by those unfortunates already in the Montreal prison or wending their way towards it. In Montreal itself, the press had already tried and sentenced some to death by hanging - notably Hindenlang. Sir John Colborne was pondering the quandary of balancing the demands from the English population for blood with the British ideal of justice and a fair trial.

Jacques-David Hébert was arrested in Napierville on Monday, the twelfth of November. His thoughts can only be guessed at. His house was smouldering. His reputation in the parish uncertain. His gamble with his life and property had been lost with no alleviation of the seigneurial troubles plaguing his seigneury. Worse, the patriote cause and 'la nation canadienne' were utterly defeated and the triumphant English were gleefully destroying what he, his countrymen and their forbears had built. He had no hope in British justice as he had seen none in his seigneury. And under the leaden skies of a Quebec November, he was despatched for trial in Montreal.

1. See, for example, the Montreal Transcript, 13 November 1838.
Few occasions appear to us to have called so loudly for a general meeting of the British population to set forth the fact that the law has become a solemn mockery — and that the consequent insecurity to their lives and their properties, is what cannot and will not be tolerated.

the Montreal Transcript after Jalbert's trial by jury (italics mine).

... il suffit de dire que nous sommes de la tache Originel des Canadiens

Pierre-Hector Morin, 11 March 1838.
Jean-Marie-Léon Ducharme\textsuperscript{1} was a privileged Canadien. Well educated, he was employed by an English merchant, Richard Tiffins, in Montreal. Ducharme's roots in that city were deep: his grandfather's grandfather had married there in 1659\textsuperscript{2} and his grandfather had been elected a deputy for the Montreal County in 1796. That grandfather, Jean-Marie-Ducharme, had supported Joseph Papineau in the House of Assembly and bequeathed a political tradition and influential connections to his grandson. Léandre Ducharme knew Joseph Papineau's grandson Amedée (the son of Louis-Joseph), and other fils de la liberté such as Dr Jean-Baptiste-Henri Brien. Members of the patriote elite, including Chevalier DeLorimier, Cardinal and Duquette were frequent visitors to his father's house in Chateaugay.\textsuperscript{3} On the twenty-fourth day of November 1838, Ducharme - aged twenty-one - sat in the common gaol in Montreal and received notice to stand trial for treason before the first Court Martial.\textsuperscript{4}

As soon as the first news of the insurrection became known, punishment of the Canadiens had been uppermost in the minds of the English. An early indication of the degree of vindictiveness had been given in

\begin{enumerate}
\item Ducharme was referred to frequently as 'Léandre'. See, for example, Deposition of Timoléon Ducharme, E. 2790, ANQ.
\item Based on internal evidence in an anonymous letter in the North American, 29 January 1840. Of all the transported men only Ducharme was twenty-three, unmarried, had parents who lived in Chateauguay and the degree of education evidenced by the letter.
\end{enumerate}
Lachine when Lepailleur and the other Chateauguay prisoners arrived from Caughnawaga. Although exhaustion and despair must have ravaged many faces, the escort of Volunteers would not take the most direct route into Montreal as J. Douglas Borthwick, a young member of the company, reported:

It was a hard tramp of three hours. It had been raining most of the previous week; the mud was ankle deep. The men would not hear of any conveyance being provided; the prisoners must walk....

In a situation of perceived urgency and danger, humanity had little meaning. Individual rights could also be forfeited.

After farewelling Lord Durham in Quebec City, Sir John Colborne, now the Administrator of the Colony, raced back to Montreal. He heard of the insurrection at Sorel, his only stop. On reaching Montreal, he announced the suspension of habeas corpus, once more; the declaration of Martial Law; the immediate imprisonment of prominent Canadiens, such as Louis Lafontaine and Papineau's Viger cousins, and proclaimed that he would 'cause to be arrested and punished, all persons who have been hitherto, and who now are, or hereafter may be anywise acting aiding or assisting in the said Conspiracy and Rebellion'. The Montreal Gazette listed the names of the prisoners and solemnly reported the insurrection as 'most wicked, most unprovoked and unnatural'. Before the Conquest, it editorialised, the Canadiens had been a 'people destitute of any political liberty whatsoever', but since then 'No legal or constitutional distinction was suffered to exist between the races', a conclusion which ignored the incarceration of numerous Canadiens against whom there was no evidence of sedition. Many of those gaoled by Colborne's proclamation - Lafontaine, for example - had no sympathy with the 1838 rebellion and

some, such as Jean-Joseph Girouard of St-Benoit, had advised against participation in it. The Gazette continued:

it is impossible to conciliate the respect or obedience of a FRENCH CANADIAN demagogue or rebel by kindness or concession. Nothing can convince him either of the folly or criminality of his conduct, but a firm and unrelenting adherence to the principles of strict justice, and the certain and unmitigated example of condign punishment.¹

Few thought the punishment needed judicial sanction, nor guilt to have been proved. 'A Citizen' writing in the Montreal Transcript only two days later complained of the burden shouldered by the poor because of the rebellion and Colborne's order that all occupied houses burn the two candles from dark to daylight - a cost to the household of eight pence each night. The correspondent resented that a member of each household had to stay awake to tend the candles and felt it was 'rather too much' for 'One third of a soldier's pay to be burnt while he is on duty, guarding the city'. His solution was simple:

all the moveable property of the Rebels now in custody, and the Rebels hereafter to be in custody, should be immediately confiscated, forthwith realized, and the proceeds thereof set aside as a fund² so that the 'poor unfortunate loyal subjects of Montreal' who drilled each day and watched at night could be indemnified. 'A Citizen', at least, was prepared to confiscate only the property of those in prison or those whom he thought would be arrested. The British army and the Loyalists did not suffer from such scruples in the rural areas.

Colborne, at first, ordered all rebel houses to be burnt in the Napierville area. He later countermanded the order, but by then several homes had been destroyed by the British non-commissioned officers chosen

1. Montreal Gazette, 6 November 1838.
2. Montreal Transcript, 8 November 1838.
to carry out the task. The soldiers considered any money found to be 'lawful plunder' - even the caisse from the Napierville curé was happily confiscated. The Glengarries from Upper Canada consciously used plunder and destruction as punitive weapons - of the six hundred men who arrived on foot, only fifty returned home without mounts. The local Volunteers used the aftermath of the rebellion as an opportunity to settle old scores, arresting Canadiens with whom they had previous quarrels. The detached observer, Charles Grey, admitted that while the Loyalists had provocation, 'now that they have again got the upper hand they are disposed to exact too severe a retribution and require to be kept in order'. The sounds of 'dropping shots' made him hope the Volunteers were shooting poultry, instead of Canadiens as he feared. In the rural areas, the problem was not only that the English needed to be controlled, but also who should exercise control. Grey indicted the 7th Hussars, the Guards and Artillery as plunderers and reported to his father that two men and a woman had been shot in cold blood by the Guards. Whether Colborne knew or approved of these incidents and the vicious retaliation happening in the parishes cannot be known with certainty.

Charles Grey believed at the time, however, that he was the only British officer attempting to control his men, and the Canadiens had no difficulty in assuming that their new Administrator governed more by the

1. W. Ormsby, ed., Crisis in the Canadas, p. 147.
2. Ibid., p. 148. The caisse, of course, had previously been appropriated by Côté. It was discovered in his charette and therefore may have lost any sacrosanct status.
3. The hero of the Glengarries was the brother of John Roebuck, the radical M.P. If they heard that Roebuck had been in an area, they avoided it as it would have been stripped clean. Roebuck returned to his home with 'two Bateaux loads of plunder, besides horses'; Ibid., p. 150.
4. Robert Christie (Lower Canada, Vol. V, p.260) states that Colborne was annoyed by the destruction as he had given 'positive orders to avoid all excesses of the kind'. If that is correct, the destruction then suggests there was a surprising amount of insubordination amongst the British forces.
5. See W. Ormsby, ed., Crisis in the Canadas, p.162, for an expression of Grey's sorrow when one of his sentries shot a Canadien who was attempting to rescue a prisoner.
sword than the law. The following incident, whether apocryphal or not, was widely believed. When Colborne found Achille Morin (who had been injured at Napierville), he allegedly said, 'Hang him immediately'.

The *North American* reported that the *curé* Amiot, 'inveterate as he was against the patriots [sic] turned pale.... "Good God," said he, "have the days of barbarism returned? Why put a Man to death without trial"...?'

That question was Colborne's predictament. The English scented, and demanded, blood. In an Ordinance the Special Council ratified on 8 November 1838, Colborne empowered those holding the Queen's Commission to take 'the most vigorous and effective measures'. He authorised officers to punish 'either by death or otherwise' all persons who had aided, acted or in any manner assisted in the rebellion. Suspected rebels need not be captured 'in open arms against Her Majesty' - mere suspicion and/or allegations of treasonable activity were sufficient grounds. All prisoners were to be brought before Courts Martial for 'all offences committed since the ... first day of November'. A second provision detailed that no part of it could 'be questioned in any of Her Majesty's Courts of Justice in the said Province', and a third declared that writs of habeas corpus would not be answered. As Grey testified, these wide ranging powers were used to their fullest extent in the parishes which had been rebellious.

In Beauharnois, for example, the distinction between the Ordinance and *lex talionis* became extremely fine and even disappeared at times.

2. *State Trials*, Vol. I, pp. 4-5; underlining mine. In the proclamations, reference is always made to the 'horrid excesses and cruelties on the properties and persons of Her Majesty's loyal subjects' - a preoccupation strangely at variance with the facts, but a description of the eventual behaviour of 'Her Majesty's loyal Subjects'.

Even the capture of a rebel could not sate the appetites for retaliation. François-Xavier Provost, whose inn had been used as a rebel meeting place, suffered arrest shortly after the arrival of the Glengarries and saw his property engulfed in flames. The Loyalists then, directed by Lawrence Brown, hunted the homeless Provost family from shelter to shelter until the merciful Charles Grey stopped their sport. In other areas similar situations occurred with the English arresting any whom they thought could (or should) be punished. The Loyalists, however, did not arrest all those taken prisoner. Théodore Béchard was taken to St-Jean by his friends and relatives after they had told him, 'c'est toi qui nous a fait marcher nous allons te livrer aux Autority'. François-Xavier Prieur also learned the meaning of betrayal. Returning to St-Timothee after the suppression of rioting in Beauharnois, he found his home a blackened ruin and the remaining houses unlit. The distraught wife of one of his friends warned him he was a marked man with a price on his head and told him to 'Fuyez, fuyez! On Vous Cherche, et ils disent qu'ils vont vous pendre s'ils vous prênnent'. Prieur, exhausted, hungry and half-frozen, evaded capture for more than a week. During this period some people unknown to him gave him succour even though they knew of the blood money on his head. Finally the temptation proved too great and some ex-comrades - in custody themselves - bargained their release for his capture. As Prieur philosophised afterwards, 'Les causes les plus saintes ont des apostats et des traîtres, les nations les plus chevaleresques ont leur renégats;

1. F.-X. Prieur, Notes d'un condamné, p. 112. Brown's animosity may have had its roots in the previous business relationship as revealed by the advertisement for the Beauharnois railway venture, op. cit.
2. Deposition of Béchard, E.2456. It is important to note that Béchard carefully named his captors, most of whom he admitted swearing into the Frères Chasseurs. It may have been recognised that Béchard, who had claimed Durham's amnesty, had no second chance but through this form of arrest could help his relatives and friends.
3. F.-X. Prieur, Notes d'un condamné, pp. 103-4.
As the gaols filled rapidly, dozens of Justices of the Peace and their clerks took depositions, inviting the deponents to say what they knew of 'le dit...', and past events. Some Canadiens implicated those whom they knew had no chance to evade punishment or who had escaped to the United States. A few named only unmarried patriotes: for example, Louis Bourdon admitted there were three other castors in his area that he refused to name because 'il [sic] sont des pères de familles et ne puis le nommer ne voulant point les compromettre'. Some had convenient lapses of memory, forgetting who had inducted them into the Chasseurs or those they had themselves recruited. A few claimed never to have known the names of fellow chasseurs. Others, notably Lepailleur, made their depositions in the advanced stages of exhaustion and admitted more than they would have otherwise. Hindenlang, an inmate of the Montreal prison deposed with his 'head still stunned with the misery' he had witnessed and claimed 'a hatred and profound contempt for Dr Nelson and his accomplices' motivated him. Many respectful of authority and not understanding the potential consequences of their words, told all they knew. One bartered his life in exchange for his information.

Dr Henri Brien fled for the United States. Before he could reach sanctuary a British detachment captured and brought him to Montreal on the fifth of November. Either on this trip or in his subsequent interrogation

1. Ibid., p. 109.
in the prison, Brien must have agreed to his infamous contract. In return for his life, Brien deprived himself of his homeland, friends and the honour of his name.\(^1\) A Special Order from Colborne, signed by Attorney General C. R. Ogden and dated 16 November 1838, commanded the Keeper of the Montreal Common Gaol to keep Brien separate and on no account to allow anyone to talk with him.\(^2\) The reason for his seclusion became obvious two days later when Brien produced a thirty-nine page document implicating scores of patriotes from Robert Nelson to humble messenger boys.\(^3\) It may have been the promise of this document and the need to have it studied that caused Sir John Colborne to postpone the first Court Martial from its original date of the nineteenth until the twenty-eighth day of November.

While Brien laboured over his confession, others prepared for its consequences. A Montreal carpenter named Bronson built a new gallows 'facing the prison, so that the incarcerated rebels may enjoy a sight that doubtless will not fail to assure them sound sleep and agreeable dreams',\(^4\) and the machinery began to establish the judiciary for the Courts Martial. Contrary to accepted (non-military) juridical practice, the judges had been participants in the events surrounding the alleged crime. The presiding judge, Major John Clitherow, had been active at Napierville. The 7th Hussars, the 2nd Battalion of the Grenadier Guards, the 15th Regiment and the garrison of Montreal all supplied Field Officers and captains to be the judges. Two Queen's Counsel,

\(^{1}\) Brien was never able to return to Canada; he died without friends in New York.

\(^{2}\) J. D. Borthwick, History of the Montreal Prison, p. 117.

\(^{3}\) A copy of the deposition is in PAC (Jean-Baptiste-Henri Brien Papers, M.G. 24, B.39) and a translated, expurgated version was printed in the State Trials, Vol. II, pp. 548-61 although the author was unidentified.

\(^{4}\) Montreal Herald, 19 November 1838.
Charles D. Day and Canadien Dominic Mondelet and a Captain of the Royal Regiment were appointed, joint and severally, Deputy Judge Advocates.

It was well for Colborne that he postponed the first Court Martial for a challenge to its very legality, and the Ordinance which established it and suspended civil law, came from Quebec City on the twenty-first of November. Two Canadien judges, Panet and Bédard, issued a writ of habeas corpus and ordered the Keeper of the Quebec City common gaol to produce a prisoner. When the Keeper returned the writ unanswered, the judges confined him to his quarters and ordered a writ of attachment against the commanding officer of the Coldstream Guards who maintained the security of the Citadel. With this, a legal turmoil engulfed the authorities of Lower Canada.

Justices Bédard and Panet based their decision to invalidate the suspension of habeas corpus - and by implication the jurisdiction of the Courts Martial - on the conflict of the Ordinance proclaimed by the Special Council on 8 November with the Imperial Act (1 Vict. ch. 9) establishing the constitution of the Special Council. They argued that the Habeas Corpus statute passed in the reign of Charles II (31 Car. II, ch. 2) had become part of the law of Canada by virtue of the Quebec Act and that it could not be amended, repealed or suspended by the Special Council, since the latter had not succeeded to each and every

1. Ostensibly because the prisoner could not be produced as he had been moved to another gaol.
power of the suspended Legislature of Lower Canada.¹

Sir John Colborne called upon Panet and Bédard for justification of their decision and to the Solicitor General, the Attorney General and four English judges for their opinions. On the main point, the Administrator's advisors contended the proviso had been inserted only 'ex abundante cautela', that is, solely to make absolutely certain that the Council could not amend those British statutes which explicitly applied to the colonies in general or Lower Canada/Quebec in particular.² With these opinions, Colborne suspended Panet and Bédard and alleged there had been an insurrection on the Bench which had attempted to overthrow

¹ Section 3 of the Act establishing the Special Council granted the Council the legislative jurisdiction formerly enjoyed by the Legislature, but included the following proviso: 'nor shall it be lawful, by any such law or ordinance, to repeal, suspend, or alter any provision of any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom, or of any Act of the Legislature of Lower Canada, as now constituted, repealing or altering any such Act of Parliament'. It should be noted that there were two types of British statutes which applied in the colonies: firstly, those like the Colonial Tax Repeal Act of 1778 which referred explicitly to one or more colonies, and secondly, those like the Habeas Corpus Act of Charles II which did not expressly apply to the Colonies, but had been incorporated into a colony's legal system either by an Imperial Act or colonial statute. The Quebec Act, for example, had introduced into Lower Canada all domestic British criminal statutes passed up to that time. It was a fundamental rule of constitutional law that the first group of statutes referred to above - that is, those explicitly enacted for the colonies could not be amended or repealed by a colonial legislature. This universally accepted rule had been reiterated in two Imperial statues: 7-8 Wiliam III, ch. 22 and 6 Geo. IV ch. 114. The judgement of Bedard and Panet J.-J. implied that the proviso introduced a new rule and prohibited amendments even of the second group of statutes, including 31 Charles II, ch. 2.

² Two comments may be made about this contention. Firstly, if the draftsman had inserted the proviso for the alleged reason, he must have been fastidious to the point of imbecility. Second, the wording of the proviso suggests that the British statutes other than those expressly applying to the colonies or Quebec/Lower Canada were envisaged. The proviso prohibited the Special Council from amending Lower Canada statutes which themselves had amended the British statutes envisaged. But in principle and in practice the Lower Canada Legislature could not amend British statutes explicitly applying to the colonies. Without attempting a definitive legal interpretation, it may be stated that Justices Bédard and Panet, at the very least, had a case which was not met by the contrary opinions solicited by Colborne.
the authority of the Special Council. 1 Their decision, asserted the Administrator, would have undermined martial law, not only because citizens could not be held by the military in gaol without trial, but also because the Ordinance establishing the Courts Martial would be nullified. 2

Sir John Colborne, insensitive to the wrongs which burnt into the consciousness of the Canadiens he administered, added more once the legality of the Courts Martial became unassailable in his own mind.

Most of those selected to stand trial before the first Court Martial had been arrested by the Caughnawaga Indians and imprisoned in Montreal on 4 November 1838. Arrested and imprisoned while the colony was subject

1. Panet and Bédard were anything but patriotes. Panet in the Assembly had attempted to co-operate with Lord Aylmer and Bédard with Lord Gosford. To most Canadiens, they were vendus. A third judge who rendered a similar decision, Vallière de St-Réal, was a moderate and had opposed Papineau since 1823. The three judges remained suspended until shortly before the Union of the Canadas when they were not only reinstated but allowed their salaries for the whole period of their suspension. Vallière de St-Réal was appointed Chief Justice of the Court of Montreal in 1842. These actions imply, in retrospect, that the legal abilities of the justices were seen to be unquestionable.

2. Without any question the Ordinance by denying jury trial firstly, and by adopting martial law techniques when the courts were open and the Rebellion had been pacified, ran contrary to the very fundamental principles of common law. (See the leading case of Wolf Tone (1798), 27 State Trials, p. 759. Although expert opinion was divided whether breach of the fundamental common law was beyond the powers of a colonial legislation, the matter had not then been settled, and would not be until the Colonial Laws Validity Act of 1865. See, D.B. Swinfen, Imperial Control of Colonial Legislation (1813-1865), Oxford 1970, Ch.5, and pp. 170-72.

3. There is no doubt that most of those tried by the Courts Martials had participated, to some degree at least, in the Rebellion. But it is disturbing that the methods of prosecution were so dubious and open to the suspicion that Colborne manipulated them to achieve a political purpose. As most of the important issues were raised in the first Court Martial, and because the accounts are so readily available, (State Trials, Vol. I, pp. 17 - 111; North American, 6, 13, 20, 27 November 1839), it will be dealt with in detail in this chapter. Other trials will only be mentioned if the legal and/or procedural issues are unique and/or support my thesis that the Courts Martial were dictated by extra-judicial factors and raise serious questions about political trials in Canada.
Plate 7 - Sir John Colborne by Richmond.
to common law, they had to face trial under martial law, before a Court Martial which owed its jurisdictional validity not only to the debatable validity of the Special Council's Ordinance, but also to the dubious strategem of extending the Ordinance's jurisdiction retroactively, namely by dating its authority back to the time preceding the outbreak of the rebellion (that is, the first of November). Once the authorities selected the twelve men for the first Court Martial, two of them moved inexorably towards Mr Bronson's gallows, and six to transportation to New South Wales.

Colborne's decision to circumvent the common law system with its jury trials and stringent rules of procedure and evidence may have been influenced by the judicial decisions after the 1837 Rebellion. When Durham banished the eight major leaders of that insurrection to Bermuda, he acted by means of the legislative process. But the Law Officers of Great Britain pointed out that it was beyond the power of Durham and the Special Council to order the Bermudan transportation, and the Imperial Government recommended disallowance. In September 1838, several Canadians had been tried before a jury for the alleged murder of a Canadien informer, Joseph Armand dit Chartrand. To the disgust of the English citizens of Lower Canada, the jury - after only a half hour's

1. This retroactivity of the law is still possible under British law, and raises frightening implications for Canadians who have been deprived in 1970 of their civil rights through Trudeau's imposition of War Measures Act throughout the country during the FLQ crisis. Some Australians whose faith in constitutional convention may have been shattered by Governor-General John Kerr's dismissal of the Whitlam government, may also find this legal power disturbing.

2. Joseph-Narcisse Cardinal, notary and M.P.P.; twenty year old Joseph Duquette, a law student; Lepailleur a bailiff; seven habitants - Jean-Louis Thibert, marquiller; Jean-Marie Thibert; Joseph Guimond; Louis Guérin dit Dussault; Edouard Thérin; Antoine Côté; Joseph L'Ecuyer; and a shoemaker, Louis Lésiege dit Laviolette.
deliberation - returned a verdict of not guilty. After these events, it was widely believed that the Canadiens regarded themselves immune from legal punishment.

Disillusion, for some, came late on Saturday night the twenty-fourth, when they heard that they would be brought before the first Court Martial. After giving this notice, the authorities immediately sequestered the twelve men and forbade access to friends and relatives. Grudging permission was received to consult counsel. On Monday, attorneys Aaron Philip Hart, Lewis Drummond - aided by a Canadien, Pierre Moreau - desperately began to prepare a defence, hampered at every turn by the Crown. A request, for example, for the list of the judges and another for the witness for the prosecution, received no answer. Early Wednesday morning, the twenty-eighth, the twelve Chateauguay rebels, chained together in pairs, made the long journey through the Montreal streets. After submitting to a thorough search and waiting an hour, their chains were removed, and at ten o'clock these civilians began their trial before military judges.

Most of the defendants standing uncomfortably in the small room, stared uncomprehendingly as the Warrants were read and names of the

1. Robert Christie claimed, and obviously believed, that the jury 'dined with the prisoners immediately after acquitting them, in exultation of the circumstance as a party triumph', Lower Canada, Vol. V, p. 199.
2. The two English lawyers, Drummond and Hart, were associated publicly with the defence as it was feared that the overt assistance of a Canadien lawyer would irrevocably hamper the rebels' cause.
3. This, and most of the above details, are taken from Ducharme's account. See, Journal d'un exilé, pp. 15-16. The chains were put on again after the day's proceedings and the badly swollen hands of the prisoners were not unshackled until midnight.
4. Probably only Cardinal, Duquette, Lepailleur and Ducharme would have been bilingual.
President and member judges announced - for these procedures were in English, the language in which the Courts Martial would be conducted.

Then the prosecution read the charges: 'Treason ... between the first and seventh days of November'. Specifically, the twelve:

on the fourth day of November ... and on divers other days, as well before as after, in the said Parish of Chateauguay, and also at Caughnawaga ... did meet, conspire, and agree amongst themselves, and, together with divers others, whose names are unknown ... being assembled and gathered together, and armed with guns, swords, spears, staves, and other weapons, did ... traitorously prepare and levy public war against [the] said Rule and Government in this Province, against the peace of our said Lady the Queen, her Crown and dignity, and against the form of the Statute in such case made and provided.1

When asked to plead to these charges, Cardinal and the others declined, producing a document. The court closed to study it. Document 'A' claimed the alleged offences were only cognisable 'by a jury of the country'; that the prisoners had been deprived of all constitutional means of defence in that their right to a list of the jury (in order to have the benefit of challenge) and their right to the list of Crown witnesses (in order to 'detect conspiracy and to prevent perjury') had been denied to them. They also contended that a copy of their charges should have been given to them at least ten days before the day of trial.

More specifically, Document 'A' challenged the wording of the charges because the crime and offence had not been set out 'with certainty and precision'; that by not communicating the charges to the accused ten days before the date of trial, the Crown had contravened an Act of the Imperial Parliament (3rd and 4th Anne, c. 16) which 'expressly provided that persons tried by Courts Martial shall have the benefit of the Act for regulating trials in cases of Treason and misprision [sic] of Treason'; that 'relatives, connexions and friends' had been denied access to the

accused, thus impeding the preparation of their defence. The major objection of Document 'A' concerned the competency of the Court Martial to judge the civilian defendants. The defence, echoing the opinions of the suspended judges, claimed that 'the ordinary laws of the Province cannot be repealed, nor the ordinary tribunal superseded'; that 1 Vict. 9 restrained the Legislature:

from departing in any way from the practice of administering the Criminal Law of England, as introduced into this Province by the Act of the Imperial Parliament, of the 14th Geo. III, cap. 83, or abrogating the Statute of Treasons, of 25th Edward III.1

After a mere half hour's deliberation, the objections were dismissed and proceedings resumed. All the prisoners submitted a plea of not guilty, and the Deputy Judge Advocate addressed the court. He specified that the accused had to be convicted of an open deed or overt act of treason which he defined as imagining or compassing the death of the sovereign, or levying war against the sovereign in the realm of Lower Canada. The meaning of 'overt acts' was also clearly spelled out for the benefit of the judges. The Judge Advocate also notified the court that the twelve accused men had been selected not only for their supposed guilt but because they appeared 'to have held stations of command, and to have exercised great influence amongst their companions'.2

The Crown divided its case into three sections: first, rebellious conspiracy and/or activity in the Parish of Chateauguay on the night of 3 November and continuing into the small hours of the morning of the fourth; second, the actual presence of the accused in the Indian village

1. Ibid., pp. 76-78. The argument of the defence has been included in detail, because it was unanswered by the prosecution and was the basic defence of many of the accused.

2. Ibid., p. 22.
of Caughnawaga; and lastly, preparation for insurrection after Cardinal and the others had been imprisoned. Of the accused, six - Cardinal, Duquette, Lepailleur, Jean-Louis Thibert, Guérin dit Dussault and Coté - were seen in compromising circumstances in Chateauguay, on the road to the Indian reservation and also in Caughnawaga itself. Two men, Jean-Marie Thibert and Joseph Guimond were active on the Saturday, were seen on the road to Caughnawaga (but not in the village), and later in the week in Chateauguay. Four, l'Ecuyer, Thérien, Ducharme and Lésiège dit Laviolette were, allegedly, active in Chateauguay only. The case against the major group of six was easily made: their capture by the Indians was indisputable proof. While not as definite, the case was also established against Jean-Marie Thibert and Guimond. However, attempting to prove the charges against the four who were not identified as setting out for Caughnawaga was more difficult than the Crown expected.

Excluding the Indian witnesses and George Delorimier, the witnesses for the Crown were a Scottish farmer named Grant, another Scot named M'Donald, and three Canadiens who turned Queen's evidence. The principal witness was John M'Donald, a Justice of the Peace whose death had been proposed by the patriotes, according to Brien, because of his 'activity and indefatigable vigilance as a Justice of the Peace and a political partizan'.

M'Donald, a merchant in Chateauguay, was an associate of Edward Ellice and, in fact, had sent the messenger which raised the alarm in Beauharnois. The government held him in high regard - for example, together with Edward Ellice he was allowed into the Montreal gaol to see the prisoners taken at Chateauguay. At the

1. Ibid., Vol. II, p. 553.
Court Martial, M'Donald's testimony covered the period from the third to the tenth and implicated all the accused.

Magistrate M'Donald had been captured by Jean-Louis Thibert and informed that the independence of Lower Canada was at hand. Taken to Cardinal's office, he recognised Lepailleur, Duquette, Guérin dit Dussault, L'Ecuyer, Thérien, all of them in arms, amongst those present. Kept a prisoner, he testified that he saw Jean-Marie Thibert, Coté and Ducharme at daylight the next morning (the fourth), armed also, together with Guimond and Lesiège dit Laviolette. These men, together with Thérien, were drilling the remaining rebels in Chateauguay. After news of the capture of those who went to Caughnawaga reached the Chateauguay village, swore M'Donald, Ducharme appeared to assume command. On Monday or Tuesday morning, Ducharme escorted the prisoners from Beauharnois to their makeshift quarters and, alleged M'Donald, informed him that he would be lodged with the Ellice group. During this confinement period, M'Donald saw Ducharme drilling over one hundred men. On Saturday the tenth, M'Donald stated that Ducharme informed him that the Americans had taken Napierville and that the Chateauguay prisoners were to be handed over to them. When the captives were in the carts, under the 'principal command' of Ducharme, M'Donald testified that he saw also Lesiège dit Laviolette, Jean-Marie Thibert and Thérien amongst the rebels present.¹

Against such damning testimony the defence fought vigorously, even though each man had to conduct his own examination of witnesses - a bad handicap for the illiterate habitants who understood no English.² After

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² It must be borne in mind that the able advocates helping the defendants were limited to an advisory role and could not argue before the Court Martial.
the prosecution closed its case, the prisoners asked for a delay on December 1, pleading that their preparation of a defence had been limited by the notification of trial which had given them only two working days before the Court Martial convened. They also pointed out that Chateauguay was more than twenty leagues distant from Montreal on the other side of the St Lawrence, making it extremely difficult to get witnesses to the Court Martial 'at a season when communication between the two areas was next to impossible'. The fact that they had been denied access to their friends and relatives had hindered their preparation for a defence also. After a few minutes consultation the Court Martial approved the request and adjourned until Tuesday 4 December. When the Court convened on the fourth, the accused again attacked the jurisdiction, citing precedents in a highly technical argument.\(^1\) As a Deputy Judge Advocate read the words 'the said tribunal is wholly incompetent to take cognizance of the offence of High Treason' the judges muttered and bridled as the word 'incompetent' was heard. One called out that the phrase was '"insulting in its terms'' and the President, Major General Clitherow, observed that the court had 'its mandate from superior authorities, and consequently ... a right of jurisdiction over the prisoners'.\(^2\) The defendants also asked that Lesiège dit Laviolette be dismissed as no case against him had been proved in order to be called as a defence witness. That petition was rejected also. Jean-Marie Thibert began the case for the defence by attempting to prove that he was fearful of the chasseurs, that his actions were all under duress and that he had, in fact, run away during the trek to Caughnawaga. Jean-Louis Thibert also claimed that he had been constrained

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1. See Document 'E', Ibid., pp. 85-88; also the *North American*, 6 November 1839.

by the leaders. Lepailleur, Duquette, L'Ecuyer, Guérin dit Dussault, Guimond and Cardinal attempted to counter the prosecution's case by not only challenging the court's jurisdiction, but by proving they possessed good characters and unblemished records, and were unarmed in Cardinal's office when seen by M'Donald.

Ducharme's defence was dramatically different. In reply to the testimony of M'Donald, Ducharme proved first that he had been in Lachine, not Chateauguay, on the third and fourth of November. Several witnesses testified that the steamboat did not cross on Sundays during winter, and that the weather had been too inclement for a crossing on the night of November the third. Another witness testified that Ducharme had only been seen in Chateauguay on the fifth - and certainly not in the early daylight as M'Donald had sworn. Then, in a move that stunned the court, Ducharme called Pierre Jacques Beaudry, an official of the new gaol in Montreal, to the stand. Beaudry testified that Léon Ducharme had been a prisoner in that gaol since the seventh day of November. This was corroborated by the Provost Martial who swore that the only nights since the seventh that Ducharme had not been in the gaol were the twenty-eighth and ninth of November. Many people in the court room must have glanced curiously at the merchant-magistrate of Chateauguay as M'Donald stood by the inner door of the court and heard this testimony. Maybe some of the defendants, standing patiently, permitted themselves a small smile of triumph as they saw his chagrined face.

Over the strong objections of the accused, John M'Donald J.P. was brought back to the stand. He admitted that he had been inside the

1. Typically, the words 'father of a family' indicated a good character and reputation in the parishes.
room during the testimony for the defence, 'but not for more than a second at a time'\textsuperscript{1}. Then the Judge Advocate put the following question to him:

You have stated in your examination of the twenty-ninth November last, that on Sunday, the tenth November, Ducharme came in, and stated that the Americans had taken possession of Napierville... that you recognized among your escort of armed men, Ducharme, who appeared to have the principal command; declare to the Court, whether the Ducharme, as seen by you on the said tenth of November, is or is not Ducharme, the prisoner before the Court?\textsuperscript{2}

The magistrate's embarrassment must have been obvious as he lamely explained that he had been overcome with excitement on the tenth and that he could not now (after the defence testimony) 'positively swear that the prisoner before the Court was there on the tenth of November'.\textsuperscript{3}

After listening to the written comments of the defence read by Messrs Drummond and Hart and the address of the Judge Advocate in reply, the court adjourned to consider its verdict.

When the judges returned, they announced that all except for Thérien and Lesiège dit Laviolette had been found guilty of treason and the sentences would be announced two days later on the eighth after Sir John Colborne had sanctioned their verdicts.\textsuperscript{4} When the court reconvened on the eighth, the prisoners were absent. As could have been predicted, Cardinal, Lepailleur, Duquette and Jean-Louis Thibert were condemned 'to be hanged by the neck till ... dead'. The six others who had been found guilty were sentenced 'to be transported for life'.\textsuperscript{5} The judges had listened carefully to the advice given by the Judge Advocates who had advocated rejecting the prisoners' appeal to their 'humanity and

\begin{enumerate}
  \item Ibid., p. 72.
  \item Ibid.
  \item Ibid.
  \item North American, 20 November 1838.
  \item State Trials, Vol. I, pp. 73-74.
\end{enumerate}
compassion' and obeyed instead the edict that 'duty ... must be sternly performed, according to the law and evidence of the case'.¹ In explanation of how that 'law and evidence' fitted the case especially of Ducharme, they stated that if Ducharme had been on trial for murder, and the evidence against him:

drawn solely from a witness situated as M'Donald now is, we should be disposed to say, that it would be insufficient to justify a conviction ... but after all is said, it is a question for the conscience of each individual member of this Court, to determine whether and how far he will believe or disbelieve M'Donald's testimony.²

The verdict, so far unknown to any of the prisoners, seemed to create confusion in Colborne's Montreal Headquarters. The officer-judges of the Court Martial were answerable only to Sir John Colborne and, theoretically, could have pronounced any verdict that he would sanction. However, Colborne communicated to Major General Clitherow that the sentence of transportation passed on six of the prisoners could not legally be confirmed in the opinion of the Crown's Law Officers. The first Court Martial reconvened and on 14 December the sentences were revised so that all those found guilty received a sentence of execution. The judges, though, recommended 'a commutation of the sentence of death, for a punishment less severe'.³ At seven o'clock, Sunday evening the sixteenth, the condemned men first heard their sentences. They immediately were locked up in separate cells. They waited anxiously, expecting any day to receive word to prepare themselves for death. On the eighteenth, Cardinal and then the young Duquette,

1. Ibid., p. 110.
2. Ibid., p. 108.
3. Ibid., p. 111. It may be that as early as this date, Colborne was determined that some of the patriotes would be transported to Australia. By giving the sentence of death, it was easier for the Crown to order the transportation of the condemned prisoners. See below for the argument and evidence to support this point.
received a summons to the Gaoler's quarters. The remaining men in the cells waited with intense interest to discover the reason. When Cardinal returned, he said calmly, "My friends, I expected it, I am to die on Friday".¹

While Cardinal may have expected to die, others had not expected the news. Many were galvanised into action and bombarded the Chief Secretary's office with petitions, praying for clemency. Four notable ones were received in the Chief Secretary's office on 20 December, the day before the executions were scheduled. Joseph Duquette's mother asked Colborne to spare her son because of his youth - he was not yet twenty-one - which helped explain why he had been led astray by older men. She pointed out that Duquette had not 'spilled a single drop of blood' and that she and her daughters were suffering in expiation of his wrong for their house had been burnt down. Eugénie St-Germain (Cardinal's spouse) addressed a more emotional and moving letter to Lady Colborne.²

She asked the Administrator's wife to plead her cause to Colborne because:

The death warrant is already signed!! ... Tomorrow! alas, tomorrow! God! God!

She also claimed that her husband had weakly been led astray 'by a torrent against which the strongest man would have resisted in vain' and reminded Lady Colborne that her husband had 'made no victims - on the contrary, he ... [was] a victim himself'. Eugénie St-Germain also brought the sufferings of herself and five children to the notice of the Colbornes:

1. Interview with Lepailleur, Montreal Star, 15 December 1888.

2. The letters have similar themes and give rise to the suspicion that they were orchestrated by Messrs Hart, Drummond and Moreau or another central intelligence.
did we not, your humble petitioner and her children, suffer enough on his account? ... have we not been banished from our homes by the lighted torch of the incendiary? Have we not been stript of every article we had, even of our clothes from our backs? Have we not been reduced to live on the bread given unto us ... through charitable people?1

The Caughnawaga Indians 'struck with deep grief' also petitioned Colborne. They claimed mercy for the two men they had captured Cardinal and Duquette had done them no harm.

They have not imbrued their hands in the blood of their brethren. Why spill theirs? If there must be victims, there will be enough besides them of unfortunate men, who are a thousand times more guilty ....

Because they had never ceased to give the Queen the services expected, the Indian petitioners therefore hoped that their plea might be listened to, and they told Colborne that they would 'never cease to pray unto the Great Spirit, for the glory and conservation' of himself and 'the happiness of his children'. The defence attorneys worked unceasingly.

In another lengthy, technical argument presented on the twentieth, they again disputed the jurisdiction of the Court Martial over men who had been in custody before the proclamation of martial law. In a courageous personal letter to Colborne, Lewis Drummond in his 'private character, as a man and a christian [sic]', implored him to at least postpone the hangings until the doubts about the legality of the Courts Martial could either be matured into certainty or 'set at naught'. If that principle alone was insufficient, Drummond asked what inference could be drawn if:

the principles of equity, implanted by nature into the hearts of all men, and recorded in the code of every civilized nation in the world, tell us with a loud voice, that no man should be tried by a Law enacted after the commission of the offences with which he stands charged...

1. North American, 27 November 1839. The existence of these petitions is corroborated by J. D. Borthwick, History of the Montreal Prison, pp. 87-88. All other quotations from the four petitions are from the 27 November issue of the North American.
were to be ignored in Lower Canada. Drummond's answer that if Colborne allowed the executions to proceed, and Cardinal and Duquette raised from the status of obscure offenders into martyrs, was prophetic. He stated that he was not appealing to Colborne's 'feelings of humanity' but merely asking for justice.

Given the emotions of December 1838, these pleas for clemency and common sense were fated to fail. Colborne had already written to the Colonial Secretary, Glenelg, boasting that the Court Martial was 'the only tribunal which, in the deplorable state of this province, can be relied on to dispense impartial justice between the Crown and the subject'. With those brave words on their way to England, he could not afford to listen to his 'feelings of humanity' nor to the highly abstract legal arguments disputing the right of the Special Council to legislate the jurisdiction of the Courts Martial over civilians. Cardinal and Duquette spent their last day with their wife and mother, respectively. Cure Labelle of Chateauguay rendered what solace he could and prepared them for death. On Friday with their ten comrades, they rose early and celebrated mass. With the exception of Thérien and Lesiègue dit Laviolette, the other communicants fully expected that they would be following Cardinal and Duquette — probably a week later. Shortly before eleven o'clock, accompanied by officials

1. Cited by J. Schull, Rebellion, pp. 181-182. This is not strictly true because it is indubitable that a jury of English citizens could have been found. The verdicts from such a jury would have been substantially the same as those handed down by the military Judges. It would have been highly probable also that a racially mixed jury — composed of English and moderate to conservative Canadiens — would have handed down much the same verdicts, although a moderate such as John Neilson would probably have found Ducharme's case not proven.

2. Lesiègue dit Laviolette, although acquitted, was not released from Gaol until March 1839: J. D. Borthwick, History of the Montreal Prison, p. 130.
of the gaol and their priests, they marched to the scaffold.\(^1\) The huge crowd outside waited in vain for a last-minute address from the condemned. Cardinal died quickly and quietly, but young Duquette rent the air with his screams when the hangman bungled his execution and his face smashed against the gibbet. Some one in the crowd quickly called out for a pardon,\(^2\) but after some time the hangman adjusted the rope and dropped Duquette to his doom.

Ducharme and his companions remained locked, two by two, in their isolated cells for thirty-three days. In the bitter winter, they slept on bare floors covered with only one blanket.\(^3\) After that time, they were allowed to open the doors of their cells between ten and four o'clock each day. Lesiège dit Laviolette solaced his condemned friends by cooking the scanty rations in the passageway, varying the diet as best he could. Mental suffering was extreme and had to be endured stoically. Some, being escorted on their way to trial, were forced to walk under Bronson's scaffold, decorated with the stiff corpses of former friends and had to listen to the taunts of Volunteers that they should be soon like their comrades. Not only the Volunteers humiliated the accused. Prieur reported that some of the British army officers who were his judges, amused themselves during the trial by drawing caricatures of 'des bonhommes pendus à des gibets' and passing these insults along the bench.\(^4\) For many, the worst suffering was inflicted

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1. The executions have been dealt with in detail elsewhere, for French Canada could not forget nor forgive them. Lepailleur, in 1888, stated he would remember them as long as he lived (Montreal Star, 15 December, 1888). The most graphic, recent treatment has been given by Joseph Schull, Rebellion, pp. 181-87.
4. P. -X. Prieur, Notes d'un condamné, p. 120.
once their parents and families were allowed to visit the condemned/accused patriotes. Several wives, mothers and sisters fainted. After thirty years, Prieur recalled that the visits of his parents were 'la plus grand angoisse qu'il m'a été donné d'endurer dans le cours d'une existence qui n'en a pas manqué'. The uncertainty about who was to hang caused many to resign themselves again and again to death and then permit themselves to hope. They were forced to watch the executions of those who were selected for the gibbet, beginning with the sight of their comrades being manacled in their presence, and led by the hangman with halters round their necks. As formal notification of the Governor's will was made only a day or so before it was realized, the condemned men by necessity, relied on rumour. It was not until June that they heard through this source that they had been reprieved.

By February the English thirst for Canadien blood was abating. In England, repugnance for the spectacles in Lower Canada was mounting, and Colborne ordered no more after twelve rebels had died on the gibbet. No matter how much Colborne claimed that the Courts Martial and executions were just, the question remained. How impartial had the authorities been in the dispensation of 'justice' between Crown and Canadien subject?

Ruskin once postulated that the best understanding of a nation could be achieved through a study of the books of its deeds and words. Many Canadiens, given the aftermath of the 1838 Rebellion, disputed

1. Ibid.
2. Prieur remained bitter towards Colborne: '...les moments de notre existence appartenaient au bon plaisir de Sir John Colborne, voilà tout ce que nous savions'. Ibid., p. 125.
3. See for example, Ibid., p. 133.
Colborne's boast. Some used the Courts Martial and the subsequent punishment to prove their point. In the third Court Martial a young man named Guillaume Levesque headed the list of the accused. He had been named by Brien as having access to the inner patriote circles in Montreal and had occupied a position of leadership at Napierville. Unlike his fellow accused, Levesque pleaded Guilty and placed himself at 'the discretion of the Court'. He had been motivated, he claimed, by a 'generous, though mistaken enthusiasm' and offered the British officer-judges evidence of his character, previous prospects, the standing and position of his family. Like Duquette he was a minor, with a widowed mother. The Sheriff of Montreal, his employer, testified on his behalf as did Mr Justice Jean Roch Rolland and the Hon. Pierre de Rocheblave. Unlike Duquette and another minor who was hanged (the habitant lad of eighteen, François-Xavier Hamelin), Levesque was 'related to some of the most respectable families in the country', and although found guilty, was spared their fate. Another case cited - notably by François-Xavier Prieur - was that of James Perrigo. Perrigo was the co-leader with Joseph Dumouchelle in Ste-Martine and at Camp Baker, and ordered to be tried before the fifth Court Martial, together with Dumouchelle, Prieur, Brien and the other Beauharnois leaders. Prieur believed that when Perrigo entered the court room he gave the Masons' sign of distress to the judges. The record of the Court Martial noted merely that:

The Judge Advocates declare that they will not proceed to the trial of James Perrigo, on the charge now before the Court. The said James Perrigo is accordingly remanded and withdrawn from the Court.

1. For example, even after François-Xavier Prieur was appointed Superintendent of Canadian prisons in 1875, he still claimed that James Perrigo had circumvented the justice meted out to Canadiens. See below.
4. F.-X. Prieur, Notes d'un condamné, p. 117.
Perrigo came before the Court Martial judges again - this time in the eighth trial. Witnesses for the Crown showed that he had in fact been a leader in Ste-Martine and at Camp Baker. When the Judge Advocate summed up, he said that Joseph Dumouchelle had given way 'to what Perrigo said' and all other rebels 'seemed to be in obedience' to the merchant-doctor. He then stated that he found nothing in the defence which Perrigo had produced 'to invalidate or even shake' the case made by the prosecution, and concluded that 'there remains enough on record to ground the belief that Perrigo was a participator, and a leading one, in the plans and movements of the rebels, acting simultaneously, and in concert' at Baker's Camp and at St-Clément. Despite this strong summary by their own Judge Advocate, the soldier-judges found Perrigo not guilty. He was discharged from the Montreal gaol on 2 April 1839.

Fifty years later, Prieur remained convinced that the extra-judicial plea of a Masonic hand signal of distress had intervened in the 'impartial' administration of justice.

The Court Martials were political trials. The punishments meted out after the sentences given by the judges were directed not by any feeling for equality under the law, nor for the degree of guilt shown to have been proved. In fact, Colborne carefully unbandaged the eyes of justice. Of the twelve men who were hanged, three were minors. Duquette had the misfortune to be an educated Canadien. The lad Hamelin had taken part in the raid on Vitty's house in which Walker was killed. The third, Amable Daunais had been jailed for the murder of Chartrand, stood his trial, and was found innocent by a jury. Probably at least

1. Ibid., Vol. II, p. 283.
2. Ibid., p. 285.
Plate 8 - Execution of rebels in front of the Montreal gaol by H. Julien.
eight of the executed Canadiens were educated men. Many English demanded the hangings in order to 'dis-abuse the French Canadian people in regard to the delusions practised upon them by their leaders' and to overcome the 'hopelessness of reclaiming an educated man who has indulged in the positive contemplation of treason and plunder'. Of the eleven Canadiens who were hanged, three were notaries, one a law student, another a bailiff, five were farmers and one a schoolteacher. Two of the farmers were the Sanguinet brothers whose father had been dispossessed of the seigneury of La Salle after a legal case. The schoolteacher was François Nicolas. His zeal in the Rebellion of 1838 was so evident that he was taken prisoner by Defaillette, along with Robert Nelson. However, when released he fought bravely at Napierville. When Nicolas was admitted to the Montreal gaol, his commitment orders did not mention Napierville nor Odelltown. The Keeper of the Montreal Common Gaol was commanded to receive François Nicolas 'the murderer of Chartrand'. Nicolas had been very active and had been charged by the Crown as being the principal killer of the Canadien spy. The jury's acquittal of Nicolas and Daunais was considered unforgivable by the authorities, and after their capture after the second rebellion, it was almost inevitable that they should be hanged. When Colborne informed Glenelg of their deaths, he described them both as 'notoriously bad characters' and reminded the Colonial Secretary that it should be remembered:

1. Cardinal, DeCoigne, DeLorimier, Duquette, Narbonne, Nicolas, Sanguinet A, Sanguinet C. The North American published biographies of many of the executed men. See, for examples, issues of October 16 (Nicolas), August 28 (Daunais), June 19 (Hamelin), June 26 (Narbonne), May 29 (Ambroise Sanguinet), 5 June (Charles Sanguinet) 1839.


that Nicolas was the principal and Daunais the second only in guilt of those who wantonly murdered the unfortunate Chartrand in 1837, on account of his loyalty, and who were subsequently acquitted in defiance of the most incontrovertible evidence.¹

Of all the executed Canadiens, the man who caused the greatest anguish was the notary, Chevalier (Francois-Thomas) DeLorimier. The scion of a noble family,² he was kin to two of the participants in the first Court Martial: Lepailleur, and the Crown witness George Delorimier of Caughnawaga.³ Chevalier DeLorimier had participated actively in the 1837 Rebellion, and during the second had been the guide at Beauharnois where he was 'continually consulted and obeyed'.⁴ He was 'a man of Education and intelligence' whose standing in Society invested him with an influence which he had long and systematically abused in exciting the passions of his ignorant and credulous fellow-Countrymen.⁵

Colborne had decided that his execution was of prime importance for the security of the province because no doubt could be 'entertained of the inveteracy of his principles, or the necessity of his example'.⁶ DeLorimier was the last men to drop from Mr Bronson's gallows.

2. DeLorimier's grandmother was Marguerite Bleury de Sabrevois and his father the Sieur de Verneuil. Information supplied by Roland Auger, génialogiste de Archives nationales du Québec, 23 June, 1976.
3. His great-grandfather, Guillaume, Chevallier de Saint-Louis had married Louise LePailleur (daughter of a notary, Francois-Michel) 7 Jan. 1730.
5. Ibid.
6. Colborne's conviction as to DeLorimier's 'inveteracy' owed much to the confession of Henri Brien, whom the gaol officials - whether or not with conscious irony - had made DeLorimier's cellmate. As the hour for the notary's execution drew near, Brien's nerve cracked and he asked for a transfer. Prieur became the new occupant. Continued next page.
Undoubtedly, Colborne used the Courts Martial and the hangings as an object lesson for the habitants. When they refused to believe that 'les Anglais' had executed Cardinal and Duquette, he ordered the gallows removed to a more public place. After that, the watching crowds indicated the tensions within Lower Canada for 'very many wept' while 'others positively laughed at the awful spectacle'. As shown by the following table, the men chosen for death on the gibbet were not representative of all participants in the 1838 Rebellion. In fact, as shown by Table V, Colborne appeared to have used some objective criteria in choosing his victims. With the exception of Nicolas and Robert, all the men were under forty. Eight of the eleven (73%) were literate, and all, except young Hamelin, took a prominent part in the unrest before 1837, the 1837 Rebellion and the planning for the 1838 insurrection. The five farmers had all been involved in incidents which resulted in death - either Chartrand's or Walker's. Colborne's own words in a letter to Glenelg left no possibility for doubt as to his meaning. On 19th

DeLorimier seemingly possessed great charisma. His letters from the gaol became cherished possessions for many Canadiens and most were published (see, for example, North American, 7 August 1839). Prieur, who had the insensitivity to ask DeLorimier for a memento on the eve of the hanging, received a lock of hair and the following note: 'Vous me demandez un mot pour souvenir; cher ami, que voulez que je vous écrive, je pars pour l'échafaud. Soyez courageux et je meurs votre ami' (F.-X. Prieur, Notes d'un condamné, p. 131).

Another reason why DeLorimier inspired such emotion may be gained from a letter written to Colborne asking that his death be delayed for a few days while he settled the business affairs of his clients (North American, 24 June 1840).

In yet another letter, written at six o'clock on the morning of his execution, he wished Brien a long and happy life and thanked him for offering him consolation as the day of his hanging drew closer. He told Brien that he asked God to let Brien die happy and ordered Brien to tell his friends how he died - 'that if the gibbet did cut the thread of my life, it failed to abate my courage' (North American, Ibid.)


2. See Professor Ouellet's statistical profile, Table I(b) in the Introduction.
<table>
<thead>
<tr>
<th>Name</th>
<th>Occupation</th>
<th>Age</th>
<th>Interests</th>
<th>1837 Residence Area of Activity in 1838</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walker Kitting</td>
<td>Farmer</td>
<td>36</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walker Kitting</td>
<td>Farmer</td>
<td>38</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walker Kitting</td>
<td>Farmer</td>
<td>58</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Naperrettie/Wellington</td>
<td>Teacher</td>
<td>41</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Naperrettie/Wellington</td>
<td>Farmer</td>
<td>34</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Naperrettie/Chartrand</td>
<td>Farmer</td>
<td>18</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Naperrettie/Chartrand</td>
<td>Law Student</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Naperrettie/Chartrand</td>
<td>Notary</td>
<td>43</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Naperrettie/Chartrand</td>
<td>Notary</td>
<td>42</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Naperrettie/Chartrand</td>
<td>Farmer</td>
<td>20</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Naperrettie/Chartrand</td>
<td>Notary</td>
<td>30</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TABLE V - STATISTICAL BREAKDOWN OF THE EXECUTED CANADIENS.
February 1839, he wrote of the 'earnest and painful deliberations of
the Executive Council' to select prisoners 'whose noxious influence,
virulent activity and general dangerous character rendered them fit
examples to a community hitherto unhappily, but too ignorant of the
authority and power of the law'. The Executive Council had chosen six
final examples 'for the vindication of public justice': DeLorimier,
Toussaint Rochon, Hindenlang, Nicolas, Norbonne, Daunais. Happily for
Rochon, he was considered 'a habitant of no influence' and reserved
'for commutation of the Extreme penalty of the law'.\(^1\) Other exceptions
were made which indicate that Colborne's commutations were sometimes
arbitrary. Lepailleur and Jean-Louis Thibert were found equally guilty
with Cardinal and Duquette. Two days after their execution Lepailleur
heard that he was reprieved, and he believed he owed his life to the
supplication of his aunts, two cloistered nuns.\(^2\) Levesque's death pen-
alty was commuted, not only because of his age, but also through his
connection 'with Canadian Families of great respectability and known
loyalty'.\(^3\) Prieur claimed his commutation was a direct result of the
Ellice women on his behalf.\(^4\) The exception of Theophile Robert who had
been found by the judges equally guilty with those who hanged for their
complicity in the Walker killing was another example where extra-judicial
factors entered the administration of equal justice.

Colborne walked a difficult path during the months after the
insurrection. The English citizens, orchestrated by editor Adam Thom

\(^1\) Colborne to Glenelg, 19 February, op. cit., p. 215.
\(^2\) Montreal Star, 15 December 1888.
\(^3\) Colborne to Glenelg, 22 January 1839, M.G. 11, Vol. Q 257, p. 99,
underlining mine.
\(^4\) F.-X. Prieur, Notes d'un condamné, p. 123.
of the Montreal Herald as late as May 1839 still demanded blood. As far as Colborne was concerned his 'grand object' of warning the Canadien 'peasantry' had been achieved after the twelve executions. As he informed Glenelg:

The examples which have been thus far made for this Vindication of the outraged laws could not have been avoided without danger to this Province. They appear to me also to have been sufficient....

Downing Street received this news with relief. In reply Normanby wrote that he and his colleagues greeted the decision with 'high satisfaction' as it was:

gratifying to be able to dispense with a mode of punishment which can never be resorted to without reluctance.

Normanby felt confident that:

leniency, shown towards the great mass of the persons arrested for participation in the Rebellion will have a beneficial effect in attaching the lower classes of French Canadians to the Government of the Country, and in disabusing their minds of the false opinions which have been inculcated by designing and ill-affected persons.

Although Colborne thought the basic lesson had been learned, he still had the problem of the hundreds of Canadiens gracing his gaols. If he released them, it would outrage English sensibilities and it was quite certain that Downing Street would not accept more hangings.

It may have been decided before the Courts Martial first convened that some of the guilty would be transported from Lower Canada.

2. Normanby to Colborne, 27 March 1839, M.G. 11, Q 257, pp. 225-26, PAC.
first sentences had selected six for this punishment. By asking that these verdicts be altered, the Law Officers of Lower Canada may have been determining that a second transportation from the colony would not meet with the disallowance accorded the first—Durham's legislative exiling of eight men to Bermuda. Colborne raised the issue with Downing Street soon after he had subdued the insurrection and by the end of February 1839 was advising that the number of prisoners to be transported eventually would not exceed one hundred. By May, he informed Normanby that it only remained for him to 'select those individuals whose guilt and whose dangerous characters render it indispensable that they should be removed from the Colony'.

As the Governor of Lower Canada corresponded across an ocean and waited for a ship to arrive to bear away his refuse, spring came to the colony. It was particularly beautiful that year. Most Canadiens, however, could not appreciate its glories. Throughout the countryside south of Montreal, blackened skeletons of houses and barns dotted the landscape. Some habitants attempted to renew their links with the past by rebuilding their farm buildings and planting new crops. They were the fortunate. The others, many facing starvation because the torches of the Volunteers had destroyed their stores of food, relinquished their

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2. Colborne to Normanby, 5 May 1839, M.G.11, Vol. Q257, p. 29, PAC.

3. Edward Brown to William Coffin, 5 June 1839, E. 3677, ANQ.
traditional habitant life. Edward Henry Brown, a stipendiary magistrate at Chateauguay, wrote that many Canadien families in his area (Beauharnois-Chateauguay) had to 'leave their farms ... in search of labour and food either in the United States or in the less disturbed Counties of their own Country, where they must remain until the new potatoes are fit to eat'.\(^1\) Brown told of the tensions which continued unabated in the two seigneuries between English and Canadiens. Both expected that those who had fled to the United States were preparing another invasion. Many English settlements mounted a nightly guard and Brown complained that 'False reports are industriously circulated and generally believed'. A Canadien wedding had been 'converted by common report into secret meetings for the purposes of training' and that he found himself obliged to attend the celebrations to allay the fears of the English.\(^2\) In another letter he wrote that the priests found it difficult to communicate with their parishioners.\(^3\) Suspicion and sullenness dominated the region.

The beauty of the 1839 spring passed unappreciated by the prisoners in the Montreal prison also. As the rumours flew and tension became sometimes unbearable, the Church provided a solace. Bishop Lartigue, who had refused the dead from the rebellion in 1837 space in the parish churchyards, now visited those under the extreme sentence in the gaol, giving consolation.\(^4\)

---

1. Edward Brown to Major Goldie, 21 June 1839, E. 3679, ANQ. It is important to note that self-sufficient farmers now became day labourers. The Volunteers' torches probably began the largest flow into the Canadien proletariat.

2. Ibid.


Rumour whispered in June that the condemned men had been reprieved. But consolation could not withhold from them the reports of the widespread distress in the parishes. Some, optimistically, continued paying their cens et renis: for example François Bigonnesse dit Beaucaire and Joseph-Jacques Hébert of De Léry. All of them must have thought and feared very deeply after an article was published in the Montreal Herald championing a fate worse than death for the Canadiens:

The punishment of the leaders ... would not make so deep and so useful an impression on the people as the sight of strange farmers settled on the land of each agitator in each Parish. The sight of the widow and orphan hawking their wretchedness around those wealthy houses of which they should be dispossessed would have a good effect.²

Besides the vacillation between hope and resignation, the agony as some wives and children subsisted on charity, the bitterness of defeat eroded the spirits of the condemned. Some slipped into a fantasy world where they had succeeded in the rebellion and established an independent 'nation canadienne'. Others imagined their executed friends were alive still. As the tension grew in the summer months with the heat and humidity and the lack of information as to their destiny, they found out that the previously intimate friend of some of them, Brien, was an informer. The news of his pardon circulated rapidly. Only the intervention of one of the most respected prisoners, the elderly riverboat captain, Pierre-Hector Morin, saved many from being charged with Brien's murder. The outraged patriotes had to content themselves with sending him to Coventry.³ Some of the prisoners turned to alcohol for relief. Others were so horrified by this that they asked the Assistant Gaoler to forbid the entrance of strong liquor into the

---

3. This and the preceding information was gleaned from Ducharme's letter, North American, 29 January 1840.
For fifty-eight prisoners the uncertainty about their fate came to an end at three o'clock, 25 September 1839 when they heard they would be transported to a penal colony the next day. The price of their lives was high - their possessions were confiscated and sold with the proceeds going to the government. With less than twenty-four hours notice, some tried to set what remained of their affairs in order. Lepailleur wrote to his 'Friends and Protectors' thanking them for their solace during his imprisonment, and apologising that time prevented him from addressing each individually, and asking his countrymen to continue their succour because he was leaving:

... a wife in tears - feeble, without resources! - poor woman. Children too young to remember their father - without education; ... Poor orphans! you will break my heart! Who will watch over you! Who will give you bread, and education! ... my countrymen, protect the defenceless ..."  

Lepailleur was able to farewell his wife in person. Léandre Ducharme had not seen his aged mother since he had been imprisoned as she was unable to make the journey to Montreal. On the eve of his departure to Australia, he spent more than seven hours writing a letter to her. Angry, because he could not say good-bye in person, or even inform her of his destination, Ducharme poured out his heart. He imagined he was clasped in his mother's arms and she was telling him that although he had suffered for their beloved country, their 'enemies are returned to that dust from which they sprang'. He told her that it seemed to him sometimes that Lower Canada was free, but the 'illusion suddenly disappears, and nothing is before my eyes but the bare walls

of my damp and dreary dungeon, and the wretched straw-bed, on which I try sometimes to bury my misfortunes in slumber'. As he was writing he could hear the calls of the sentries which brought his mind back to the 'sad reality' of his country's fate. He comforted his mother, bade her courage, warned her of Brien and commended Levesque and Captain Morin to her prayers. ¹

Midnight passed, Ducharme finished his letter and prepared for sleep. He would leave the next day for Australia, thousands of miles from everything he held dear. But Ducharme went to sleep strong in the belief that he suffered for his dear country, for liberty, and that when duty called he had answered.

¹. This extraordinary letter, which obviously was not written for publication, reveals more of the man Ducharme than the book which was written after his return. Captain Morin, from the letter, assumed the role of father to the young prisoners and one of Ducharme's consolations was that Morin had been selected to travel to exile with them.
CHAPTER 6

'sur le chemin de l'exil'*

* Basile Roy, 27 September 1839.
CHAPTER 6

'sur le chemin de l'exil'

Basile Roy was born in 1798. Before the outbreak of rebellion in Beauharnois, he was an established member of the parish of St-Clement, farming two concessions which totalled approximately 114 arpents. He had brown hair, bluish eyes, a sallow complexion and stood five feet eight inches high, with a scar over his left eyebrow and an inward cast in his right eye. He lived on one of his lands with his wife and five sons, and farmed the other concession in cooperation with a relative, Antoine Roy.

On the night of 3 November 1838, chasseurs invited him to take part in their 'hunt'. Basile Roy, unwillingly, left his pregnant wife but sometime that night had second thoughts and returned home - thus not participating in the attack of the Ellice manor house and the capture of its occupants. When he went to mass the next morning, he took his gun with him, and, according to his deposition, was seized by the patriotes. He remained with them until the following Saturday. During that time he was given a sword by Toussaint Rochon and did two spells of night


2. Ibid.

3. 'Statement of Confiscations'. As Roy's land abutted on to a river, the measurements must of necessity be approximate.

4. Roy's deposition (E. 2221) states he had five children, but the Convict Indent lists six boys. Presumably the sixth child was born between 26 November 1838 (date of deposition) and 25 September 1839 (date of departure from Montreal).
sentry duty. 1 Captured on the fifteenth, he was first imprisoned in the common gaol of Montreal, then apparently considered a very minor offender and discharged. But sometime in 1839, the authorities decided he should stand trial. He was re-admitted to the New Gaol, placed in the wing occupied by the Beauharnois-Châteauguay patriotes, tried between 25 March and 4 April, found guilty and sentenced to death. After he heard the terms of his conditional pardon in June, the illiterate Roy instigated a court action to prevent the forced sale of his land. 2 As summer came to an end, Basile Roy, the condemned men and the whole Canadien community wondered what the effect of the commutations would be. Rumours of transportation were prevalent, but most believed that leniency would be the official policy. 3 Disillusion came late in September when relatives and friends heard that fifty-eight men would be sent to Australia. Messengers hurried to the parishes, and families (after trying to imagine what their men would need in the Antipodes) hastened to Montreal, some bringing clothes and chests.

Basile Roy was called to the Gaoler's Office on 25 September 1839, and informed he would leave for exile the next day. He asked where he was being sent, and unlike Ducharme and others, was told New South Wales. Roy was more fortunate than Ducharme in another way, for his wife was with him when he heard of his transportation, and he was able to both

1. Deposition of Basile Roy, 26 November 1838, E. 2221. This deposition is the only indication of Roy's activity as records of his trial, the thirteenth Court Martial, were not kept in detail.

2. 'Statement of Confiscations'. Roy's action was not unique. Many tried, unsuccessfully, to thwart the sales through court action.

3. See for example, L'Aurore des Canadas which 'always indulged in the hope that one day or another it would be ... their lot to announce measures of leniency'. Cited, North American, 16 October, 1839.
give and receive consolation. The next morning, Madame Roy and a host of other relatives invaded the gaol bringing provisions to help the men in their exile - French-English dictionaries and books of varying descriptions, many Bibles and prayer books, clothes, writing papers and ink powder, and small supplies of money. Some had managed to procure references for the prisoners. Charles Greece, an advocate in Montreal, for example, certified that the Dumouchelle brothers were prosperous, law-abiding men before the Rebellion, with relatives in the church and Legislative Assembly. Greece tried to identify himself to the New South Wales authorities by saying that a certain officer in the Indian Army could vouch for him! These letters and the other valuables were carefully packed away in chests for the men to take.

While the packing was being done, some prisoners tried to discharge their responsibilities as head of families by giving last minute advice. For example, Joseph Dumouchelle forbade his sons to marry unless they received his consent from Australia. 1 But a sudden clatter of irons silenced all and at one o'clock the families were sent away, and officials chained the prisoners together in pairs.

Handcuffed to his uncle, Charles Roy dit Lapensée, Basile Roy marched, with the others, for a final inspection in the courtyard. Some of the wardens and turnkeys were visibly moved and wished the Canadiens courage. Those whose wives and children had not heard of the departure in time to visit the gaol that morning, searched the grounds for a possible glimpse of a loved one's face. The officials could not wait for

1. This restriction was not heeded. Joseph's sons Joseph and Hubert married in 1841 and 1842 respectively.
tardy relatives, and flanked by a strong escort of cavalry, the convicts began to march through the crowded streets to the wharf. Occasionally there was a shout of recognition and a child would be hurriedly hoisted above the others for a 'last' view of a father, uncle or grandfather. Some tried for a final embrace, but the soldiers stolidly repulsed any such attempt. The crowd was anything but unemotional - 'C'étaient des cris, des larmes, des adieux déchirants jetés à travers les rangs des soldats'.

There were few dry eyes, and more crowds at the wharf. Basile Roy caught sight of his wife there and heard her wish him courage. Then with his uncle, he was bundled aboard a waiting steamer with the fitting name of British America, which left at top speed once the prisoners were below decks. After Montreal was far behind, the chains were taken off, and when the Richilieu River was reached, the steamer dropped anchor. As another steamboat bringing rebels from Upper Canada was awaited, bread and ham were distributed. Few ate for the thoughts of their families left behind drove hunger from most minds. Once Quebec City was reached, the prisoners were chained again for their transfer to the waiting British naval vessel, the H.M.S. Buffalo. There was time for a long, last look at the glorious countryside, now in the splendour

1. F.-X. Prieur, Notes d'un condamné, p. 146.

2. The Montreal Herald, 27 September 1839, reported that 'the parting scene between the convicts and their relatives, was distressing in the extreme, and caused tears to flow from all eyes which witnessed it'.

3. Eighty-three rebels were transported from Upper Canada, and of these, seventy-eight were Americans. Three criminals were banished also - one of these, a bankrupt subsequently kept in touch with the Canadiens after his arrival in Sydney. For information on the Upper Canadian transportation see M.G. Milne, 'North American Political Prisoners', B.A. Hons. thesis, Dept. of History, University of Tasmania; Mary Milne McRae, 'Yankees from King Arthur's Court: A Brief Study of North American Political Prisoners transported from Canada to Van Diemen's Land, 1839-40', Tasmanian Historical Research Association, Papers and Proceedings, Vol. XIX (1972); George Mackaness, 'Exiles from Canada', Journal of the Royal Australian Historical Association, Papers and Proceedings, Vol. L (1965); Ernest Scott, 'The Canadian and United States Transferred Prisoners of 1839', JRAHS, Vol. XXI (1936), pp. 27-44; Edwin C. Guillet, The Lives and Times of the Patriots, Don Mills 1938.
of autumn, then the patriotes passed through a small hatchway to their quarters. Most of the men had expected confinement in some sort of room and therefore the sight of a 'cache bien noire'\(^1\) horrified them. The Buffalo's anchor was raised early the next morning, and the listening convicts below heard the sounds of disciplined activity and then felt the boat begin to move. Most remembered their loved ones, and wept.

The sailing of the H.M.S. Buffalo provoked an outburst of almost unprecedented and unequalled intensity in Lower Canada and the neighbouring American states. To some extent the deaths of Cardinal, DeLorimier and the other ten men had been a clean wound which time was healing. But no amount of scar tissue could, or would be allowed to, bind the incision made by the exiling of respected family men to a distant land peopled by 'felons'. Most had believed that the confiscation and sale of the properties of the condemned men added to the twelve lives would have been all that Colborne and the British authorities would exact. The North American, for example, had expected leniency and reported the departure from Quebec City to the 'British Siberia' in the following manner:

On their arrival at that port they were all stript naked, scrubbed and mopped, their heads shaved as smooth as an apple, their clothes bundled up and tossed overboard into the St. Lawrence, and replaced with canvas or duc [sic] shirts and trowsers [sic], coarse grey roundabouts, and oil-skin caps to cover their baldness.\(^2\)

The Buffalo was referred to as a 'slave' ship and the distress of Quebec City's farewell to the patriotes detailed and the North American claimed that the tears of the wives who had contrived to farewell their husbands from the Montreal prison's courtyard, provoked even the Hussars to tears

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2. North American, 23 October 1839. This account was repeated in other newspapers, but none of the four Canadien commentators (Roy, Lepailleur, Ducharme and Prieur) reported this occurrence.
'for the fate of persecuted innocence'. Another newspaper thought the convicts kept their composure until the 'CONVICT DRESS was put on them and THEIR HEADS SHAVED', after which 'they felt the degraded state to which they had brought themselves'. Taking exception to this, the North American described the patriotes on board the Buffalo as 'men of whom traits of heroic bravery and moral honesty are reported', and that amongst the convicts were 'men belonging to noted families' who had held 'a respectable rank in society'.

Who were the Canadiens whom Colborne had selected for banishment to Botany Bay? Were they heroes or 'dupes of designing men'? As illustrated by the following tables, the convicts from Lower Canada were predominantly married men with families:

**TABLE VI - FAMILY STATUS OF THE CANADIEN CONVICTS**

(a) - Marital Status

<table>
<thead>
<tr>
<th>Status</th>
<th>No.</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bachelor</td>
<td>12</td>
<td>21</td>
</tr>
<tr>
<td>Married</td>
<td>42</td>
<td>75</td>
</tr>
<tr>
<td>Widowed</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td><strong>TOTALS:</strong></td>
<td><strong>56</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

(b) - Distribution of Offspring of Married and Widowed Transported Canadiens

<table>
<thead>
<tr>
<th>Total No. of Children</th>
<th>No. of Convicts</th>
<th>% of Total Canadien Convicts</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>1-3</td>
<td>17</td>
<td>39</td>
</tr>
<tr>
<td>4-6</td>
<td>14</td>
<td>32</td>
</tr>
<tr>
<td>7-12</td>
<td>11</td>
<td>25</td>
</tr>
<tr>
<td><strong>TOTALS:</strong></td>
<td><strong>44</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

SOURCE: Appendix I.

1. The Burlington, Le Patriote Canadien, cited by North American, 16 October 1839. The editor of the Burlington paper was Ludger Duvernay, former editor of La Minerve. (See next page).
As shown by Table VI (c) below, three-quarters of the Canadiens were aged thirty or more:

(c) - Age Structure of the Canadiens, March 1840.

<table>
<thead>
<tr>
<th>Age Category</th>
<th>Number</th>
<th>% of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>20-29</td>
<td>14</td>
<td>25</td>
</tr>
<tr>
<td>30-39</td>
<td>16</td>
<td>28</td>
</tr>
<tr>
<td>40-49</td>
<td>20</td>
<td>36</td>
</tr>
<tr>
<td>50-59</td>
<td>6</td>
<td>11</td>
</tr>
<tr>
<td>TOTALS:</td>
<td>56</td>
<td>100%</td>
</tr>
</tbody>
</table>

SOURCE: Appendix I.

In the Canadien society, children without fathers were regarded as orphans, and as shown previously by Joseph Dumouchelle's concern as to the possibilities of his sons marrying without his knowledge and consent, most of the Canadiens were leaving their homes and families at a time when they would normally have been expected to be making the crucial decisions governing the rest of their lives. The North American was influenced by this factor and reported that the 'she King' (Victoria) was depriving '47 women and 184 children' [sic] from their 'support' and pronounced that 'Such are the tender feelings of a young English girl of nineteen'. In fact, forty-two wives were deprived of their spouse and a total of 202 children left fatherless. The ages of the Canadiens in the prison quarters of the Buffalo ranged from fifty-nine (Jacques Longtin) to a mere twenty (Désiré Bourbonnais).

2. The Mercury, cited by the North American, Ibid.
3. Ibid.
5. Dr Samuel Newcomb, from Chateauguay, was older, being sixty-five. Newcomb was also seriously ill when transported, suffering from a chest complaint.
As revealed by Table VII (overleaf), Colborne made arbitrary decisions when selecting the men to be transported. There was no consistent criteria applied. The majority of men on their way to New South Wales were from Beauharnois - not Napierville where the Republic had been proclaimed and thousands had massed in arms. Given that the Courts Martial had handed down uniform verdicts of death to the men they found guilty,¹ it should have followed that implementation of the sentences would also have been uniform. This was not the case. The young Guillaume Levesque, from a family with high social connections, was allowed a bail of $10,000 and released from imprisonment on the condition that he live more than six hundred miles from the colony.² Bourbonnais, as young as Levesque, had been a courier between Chateauguay and St-Clément during the rebellion, had also escorted the prisoners from the Brougham to Provost's inn and gone to Camp Baker with the others. He was not a leader. Levesque had been exempted from execution by Colborne because of the past loyalty of his family. There was no record of treason in Bourbonnais's family and the young blacksmith's complicity in the rebellion was far less than John Belestre M'Donnell, whose Montreal offices had been the headquarters for Frères Chasseurs' operations in Lower Canada. Yet M'Donnell sat in the gaol on the day Bourbonnais left for Australia. A more substantial clue to Colborne's choosing is offered by the land holding statistics of the transported patriotes. As already shown by Table II,³ more than three-quarters of the Beauharnois tenants farmed holdings which were less than one hundred arpents. Yet, the average concession of the transported censitaires from that seigneur

1. Some though, such as Huot, were recommended for clemency.
3. Chapter 1, p. 37.
TABLE VII - OCCUPATIONAL AND SEIGNEURAL PROFILE OF THE

<table>
<thead>
<tr>
<th>Source: Appendix I</th>
<th>56</th>
<th>15</th>
<th>8</th>
<th>5</th>
<th>939</th>
<th>28</th>
<th>TOTALS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Others</td>
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<td>St-Hyacinthe:</td>
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<td>Chatenague</td>
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<td></td>
<td>TOTAL</td>
<td>Shopkeepers/Artisans</td>
<td>Merchants/Professionnals</td>
<td>Laboueurs</td>
<td>Farm Holding</td>
<td>Average</td>
<td>Peers/Consultatet</td>
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was 127 arpents. In St-Cyprien (De Léry) 92% of the farmers had land
which was less than one hundred arpents in size. The average holdings
of the ten men transported from that seigneury was one hundred arpents.
Obviously Colborne believed that by transporting the bigger landholders
in each area, a lesson would be more quickly taught to those who were
less substantial in the parishes. As the Montreal Herald had earlier
stated, the sight of the poverty of the women and children left behind,
fatherless and without financial resources, forced to rely on charity
in parishes in which they had once lived in substance, would have 'a
good effect' on any who were foolish enough to consider attempting another
rebellion.¹

As could be expected from such a closely-knit society as Lower
Canada, there were many ties between the patriotes on the Buffalo. Two
had been friends for more than thirty years – Captain Pierre-Hector
Morin and Charles Huot. Twenty-two of the Canadiens (39%) were closely
related, either fathers and sons, brothers, uncles and nephews or cousins.²
Two men were brothers-in-law: Toussaint Rochon and Joseph Roy dit Lapensée,
and Joseph Roy dit Lapensée's wedding had been witnessed by Jérémie
Rochon,³ who was also on the Buffalo. In addition, several men were
neighbours and some had worked for others.⁴ In all, at least twenty-nine
(52%) had a close relationship with a fellow convict before the 1838
Rebellion. But the men, sorrowing as their country slipped away were

¹ Cited by the North American, 24 July 1839.
² Jean-Louis and Jean-Marie Thibert; Edouard-Pascal, Jérémie, and Toussaint Rochon; Joseph and Louis Dumouchelle; Jacques and Joseph Goyette;
Basile Roy, Charles Roy dit Lapensée and Joseph Roy dit Lapensée; Jacques-David and Joseph-Jacques Hébert; David-Drossin and Hubert-Drossin Leblanc;
Achille and Pierre-Hector Morin; Jacques and Moyse Longtin; and Louis and Réné Pinsonnault.
³ See M.G.8, G. 3, Vol. 2, p. 704, PAC.
⁴ Gagon was employed by Prieur. Bigonnese, J.-D. Hébert and Marceau
were neighbours.
more than statistics, or even a means to teach their compatriots a lesson. Even though most were unable to read or write, their personalities had showed during the Courts Martial. Paré, for example, submitted the most ingenious plea in his defence - lunacy. Unfortunately for him, several doctors testified for the Crown that in fact he was more intelligent than five-sixths of his fellow Canadiens.¹ Twelve, including Prieur and Basile Roy, defended themselves by stating they had been coerced. The judges believed some - for example, Charles Huot - and recommended leniency. Nine defied the Court and said they had not been involved at all, and ten more declared that the Crown had not proved their guilt as per the specified charge. Joseph and Louis Dumouchelle recognised the reality of their position, admitted their culpability and asked for clemency. Some tried vainly to help their friends - Pierre-Hector Morin testified in Huot's favour and David Gagnon attempted to help Prieur win his defence of coercion. The most dramatic incident occurred during the thirteenth Court Martial when Charles Bergevin dit Langevin interrupted a Crown witness who was accusing a co-defendant of 'a grave offence'. Langevin shattered this testimony by declaring loudly, "it is myself who did that. I am unwilling that another person should suffer for my own deeds".² His thoughts as the Buffalo sailed from Quebec are unknown. Maybe like Ducharme he was consoling himself with the belief that he had done his duty for his beloved nation canadienne. One patriote proclaimed his views loudly. Achille Morin was happy to leave Lower Canada and could not conceive of a worse place.³


². North American, 16 October 1839.

³. This is extrapolated from Entry for 19 August 1840, Lepailleur Journal.
The young Morin began to change his mind on the Buffalo. The convicts' quarters were worse than the Montreal gaol. As illustrated by Symbol GG on the plan overleaf, the men slept in eighteen compartments, eight men to a cubicle, on either side of the ship. Within the compartment were two rows of sleeping-berths, one above the other. These berths conformed with the picture given in 1827 by the surgeon-superintendent of convict transports of standard convict accommodation. Peter Cunningham wrote that each berth of six feet square was 'calculated to hold four convicts' which allowed 'eighteen inches of space to sleep in' which, in his estimation, was 'ample space'.¹ Prieur violently disagreed with surgeon Cunningham's assessment, describing the compartments as 'difficile de s'introduire qu'il était difficile d'y trouver une position supportable',² and he found lumpy mattresses in the berths were infested with lice. The boxes or chests of the Canadiens separated the two rows of sleeping berths and effectively segregated most of the Americans from the Lower Canadians. Communication between the two halves was guarded by an armed sentry and a barred hatchway (Symbols B and C, Figure 4). A narrow space of three feet between the chests and the berths not only served as a passage way but also as a common room, and the only seating was a bench (Symbol FF) running the length of the quarters. In this cramped space, the headroom was approximately five feet. There was only one exit (Symbol A) to the decks above. Not surprisingly, after a few days, most Canadiens ardently wished for their Montreal prison.

For eating purposes, the men were divided into messes of twelve to receive their rations. Although Cunningham had claimed that convict

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². F.-X. Prieur, Notes d'un condamné, p. 148.
PLAN OF THE 'BUFFALO'

EXPLANATION OF THE DIAGRAM

(a) HATCHWAY, CONTAINING THE COMPANION WAY
(b) HATCHWAY, WITH IRON GRILLE, GUARDED BY A SENTRY.
(c) ANOTHER BARRED HATCHWAY, ALSO GUARDED BY A SENTRY.
(d) WALL OF BOXES AND PACKING CASES.
(ef) PASSAGE WAY AND COMMON ROOM.
(ff) BENCH.
(gg) COMPARTMENTS DIVIDED INTO TWO, ONE ABOVE THE OTHER, EACH ONE
BEING USED AS BEDS FOR EIGHT CONVICTS.

Figure 4 - Plan of the area on the Buffalo reserved for convicts.
rations were 'good and abundant' and certainly 'more than is requisite to keep them in health, as they have no work to do', the Canadiens grumbled about the quality, quantity and taste. Breakfast consisted of oatmeal porridge; lunch was either a half-pint of pea soup, a quarter-pound of pork and a few biscuits, or alternatively, three quarters of a pound of salted beef, a portion of suet pudding and biscuits. In the evening, tea or cocoa was issued. Basile Roy thought the soup could not properly be described as pea soup, as it was merely 'des pois boulie a leau seulment, poin sallé, dous com de larbe & epais comme du mortié' and described the salted beef as 'com du bois...si vieux quil étais petrifie par le sel'. As for the amount rationed to each convict, to Roy it was a 'mesure bien faible' prepared by a 'Cock étais fait avec la plus grand malpropreté'. To assuage the thirst created and re-inforced by these salty rations one pint of water per convict was allocated - even when passing through the torrid zone. Few Canadiens had realised in Lower Canada that they would need to supply their own eating utensils. Consequently some who had prided themselves on their respectability, found themselves either waiting for the use of a rare knife or fork, or eating with their bare hands. Biscuits were used as shovels, and most messes had only one cup between the twelve men. Basile Roy's cutlery had been confiscated on embarkation and he was especially bitter about eating 'comme les cauchon'. Some of the craftsmen wanted to carve themselves utensils but were forbidden to do so - a ban that most thought prompted by malice.


2. Entry for 26 November 1839, Roy Journal. The Canadiens were unanimous in their opinion of the food. The Americans thought it similar to their fare in Toronto - "'rather small and not many of them [sic]'", Samuel Snow, The Exile's Return, Cleveland 1846, p. 8.

Although the Canadiens complained about their conditions, they were fortunate their voyage was made on a British naval vessel towards the end of the transportation period. Earlier convicts would have cheerfully borne the voyage on the Buffalo. The unfortunates who sailed in the First Fleet owed their survival to the first Governor of New South Wales, Captain Arthur Phillip, rather than the planning of the British Government. Phillip, a conscientious organiser, criticised the authorities who treated his expedition to the Antipodes as one to North America, and he made sure that his ships were equipped with sufficient supplies of anti-scorbutics, for example, and that efforts were made to keep the air below decks as pure as possible. However, that first voyage was the only one Phillip superintended, and hellish conditions were frequently endured by the criminals transported between 1790 and 1815. On some ships during that period, the survival rate of convicts was less than six in ten.\textsuperscript{1} After 1820 conditions improved so much that they were more favourable than those existing at the same time in ships bringing emigrants to North America.\textsuperscript{2} Therefore, at the beginning of the voyage of the Buffalo, the Canadiens' complaints were those of men who had led sheltered lives and, unlike the criminal poor from Britain, had known little deprivation of food and exercise.

For the first few weeks, they were allowed two hours on the main deck of the ship, a welcome relief from their quarters between-decks.

\footnote{1}{See Charles Bateson, \textit{The Convict Ships 1787-1868}, Glasgow 1959, p.253.}
\footnote{2}{When compared with the statistics showing death by disease prevalent in the navy and on the ships carrying Irish emigrants, the convict mortality rates during the later transportation era are astounding. Dr Robson found that an average of 1.8 prisoners died on the voyage to Australia (\textit{Convict Settlers}, p. 8), and Professor A.G.L. Shaw concluded that 'the overall death-rate from disease...was one for every sixty-eight men and eighty-four women carried' (\textit{Convicts and the Colonies}, London 1966, p. 116). The navy boasted a mortality rate from disease of one in thirty and the emigrant ships an appalling one in ten.}
One day they clustered around the sides of the ship, counting more than two hundred whales, and another time the sceptical habitants were confounded by the sight of a school of flying fish. But six days out of Quebec City, a violent storm whipped the Atlantic into prodigious waves, making the Buffalo pitch and toss. The prisoners quickly succumbed to sea-sickness. Even though violently ill, they were forbidden to lie down during the day. Some - presumably the worst sufferers - were tied to solid objects to help them support themselves, but others were tossed from port to starboard and continually collided with each other. During the week that this storm dictated life on the Buffalo, even those who were well were denied their exercise period above deck. The few who remained well, occupied themselves by helping their compatriots: supporting them as best they could; picking the sick up when they fell; putting them to bed and getting them up in the mornings; cleaning up their vomit and scrubbing the footpath near the berths which had been 'rendu humide, glissant et fetide par les vomissements'.

After the storm abated, trouble struck quickly again. Just as the ill were recovering, the exercise period had been resumed, and the quarters scrubbed out in an effort to purify the air, the prisoners were surprised one day by sudden movement on the deck above and the sound of firearms being checked. Then a number of armed soldiers invaded their ship-prison and without a word of explanation, ordered them to give up the keys to their chests and boxes, took them to a small space about twenty-five feet square, left some heavily armed guards and then locked the door. Neither the Americans nor the Canadiens could understand the reason for this close confinement, and the astonished men listened to

1. F.-X. Prieur, Notes d'un condamné, p. 152.
sounds of tearing, wrenching and shouting as their belongings were ripped open and tumbled in a heap on the floor. They could hear their sleeping compartments being minutely examined. After they had spent more than two hours conjectured on the madness of the British, they were released and ordered up to the main deck. New rules were read out. Their exercise period in future would be for only one hour and just twelve at a time would be allowed up on deck. The convicts were to be in bed at night by eight o'clock and absolute silence would have to be maintained. If nature called the prisoner had to identify himself and receive permission to leave from one of the armed sentries stationed along the passageway. The guards were ordered to shoot if this rule was disobeyed. The officer Niblett, announcing these restrictions, abused the prisoners calling them 'sons of bitches' and 'cut throats'.

When the befuddled men went between-decks again, they found their possessions strewn around, and their razors, scissors, pocket-knives and money confiscated. Still with no explanation regarding the reason, they were inspected nightly by officers after eight o'clock to make sure they were in their assigned beds and Ducharme, for one, thought these officers 'extrêmement prévenus contre nous et manifestèrent beaucoup de crainte'.

These restrictions, which would last until the Buffalo anchored in Port Jackson, had been occasioned by some idle talk among a couple of Americans. As the Buffalo sailed down the coast of the United States, they had observed how easy it would be to take the ship and run it into an American port as they numbered a navigator (presumably Pierre-Hector Morin) amongst their number. An informer (one of the criminals) over-

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1. Ibid., p. 153. This is not a translation. The English words are in the French text.
heard this conversation and reported it to the officers. It not only served to make the voyage almost intolerable, but indicated the extent of the fear amongst the British officials regarding the rebels.

In spite of the rules and shipboard conditions, the Canadiens attempted to maintain their ties with the homeland far behind them. On the first day of the voyage, even as they were being towed down the St Lawrence, with 'un commun accord, nous nous jetâmes à genoux et nous mimes à dire ensemble la prière du matin, pratique que nous avons fidèlement observée matin et soir tout le long du voyage'. That same day several men either wrote or dictated letters to their wives and families. Each time the Buffalo encountered another ship during the voyage, they petitioned the captain to despatch their letters. The constant negative answer was another indication that they should never forget their captivity for they were told that the crew was too busy to censor felons' mail. On Sundays, Lepailleur continued a practice instituted in the Montreal gaol by reading the mass. A number of the prisoners were very ill, for example the sixty-five year old Doctor Newcomb, and these the Canadiens, as they had no 'moyen matériel de les soulager', consoled and cherished. The prisoners from Upper Canada were much worse off than the Canadiens, for they had not had the relatives to supply them with some money to buy a few liberties and essentials in their exile, or to equip them with chests of clothes and a few personal belongings. Many were destitute and emaciated. They provoked the sympathy of the Canadiens,

2. F.-X. Prieur, Notes d'un condamné, p. 150.
3. Entry for 4 November 1839, Roy and Lepailleur Journals.
4. F.-X. Prieur, Notes d'un condamné, p. 159.
particularly as they had no deep religious faith to compensate them with hope for a future paradise, and when one died in October he was mourned.

Even though convicts' conditions had improved greatly after the 1810s, those encountered by the patriotes were still very bad. Their food came in extremely filthy containers. The exercise period became a mixed blessing for the Canadiens when they saw how these food buckets were supposedly cleaned, while the sea air whetted their appetites. The hour above deck in which they inhaled fresh air almost made the stench of their quarters unendurable on their return. After a period all of them were infested with lice. Since the 'mutiny' and the confiscation of their razors, they were forced to shave with salt water twice weekly, with instruments half-eaten away by rust. Mirrors were denied during this operation, and some returned from it crying and covered with blood. Other days, the ones in which they scrubbed and holystoned their quarters, were welcomed as they broke the tedium of the voyage.

As the Buffalo entered the tropics, conditions became even worse. The space between-decks was less than six feet, which meant that some, like Ignace-Gabriel Chévreuils who was taller than that height, could not stand upright. There was no direct light and the only air came through two scuttles fitted with a primitive canvas fan. The entrance/exit was barred. As the ship sailed through the equator, it encountered a heat wave and even the exercise period became intolerable as there was no shade. Rain from tropical storms fell into the longboats in which pigs and cattle were carried, and some enterprising sailors scooped it out and sold it to those whose money had been too well-hidden to be found during the 'mutiny' search. To Ducharme, even though it contained dung from the animals, it tasted 'comme du miel'.

Buffalo imprinted themselves on several minds - Lepailleur in Australia sometimes remembered the hot hell-hole and shuddered. They sailed into Rio de Janeiro 28 November 1839 and petitioned the captain to let them buy fresh fruit and sugar with the confiscated money. The captain, J.V. Wood, consented and asked them for a list of their requirements. Although Rio was excessively hot to the Canadiens, it was not only a break from the motion of the ship. During their stay in the Brazilian port, they were fed with fresh food and there was a lessening in their restrictions. They were allowed more time in the fresh air and could thoroughly clean their compartments. After five days, they set sail for the Cape of Good Hope.

As the days became cooler, most began speculating about their destination. Some habitants refused to believe they were sailing to Australia, preferring the thought that they would be disembarked at the Cape. This belief occasioned by a strong hope to be free from the Buffalo had no official substance. Some of the sailors told them stories about Sydney, saying 'que pays est ranplis de crase & quon peu a peine jy aministre la justice'. The prisoners' sufferings continued. Scurvy made its appearance and as a result a gill of lime juice per person and more water was added to the daily rations. Extreme discomfort was caused by the multiplication of the lice. On 21 December the Canadiens remembered the executions of Cardinal and Duquette, and some resolved to have a grand mass said once their confiscated money was returned - a mass not only for their executed comrades but also to

1. Entry for 22 September 1840, Lepailleur Journal, in which Lepailleur rejoiced after hearing that the Buffalo had been sunk and would transport no more convicts. See also Entry for 1 January 1841, Ibid, in which he summarises the voyage on the Buffalo.
2. Entry for 11 December 1839, Roy Journal.
3. The confiscated monies were never returned.
thank God once their earthly hell on the Buffalo was over. When a strong wind prevented them calling at the Cape of Good Hope, several cried as they had wanted so badly to be disembarked there. Christmas and New Year's Day were days of lamentation. In Lower Canada, 1 January had been a day of reunion for families, and instead of basking with their loved ones, 'comme tous les Canadien du Canada', they were without family, without country, and 'tous que l'on de plus chaire au monde'.

In contrast to the more care-free life of convicts being transported from Britain who gambled constantly and tore their prayer books and Bibles apart to make cards, the Canadiens had few recreations. Some read (while the light was possible), and presumably some of the illiterate prisoners listened. Other diversions were the exercise period above decks, cleaning their clothes and quarters and writing letters. Some kept their journals. On other convict ships, prisoners had kept up their spirits by dancing and singing into the early hours of the morning. In the cramped between-decks of the Buffalo and always under the watchful eye of armed guards, the morale of the Canadiens disintegrated. In the sullen silence of the night, when the armed sentries watched them in their beds, they brooded over petty happenings of the daytime. Foolish tricks were played and the frequency of heated arguments in one mess led Joseph Paré to request assignment to another. Basile Roy watched

1. Ducharme, and/or Ducharme's mess, saw the situation differently. They were glad the Buffalo sailed on as they wanted to reach Australia as quickly as possible 'pensant qu'il était impossible d'être plus malheureux là qu'à bord': Journal d'un exilé, p. 28.
2. Entry for 1 January 1840, Roy Journal.
4. Even the cooks, and others bringing food, were armed.
and concluded sadly that 'La motie de nous parde presque le tête, par leur antretien & leur peu d'accorre'. As boredom intensified, so did petty intrigues, rumours and gossip.

The voyage was a forerunner to their reception in Australia. On the Buffalo they were regarded with the greatest suspicion and treated as objects of fear and targets for abuse. It seemed to Prieur that the closer they came to Australia, the greater Niblett's antagonism grew. He was particularly incensed by the patriotes' inability to understand English, frequently referring to them as 'stupid asses'. But other men in the ship realised there was genuine suffering in the convicts' quarters and in January 1840 two of the oldest and sickest (Dr Newcomb and Captain Morin) received an exemption from scrubbing the floors. The Buffalo's doctor sometimes varied the diet of the very ill, bringing them rice and vegetables. Some of the common sailors showed the greatest humanity. Two brought water in which they had poured some of their rum ration. This kindness was detected and they were flogged. Another man, undeterred by this punishment, hid water in his boot and gave it to those suffering the worst from thirst. These men were not paid for their kindnesses which made life endurable for some. But the Canadiens showed altruism also - even in these difficult circumstances. Before the Buffalo had left Lower Canada, some Canadiens had contrived to give Captain Wood pipes and tobacco for their compatriots, to be rationed and given out every fortnight for smoking during the exercise period. The Canadiens advised Wood to include the more numerous Americans in the total number to share this luxury.

2. F.-X. Prieur, Notes d'un condamné, p. 164.
3. Ibid., p. 160.
The Buffalo reached Hobart on 8 February 1840, but changeable winds prevented her sailing down the Derwent until two days later when the prisoners crowded the sides of the ship for a glimpse of Hobart. Basile Roy thought 'La ville d'anbarttown... bien Jolie', much the size of Three Rivers in Lower Canada. He saw:

Trois Eglise Protestente & un Catholique Il ni a deux pointe de terres, qui savance chaque côté de la ville qui font comme deux ailes, Il peut avoir 6 or 7 arpent an havent de la ville sur la pointe d'an bas il li a un beau moulin avant de Brique bien haut....

Ducharme thought Hobart 'un peu champêtre' as 'une haute montagne en borne toute l'arrière partie' and remarked that the fields were 'fort bien cultivés'. Prieur never forgot his impression of the capital city in Van Diemen's Land, but it was not the buildings or the magnificent harbour which impressed him. A British army officer visited the Buffalo, talked with the Canadiens, consoling and encouraging them. He restored a little of Prieur's pride when he compared the Canadien's exile to his own captivity during the Peninsula War. French naval officers also visited the Buffalo, buoying the patriotes' spirits by giving hope of a quick return and telling them that their banishment was due to the wheel of fortune in war. The Americans were inspected on the fourteenth and disembarked the following day. The Canadiens wished them well, and looked forward to their own disembarkation as the Buffalo sailed north for Sydney.

More than fifty years had passed since the arrival of the First Fleet and in this period Sydney had grown to a pompous, prosperous town. Visitors from England, expecting a 'very noisy, dissolute place' were

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sometimes surprised. John Hood noted that as much respect was shown to the Sabbath in the town of Sydney as in Edinburgh, the 'most exemplary city in the world' in religious observance.\footnote{1} Charles Darwin, after only one day in the colony of New South Wales, congratulated himself that he had been born an Englishman and compared Sydney 'to the large suburbs, which stretch out from London and a few other great towns in England'.\footnote{2} Mrs Charles Meredith likened the young metropolis to 'portions of Liverpool or Bristol' although few buildings had any 'pretensions to architectural beauty'.\footnote{3} Sydney's streets were in the process of being paved, but they were straight and narrow, and many of its shops rivalled those of Bond Street. In 1840 Sydney possessed two resident bishops and two cathedrals, four banks, several newspapers, a Benevolent Society, a mayor, corporation and a well-organised police force, and it was growing. As Charles Darwin observed, not even London or Birmingham gave such an appearance of rapid growth:\footnote{4} the population had increased by more than 150\% during the decade 1830-1840 (from 11,500 to 29,000).\footnote{5} In spite of prodigious building, 'every one complained of the high rents and difficulty in procuring a house'.\footnote{6} Although some citizens looked to the past and lamented that familiar faces were rarely seen during a morning's ride, others confidently peered into the future.

\footnotesize


6. C. Darwin, \textit{Journal of Researches}, p. 460. See also John Hood, \textit{Australia and the East}, p. 87. Hood stated that the rents of shops were higher than in any other city he had visited.
Many changes were planned in 1840. After that year it was expected that no more convicts would arrive to pollute the society and gas lighting would shortly provide a source of civic pride that would lead one writer to eulogise that in:

these ends of the earth — until yesterday a by-word of reproach throughout Europe — this exquisite production of science has found a people who can both appreciate its value and supply the means of providing for its costly apparatus.¹

Within two years, Sydney would be incorporated as a city and the colonial government would assume responsibility for roads. Civic consciousness would force the Sydney Herald, which was later described as a 'publication of considerable influence' and 'a supporter ... of the Church of England',² to complain of the lack of sewers, pavements, the run-down condition of some structures and demand the District Surveyor not only ensure 'that buildings are properly put up, but ... order unsafe buildings to be pulled down'.³ The ability to exorcise the past has been a common human delusion, and in spite of the Herald's brave words and the grandiose plans of its citizenry, Sydney's past as a receptacle for Britain's criminal refuse and its resultant effects on Sydney and Australian society could not be dismissed.

Antagonisms rent Sydney. Commissioner Bigge, reporting on the state of the colony for the British Government wrote in 1820 that the population was divided into four classes: first, those who had gone to the Colony in a state of freedom — that is, civil servants, merchants, settlers and military personnel. Children constituted his second category — either those born of 'free' parents or others born into freedom,

¹. Sydney Herald, 4 May 1841.
². Enclosure of Fitzroy to Earl Grey, 10 January 1848, Historical Records of Australia (HRA), Series I, Vol. XXVI, p. 168.
³. Sydney Herald, 4 May 1841.
the offspring of "bond" parents. The third group comprised those inhabitants whose sentences had expired, or been remitted, or who had been pardoned: the emancipists. Finally there were those unfortunates still suffering the bonds of penal servitude. In 1840, only an estimated twenty per cent of the population (approximately 5800) belonged to Bigge's fourth category. But the convict taint was a very important influence in the colony. Questioning an acquaintance about his parentage or the ship which had brought him to New South Wales marked one's social gaucherie. Good memories, inquisitive minds were 'peculiarly disliked'. Although many of those in the first three of Bigge's divisions lived in comfort and luxury, they paid an intangible price. As Charles Darwin noted, it was 'thoroughly odious to every feeling to be waited on by a man, who the day before, perhaps, was flogged, from your representation, for some trifling misdemeanour'. Children frequently received more care and supervision from convict women than from their own mothers, and at times adopted some of their ideas and expressions.

The extent of ideas and expressions in the colony which were not English or Scottish worried some. The fiery Presbyterian, Rev. J. D. Lang, complained in 1837 that more than one-third of Sydney's population was of Irish origin, and concomitantly, Roman Catholic. Of this base group, 95% had come to the colony on the transport ships. The more righteous in Sydney hated the Irish. The Herald moaned that three ships arrived in Port Jackson from Ireland for every one from England, and,

2. J. Hood, Australia and the East, p. 98.
4. Ibid.
that while having English thieves thrust upon the town was bad enough, the infliction of Irish was worse - especially when the characteristic of that population was 'criminality grafted upon ignorance and superstition'.¹ Many of the Herald's correspondents wrote vituperatively about the Roman Catholic religion. One judged the ceremony of a novice taking her vows as 'grossly absurd, and ... so nauseating and disgusting as to fill all unbiased witnesses with pity for those who are weak enough to be misled'. He protested against the assertion that the Church of Rome was the Church of Australia and called upon his fellow Protestants to 'unite in arresting the spread of this pestilence'. Unless it was checked, he claimed, 'the cloven foot' which had been concealed by 'Jesuitical cunning' would trample underfoot all those whose 'too great liberality and charity...restored to the serpent its venomous fangs'.²

Plans to introduce secular education foundered on the twin rocks of fears by the Anglicans that such was the irreversible road to atheism, and the Catholic dread that the numerical weight of the Protestants would cause the debasement of their faith.

Isolated from its mother countries, isolated from the beginnings which evolve trends, Sydney society depended on travellers and newspapers to tell it the latest fashionable way. Public appearances were vital. Individuality stamped one as uncouth or ignorant. The continuous public punishments - for example, the frequent floggings and the distinctive convict dress - re-inforced a caste system, and an enduring desire to impress one's superiority on others. Not only were the convicts and the poor a labouring force to be exploited by their

¹. Sydney Herald, 15 July 1839.
². Ibid., 15 April 1839.
'betters', but they were also a measuring stick by which society could easily tell degrees of primacy. These circumstances struck Mrs Meredith who arrived in Sydney only a few months before the patriotes. She was amazed that 'no "lady" in Sydney (...grocers' and butchers' wives included)' believed 'in the possibility of walking'. As maids were courted in the Domain on Sundays, 'that shocking circumstance ruined its character as a place for their mistresses to visit; the public streets being so much more select'.¹ Trivia enslaved the 'free' women. 'The cut of a new sleeve, the guests at a late party', typified the conversation of these select females. All dressed in the 'latest known fashion' but Mrs Meredith cattishly observed they had not 'that tasteful attention' of elegant Englishwomen. Literature, art, 'far less a remark on any political event' were unknown to these ladies.² The circulating libraries, consequently were of a poor quality - men preferred cigars; the women concentrated on 'the adornment of their heads without' rather than that 'within'.³ The degrees in this society reminded Mrs Meredith of Dicken's 'Dock-yard people' for government officials disdained merchants, merchants shopkeepers, and the latter probably distinguished also amongst themselves. Citizens who owned chariots refused to mingle with those who drove gigs, and deemed freshly caught fish from Sydney harbour inferior to cured or preserved English salmon or cod. The correct settings on a

1. Mrs Meredith, Notes and Sketches, p. 39. Mrs Meredith's impressions are used so extensively not only because she wrote at the same time as the Canadiens, but because they are generally corroborated by other British observers: for example, Peter Cunningham, Charles Darwin and John Hood. Although she saw Sydney and its society 'from above' her comments are frequently supported by the Canadiens whose view was 'from below'.

2. Ibid., pp. 49-50. Peter Cunningham wrote: 'The moment a lady blooming fresh from England is known to be tripping along a Sydney street, you will see our prying fair, singly or in groups, popping eagerly out their pretty "repositories for curls," to take note of the cut of her gown, the figure of her bonnet, and the pattern and colour of the scarf or shawl ... that they may forthwith post off to put themselves in the "dear fashion" too'. Two Years in New South Wales, Vol. I, p. 56.

3. Mrs Meredith, Notes and Sketches, p. 49.
dinner table became more important than gates on properties. Emancipists (and others prejudiced against) used wealth as a battering ram.\(^1\)

Appearances became the only importance. Anxious aspiration to the English 'higher middle classes' determined all behaviour, resulting in a preference 'for glitter and show'.\(^2\) To such a society, questions, radicals and rebels were anathemas.

On the eve of the **Buffalo's arrival**, Sydney was a city with vigorous growth, proud of its civic accomplishments and very conscious of the varying degrees of status belonging to its citizens. In 1840, the Australian thought that sending a jockey to England to select horses for an Antipodean stud would lead to 'advancement and civilization': presumably some selective breeding would allow Sydney's citizens to assert a cultural superiority.\(^3\) But there was no unanimity in Sydney. It was a schismatic city - viciously divided between races, religion and classes. Fears of the Irish Catholics racked the English Protestant majority. The imminent approach of the patriotes daunted a large number of the Anglicans, believing as they did that it could result in a conspiracy to overthrow their government by uniting the convict representatives of England's two Catholic, conquered colonies - Ireland and Lower Canada.

The Sydney newspapers had given the unrest in the Canadas full coverage. The opinion of the **Montreal Courier** which laid the blame for the 1838 Rebellion on 'the mawkishly sentimental policy of the Government' was quoted.\(^4\) The **Herald** carried a report on the capture of the **Brougham**,  

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3. The **Australian**, 11 April 1840.
mentioning that the passengers were first taken to Provost's inn – blissfully unaware that the proprietor would be part of Sydney's population less than a year later. Once the decision to transport the patriotes to New South Wales was known in Sydney, hysteria ruled. The 'sound policy' of the Government was questioned: how could 'The Ministry crush one rebellion and transport to another Colony the elements of insubordination and rebellion'? The Herald reminded its readers that 'The only instance of any united attempt to overthrow the Government here, was after the arrival of the Croppies in 1804, and it was many years before the seeds of disorder and riot were crushed'. As 'romance' was attached to the Canadien rebellion, the paper predicted that 'a ready welcome from the many restless spirits' would be extended to the patriotes, and feared that the 'truckling makeshift Whig' government's decision would lead to 'serious consequences in future years' to 'life and property'. It was unthinkable that the rebels should come to New South Wales - the Herald opined that they should have been transported to Westminster instead! Sir George Gipps, the Governor, should bow to the expressed public opinion and 'prevent any danger from their location' in the colony.¹

The fifty-six Canadiens on the Buffalo were blissfully unaware of Sydney's paranoia. As they sailed up the New South Wales coast, they put their house in order. On 18 February they had a religious ceremony for St Francois Xavier to strengthen themselves to face their ordeal. On the twenty-fourth, Ducharme sighted the coast, and Lepailleur presented a message of thanks to Captain Wood and the ship's doctor for the care which had been taken of the sick. Only forty-one men signed the token of thanks, the others refused.²

¹ Ibid., 13 January 1840.
² Entries for 18 and 24 February, 1840, Roy Journal.
Although the Buffalo dropped her anchor in the afternoon of Thursday, 25 February 1840, the patriotes had to wait for their exercise period the next day to see their new home. As they marked time in their quarters, they must have speculated excitedly as the sounds of a busy port reached them, and puzzled over the strange, cackling laughter of kookaburras. After climbing the stairs the next day, they rushed to peer over the sides of the ship. For some, enthusiasm waned immediately and they looked 'avec horreur'¹ at the land they had been so anxious to reach. For instead of appreciating the sandstone legacies of Greenway and Macquarie, or the 'beautiful villas and nice cottages' praised by Charles Darwin only a few years earlier,² their eyes rivetted on:

des misérable attelés sur des charettes occupés à trainer de la pierre pour quelques Edifices Publicques; d'autre en arrachaient...

and some realised that within days they would be 'comme eux'.³ Others were mesmerised by the Harbour. Ninety-nine vessels were in port and while they watched, three British ships of the Royal Navy entered.⁴ Someone pointed out the Governor's residence and many visitors arrived to inspect them. To their intense disappointment, no mention was made of their embarkation, and by the next day, the Canadiens were aware that they were unwanted and could be transported further to Norfolk Island—a notorious penal settlement for incorrigible convicts approximately eight hundred miles north-east of Sydney. And as they had been imprisoned in the Montreal gaol while Colborne arranged their fate, the cramped, stuffy quarters of the Buffalo held them while Gipps pondered their destination.

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Captain Wood had caused Gipps' dilemma by giving his charges a glowing report and recommending their settlement in Sydney. Gipps, 'the acute politician', foresaw the hysterical reactions from such influences as the Herald if the French-speaking Catholics disembarked, and he determined to share the responsibility with his Executive Council. Wood compounded Gipps' problem by seeking out the one man who could not only be the Canadiens' friend in court but their pastoral guide as well.

In response to Wood's initiative and letters from Bishop Bourget in Montreal, the Catholic Bishop in Sydney, John Bede Polding and his secretary, Father John Brady, visited the Buffalo on the twenty-seventh, giving intense joy to the devout. Polding returned the following day with two priests, heard confessions, prepared the men for communion and, intimating that Norfold Island was their probable destination, exhorted them to endure their lot. The dejections of the Canadiens can well be imagined for many had a passionate desire to put their feet on solid ground and recover themselves but religion again gave solace to some who engaged in prayer while others built an altar from their boxes, decorating it with religious images (some lent by Brady) to make it 'decent'. Many felt with Ducharme that 'Dieu l'a sans doute aussi trouvé tel, car c'était là l'ouvrage de la ferveur la plus ardente'.

1. Entry for 28 February 1840, Ibid. F.-X. Prieur states this visit occurred within hours of their arrival (Notes d'un condamné, p. 167). This, and other discrepancies can be attributed to the fact that Prieur's account was published more than twenty years after the events written about. Ducharme (Journal d'un exilé, p. 33) and Lepailleur (Entry for 27 February 1840) agree with Roy. When further dissimilarities occur between the sources, I have taken the accounts of Roy and Lepailleur and then Ducharme as being more accurate than Prieur.

2. Polding, an Englishman and Brady, an Irishman, both spoke fluent French. See their respective entries in the Australian Dictionary of Biography (ADB), 6 vols to date, Melbourne 1966-76, Vols. I and II respectively.

3. Even passengers, such as Mrs Meredith, travelling in the relative comfort of a stern-cabin compared their vessel to a 'weary "prison-house"'. (Notes and Sketches, p. 37). The discomfort of convicts was extreme, that of the Canadiens particularly so.

4. L. Ducharme, Journal d'un exilé, p. 34.
and Brady, at eight the next morning, again boarded the Buffalo and made their way to the depths. After a low mass, fifty-one men took communion.¹ Even most of the educated elite, like Ducharme, felt that the humanity which allowed a bishop and his priests to crawl around the depths of a convict ship, unafraid of the stench, to comfort and console lice-infested men not of their own cultural heritage or congregation, and who provided additional burdens to an already overheavy load, reconciled them to Jesus Christ.² The scars wrought by Lartigue began healing in some of the transported flock.

Visitors continued arriving on the Buffalo although none could provide the Canadiens with reliable information about their destination. After no news had been received by 1 March, the rebels wrote a letter to Brady, asking Polding to intercede with Gipps. Several — such as Lepailleur, Ducharme and the Thiberts — had been imprisoned for sixteen months by this time. As they told Brady, they were all weary from 'les fatigues d'un long voyage jointes à celle d'un long emprisonnement à Montreal'; many were elderly and sick, and their ardent wish 'était de nous fixer en ce lieu'.³ Even when signing the letter some were, without doubt, thinking of their country, and while rumours about their location circulated on shore and on the Buffalo, despair born of their homesickness and nurtured by the horrors of the voyage wrestled for their hearts with the solace that religion provided.

The Sydney newspapers discussed them of course. The Colonist reported that many inquiries were being made about their destination.

¹ Mott, of course, was excluded. The six others would have included Languedoc (Entry for 27 December 1840, Lepailleur Journal).
² L. Ducharme, Journal d'un exilé, p. 34.
³ Ibid.
and advised that it thought a distinction should be made between 'those who were found guilty of the bare political crime of being in arms against the Government of their country' and others 'who were convicted of reckless atrocities against the lives and properties of their fellow subjects'.¹ The Sydney Gazette had a more forthright view. It announced that the Canadiens were to be sent to Norfolk Island, and that it was glad because Sydney had enough: bushrangers, highway robbers and house-breakers...already without having a cargo of malcontented political incendiaries, vulgarly called Patriots (which in Canada was a plausible name for cut throats)² landed on its shores.

After the Buffalo had been in port nine days, an indication that they might stay in Sydney came when three officials interviewed the patriotes in groups of twelve, asking their ages, occupations, marital status, sex, number of children, education and country of origin.³ Many Canadiens listed their occupations as those which would be the most use to them in the colony - probably following the advice of those familiar with the system of assignment, such as Father Brady or Captain Wood. For example, Théodore Béchard claimed proficiency as a veterinary surgeon, Lepailleur listed himself as a painter, Bouc as a clerk and Marceau claimed weaving skills.⁴ The officials from the Principal Superintendent of Convicts Office impressed the patriotes with their friendliness and politeness, and some conversation obviously took place

¹. The Colonist, 29 February 1840. The destruction by such Loyalist influences as the Glengarries of the properties of their 'fellow subjects', the Canadiens, was of course dismissed as being not worthy of mention.

². Sydney Gazette, 10 March 1840.

³. The results of these interviews were the Convict Indents.

⁴. Ibid.
because Lepailleur identified one as an Irishman named Tracy. Medical officials examined them the next day. To some this was just another English indignity to be endured but others realised reluctantly it was just part of the system.

The fifteen days the Canadiens spent on board the Buffalo in the Sydney harbour was an indication of their reception in the colony. The Irish were friendly and sympathetic towards them and the Catholic Church as represented by its hierarchy showed outstanding kindness and compassion. For many of Sydney's other citizens, the patriotes were objects of hysteria. They were probably the only sizeable group of convicts transported each of whom, prior to his conviction, had had no criminal record. Yet Gipps and the others were willing to despatch them to Norfolk Island, a fate usually reserved for convicts with a secondary (colonial) conviction. The press castigated them as 'cut throats' and obviously expected they would become violent criminals. For their part, the Canadoens, while they stared over the rails of the Buffalo at Sydney, may have mournfully sung some of the patriote chansons such as:

Riches cités, gardex votre opulence,
Mon pays sel a des charmes pour moi:
Dernière azile où règne l'innocence
Quel pays peut se comparer à toi?
Dans ma douce patrie,
Je veux finir ma vie....

while they observed other convicts harnessed to carts working on Sydney's roads. Coming from rural areas, from a culture with different values, they nevertheless passionately wanted to get off the Buffalo and start putting some stability back into their lives. Most of them expected, moreover, that they would be recalled to their homeland, their 'douce

1. Entry for 5 March 1840, Lepailleur Journal.
2. Chanson patriote (to the air, 'Le Valiant Troubadour'), Salle Gagnon.
patrie', and they therefore looked at Sydney and what it would offer as an interlude in their lives.

Once Captain Wood announced they would leave the Buffalo on 11 March, the patriotes prepared their belongings. Basile Roy, for one, hoped they would be assigned to different camps because:

\[\text{il est temps de se diviser, il y a presque plus d'accord, parmis nous c'est honteux de voir la plus grande partie, il sont jaloux de tout ce qui peu de faire, et de Gourmandise...}^1\]

But Gipps decided their security could be better maintained if they were placed together in one camp without any other convicts. He assigned them to Longbottom, a settlement seven and a half miles from Sydney on the Parramatta River. On Wednesday, 11 March 1840, at half-past nine in the morning, the patriotes disembarked from their convict transport and guarded by five men set up the Parramatta River on a barge for Longbottom.

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'en François Long fond ... une bien belle place'*

Je suis employé pour le gouvernement, sous la surveillance d'un brave homme. Je ne suis pas payé. Mais tout cela ne me fait pas perde le courage, et j'en remercie Dieu, qui m'en a donne dans toutes mes tribulations. Nous sommes seul dans cet etablissement, et personne communique avec nous.


Notre fameux Henry Clinton Baddely est Mort... à Long Bottom la terre et les prisonnier sont débarasé d'un fameux tirant. et d'un fier craseux comme il Sont Bien rare sur la terre.

Maurice Lepailleur, 4 March 1842.

* Toussaint Rochon, 17 May 1840.
While the Canadiens were making their way up the Parramatta River on the government barge, the small community at Longbottom steel itself to receive them. Without doubt, some had read the notice in the Sydney Gazette the previous day that the patriotes would be sent to Norfolk Island, and would have been disconcerted once the information regarding the Canadiens' destination was known. Several probably rushed to the local inn, the Bath Arms, for further news and a chance to talk it over.

The proprietor of the Bath Arms, Emmanuel Neich, would not have counselled rash action for he had sympathy for exiles. Neich had been born in Genoa Italy in 1806 - the same year as Lepailleur's birth. He travelled extensively during his teenage years and in 1826, found himself in Mauritius. Wanting to return home, he walked along the wharves and finally embarked on an English ship which he thought was bound for Holland. Some time later, he found the vessel was sailing southwards, and upon enquiry discovered that it was sailing to New Holland and that Sydney, not Rotterdam, would be his destination. When Emmanuel Neich arrived in New South Wales in 1826, he was just twenty years of age. His first impression paralleled Ducharme's for he was 'astonished and disgusted to see men loaded with heavy chains working in the streets'. He spent much of the next few years travelling in the colony, and once ventured as far as Hobart. In 1829 he received the lease of an inn in Sydney. After he was refused the necessary licence to operate it because he was a bachelor, he informed the authorities that he was not only engaged but would be making his nuptial vows immediately. He married Mary...
Plate 9 - Emmanuel Neich, proprietor of the Bath Arms hotel
Coomer in 1834 and moved in the same year to Longbottom where his father-in-law built the **Bath Arms** for him a quarter of a mile from the convict stockade.

When Parramatta had been established in 1788, Captain Phillip expected travel between it and Sydney to be by the Parramatta River as the land distance was fifteen miles. However, within three years a track (which later became the Parramatta Road) had been made between the two settlements, and the government began to think of transporting convicts by road. As men, heavily ironed, could not walk far in a single day, Phillip in 1792 selected land where a stockade could be built to allow a night's rest, exactly half way between the two communities. The area around the stockade was heavily timbered and as it had rich soil, Phillip reserved 936 acres for use as a government farm.

The following year, free settlers were allocated land in the Liberty Plains District just south of Longbottom and, Lieutenant-Governor Grose gave the district the name of Concord. By 1822, the Longbottom Farm was a thriving concern. The 110 convicts stationed there made charcoal,

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1. Emmanuel Neich bought the first of his many land tracts in 1834 near the Longbottom Stockade for £7/10/- an acre - an extremely high price at that time. The unlikely, almost Hollywoodish scenario, is Neich's own account of his arrival in New South Wales. See, the *Echo*, 4 September 1890, for his interview when aged eighty-four.

2. One of the free settlers from the *Bellona* granted land was Thomas Rose. In 1840, his son (also named Thomas) was the forest warden at Longbottom and resident in the area.

MAP OF LONGBOTTOM
about 1840

Parramatta
Rocky Point

LONGBOTTOM
(936 acres)

Thomas Rose

1 Bath Arms Hotel
2 Sentry Gate to Longbottom
cut the trees into logs and thence into shingles,¹ and tended the crops and gardens. They were housed in wooden buildings roofed with shingles which were praised by Commissioner J. T. Bigge for having been 'erected with due regard to economy and the comfortable lodging of convicts'.² Commissioner Bigge also reported that while the farming activities benefited from the 'speedy and easy conveyance of...its produce to Sydney', the convicts also took advantage of Longbottom's position on the heavily used Parramatta Road. Many escaped and others strolled along the road, stopping carts and relieving passengers of any valuables.³ In the years following Bigge's Report, and maybe as a consequence, Longbottom was phased out as an agricultural establishment and came under the supervision of the Colonial Engineer.⁴ By 1836 it was designated a Carters' Barracks. About two years later, the police were given a portion of the original grant and allowed the use of the paddocks for their horses. Convicts, however, continued to occupy the main barracks one hundred and fifty yards from the Parramatta Road. In 1840, Longbottom was used as a Sydney stockade for ironed gangs and supervised by an Assistant Engineer.⁵

Gipps assigned the Canadiens to Longbottom. It seemed ideal for his purpose of isolating them from their fellow convicts while still

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¹. The trees in the area were primary growth, of course, and diameters of twelve feet were not uncommon.


³. Ibid., p. 39.

⁴. The Colonial Engineer was in charge of all convicts working on the roads. In 1840 the Colonial Engineer was Major George Barney, of the Royal Engineers.

⁵. N.S.W. Colonial Secretary, 'Returns of the Colony', (hereafter Blue Books), 1836 and 1840, 4/273, ANSW.
keeping them under close supervision. Longbottom was small enough so that the Canadiens could be the sole occupants and it was away from Sydney, situated in the countryside near a 'beautiful little village'.

The patriotes, rejoicing that they were not on their way to Norfolk Island, found the area 'àsiez Jolie place', and had it on good authority that it was considered to be the best convict establishment in the colony. On their arrival they were assigned to three huts - Gipps' decision had caught everyone by surprise and the fourth hut was still occupied by some convicts whom the government had not been able to transfer before the Canadiens arrived. The food was very similar to that on the Buffalo, except the bread and porridge were made from maize. Fresh beef was delivered twice a week and the prisoners were allowed slightly larger portions than they had received on the Buffalo. There was another reminder of the Buffalo on that first day when they assembled in the courtyard to hear the rules and regulations read loudly in abusive terms. At a minute to sunset they were sent to their huts to sleep on the bare boards under just one blanket, the sergeant in charge explaining that there had not been enough time to arrange 'proper' bedding for them.

Going to sleep that night some thanked God they were off the Buffalo, but Xavier Prieur discerned that:

Il était facile de voir que nous étions à la fois des objets de terreur et de haine pour les autorités, et que les préjugés, la calomnie et le mauvais vouloir avaient eu un plein succès contre nous.

A taste of further humiliations in store for them came the next day when their clothes were branded with the letters 'L.B.', three inches

2. Entry for 11 March 1840, Roy Journal.
3. F.-X. Prieur, Notes d'un condamné, pp. 174-75.
high on the back and front of their pants. Several of the patriotes had fought for England in 1813 and one had been promised some rewards and honours. His indignation was extreme and a compatriot bitterly quipped that the letters 'L.B.' were his decoration, his 'croix d'honneur'. To others, the vermin and filth which the previous occupants had left behind were more annoying and they requested permission to scrub and thoroughly clean their huts. The following day they were introduced to penal hard labour: one group unloaded stone from barges at the wharf on to bullock carts which were then driven to the crushing area to be pounded into smaller pieces for use on the roads. The Canadiens worked industriously and pleased their surprised guards. On Sunday the fifteenth of March, Lepailleur continued in his position of spiritual leadership by reading the prayers as usual. The Colonial Engineer, Major George Barney arrived to inspect his latest workers two days later, accompanied by a civilian who was to be their superintendent. The prisoners were formed into lines and Barney took notes of those who had trades or professional skills. Louis Bourdon willingly volunteered the information and presented Barney with references from Montreal. On 24 March 1840, the civilian who had accompanied Barney returned and assumed responsibility for the patriotes from their military guard. Henry Clinton Baddely was appointed an Assistant Engineer and Superintendent of Longbottom at an annual salary of £109/10/-, plus forage for one horse and military rations, and with his arrival life at

1. For example, Charles Bergevin dit Langevin, Jacques Longtin, Defaillette and probably Pierre-Hector Morin.

2. F.-X. Prieur, Notes d'un condamné, p. 176. All the Canadien commentators mention the humiliation caused by these letters which stood for 'Longbottom Barracks'. See also L. Ducharme, Journal d'un exilé, p. 38; Entries for 12 March and 3 May 1840, Roy and Lepailleur Journals.

3. 1840 Blue Book, pp. 160-61. It is significant to note that a scourger was also appointed to the Longbottom camp at a stipend of £31/18/9 per annum - something of which the Canadiens were fortunately unaware.
Longbottom Stockade settled into a routine which would last, by and large, for the next eighteen months.¹

Maurice Lepailleur was appointed by Baddely to the position of work overseer, a choice reflecting the general respect in which Lepailleur was held. It was a responsible position and his orders were enforceable by punishment. Three days later, however, an order arrived from Barney cancelling this and establishing the hierarchy for the Canadiens. To most patriotes' surprise, Louis Bourdon was made the camp clerk, thus becoming the chief convict. Through this elevation, Bourdon could compel his fellow prisoners to do his will. Lanctôt and Ducharme became the new work overseers; Newcomb, the camp doctor; and Bouc, P.-H. Morin, Huot and Lepailleur were appointed hut captains with the added responsibility of sharing night sentry duty. Bourdon's elevation was probably due to the impressive recommendations he had brought from Montreal - probably obtained through his Papineau relations - as he had not marked himself out as a leader in the Montreal gaol or on the Buffalo.

For the convicts, the work day began at six in the morning when they were released from their huts. After breakfast, they dispersed to the various work areas: the wharf, the forest, the stone-breaking area and, later to the brickyard. They had a short break for lunch at noon and then resumed their labours. No evening meal was allowed. At sun-down, wearied by 'de faim et de fatigues',² the prisoners were locked up again in their huts. Only four hours of work was required on Saturday (from six to ten in the morning), after which they were expected

1. Because of the unique Canadien literary sources - the Lepailleur and Roy Journals - this is the first time that it has been possible to write about specific daily life in a convict camp.
to clean their clothes and sleeping quarters and ready themselves for
the Sabbath. ¹ Three days were observed as holidays: Good Friday, Queen
Victoria's birthday and Christmas Day. ² These days were eagerly awaited.
They slept in spartan quarters. The huts, only seventeen feet by ten
feet in size, housed up to twenty convicts. They had been built at a
cost of £60 each and at the time of the Canadiens' occupancy, were
painted grey. They had no windows or chimneys, no partitions and no
furniture other than a mattress fifteen inches wide and three inches
thick for each man. As only one mattress was issued to a convict during
his period of superintendence, care had to be taken of it. ³ One blanket
was issued to each man to guard against the cold. As the sleeping huts
were extremely chilly, badly built and consequently draughty, many fre­
quently caught colds and contracted rheumatism.

The food was inadequate also. The prisoners were organised into
messes - six to a mess - for cooking and eating. A half pound of flour
was allowed to each man for breakfast with which to make porridge. The
flour was of such a poor quality though that the resultant bread was
'toujour noire comme le fer & tou an pate'. For sweetening, each man
was allowed an ounce of brown sugar daily which was nothing more than
'restan de tous qu'il lia de saloprie de poile, plen bous bois plen &
jusqua du rie dan & presque an mélange'. ⁴ The meat was below standard
also, in spite of the fact that the government paid the contractor a top

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1. Entry for 13 March 1840, Roy Journal.
2. Entries for 17 April, 25 May and 25 December 1840, Lepailleur Journal.
3. This provision was adequate as long as the period in the camps was
the normal six months. In the Canadiens' case, however, where some waited
for assignment for nearly two years, it reduced them to cutting up their
clothes to mend the mattresses (Entry for 21 April 1841, Ibid.) or to
sleep on the bare floors (Ibid.).
4. Entry for 18 May 1840, Ibid. On one occasion Father Brady took some
of their bread to Sydney in order to show Gipps the sorry state of the
Canadiens' diet (Entry for 25 September 1840, Ibid.).
price for it. There were no cellars at Longbottom to keep the meat cool and as the contractor nearly always forgot to bring salt with him, it was quickly spoiled even on the rare occasions that it was delivered fresh. The cooks among the Canadiens did their best to make the rations appealing by making patés, tourtières, soups and other dishes. But it was not only the poor quality of the food that the patriotes complained about. As Lepailleur asserted, a convict rarely starved to death, but he was always hungry.¹ By August 1840, several were showing the effects of malnutrition and some of their compatriots gave some food to the most obvious sufferer, Ignace-Gabriel Chêvrefils whose six foot three frame needed more sustenance than was provided.²

In May 1840 the winter issue of clothing arrived at Longbottom, a dress which daily reminded the previously proud men of their degraded status. It consisted of coarse striped cotton shirts, a pair of grey cloth trousers, a jacket and cap of the same material and a pair of shoes with heavy nails in the soles. The seams and button holes were stitched in white. These clothes, branded with the letters 'L.B.' and 'D.O.' and crow's feet, were the standard convict issue.³ During the patriotes' period of superintendence at Longbottom, they received their winter issue in May and a summer issue in November of pants, linen smock shirt, 'le fameux Cappe détoffe' and boots.⁴ As long as they were forced to wear this clothing, the Canadiens remained unreconciled to it, as shown

¹. Entry for 18 May 1840, Ibid. The patrician Mrs Meredith, however, thought the food rations 'wholesome and abundant' and the 'hut or barracks provided with every necessity' (Notes and Sketches, p. 59). Lepailleur postulated that hunger drove many convicts to escape and become bush-rangers (Entry for 14 June 1840, Lepailleur Journal).
². Entry for 18 August 1840, Ibid.
³. Entry for 3 May, Roy and Lepailleur Journals. The letters 'D.O.' presumably represented the Department of Ordinance, and the crow's foot a reference to the arrows which traditionally marked the convict dress.
⁴. Entry for 9 November 1841, Lepailleur Journal. As he was in the Sydney hospital in November 1840 when the summer clothes were first issued, he did not mention them in 1840.
by the preceding comment which Lepailleur made in November 1841. They were convinced that they were 'exiles' not felons, and resented anything which did not make this distinction.

Like the criminal prisoners from the British Isles, the patriotes were given hard manual work. After the stones had been broken in small pieces, eight men\(^1\) took them by bullock drays to road gangs in various localities. Others made charcoal and dug ditches. Joseph Roy spent a considerable amount of time digging a well which eventually provided the settlement with fresh water.\(^2\) Several were employed building furnaces in which bricks were made - also for use in the roads.\(^3\) As befitted men from the rural seigneuries, some husbanded the timber on the Longbottom reserve, lopping the tops from several trees, splitting the trunks into serviceable planks and then making blocks for the Sydney roads. One tree which was cut down measured eleven feet in width and thirty-three feet in circumference.\(^4\) In April 1840, Baddely commandeered the masons and carpenters to build him a house and when it was finished, Lepailleur painted it.\(^5\) It was only fifty yards from the gate leading into the stockade and allowed him to easily control access into the camp.

The conditions under which the patriotes worked and were housed, fed, clothed at Longbottom during the first few months were not severe

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1. Seven only can be identified: Joseph and Louis Dumouchelle; Jean-Louis and Jean-Marie Thibert; Guimond; Mott and Turcot (Entry for 3 March 1840, Ibid.).

2. Entries for 7 April, 25 September 1840, Ibid.; 7 July 1840, Roy Journal. Basile Roy was one of those who made charcoal.

3. Entry for 6 July 1840, Lepailleur Journal. During their stay at Longbottom, the Canadiens made about one hundred thousand bricks (Entry for 16 September 1840, Ibid., gives the total as 53,000 to that date), and built four different furnaces. The brickmakers included Robert, Trudelle, Bousquet, P. Pinsonnault and Langlois.

4. Entry for 8 July 1840, Roy Journal.

5. Entries for 4 April and 10 April 1840, Ibid.
Hen and Chicken Bay

CONVICT CAMP AT LONGBOTTOM
circa 1841

Police Purposes

Brickmakers

Well dug by Joseph Roy

Stones broken by the Iron Gang

Longbottom Stockade

Baddely's house

Bath Arms Hotel

Map from L3 1190 ML
when compared to conditions elsewhere - such as Norfolk Island, for example. The rules were numerous and frequently petty. No one was allowed outside the stockade gate and all communication with outsiders was forbidden. Lanctôt found this out quite early in the Canadiens' imprisonment when he spent four hours in solitary confinement for talking to two boys in a cabin on the beach near the wharf. After this incident, Baddely had all the fishermen evicted from their huts on the foreshores.¹ Visitors to the camp first reported to a Canadien guard manning the gate,² who then took their particulars to Baddely for vetting. Newspapers were forbidden and gifts to the convicts could lead to the punishment of the generous donor. Initially the patriotes were forbidden to talk after their hut doors had been locked at sundown. They worried about the rules and found them incomprehensible and trivial. Both Roy and Lepailleur lamented the many small actions which could lead to the lash. After two months at Longbottom they were still discovering more and more regulations.³

They were guarded by a squad of soldiers and some of the mounted police stationed at Longbottom for their first three months. The patriotes, convinced that their 'exile' was temporary,⁴ deduced that misbehaviour would lead to a longer absence from Canada. This provided

1. Entries for 27 March 1840, Ibid., and 2 April 1840, Lepailleur Journal.
2. The gate was manned by Lepailleur during most of the period May-October 1840, and by until September 1841. In a classic case of favouritism, Bourdon gave Prieur the job for a short period oblivious to the fact that Prieur knew no English. E.-P. Rochon also acted as sentry for a short period.
3. Entry for 19 March 1840, Lepailleur Journals. See also Entry for 23 September 1841, Ibid., when Lepailleur cites such actions as a convict getting on his ox cart, or talking in the road to free persons as being punishable by fifty lashes.
4. As some had refused to believe on the Buffalo that they were travelling to Australia, most of the men at Longbottom resolutely refused to believe that they were transported for life. For some, conviction came (See page 228).
a great individual incentive and a powerful group pressure towards good
behaviour and after a period of three months, the military supervision
was withdrawn. The Canadiens were then responsible for their own securi-
ty to a large extent: for example, the hut captains acted as sentries
at night and patrolled the grounds. The patriotes were more privileged
than the usual felons in several ways. They did not have the indignity
of being chained as they went to work, even at the end of their period
at Longbottom when they worked on the roads, and they were allowed to
keep a few possessions and their own clothes which were worn on holidays
and Sundays.

When compared to convict camps elsewhere, Longbottom was not a
barbarous or excessively cruel prison but the Canadiens, while acknow-
ledging it was infinitely preferable to the Buffalo, thought it hellish.
Lepailleur complained that as a convict a man was the slave of every-
one, 'non pas pour seul personne, mes tous ceux qui on des autorité'.
Prieur, who at first was given the job of trundling rocks in a barrow
found that his feet and shoes were quickly ripped by the surface of the
stonebreaking yard. The patriotes succumbed to dysentery very soon
after their arrival and thereafter endured recurrent attacks. But partic-
ularly galling to everyone was any attempt to write to their wives and
families. Their letters had to be handed in unopened for Baddely and
Bourdon to peruse and then taken to Sydney for further censoring.
Lepailleur spoke for many when he exclaimed, 'il faut que nos lettre soy
visité par tous ceux qu'il voul les voire; Il faut aitre au dernier des
malheur pour andurer de parrelle disgrace'. For others who had been accustomed to receive visible signs of respect in their parishes, such as Captain Morin and the notary Huot, Longbottom meant a change in their values and habits. Morin discovered that failure to quickly doff a cap led to instant punishment and the threat of being sent to Sydney for flogging. He, like Huot, found that his age and previous success in life seemed to incite Baddely to humble him. Many, such as Bouc and the American Mott, found humiliation in the form of the young (twenty-three years of age) Bourdon who assumed the airs and graces and almost dictatorial power of a despot. Several felt he owed his position to his wife's father rather than his own family or success. But while Bourdon ordered his colleagues into solitary for failure to acknowledge his superiority, he (unlike other convict overseers) was never responsible for his fellow prisoners being flogged.

In June 1840, two incidents occurred which changed the life at Longbottom for all concerned and caused it to be an extremely unusual convict stockade.

For the authorities, one of the first indications that the patriotes would be a unique group in their system, must have been the request to scrub and clean their quarters and the second would have been the willingness with which they worked on 13 March 1840. A third might have been the intensity of the Canadiens' devotion to their religion.

1. Ibid.
2. Entry for 7 May 1840, Roy Journal. Morin had been working and had not noticed Baddely's arrival.
3. From the testimony given at the Courts Martial, Bourdon appears to have been unpopular within his parish and testimony indicates that he was arrogant when leading the advance to Chambly: State Trials, Vol. II, p. 297 for example.
Not only was the mass read by Lepailleur when they first arrived, but the men took part in communal morning and evening prayers daily. Bishop Polding visited them after they had spent a month in the stockade and promised, to their joy, to send a priest to minister to them. When Easter arrived they gathered together to listen to a sermon which Brady had sent. The missionary Father arrived himself on 23 April 1840, warned them to prepare themselves for communion, and after spending the night at Neich's Bath Arms, heard confessions the following day. Polding also arrived and spent time encouraging the patriotes to endure their lot. It seemed that time from government work was willingly given to enable them to perform their spiritual duties, as the confessions continued to be heard the next day. Fifty-four men received communion in the dining hut which had been lovingly decorated. On this visit Brady talked a lot with the men and promised to try and influence the Governor to release them for assignment. He also suggested they petition Gipps for permission to go to church on Sundays. With this idea, Brady unwittingly divided the patriotes because many feared that if they walked to church on Sundays they would be accompanied by police guards.

Father Brady returned little more than a week later with the news that permission had been granted for them to attend church in Parramatta, and that they would be responsible for their own security. Instead of giving pleasure, this news divided them further. This time the dispute centred about wearing the despised convict dress in public. So keenly was the disgrace of their convict state felt that when Bourdon enquired how many would not be prepared to go to Parramatta if they had to wear

1. This practice was commented on in the Sydney newspapers: see, The Colonist, 25 March 1840.
2. See F.-X. Prieur, Notes d'un condamné, p. 179.
the stamped dress, twenty men put pride above their piety. Some found
this attitude incomprehensible as they were prepared to go 'avec les
harde du gouvernement pluteua que de...passer du bonner de la Sainte
mess & du bonner de recevoir... leur divain Sauveur'.

Brady raised
the issue with Baddeley early in June. The day after this query, Gipps
arrived at Longbottom for a surprise visit. He inspected the sleeping
quarters, promised the men they would obtain some future favour if their
good behaviour continued and that they might be able to wear their own
clothes to mass in the future. He also allowed them an extra hour
after work before they were shut away in the huts. The following Sunday,
7 June 1840, the Canadiens left Longbottom for the first time since their
arrival in March, to walk the fifteen miles to attend church.

Not all wore the convict dress. Prieur, Huot, Lanctôt and
Ducharme were excepted by virtue of their positions in the camp and/or
their friendship with Bourdon who was quickly becoming even more au-
tocratic than Baddeley. Bourdon himself did not wear one item of convict
dress and acquitted himself 'non pas en Compagnon dinfortune mais an
Distinction'. Like officers, he and the others walked in front and
imposed strict rules, such as no talking or walking too quickly. This
treatment hurt many. Roy and Lepailleur felt they were being driven
'comme les Charqué font de leur boeuf avec auten de mépris'.

1. Entry for 30 May 1840, Lepailleur Journal.
2. There is a discrepancy between Ducharme, Lepailleur and Roy about the
issue of clothes. Ducharme states that their chests were taken away on
arrival to be given back on assignment. As shown by the dress controv-
ersy, it seems obvious they retained many of their personal possessions:
see L. Ducharme, Journal d'un exilé, p. 38. Within two weeks they were
wearing their own caps and in four weeks they were permitted to dress as
they pleased.
3. Fifteen miles in total, that is seven and a half miles each way.
4. Entry for 7 June 1840, Lepailleur Journal. Roy was slightly more tol-
erant than his amanuensis: 'Je veux pas métendre sur leur quar jan nais
onte moi maime; voir des canadien exilé comme nous & pour la maime cause
et vouloire se destingue par une petite plase que le commandan leur à

(See page 232).
majority of those walking in the ranks remembered they had all been
given the same sentence for participating in the same crime. There was
no equality on the road to Parramatta.

The second incident was farcical. In the evening of 12 June
1840, two policemen, Samuel Gorman and a Sergeant Lane, returned from an
expedition sent to search for bushrangers. After drinking for some time,
Gorman, 'un jalous qui bas sa femme souvent', began to beat his wife.
Baddely tried to restore domestic harmony and was hit by the policeman.
He then ordered the patriotes in Lepailleur's hut to arrest Gorman and
place him in the solitary lock-up, which they willingly did as in their
opinion the policemen, instead of maintaining the security of the stock­
ade were only '2 Yvronge qui maite le divorse dans L'Etablissement'. ¹
Instead of reporting Gorman's conduct as he had promised to do, Baddely
released him the next morning after he had extracted a promise for future
good behaviour. The liberated policeman spent the rest of the day drink­
ing with his sergeant, and Baddely went to Sydney. Four other police­
men arrived at six o'clock and began carousing with the Gormans and Lanes.
Baddely arrived back in the stockade about midnight and went to bed.
Fifteen minutes later the Gormans left to return to their own house and
on the way:

il tomba sur sa femme & se mie à la batre à coups de pieds & coups de
poin à chacque coups quel atrapais el tombais à terres, an crier comme
une personne que lon à somme.²

donné pour les exenté de travaillé, des étrangé naurais pas hu laire
à nou dedaigner tan que ses conducteur avais. Entry for 7 June 1840,
Roy Journal.

2. Entry for 13 June 1840, Ibid.
The other policemen, aroused by the noise, came and watched. Bourdon ran to tell Baddely who rushed to the scene. Mrs Gorman stopped her screaming long enough to ask Baddely if he was going to allow her to be slaughtered. The superintendent then pushed Gorman to the ground and a general mêlée broke out in the area with the police smashing crockery and assaulting Baddely and Bourdon. The latter two then opened the huts of the Canadiens who burst out and happily participated in 'un tren à Bauminable antre les Canadien & la police' as they had never seen a 'farce plus grand' or 'de plus erase que cette police de New South Wales, se sont que des Yvrongne & de Canalle'. Being ordered to fight and subdue their captors must have seemed a heaven sent opportunity for many as it would have allowed them an opportunity to settle some scores.

The incident had many consequences. Gorman and five other policemen were sentenced by a court in Sydney on testimony by the Canadiens to a month on the treadmill. Sergeant Lane was dismissed from his post at Longbottom. Baddely's relationship with the 'free' community in the area was worsened and thereafter his communications were always tinged with acrimony and efforts to dislodge him from his position of superintendent became frequent. The more important result was that Baddely and Bourdon cemented their alliance and the patriotes realised that as long as they satisfied both Bourdon and Baddely, they could have the run of the stockade.

Henry Clinton Baddely presumably owed his appointment at Longbottom to his fluency in the French language. His life had not been

1. Ibid. After Baddely had laid charges, Mrs Gorman told him he had no business interfering in the family concerns of the Gormans!
2. All the commentators agree on the result of the fight, but Prieur attributes its cause to Baddely's fondness for women and suggests that he made an unwelcome advance to Mrs Gorman: Notes d'un condamné, pp.182-83.
Plate 10 - Parramatta, 1838 by Conrad Martens.
successful as he had been dismissed from the army.\(^1\) However, the first impressions the Canadiens had of him were good. They thought that although he was strict, he was just. Toussaint Rochon saw Baddeley before the Gorman fracas as 'un gentil homme qui est bien doux qui nous paroît être bien content de nous chacun se conduit d'une manière irréprochable'.\(^2\) By June, however, it was obvious that he depended on Bourdon and was manipulated by him. After the police incident he realised that a greedy man could make a lot of money by using the skills of his Canadien convicts and accordingly he seconded some to work for him. Although the government paid him six shillings a day and provided rations and forage for his horse, he more than doubled his income by his speculative activities and Lepailleur estimated that he made up to fifteen shillings daily on top of his government stipend through the patriotes' work. Several made canoes which were sold in the locality, others made wheel spokes, and the woodsmen provided him with a lumber business. On top of these, he sold government forage, the manure from their horses and some rations. In July 1840, Lane accused him of cheating on the patriotes' meat. None of the entrepreneurial activity went without comment in the Longbottom community. The forest warden, Thomas Rose, had lived in the area since 1793. By refusing to allow Rose and his son the use of the camp gate and track to the wharf, Baddely made a persistent enemy who did not scruple to smash a new canoe when an opportunity came. After that incident, the Canadiens were forced to guard their illegal businesses at night. Baddely also quarrelled with Lane over the latter's garden in September 1840 and by January in the next year, Lepailleur was wondering 'ces curieux que Mr. Baddely Ne peu andurer aucun voisin Sans

\(^1\) L. Ducharme, _Journal d'un exilé_, p. 38. Lepailleur believed he had lost other commands at Grose Farm and Cook's River.

avoir disputé ou quelque procès', and concluding that 'ces bien malessé de vivre avec une pareille homme'.

Baddely's deteriorating health may have had something to do with his erratic behaviour. During 1840, the superintendent was a petty tyrant rather than 'le plus Notre diable' that he became in 1841. The picture painted of him in that year by the Canadien commentators showed a possessed man rapidly succumbing to a fatal disease: probably syphilis. In 1840, Baddely had the humanity to override Doctor Newcomb's lack of concern about the health of some patriotes and ride into Sydney for the doctor in charge of convict health.

Baddely spent much of his time in Sydney and the Canadiens were convinced it was for his own amusement. The type of enjoyment on some of those visits may be discerned through a comment of Prieur's. He stated that Baddely was a bachelor who 'se respectant aussi peu qu'ils était peu respectable'. He was a man of contradictions, being friendly with the Reverend George Weaver Turner, minister of Saint Anne's parish, Ryde and also with a Mr Brown, a J.P. in Parramatta. However, he also spent time at the Insane Asylum across the river at Tarban Creek and at the Parramatta Factory for women, returning once from the latter in such an exceptional good humour that it was widely remarked upon. Although David Lennox, the superintendent of bridges in the Colonial Engineer's

1. Lepailleur Journal passim. See especially, Entries for 7, 12, 13 June; 30 July; 4, 5, 15, 23 September 1840; 21 January 1841.
2. Entry for 8 August 1840, Ibid.
3. F.-X. Prieur, Notes d'un condamné, p. 182.
4. Entry for 25 November 1841, Lepailleur Journal. If my theory about the cause of Baddely's illness is correct, he would have been in the latter stages of the disease at this time, therefore, insane and convict women may have been the only ones unable to refuse his attentions.
Department, was complaining to Barney by the end of September 1840 about the insufficient amount of work being done at Longbottom, Baddely was sufficiently secure in his post to be able to lend his convicts to friends: for example, David Gagnon was lent to the Rev. Turner.¹

By April 1841, Baddely was vomiting blood and obviously believed he was going to die. His behaviour became totally irrational and outrageously autocratic. When he visited Sydney or Parramatta he demanded that a convict met him with his horse when he arrived by steamboat so that he could ride from the quay to his destination. In Parramatta, sometimes that ride was a mere six hundred and fifty yards. His orders concerning his personal comfort required a quarter of the Canadiens to fill. As his fear of death increased and he became sicker, he used his convicts as therapeutic objects. For no reason he would threaten to make them wear their convict dress to church in Parramatta and forbid them to buy beer on their way home. When he heard they were buying bread in Parramatta, he reported them to the Parramatta police and ordered their imprisonment in the gaol if they were seen purchasing food again. He became jealous of his rights and seemed to have the delusion that the Canadiens worked for him, not the government. Marceau, who had the misfortune to be Baddely's cook and general servant, sometimes had hatchets flung at him, and when Captain Morin raised his arm to prevent Baddely beating his face with a cane, the superintendent wanted him sent in irons to Sydney. He used about ten men to make furniture for his own profit and tried to circumvent Barney's order that a gang work on the roads. Lepailleur, who took over from Bourdon in September 1841, received a severe scolding because his men did not work every moment of the day.

¹. Entry for 17 February 1841, Ibid.
By September 1841, everyone was so terrified of him that they would even leave their food in the dining hut if he was seen approaching. He punished them if he saw them talking with free persons and feared he would be exposed in the newspapers. Both he and Bourdon feared they were being honestly described in the various journals that were being kept. At one point Lepailleur was forced to give his to a friend for safekeeping. Newspaper editors who arrived at the gate and asked to speak to the Canadiens received summary and rude dismissals, even if they were armed with permission from Barney's office.

The Canadiens learned in August 1841 they were, at long last, to be assigned. It was maybe a measure of Gipps' fear of them, or his unwillingness to act on his own initiative, that instead of being assigned to settlers after six months' superintendence as was the procedure for the criminal convicts, some of the Canadiens spent almost two years in Longbottom.1 Baddely did almost everything he could to prevent them leaving his charge. Once the first group had been chosen for assignment, he refused to let anyone (even prospective masters) talk to them, one day even refusing Blaxland of 'Newington', a member of the Executive Council, permission to enter the stockade. The patriotes received punishment once their departures became imminent. Baddely 'God damned' his servants and even forbade Newcomb permission to attend him. He had choking fits, times when he would stand crying like a child, and delusions. In November 1841 he almost killed himself falling off a horse and later in the month severely scratched himself with his toenails to the point where he could not walk. His fear of being left alone to die was

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1. The patriotes were the last group of convicts to be assigned in New South Wales, a process which continued until February 1842 when they received tickets-of-leave. Nineteen men were not assigned and had to remain in the stockade until February.
so great that he refused to let the assigned men leave. When Captain John McLean (the Principal Superintendent of Convicts) and Barney countermanded this order, he tried to stop the assigned taking their baggage with them. He dismissed Guérin dit Dussault from his position as gate sentry because he feared his creditors, and had Lepailleur follow him on foot beside his horse, wearing the convict dress and carrying medicine in one hand and a drinking mug in the other whenever Baddely left the stockade confines. Such a man commanded the Canadien convicts and when he died in 1842, they could not forget his treatment of them and the brutalities and speak good of the dead.

Their other tyrant was one of themselves - a comrade. Just three days after he had been appointed the camp clerk by Barney, Louis Bourdon put Toussaint Rochon in solitary for accusing him of stealing some food to make tourtières. He favoured his friends, demoting Lepailleur from hut captain to gate sentry in order to show preference to Prieur. He was strict as a turnkey before the Gormand fracas but allowed favoured ones to stay up later. One of those not favoured by Bourdon was Antoine Coupal dit Lareine, an epileptic standing only five feet tall. He complained of a sore arm to Newcomb in August 1840 and was reported for malingering to Baddely. After being placed in solitary as a result of this report, the unfortunate man suffered an epileptic fit. Both Newcomb and Bourdon were well aware of this, but it made no difference to them:

plus insensible que les plus vile aniemaux, il on lessé débatre mon pauvre malheureux tous le reste de la journée dans Cache & tous tous ansanglanté.  

2. Entry for 4 June 1840, Lepailleur Journal.
Everyone in the stockade was furious about this treatment but powerless to intervene, so greatly had Bourdon stamped his authority over them. Fearing anything which would diminish his control, he refused to allow the men to journey to Parramatta for mass if it meant he would have to delegate the leadership. So religious observance depended for a year on Bourdon's whims. When Joson Dumouchelle impulsively left the stockade to help a drunken elderly woman to her son's place near the gate, Bourdon and Prieur reported him to Baddely. Outsiders were impressed with his control of the Longbottom stockade and many were interested in having him assigned to them to oversee their convicts.

Bourdon found life at Longbottom profitable. As early as July 1840, he seemed to be rolling in wealth. A shrewd businessman, he made £40 on just one of the Canadien enterprises - that of gathering shells and selling them to lime manufacturers.\(^1\) Paré, envious at Bourdon's acumen and wealth, bought the rights to sell the shells to the bargemen, paying Bourdon £3 and pledging his watch as security. Bourdon bought the shells from the gatherers for eight or ten pence a bushel and then sold them to Paré for a shilling a bushel. The price paid by the contractor varied, and Paré did not make much money.\(^2\) But Bourdon had many enterprises. He used the government's oxen to bring the government's wood to the government's wharf at night, and sold barge loads of wood for his own profit. Each load yielded about twenty-four shillings and sometimes six were sold each night. During 1840, Bourdon fully deserved the title

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1. As lime was rare in the colony, oyster shells were an important ingredient in the mortar for bricks. Longbottom had been involved in the oyster shell trade for more than twenty years. Bigge reported that shell gathering was reserved for men of the 'worst character' as the shells were dug from the bed of the bay when the tide was receding, and frequently the workers were up to their waists in water: Report of the Colony of New South Wales, p. 39.

2. Paré had been lured into this bargain after seeing Bourdon paid twenty pence per bushel by the contractor, Entry for 3 March 1841, Lepailleur Journal.
given by Basile Roy.

With the example set by Baddely and Bourdon, many of the Canadiens became entrepreneurs also. After the Gorman fracas their huts would be locked up at night, but opened again as soon as Baddely went to bed. In these hours, many worked for themselves much to the disgust of their compatriots who feared this 'bad' behaviour would lead to a longer exile. E.-P. Rochon set up a shop which produced carriages, axes, and wheel spokes and even a gravestone. Some of the carpenters made razor boxes and chests out of the cedar at Longbottom. Paré made a trap to catch fish and he, the Héberts and Bigonesse made canoes. Gagnon constructed carriages and carts while David Drossin Leblanc made shoes from the tanned government leather. Amongst the oyster gatherers were the Thiberts, Joseph Dumouchelle, the Longtins, Paré, Laberge, Jérémie Rochon and Langevin while Bourbonnais, Laberge and the carters provided the muscle which allowed the wood business to flourish. Only the oyster shell business was strictly for the Canadiens, with Bourdon taking a major share. In the other enterprises they only received a portion of the sums given Baddely.

Needless to say these activities had a lowering effect on the morale and morals of the patriotes. Those involved in the oyster shell business made between £120 - £150 in total, and in the restricted environment of Longbottom, jealousy devoured many. Lepailleur alleged that J. Rochon stole and subsequently sold an axe which Touchette and Buisson had made. In August 1840, René Pinsonnault's trunk, which had been made from James Lane's bedtester, was stolen by Lane. Many feared that he would take it to Sydney and expose the Longbottom activities. Lepailleur thought then that it was time they were dispersed from the stockade before
they were all punished.

They were subjected during their superintendence to many rumours about their departure. It seemed that anyone who had anything to do with them tried to cheer them up by telling them they would soon be assigned, or pardoned, or even allowed to return to Canada in the very near future. And their stubborn belief that they would be recalled, not only led them to make money at almost any risk to their health for their fares, but did not allow them to accept their condition in Australia. They could not reconcile themselves to the fact that they were paying a price for a crime in which others had participated and that their punishments had been arbitrary.\(^1\) Ducharme expressed much of this philosophy when he wrote about the abuse of government time and goods:

Quant à nous, il nous importait peu de travailler pour le gouvernement ou qui que ce fût, n'étant responsables que de l'obéissance à notre surintendant et ne pouvant apporter quelqu'adoucissement à notre situation qu'à force d'entrer dans ses intérêts et de flatter ses inclinations. Rien n'est plus naturel, qu'un prisonnier cherche à améliorer son sort; surtout quand le gouvernement seul doit en souffrir.\(^2\)

Thus the men from Canada justified their activities.

Basile Roy thought, as did many others, that once they arrived in Australia they would have their liberty and not be required to perform manual labour. He found the pursuit of riches by many of his comrades incomprehensible at times. But all realised that hunger was a powerful motive and money, even if illegally obtained, could stop some of its pangs. Therefore although some may have deplored the ways in which certain monies were earned, all ate the peach pies made from fruit pur-

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chased from Alexander Macdonald, (a neighbour of the stockade), without caring that it was illegal for a convict to purchase anything while under superintendence. But while expediency governed, some feared the disgrace that could fall upon them.

No matter how much money they made, none forgot their absent families. The republican Mott and Chèvrefoils one night buried their heads in their hands and wept. Basile Roy found the pain of exile greater than death and sometimes wished that he had been executed along with the others as then his agony would have ended. For him, being a convict was:

Toujour vivre sans aître a sois, toujour esclave sans recouvrirre sa liberté, cette térible passé cause une peine qui finira jamais et qui se renouvelle a tous les maument de la vie, ancorps plus penible pour celui qui à quitté une epouse & des cher enfants.¹

The worst fate that Roy could imagine happening to him was dying in Australia away from his loved ones.

These fears took a tangible form when Louis Dumouchelle became ill. Medical care in the stockade was under the supervision of the elderly Doctor Newcomb. He interpreted his job as keeping as many men working as possible and even though he was in charge of special rations for the sick, they were rarely given out. In fact, they often ended up being stolen. Others besides Lareine suffered from his inhumanity. The usual practice in convict establishments was a sick leave period of three days if a prisoner was given medicine. Newcomb made his convicts work the next day.² By October 1840 it was obvious to everyone that

¹ Entry for 25 September 1840, Roy Journal.
² See, for example, Entry for 26 July 1840, Ibid. On 5 August Robert, although still vomiting, was forced to work. In this entry Newcomb is called a tyrant to sick prisoners.
Plate 11 - Dr Newcomb by Jean-Joseph Girouard.
Louis Dumouchelle was very ill - everyone that is, except the doctor, who would not treat the sick man and threatened him with solitary if he refused to make mortar in the cold water of the brickyard. His brother, Joseph, complained to Baddely and Newcomb's neglect of his patients was so obvious that the superintendent immediately threatened him with forced labour if he did not take better care of the ill. Dumouchelle was sent to Sydney together with Lepailleur who was sick himself and could act as a translator.

They found Sydney Hospital (in Macquarie Street) 'une des Plus Belle & Considerable Batice de tous Sydney et dans une des Plus Bel place'. But appearances were deceiving. Lepailleur who was suffering from dysentery and Louis Dumouchelle with dropsy and malnutrition were assigned to a large room holding twenty patients. Convicts, who stole anything they could from those too weak to resist, supervised the ward and frequently brutalised the sick. There was no attention given during the night and many times a man would expire with only the sick aware of his extremity. Seven, at least, died during Lepailleur's stay. One death particularly enraged him. A convict had been admitted two weeks earlier with ear trouble and mistreated systematically since his entry to the hospital. Two days before his death he was 'ce couez & Brassé avec la plus grand violance'. Lepailleur found this treatment 'Incroyable' and wondered why 'crase' nursed the ill, because 'Les plus ville animeaux Ne sont pas ausie hinumain à leur samblabe'. The poor man had been tied down to his bed before his death on the pretext that he had let his bed-clothes fall to the ground.

1. Entry for 24 October 1840, Lepailleur Journal.
2. The details about the hospital are taken from the Lepailleur Journal between 16 October and 26 November 1840, passim, unless specifically identified.
3. Entry for 16 November 1840, Ibid.
Hospital food was worse than Lepailleur had been eating at Longbottom. Rations were 'le tous an petite quantite' and the same contractor supplied bad meat. Some people gave consolation as best they could. Baddely allowed Joson to frequently visit his brother and to stay sometimes at the hospital. Bishop Polding, Father Brady and Grand Vicar Murphy visited the Canadiens, the latter giving Louis absolution. Prieur sent money and sugar to help them alleviate their lot.¹ In spite of Louis' obvious distress, Joson pathetically tried to make his brother eat normally. Lepailleur attempted to get information for the family in Canada from the sometimes delirious man.

The doctors tried also. Louis took medicine, drank draughts, and suffered an operation in which three gallons of blood and water were extracted from his abdomen. Louis died forty days after his admittance to hospital in the presence of Lepailleur and his brother, deliriously believing that he was re-united with his loved wife. To Lepailleur's distress he was placed naked in a coffin and, attended by Joson, buried 26 November 1840.

To contend with the anxieties raised by Louis' death, their homesickness and the tensions existing in Longbottom, many turned more deeply into their religion. Several joined the Brotherhood of Our Lady Help of Christians.² Guertin, who led the prayers, became so devout that Lepailleur feared he would soon don a cassock and preach, and together

¹ Entry for 3 November 1840, Ibid. This reference is noteworthy as it shows Prieur's compassion. He was not one of the wealthiest in the camp and his close association with Bourdon does not appear to have given him a monetary infection.

² Entry for 10 December 1840, Ibid. The Canadiens stated they joined the Auxiliary Brotherhood of Our Lady, but Monseigneur Duffy of St Mary's Cathedral, Sydney identified the name given in the text as the correct one.
with Turcotte and Guérin dit Dussault, Guertin chanted the first High Mass performed in the Parramatta church. God was part of the Canadiens' ballads which were sung at Longbottom:

Dieu vient délier nos chaîne  
Etend nos gémissement  
Daigné soulagé les paine  
De nos chère petie enfans.

While convicts were under superintendence, the oppression and forced conformity made them conceal their feelings. As Rochon could testify any attempt to stand up to Bourdon would be punished by hours in solitary confinement. But even Bourdon would probably join in a folk-song which mocked British institutions and therefore their captors, disdained their culinary customs:

Toujours L'hiver et l'été  
De l'eau chaude avec du thé  
Toujours du Beurre en tartine  
Le Rosbif est leur cuisine  
Et quelques fois un ragout, sans goût, sans goût,  
Dieu quel ennui quel dégoût...

and considered the English climate only 'beaux / Pour les Boeufs et les chevaux'. And who could resist singing about the Canadien women who stole a man's heart and made him:

... passe la bouteille  
vole mon coeur vole  
on passe la bouteille  
nous buvons tour à tour  
nous buvons tour à tour tous doux  
nous buvons tour à tour

1. Entry for 25 July 1841, Ibid. The Canadiens were given the collection to share among themselves. Lepailleur divided it into twenty-two shares of ten pence and thirty five of fifteen pence. Mott therefore was included and must have been regarded as a comrade. The collection totalled £3/2/1, a very generous sum indeed and typical of concern expressed by the priests, nuns and congregation of the Catholic church in Parramatta towards their Canadien members.

2. Entry for 7 June 1841, Ibid. The following extracts are also from this entry.
En dance avec nos blondes
Vole mon coeur vole
En dance avec nos blondes
On saute en vrais foux
On saute en vrais foux tout doux
Nous sautons en vrais foux.

But even songs such as these could not stop the burning ache for Lower Canada and the loved ones there.

During the period of superintendence the convicts sent letters regularly to their families and Lepailleur invented a way to circumvent the official censorship. With the co-operation of officials in the Catholic church, letters were entrusted to those going to Britain, who would send them to Bishop Bourget for despatch to the parish curés and the intended recipients.¹ When letters from Canada finally began to arrive in 1841, they were read eagerly to everyone who listened for news of his own family and efforts being made to obtain their release from New South Wales. When Captain Morin was sent a Canadien newspaper, it was scanned avidly. Sydney newspapers were read each day and items which affected the Canadiens clipped out and saved.² Although it was official policy to deny convicts access to newspapers, the citizens around the stockade, such as Neich, willingly lent their papers. In fact, while Lepailleur was a gate sentry, a young boy on his way to Love's school brought them to him each morning.³ They had a catholic choice, reading everything from the Herald (which Lepailleur compared to its namesake in Montreal) to the Australasian Chronicle, which being Catholic, favoured them, of course. They received frequent, if irregular mention.

1. See, for example, Entry for 16 November 1840, Ibid.
2. See, for example, Entry for 30 July 1840, Ibid; an issue of the Colonist proved too great a temptation for someone and was stolen from Lepailleur's bag.
3. Entry for 25 June 1840, Ibid.
The Sydney Monitor and Commercial Advertiser gave the Canadiens a glowing report late in March 1840. It advised its readers that the patriotes were quartered at Longbottom and praised Gipps for acting 'judiciously in keeping these men apart from the other convicts'. It noted that only four or five spoke English, that the behaviour of the Canadiens had been 'unimpeachable', that they generally acknowledged 'they were wrong in being concerned in the insurrection' and thought of themselves 'as the dupes of those who got it up for selfish reasons'. It commended their devotion to religious duties and called for them to be released 'after the briefest possible probationary period' so that 'Canadian husbandry' can be introduced into the colony. The Colonist also had a small piece on the same day, calling them 'unfortunate men' and reporting that:

No mention or complaints are heard from them, and they pay implicit obedience to any orders they receive. Every evening they congregate near their ... house for the purposes of prayer. After they are locked up each division may be heard for a short time imploring the Supreme Being and then all is hushed till the morning, when they return to their severe probation.

A letter signed 'Clementinus' supported this viewpoint. The writer noted that a distinction had to be made between 'moral and political offences' and observed that the patriotes 'now pray hourly' for the Queen's welfare and bitterly repented the time when they 'took up arms against their sovereignty'. 'Clementinus' called for the Canadiens to be settled as 'free men' in the country with the government bringing out their wives, children and parents. He added that this would be a 'gem indeed in the Crown of England and ... an immense advantage to the Colony for these men are industrious and pious'.

2. The Colonist, 25 March 1840.
3. The Colonist, 28 March 1840.
Chronicle published a letter from Brady in which he declared the fare at Longbottom was so bad 'that the white slave from Ireland, accustomed as he is to ... live upon potatos and salt, could scarcely exist on it'. As could be expected given the religious tensions in Sydney, this letter was too much for the bigots. The Sydney Herald, which only in April had called for the early assignment of the patriotes, now launched itself into a diatribe against Brady and the rebels. The editor who had the benefit of reading a copy of the Report of the State Trials also had the temerity to query a statement by Brady regarding the homes which had been burnt and pillaged. It asked him how many wives and children were without fathers as a result of the actions of the patriote convicts, how many wounds had been inflicted on the military and concluded 'Is there no comprehension - no punishment to be exacted for these enormities'. And as for the plea that the Governor ameloriate the patriotes' condition which the editor of the Chronicle had made in support of Brady's letter, the Herald proclaimed that the Canadiens:

are much better off than men in assigned service.... and though we are not disposed to favour the Convict system, yet we must maintain that by going one step further than he has done, the Governor will compromise himself, and act unjustly to settlers with assigned servants, and to the well behaved Protestant Prisoners.2

The Colonist reported the quarrel between its rivals and was inspired to go to Longbottom to see the objects of it. Its writer walked by the stockade on a Sunday to judge for himself the condition of the Canadiens. As it was the Sabbath, he found no suffering and observed the men enjoying their leisure time. Some were looking over the fence at passers by, others talking amongst themselves and a few were reading.

1. The Australasian Chronicle, 4 July 1840.

For the literate, reading was a popular pastime and judging from Lepailleur's accounts there were many books in the stockade. The choice of literature ranged from biographies of the powerful (especially Napoleon and the kings of France) to religious tracts and almanacks. Emmanuel Neich, seemingly, was a source of books in French. He probably sold manuscript paper also to those who kept journals, for Lepailleur bought a quire for five shillings shortly after he was appointed to man the gate and thus given access to Neich. Lepailleur also drew plans of the stockade - some were sold and others given to friends. The flora and fauna fascinated the Canadiens and they searched their French-English dictionaries for the names. They could not find 'cockatoo' and thought 'goanna' to be 'iguana'. Literate or otherwise, they hunted specimens to take back to Canada with them. Many fished to supplement their dreadful diet and exotic specimens like a stingray were brought back to the camp and displayed for all. After some time they realised that another source of food was available for them - oysters - and in 1841 frequently ate their fill. To gather the oysters and their shells, the patriotes ranged illegally from the Hen and Chicken Bay area. By paddling the canoes which had been made for Baddely, some journeyed as far as Kissing Point and Tarban Creek. Sometimes they encountered other picnickers who generously shared their food and money and proffered the hope that they would soon be assigned. Once Pare strayed to the Five Dock side of the bay, and presumably due to someone's generosity became drunk.

The Canadiens bought beer on their trips to Parramatta until stopped by Baddely, and presumably purchased some of Neich's wares from that generous hotelier.

2. Entry for 2 January 1841, Lepailleur Journal.
3. See, for example, Entry for 26 December 1840, Ibid.
4. Entry for 25 March 1841, Ibid.
There was a flexible system of work hours at Longbottom for the patriotes realised quite early that their rate of work was greater than that expected and learnt to meet or better their quota in the most efficient way. For example, Lepailleur who became a work overseer after his return from hospital, required a set amount from his men and then let them work on their own projects. Once, he gave his group a holiday on Ascension Day thinking they would like time to perform their religious duties. To his horror he found they had sufficiently imbibed enough of the colony's values, to use the time to gather oyster shells.

Not all time was devoted to profitable activities, either temporal or spiritual. Lepailleur lavished some love on a little dog called 'Sergeant' and frequently took long walks in the woods at dusk. Even convicts made their own fun. Some played jokes on each other and E.-P. Rochon gave his fellow prisoners pleasure by carving a set of bowls. Thereafter, games of bowls were frequently played in the Longbottom stockade, the first recorded instance in the Concord area, and other games played included draughts. On the Twelfth Night in January 1841, the convict hierarchy treated themselves to a feast. A cake was made, Huot crowned king and Prieur queen, and Bourdon, Lanctôt, Dumouchelle, Provost, Ducharme and Lepailleur celebrated. Perhaps using this festivity as an example, several others - Joson Dumouchelle, Bourbonnais, Langlois, Goyette, Rochon and Leblanc - held a Grand Fête for Easter Sunday in the woods, with quantities of rum contributing to their merrymaking. Bourdon, who did not believe in equality, handled these roisterers roughly.

1. Entry for 26 September 1840, Ibid.
2. Entry for 6 January 1841, Ibid.
3. Entry for 11 April 1841, Ibid. Lepailleur does not specify which Goyette, Rochon or Leblanc attended.
Plate 12 - Tarban Creek with the Lunatic Asylum in the distance by Henry Curzon Allport.
Sex was enjoyed by at least one Canadien during the Longbottom imprisonment. Etienne Languedoc was a troublemaker who spent most of his leisure time stirring up trouble. He laughed at those who went to church and to their horror was once sentenced by Baddely to walk in chains behind the churchgoers to Parramatta to curb his insolence. After intercession, Baddely changed the form of punishment and made Languedoc walk up and down the stockade road during one Sunday. He was alienated from everyone in the camp except Jérémie Rochon and therefore cared little if his activities damaged the group's chances of early assignment or eventual return to Lower Canada. Therefore he was despised by them and on one occasion at least, they petitioned Baddely to have him assigned to another camp so that his activities would not reflect on them. Languedoc assiduously wrote letters to Captain McLean, Lennox and Major Barney exposing the activities of Baddely and Bourdon and sought various ways to get the letters to Sydney. As the letters would have hurt the Canadiens, the communal feeling was strong enough that Bourdon was told when such epistles were ready for despatch. Languedoc, virtually friendless, therefore made common cause with an English convict messenger attached to the camp named Joseph Oxley. 1

With Oxley, he slipped across the Parramatta Road and enjoyed the company of whores. Unfortunately, on one occasion Baddely wanted Oxley and found he had absented himself. The messenger received forty lashes from the Hyde Park scourger but Bourdon concealed the fact that Languedoc had been with Oxley even though he had seen Languedoc with a red-headed prostitute on his knee. Bourdon's motives in treating one convict so differently from the other can only be guessed at. Either he faced exposure or he did not want Languedoc to taint the Canadiens who were (in

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1. Entry for 26 July 1841, Lepailleur Journal.
spite of everything) the only group of men never to have had an official charge laid against them during their period of superintendence.

Many were interested in securing the services of these artisans and tradesmen in August 1841 when Gipps let it be known that the Canadiens were to be assigned. The patriotes, who had suffered through many rumours, refused to believe this news until the first tickets actually arrived at Longbottom.

These assignment tickets were brought by Captain Samuel Perry, deputy Surveyor General, and Captain McLean. The latter, as Principal Superintendent of Convicts, demanded very good wages and conditions for the patriotes: three shillings and six pence a week to be paid to the men, their clothing and rations provided and a further sum of twenty shillings for tradesmen and fifteen for the others to be paid into the Savings Bank of New South Wales. Many, such as Captain Brown a Justice of the Peace of 'Paterson', Parramatta, were displeased with the rates prescribed by McLean and claimed they could employ immigrants for less.1 Baddely tried to favour his friends and actually made out a list of preferred employers. His actions were countermanded by McLean and he then tried to stop the assignment.2 The Canadiens found that jobs were scarce and their status a detriment. For example Bourdon was assigned as a clerk to a merchant named Joubert3 who did not want a convict employee until Bourdon went to Sydney and changed the merchant's mind.4

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1. Entry for 30 August 1841, Lepailleur Journal.
2. Entry for 16 September 1841, Ibid.
3. Probably Didier-Numa Joubert (1816-1881) who was then an agent for a Bordeaux wine house.
4. Entry for 9 September 1841, Ibid.
also sought jobs in Sydney and found that the law forbade him to practise his profession as a legal draftsman.1 Even those who could not journey to Sydney attempted to hasten their assignment and/or help their comrades escape Baddely's tyranny. Lepailleur gave lists to the Reverend Platt, the Catholic priest in Parramatta and to one of their neighbours, John Rowley of 'Burwood'. Both these men went out of their way to help find jobs for the Canadiens.

Xavier Provost was the first to leave the stockade on 27 September 1841. Although Brown had grumbled at the conditions, he took Provost and remained so satisfied with his services that Provost continued to work for him once he obtained his ticket-of-leave.2 McLean and Perry also took several men (Mott, Laberge, Gagnon and Jacques Goyette) in the beginning of October. Thereafter, the patriotes left the stockade with increasing regularity.

One man in the Longbottom area watched them leave and listened to their grumbles as they tried to find jobs. In October he decided to take one as an assigned servant. Accordingly, Emmanuel Neich left his hotel and journey to Sydney in an effort to have François-Maurice Lepailleur, who was fast becoming his friend, assigned to him. In spite of Neich's efforts, Lepailleur remained unassigned in December. Neich then asked two of the largest landowners in the area - John Rowley whose 'Burwood' comprised one hundred acres on the Parramatta Road and George Robert

1. Entry for 11 September 1841, Ibid. Even after they received tickets-of-leave, the patriotes continued to search for jobs for their comrades. The Entries in the Lepailleur Journal between 30 August 1841 and 30 March 1842 provide many examples of this activity. Whether this search for masters to be assigned to was unique will probably never be known as there are no comparable records to the Lepailleur and Roy Journals. Corroborative evidence is given in Prieur, Notes d'un condamné, p. 200 and the same incident is recorded in the Entry for 28 January 1842, Lepailleur Journal.

2. Ticket-of-leave No. 42/433, 'Ticket of Leave Butts', Principal Superintendent of Convicts, 4/4159, ANSW.
Nichols, a prominent Sydney barrister - to intervene for him. On 22 December 1841, while Neich was still attempting to influence the Principal Superintendent of Convicts' office, Lepailleur heard that Hamilton C. Semphil, a magistrate of Darlinghurst, had been successful in securing his services. It was with regret that a convict and a hotel keeper who had managed to become friends - Lepailleur and Neich - parted in January 1842.

1. George Robert Nichols was the son of Isaac Nichols, an emancipist who became the colony's first Postmaster. The Nichols' holdings at the time of the Canadiens' occupancy of Longbottom were approximately six hundred acres jointly owned by George Robert and his brother Charles. Robert Nichols also owned the Australian newspaper and was aligned politically with William Charles Wentworth.
... les personne commil faut sent bien rare dans cette Ils ici la plus grand partie de travail an sont que de la Canalle & des voleur à quil on peu pas se fiez & tous de grand yvronge, sur un mil Il y a pas deux bonne personne an un mots ses réfus de toute la crase du royaume unie qui est refuiez dans cette Ils ici.

Maurice Lepailleur, 27 April 1840.

... and when they received their free pardon and were allowed to return to their native country they were greatly missed by the poor of Sydney and its suburbs.

The "Echo", 7 August 1890.
CHAPTER 8

SYDNEY from 'below'.

Maurice Lepailleur left the Longbottom stockade rejoicing that his days as a slave had ended, happy to escape the tyranny of the dying Baddely and glorying in the opportunity to earn money, some of which he might find a way to send to his 'cher Domitile'. He began working on 15 January 1842 for twenty shillings monthly, plus three shillings and six pence a week, as a painter and labourer.

While in Longbottom the Canadiens had petitioned for tickets-of-leave in January 1841. In a letter to Lord Russell, Gipps endorsed the petition because the patriotes' conduct had been 'exemplary' and 'not one of them' had incurred 'any extra punishment, and no murmur, or complaint' had arisen either among or against them. Russell's subsequent approval reached New South Wales a year later, and the office of the Principal Superintendent of Convicts in Hyde Park began preparing the tickets in February. By the fourth of that month, Lepailleur's master, Hamilton C. Semphill (who was a friend of Gipps) informed Lepailleur of his good fortune, and by the end of February all the Canadiens had left Longbottom although none, as yet, had received their tickets. To celebrate, they held a party at the inn of a Frenchman,

1. Assignment Butt No. 41/41. The twenty shillings were banked in trust for Lepailleur by Semphill. See Appendix III for a list of those who employed the patriotes while on assignment or ticket-of-leave. As this list is taken from official sources, it will not include men like Emmanuel Neich who employed some Canadiens casually.


3. Stanley to Gipps, 1 September 1841, A. 1286, ML.
John Meillon. On 7 March 1842, Lepailleur received his discharge and began to look for work which paid higher wages.

He moved into the Brickfield Hill area of Sydney to stay at Meillon's inn. The latter, who was also a cooper, had made his place a headquarters for Canadiens seeking new masters or those who were without jobs and, in fact, when Lepailleur moved there from Darlinghurst he found Toussaint and Edouard-Pascal Rochon and Buisson there also. At Longbottom, Lepailleur had been part of the stockade's hierarchy, having at times been the gate sentry, work overseer, hut captain and night sentry. At the end of his stay he had been the camp clerk, second only to Baddely. Unlike Basile Roy, he had not made charcoal, not had to work in the cold water making mortar in the brickyard, nor had he had to drive recalcitrant oxen. As he waited at Meillon's inn for a better job, Lepailleur swallowed his pride, scrubbed floors and made himself a handyman.

On 17 March, Lepailleur was hired by another innkeeper, John Ireland to paint houses and vehicles at the welcome wages of a pound a week plus his room and board. Ireland's inn, the Plough Inn on the Parramatta Road in present day Ashfield, was, like the Bath Arms, a convenient changing place for coaches going to Parramatta, Windsor, Bathurst and other western settlements. Lepailleur's first task at

1. Entry for 24 February 1842, Lepailleur Journal. This was, Lepailleur asserted, the first time he had drank alcohol in four years and not surprisingly, he got drunk.

2. The government gave a month's notice to the masters before the assigned men could leave to seek better employment.

3. All information concerning the years 1842-44 is taken from the Lepailleur Journal unless otherwise indicated.
Ireland's was to paint coaches, houses and to letter some post office carts. Although Lepailleur's ticket-of-leave was dated 31 January 1842, he did not receive it until 30 May, when he was given his liberty within the Parramatta District, sponsored by Ireland. By early June, Lepailleur received £3/11/8 for the thirty-five days he has spent at the Plough Inn. After some stints for other innkeepers in the area, earning the magnificent sum of six Pounds weekly on one occasion, Lepailleur was hired by J. Purkis of Five Dock and Pitt Street. Again he was a skilled handyman, driving their coaches, tarring and painting barges and canoes, and his work at the Five Dock estate brought him back to his friends at Longbottom.

In October 1842, he was employed by Alexander Macdonald, the same man who sold the Canadiens peaches and watermelons when they were in the stockade, to build a house and paint letters on the tombs in the cemetery of St. Anne's Anglican cemetery at Kissing Point, across the Parramatta River. After this work was finished, Lepailleur painted rooms for Meillon, and then was employed by his friend Emmanuel Neich for the going wage of five shillings a week, plus room and board. During this period Lepailleur was hired to glaze the windows in the new Longbottom schoolhouse, earning thirty shillings for only four days' work. It appeared that workmen in the Parramatta District could command higher wages than their counterparts in the 'big smoke', for in

1. Ticket-of-Leave Butt No. 42/406. Conditions for the tickets varied between the Parramatta and Sydney districts. In the former, it was not necessary to have a regular master and the convict was only required to report to a magistrate once every three months. In the Sydney region, the requirement was a monthly report and a permanent employer. Entry for 1 March 1842, Lepailleur Journal.

2. Entry for 5 June 1842, Ibid. Obviously some deductions were made for laundry, food and room.

3. Kissing Point was renamed Ryde by the Rev. George Turner.
Plate 13 - George Street looking North by John Rae, 1842.
late 1843 and 1844, Lepailleur was offered only three shillings a week when working in Sydney. On some occasions he worked for his fellow patriotes on their enterprises (sometimes donating his services), but the rich men in the colony - such as William Charles Wentworth of Vaucluse - paid this rate as well. By working as a painter, carpenter, and general handyman, Lepailleur had made, and saved, more than £100 when he received his pardon in June 1844 - that is, in only a little more than two years.

The other patriotes adjusted to the economic conditions of the colony also, although for some it was traumatic. Some of those with masonry skills worked on the foundations for the new army barracks at Paddington. There was a network amongst the Canadiens and their employers, and frequently a man working for a good employer would make sure that other jobs were filled by compatriots. For example, Lepailleur secured employment for Basile Roy at John Ireland's, and Joson Dumouchelle found Lepailleur the situation with the Purkis'. Some patriotes found their liberty on ticket-of-leave a mortification. Dr Newcomb, for one, thought life in the stockade preferable to that he was leading outside. Newcomb, who was aged sixty seven in 1842, found that 'Being a Surgeon' he was 'unable during the whole time to earn more than a subsistence'. Prieur too, experienced disappointment, for his life as a merchant in Lower Canada had not given him the skills necessary to thrive economically in New South Wales. His pride was also a hindrance. By January 1842, for example, he had lost his

1. Entry for 19 April 1844, Lepailleur Journal.

2. Enclosure in Despatches to Governor of N.S.W., 1845, A. 1296, p. 203, ML. Stanley in 1845 requested Gipps to furnish information on those Canadiens who remained in the colony and the Principal Superintendent's Office supplied the above information.
first job. His explanation was that his employer would not allow him
time to go to church on Sundays, but his compatriots believed that he
found the menial work required in the manufacture of confectionery too
demeaning. Soon, he and some others realised that working together in
partnership might be an advantage.

Several established a timber business at Balmain. While the less
skilled - Bourdon (for a short time), Prieur and Ducharme - made shingles, the others - Buisson, Laberge, the two Thiberts, Langlois, Alary,
Touchette - ran a sawmill. After a while, though, most found this venture
unprofitable and tried other enterprises. Ducharme found a gardener's
job with Charles Smith, the affluent carcase butcher, and was joined
for a short while by Prieur. The latter left to open a shop in Irish
Town on the Liverpool Road in partnership with Jean-Marie Thibert and
Touchette who had both been assigned to the magistrate William Lawson
of 'Veteran Hall' of Prospect and therefore knew the area well. They
hoped to appeal to the many travellers on the Liverpool Road by offer­
ing a variety of services, ranging from foodstuffs to a blacksmith and
his forge. They built an earthen oven for baking bread in the Canadien
style which was a source of interest for the few residents and the
passers by. Curiosity did not provide much money though and they
quickly dissolved the partnership.

1. See P.-X. Prieur, Notes d'un condamne, p. 193 and Entry for 28 January
1842 for the conflicting accounts.
2. Prieur stated that they earned ten shillings per thousand lathes
and they made about twelve thousand in a fortnight. The profits barely
covered their food expenditure; Notes d'un condamne, p. 206.
3. Ibid., p. 214.
4. Irish Town is the modern suburb of Sydney, Yagoona.
5. William Lawson made the famous crossing of the Blue Mountains in
1813 with Blaxland and William Charles Wentworth. All three employed
the Canadiens.
Other ventures were more successful. Entrepreneur E.-P. Rochon bought two building lots in Kent Street, Sydney for £135/10/-.

To do this, he borrowed money from the Canadien community and proceeded to build two two-storey houses. After working on them, with the help of other patriote tradesmen such as Lepailleur, Rochon rented them five months later for thirty-two shillings per week, and sold them in April 1843 for £295. This success inspired others, such as Jacques Goyette, Langlois, Pascal, Louis and Réné Pinsonnault, to pool their money (with the lenders being offered interest at between six and fifteen per cent)

buy lots and build. They met with varying success. One patriote who invested £35 found that financial difficulties on the part of the person who bought his house caused a 'dommage considérable' in his 'petites affaires'.

Lepailleur worked on a house being built by Moyse Longtin and Réné Pinsonnault. He thought it would cost £203 to build and should fetch £300 when sold. Even as he deplored the crass motivation of money which he thought was affecting many of his comrades, Lepailleur himself caught the fever of speculation. He borrowed money and paid Longtin and Pinsonnault £235 for the house. Unfortunately he had mis-calculated and could only re-sell it for a mere £165.

The Canadiens remained a community in other ways during their working years in New South Wales. Some distrusted the banks in Sydney

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1. It was either a measure of the Canadiens' acumen or their likes or dislikes that Lepailleur was lent money for six per cent while E.-P. Rochon paid fifteen per cent interest.

2. An anonymous letter in La Minerve, 19 August 1844. Although some internal evidence as to authorship is provided in the letter, (for example, a daughter named Louise had been born to the writer after he had left for Australia), it is not sufficient to make a definite identification.

3. This loss of £70 did not include the sum Lepailleur would have earned as a casual labourer if he had not worked on the house. In an anonymous letter published in Le Canadien, 16 September 1844, which can be ascribed through internal evidence to Prieur, the Canadien public was informed that Lepailleur, R. and L. Pinsonnault, Langlois, Toussaint Rochon and Jacques Goyette were building in the vicinity of Meillon and that 'Ils sont tous sur le point de vendre avec un assez bon profit'. Only a few were fortunate to make one.
and used their comrades instead. For example, Basile Roy frequently gave his money for safekeeping to Lepailleur. The elderly patriotes suffered the most, and Newcomb, Bouc, Captain Morin and Huot were given loans and gifts of money as well. When Ducharme and Prieur were working for Charles Smith they allowed the elder Morin to live with them free of charge until Smith ordered his departure, and Papineau who had set himself up as a farrier in Canterbury took pity on the man and asked him to 'l'aider a gouverner son petit etablissement'. Newcomb lived with Guertin in the Longbottom area and Bousquet, who suffered a badly broken arm and a smashed hand, lived amongst his compatriotes for some time until the innkeeper Meillon 'eut la charite de lui donner 1' hospitalite'. This rare citizen provided Bousquet with room and board, apparently without any recompense for a year.

1. In early 1842 several Savings Bank Warrants were made out in favour of the patriote convicts by clerks in the Principal Superintendent's office (Warrant Nos. 42/12 - 42/92, not inclusive). The amounts varied between £20 for Mott to a mere 3/9 for Trudelle. It is difficult to know how much value to place on this evidence because for example, E.-P. Rochon's Warrant (No. 42/25) shows only the sum of 7/7, while other evidence supports the fact that he had much more money. I have concluded that these warrants represent sums taken from them on their arrival in the Colony - money they had not hidden from the authorities. Therefore no generalisations have been made from the amounts listed in the Warrants. See the varying sums see 'Savings Bank Warrants', Nos. 42/12 - 42/92, 1840-44, 4/4547, ANSW.

2. Neither Ducharme nor Prieur thought this generous action worthy of mention. It was Lepailleur (Entry for 5 June 1843) who admired their compassion and noted it.

3. Besides the Canadiens sources (Lepailleur and Le Canadien of 16 September 1844), see Francis Low, The City of Sydney Directory for MDCCLXLIV-V, Sydney 1844, p. 87 for Papineau's listing.

4. Le Canadien, 16 September 1844.

5. Ibid.

6. See also, letter written by Bousquet thanking his donor in the Australasian Chronicle, 13 July 1844.
Some outsiders were trusted by the patriotes. Lepailleur, for example, left wages totalling £17 with Alexander Macdonald of Concord to keep for his passage back to Canada. As many Canadiens could have testified, this exhibited a rare trust in a citizen of New South Wales, as they had lost their wages when their employer, A. G. Dumas of Newtown (a second class clerk in the Principal Superintendent's Office in Hyde Park), declared himself unable to meet his debts of £2000. At the time he took this step his liabilities included £16 which was owed to J.-D. Hébert, £12 to Langlois, £9 to Toussaint Rochon, £23 to Jean-Marie Thibert and Allary, £8 to Prieur and Ducharme, £17 to Mott, £12 to Jacques Goyette and a similar sum to Louis Pinsonnault - a total of more than £100 in lost wages. To these workmen Dumas' bankruptcy meant that they did not have the money they had counted on to return to Canada if their pardons eventuated. Lepailleur angrily wondered how a man, employed as a clerk, could amass such a large debt.¹

Acquiring debts seemed easy in colonial New South Wales. Both John Rowley and George Robert Nichols also declared themselves unable to meet their liabilities. Rowley's debts totalled more than £8000, while Nichols, who had inherited more than £12,000 from his father in 1819 and who earned more than £2000 a year as a barrister, owed £18,000. Coming from a juridical family, Lepailleur was bemused at the laws governing bankrupts in New South Wales. For example, if one had liabilities of more than £10,000 and only £100 with which to meet them, by declaring bankruptcy, creditors were forced to give a final

¹. This may explain why so many of those who lost their wages through Dumas' bankruptcy went into partnership building homes and speculating in real estate. For the bitterness it engendered amongst the patriotes see, L. Ducharme, Journal d'un exilé, p. 43.
quittance. As Lepailleur realised 'Boucoups profite de cette Acts pour faire des coquinerie, profite de cette avantage pour faire Bancropsie avec avantage'.

While the rich played games with money, it became an increasingly rare commodity for the poorer citizens. During the years that the Canadiens worked in New South Wales, Sydney wallowed in an economic depression which was not helped by boatloads of British emigrants arriving regularly in the colony. Many of these newcomers found it impossible to find employment and the government was forced to supply them with accommodation (sometimes in barracks which convicts had previously occupied) and rations. As some of these 'free' emigrants looked around, they saw convicts earning good wages and they petitioned the government to ban the felons - whether on ticket or assigned - from the Sydney area. The petitioners reasoned they would fill the labour shortage thus created. But banning the convicts would not necessarily have resulted in jobs for emigrants. As the Canadiens testified by their words and actions, reliable workers were rare in New South Wales and there were jobs for willing and able tradesmen.

Even those with good wages, though, found it difficult to live well in New South Wales. British writers warned prospective emigrants that although there were high wages to be earned, rents and prices were frequently exorbitant. Some residents of the colony chose not to try

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1. Entry for 14 December 1842, Lepailleur Journal.
2. See, for example, Entry for 27 April 1840, Ibid.
3. Most of the Canadiens were rarely unemployed.
4. See, for example, J. Hood, Australia and the East, p. 103. Hood's comment about the cost of laundry is borne out by Lepailleur who stated that he paid three shillings weekly to have his clothes laundered.
to earn money and resorted to robbery. Xavier Prieur claimed that New South Wales resembled the 'départs de l'Afrique et de l'Arabie' because of the constant exposure to 'bandes de voleurs et d'assassins'. While on ticket-of-leave, the patriotes were frequently robbed. For example, the workers at the sawmill at Balmain lost £46 which had been hidden in a flour tin. It was not surprising that they felt like Lepailleur that:

la plus grand partie de travail an sont que de la Canalle & des voleur à qu'il on peu pas se fiez & tous de grand yvrongne, sur un mil Il ny a pas deux bonne personne an un mots ses réfus de toute la crase de royaume unie qui est refuiez dans cette Ils ici.2

The most notorious robbers were, of course, the bushrangers, and the Canadiens recorded many of their thefts - as, for example, a robber who hid stolen gold coins in his 'stomach purse'.

The daring of bushrangers was proverbial and all commentators on the colony discussed their exploits. Drunkards were another common subject. Although Mrs Meredith was so frightened by bushrangers that she imagined misshapen limbs of trees to be highwaymen with pistols as long as her arm, she reserved her most waspish comment for an intoxicated 'wretched creature'. She described the young girl's 'dull light coloured hair' as hanging in 'matted tangles about her neck and ears' and 'her dress... disordered, torn, and dirty; and her face bloated and stupid from the effects of drink' in tones which bore only censure.4 John Hood calculated that the ratio of public houses in the colony was one for every one hundred and forty 'souls' including women and children.5 Mrs Meredith feared that these places were 'only too well

1. Le Canadien, 16 September 1844.
2. Entry for 27 April 1840, Lepailleur Journal.
3. Entry for 9 April 1840, Ibid.
4. Mrs Meredith, Notes and Sketches, p. 76.
5. J. Hood, Australia and the East, p. 87.
supported' and received 'the greater part of the earnings of the lower
classes, among whom habits of intemperance are unhappily very prevalent'.
Lepailleur and the other Canadiens did not 'fear'; they knew. While
drunken people falling out of gigs may have been noted with amusement,
it was with genuine sorrow that Lepailleur recorded that the wife of one
of his employers (a Mrs Stone), drank as much as a man and that although
she was fortunate in having a pretty face, she was rapidly becoming
deranged, dishevelled and uncaring of her appearance.¹

The Canadiens were surprised that the women drank so much in New
South Wales, and many of the 'scandals' they reported were associated
with drink. Once in Longbottom, they saw two females who had drunk too
much rum, fight on the Parramatta Road until they were naked, punching,
kicking and pulling each other's hair.² When the witnesses in Gorman's
trial returned from Sydney, they retailed their impressions to their
comrades - the most powerful being the number of drunken women.³ On
another occasion, an intoxicated convict who had just been released from
the Female Factory in Parramatta, stood in the Parramatta Road cursing
and abusing another women who lived in a cabin on the opposite side of
the road from the Longbottom stockade. She was overheard by Baddely who
sent for a policeman, presumably to place her in a solitary lock-up. On
this the woman:

se retourne devent nous & retrouve toute ses harde & se mie à nous montré
son Cus an disan quel avais, la un Black hold, & se tapen sur le ventre
comme une malheureux quel Etais....⁴

The Canadiens were truly horrified by such behaviour: Lepailleur noted

1. Entry for 4 July 1842, Lepailleur Journal.
2. Entry for 3 October 1840, Roy Journal.
4. Entry for 23 July 1840, Ibid.
that 'anniemeau sont plus dessen queu', and marvelled at the number of women drunkards, concluding that 'Les chemains an sont ranplis d'ivrog nesse'. The day after this incident the woman was back on the Parramatta Road, not as drunk, and soliciting passers-by for their sexual favours.

The sexual mores of the colony were a novelty to the Canadiens and were much commented on. Neich's mother-in-law had married when she was only twelve years old and had her first child when thirteen, and Lepailleur sadly noted it was the custom of the country when her granddaughter ran off with a lover although she must have been also in her early teens. Women, living without the benefit of marriage, were frequently commented upon, sometimes without blame by the Canadiens. However, in the Sydney of the 1840s, they paid a price. For example, Dumas lived with a woman for several years and begat five children by her. He returned from a trip to Hobart, married to a rich, young 'lady' and turned the concubine from the house. This saddened Lepailleur as he thought the woman comported herself 'tres onnettement', was 'jolie, et elle ne meritais poin cette Disgrace'. It would have shocked Sydney's pompous society, undoubtedly, if they had realised that Lepailleur, a despised convict, was condemning their values and actions.

With promiscuity and prostitution rife, relationships between husband and wife were rarely harmonious. Even prominent citizens, such as the Nichols brothers of Longbottom, had marital problems. In November 1841, G.R. (Bob) Nichols advised the world that he would no

1. Ibid.
2. Entry for 12 November 1842, Ibid. As Neich was married only in 1834, this girl must have been of illegitimate birth.
3. Entry for 10 May 1843, Lepailleur Journal.
longer be responsible for his wife's debts - but then, as events soon proved, he was not responsible for his own either. Another man in the Longbottom-Concord community cautioned 'against giving credit...without ...written permission' to his wife, Mary. José Frank was a Portuguese emigrant whom Lepailleur characterised as 'la plus grand Crace de tous New South Wales'. He probably based this judgment on an incident the Canadiens had observed while under superintendence, when Frank tied his wife's hands and feet, attacked her with a knife and then hanged her by a rope around her neck. Two of the Canadiens rushed from the stockade to her aid, cut her down when she was almost dead. For their troubles one, Bourbonnais, was reported to the police for leaving the stockade. The patriotes believed that Frank bribed the police because no action was taken against him even though he had nearly murdered his wife.

Brutality was common in the New South Wales that the Canadiens observed. At Longbottom, many men regularly beat their wives and frequently the assaults were motivated by alcohol. On 14 October 1840, Thomas Rose beat his wife three times for being, he claimed, drunk and Lepailleur observed that assaults were a common occurrence in the Rose household. Not surprisingly, she and Mary Frank deserted their husbands for a short time in March 1841. At the end of that year, Mrs Rose was given fifty blows because she would not tell from whom she was getting her rum. It seemed to the Canadiens that most husbands felt no compunction about regularly thrashing their women. In May 1841, Lepailleur wrote of yet another husband in the Longbottom area who almost killed his wife by stabbing, and added that the screams of the women at night were louder than the most raucous cries during the daytime from cockatoos. Just

1. The Australian, 8 January 1841. I am indebted to Neil Gow for this reference.

2. Entry for 15 January 1843, Lepailleur Journal.
eight days later he recorded that the women near the Bath Arms were mistreated again and added:

ses encorps quelcun qui Regeante leur femme, ses Incroyable ce que les femme Eprouve de mauvais Traitement De leur Marie dans cette colonie ici & ses traitement ce font en partie le Soire ce qui est encorp plus effreans, quel pays de crase ici.¹

Incidents involving the abuse of women seemed endless. A woman was killed after being cudgelled with a stick wielded by her husband who drove off down the Parramatta Road without realising she was dead. Her body was only discovered the next day. Carrying a child did not stop a determined husband's punishment. Once Lepailleur saw a women thrashed while she protected the baby in her arms. A Mrs Pusey who had borne her husband ten children was beaten although she seemed to be good and very proper to Lepailleur. As he exclaimed, 'qu'el pays pour maltrête leur femme. Les femme due Canada sont mil foi heureuse au prie de ceux de New South Wales'.²

While nearly every woman endured thrashing from her husband, too many was given the additional punishment of rape. While working at Ireland's, Lepailleur had the dubious honour of listening to the overseer boast after he had raped. Groups roamed the highways searching for defenceless women. An emmigrant woman was continually raped by twelve men during one night. Punishment for rapists who were caught was severe - in December 1840 a sixty year old man named Legge was executed after having raped a four year old girl.

As the Canadiens looked around the society to which they had been transported and in which they were supposed to be of the lowest caste,

¹ Entry for 19 May 1841, Ibid.
² Entry for 16 May 1842, Ibid.
they shuddered. As they informed Father Petit-Jean, a French missionary priest who ministered to them for a short time in 1842 while on his way to New Zealand, "'Ah! Monsieur! ce c'est pas comme ça chez nous'".  

Petit-Jean was motivated by his 'love for the Canadians' to write a lengthy letter to the Australasian Chronicle in which he described the patriote convicts as humble, pious men who were extremely anxious about their wives and families. As he detected some timidity among those who could not speak English, Petit-Jean solicited someone to act as a 'protector' for these men when they had dealings in Sydney. This tentative suggestion was derided by the Sydney Morning Herald which also objected to the tone of the letter, finding in it very sinister overtones indeed. The writer of the article reminded his readers that the Canadiens were descendents of French colonists, and pointed out that anyone who had followed 'the course of events during the past few years can have the slightest doubt that France is endeavouring to create an interest, and disturb British influence, in the South Seas'. Its emissaries for this task were none other than 'Roman Catholic missionaries'. As for Petit-Jean's report of the patriotes as being 'political martyrs', the Herald's writer sniffed that the priest had made an 'impertinent interference'. He did not deny that there were scandals in the Concord area but asked what an English clergyman might find if he visited the 'galley slaves of Brest or Toulon'.

It seemed to the patriotes that the missionary priests, far from

1. Australasian Chronicle, 11 August 1842. This letter which praised Rowley and Nichols for their kindnesses to the Canadiens was sent to Montreal by Pierre-Hector Morin and consequently translated and published in La Minerve and Le Canadien, 13 March 1843, together with the subsequent reply by the Sydney Morning Herald.

2. Sydney Morning Herald, 15 August 1842. In this year the Sydney Herald began daily publishing and changed its name to the Sydney Morning Herald.
being French government agents, were sincerely concerned about their plight. Certainly Father Petit-Jean by walking to their homes and partaking of whatever hospitality they could offer earned their devotion. Another French priest, Father Bourgeois, ministered to them and preached sermons in their own language. But the trust which they had in some others waned, as did their religious observance. Lepailleur, for one, decided that the distances on some Sundays was too far to walk, and once four Sundays passed without him attending mass.¹ And criticism, implicit or explicit, of the Catholic priests resident in New South Wales was made. The Canadiens found Brady's assumption that they should pay Bousquet's medical bill astounding. At the same time Huot, who had applied to teach in the Catholic schools, was refused employment on the grounds that he was a convict. This denial created bitterness. Huot, elderly and a professional without marketable skills, lived on the charity of his fellow convicts. When the Catholic priests thought it improper to employ him, the Canadiens wondered how the rest of the community looked at them and decried the Church for offering no encouragement for them.²

Archbishop Polding arrived back in the colony in March 1843 and made a triumphal journey to his presbytery at St Mary's. About eight thousand people greeted him, with bands, schoolchildren and 'la fameuse Sosiete de temsperrance dans oute leur uniforme'. Lepailleur was one of the crowd and heard Polding preach 'un jolie sermon'.³ The Canadiens were impatient

¹ Entry for 26 June 1842, Ibid. To reach church on these Sundays Lepailleur would have had to walk twenty-two miles.
² Entries for 1 September 1842 and 10 March 1843, Ibid. One of the neighbours of the Longbottom stockade had more trust in Huot and hired him as tutor to the Macdonald family at a wage of eight shillings weekly (Entry for 13 October 1842, Ibid.).
³ Entry for 10 March 1843, Ibid.
to hear the results of the Archbishop's intercession with Stanley for their pardons and return to Lower Canada, and an appointment was arranged with him by Fathers Bourgeois and Brady the Sunday after his arrival. Various patriotes scurried round Sydney and its suburbs, making sure that all knew of the meeting. Accordingly several made the trip to Sydney, and learned only that Stanley was favourably disposed towards them and that they should have patience. It was the same 'Viel Histoire' for them and they left disappointed at the news. But they were even more disappointed in Polding's manner, Lepailleur reporting that 'Qu'and il aurais été payez exprés, il aurois pas pu nous dire moins et nous recevoir plus grossièrement'. To the Canadiens' chagrin they were not invited into the presbytery but met the Archbishop at the church door. They attributed this action to their convict status. In July 1843 they read in the newspapers that Stanley in fact not in favour of their pardons and decided that Polding was a hypocrit. This decision was reinforced a month later when the Archbishop told Michel Alary that they were in Australia for life and should begin to bring out their wives and families. Polding lamely explained that he had allowed them to believe otherwise because he judged they were not strong enough to bear the truth.¹ This news added to their despair and disillusion.

Loneliness added its share to the total pain felt by the patriotes. Once parted from Domitile, Lepailleur dreamed vividly of his wife revealing the psychological damage of transportation for one convict, at least. In little more than a month in 1840,² Lepailleur recorded four dreams of his wife. In one she was a widow and in two, she was with Eugénie,

1. Entries for 19 March, 1 July and 3 August 1843, Ibid. These views of Polding differ from the traditional ones of him, but as they are one of the few glimpses of the man 'from below', they are worth considering.
2. From 11 June to 15 July 1840.
her sister and Cardinal's widow. When Lepailleur was a patient in the Sydney hospital, sexual impotency worried him and he dreamed that Domitile refused to allow him into her bedroom.\footnote{Entry for 16 November 1840, Lepailleur Journal, for example.} At other times, he dreamed that he would return to Chateauguay, find her absent and then hear he was transported again to Australia and have to leave without seeing her. These dreams continued on ticket-of-leave, together with ones in which Cardinal was hanged. On ticket-of-leave though, his torment over Domitile took a more tangible form when he worked for the Macdonalds. Mrs Macdonald resembled Domitile. Lepailleur was fascinated by the resemblance and in December 1842 measured Mrs Macdonald to ensure she was the same height (five foot two inches). The likeness to his family was evident in the Macdonald children, and Lepailleur poured out some of his love for his absent family on these, buying them presents. As he explained to Domitile:

\footnote{Entry for 13 December 1842, Lepailleur Journal.}

...la petite Marie Elizabette Me.Donald...recsemble boucoups à mon Cher Jean Bte. les yeux blue, et blanche comme de la nége, el là six ou sept moi, c'est le melieur enfants du monde. Je lendore souvent soire, ces ce qui rapel de mes enfants.\footnote{Entry for 20 December 1842, Ibid.}

But Macdonalds could not really assuage the ache he felt for his wife. A week later, he poured out his heart in the Journal, saying that he had only one hope which was to see his 'cher Domitile' once again and adding:

...moi qui la ten caressé et si longtemps, je me demande ou-est tu. Ma Cher Épouse Chérie je te déclare que je n'auriez pas de repos que je sois de retour avec toi, ou sie non qua la mort.\footnote{Entry for 20 December 1842, Ibid.}

Other patriote Canadiens felt similarly to Lepailleur although they did not leave such a poignant record. One in a letter published in La...
Minerve agonised over his children's schooling, scolding his wife because 'tu ne me dis pas s'ils s'appliquent bien à l'école, et s'ils sont bien sages' and because she had told him nothing in the letter about 'la petite Louise qui est née quelque temps après mon départ'.

The temptation to console themselves with other women was felt by many patriotes. Lepailleur, for one, lamented that he had been close to making 'la plus grand follie que homme puis faire, et abandonne mon pays pour la vie'. A few made that 'grand follie'. Joseph Dumouchelle was one. His behaviour had become increasingly erratic after the death of his brother Louis and in May 1842, the Canadien community was appalled at a rumour that he had run off with Mrs Charles Nichols. Almost a year later Lepailleur noted that Joson lived for the day, imagining he was only eighteen or twenty with all the women chasing after him. In August 1843, Joson cast off all restraints, assaulted Lareine, and decamped with 'Madame la Putin Nicoles'. Not surprisingly, an affronted husband had Joson arrested, his belongings searched, and after some Nichols valuables were found in Dumouchelle's trunk, he was charged with theft.

Lepailleur acted as interpreter in the ensuing trial and the Canadiens collectively paid £3/3/- to a defence advocate. Joson's best protection came from Mrs Nichols who spoke highly of him, declared that she had given the valuables to him as gifts and strongly decried the behaviour of her husband. Joson was found innocent of the charge of theft, but guilty of bad conduct and sent to the Hyde Park Barracks.

1. La Minerve, 19 August 1844.
2. Entry for 7 November 1842, Lepailleur Journal.
3. Others were Languedoc, Hubert-Drossin Leblanc and Guérin dit Dussault.
4. Entry for 20 August 1843. Joson must have had a rare charm as, according to the Convict Indents, he had no front teeth.
5. Joson was not the only one to run into trouble with Sydney authorities. Etienne Languedoc spent time on the treadmill in 1842 for theft and con-
In an attempt to erase his follies, Dumouchelle wept for three days, and then tried to reverse the court's decision by having himself admitted to the Sydney hospital on 23 September 1843. When visited there by Lepailleur, Joson threatened a hunger strike if his compatriots did not mount a campaign to have his sentence annulled. Even though he expressed contempt for Joson and his behaviour, Lepailleur walked many miles throughout Sydney in an effort to garner signatures for a petition: not so much for Joson but for his family in Chateauguay, which had befriended Domitile. In November, Dumas promised Dumouchelle the position of camp messenger, and he was released from hospital. After having served his six months, Dumouchelle was quickly in trouble again - this time for being involved with an American who passed forged notes. After his arrest, he tried his previous tactic of being admitted to the hospital, but at his trial he was found not guilty and his sickness quickly disappeared. It came as some relief to the Canadiens, therefore, that Joson's pardon arrived shortly afterwards and he left the colony before any more trouble could envelope him.

While working on ticket-of-leave and waiting for their pardons, the patriote convicts whiled away the time as best they could. Several sorting with whores. This judgment did not surprise the Canadiens as Lareine, for example, firmly believed Languedoc responsible for a theft of $37 from his trunk at Longbottom. While on the treadmill Languedoc asked his compatriots for money to help him buy better conditions and more food. Nearly all the patriotes refused to subscribe. (Entry for 12 May 1842, Lepailleur Journal). Basile Roy and Théophile Robert lost their wages while on assignment because they left their employer without permission to look for their tickets-of-leave (Entry for 2 April 1842, Ibid.). In October 1842, Jérémie Rochon was arrested for drunkenness, another action which caused little surprise. In June 1843, Papineau faced a serious charge in court because he had unwittingly allowed a bushranger to stay with him at Canterbury. He was fortunate in that the court (with Lepailleur acting as interpreter) believed his story (Entry for 1 June 1843, Ibid.).

1. By dint of a small amount of genuine illness, and a great acting performance, Joson managed to convince the doctors for more than a month that he would not be released to the Hyde Park Barracks.
Plate 14 - Hyde Park, St. James Parsonage, Dispensary (afterwards the Mint) and Emigration Barracks by John Rae, 1842.
enjoyed fishing, boating in the Harbour and watching the strange fauna, especially kangaroos. Those who lived in Sydney frequently walked in the Domain after they had been to mass on Sundays and just as often found other Canadiens enjoying the park. Some toured Sydney on horseback, making sure they visited any patriotes in the neighbourhood. As could be expected, the story of La Perouse, his short visit to Sydney in 1788 and his subsequent disappearance, intrigued the patriotes. One Sunday Prieur, Charles Huot, Pierre-Hector Morin and Lepailleur made the journey of nine miles along atrocious roads to visit the headland where he had landed. When Lepailleur worked for Neich in the Concord area, the innkeeper sometimes invited him to spend a day at the Homebush races, lending him a horse on one occasion. But outings such as these could not stop the ache felt by the Canadiens for their absent families nor distract them from worry. Once Lepailleur, Jean-Louis Thibert, Toussaint Rochon and young Bourbonnais walked in the Domain until their feet were sore. Although the beauties of the park always provided a measure of happiness and some pleasure, their 'plus grand entretien' was for their 'famille toujour'.

Louis Bourdon also worried about his wife and children. In September 1842, he told all and sundry he was going to make a journey to Yass, about two hundred miles south of Sydney, presumably to look for work. Only a few friends, such as Prieur, were in his confidence and knew, when he was not seen in Sydney, that instead of travelling south, Bourdon was actually on a French whaler making his way back to

1. Lepailleur tended to view these excursions as a waste of time and money and made them only because of his friendship with Neich. He noted on 2 May 1843 that it cost him two shillings to enter the racecourse with Neich's horse, that he spent another six and had to lend Joseph Roy dit Lapensée seven shillings and six pence.
2. Entry for 18 September 1842, Lepailleur Journal.
North America. His escape stunned the patriote community in Sydney. Prieur had been offered the chance to go with Bourdon but had refused because, he claimed, he did not want to compromise those on the whaler. Even if the escape was successful, Prieur could see nothing 'de mieux, dans le résultat, que l'obligation de vivre et de mourir en dehors de... his pays natal'. Bourdon replied the fact that he was a husband and a father outweighed such objections and that if he reached the United States, his destination, he could be reunited with his family. Some patriotes may have thought that Bourdon was escaping the colony to escape their hostility. Without their forced services, Bourdon had lost some of his entrepreneurial magic. He had attempted to set up a restaurant in partnership with a Frenchman but had failed. At the time of his escape, he owed £4 to L. Pinsonnault, three to Jacques Longtin and six to Ducharme. He had not paid his bill for two months' room and board at Meillon's and owed other creditors, such as the baker, various sums in excess of £15. His leaving ruined Pare financially for some time. Lepailleur, for one, thought his escape not worth the risk Bourdon had taken. If it had been unsuccessful, Bourdon would have been severely punished, and forfeited his chance of a legal, speedy return to Lower Canada.

The belief among the patriotes that they would be repatriated was very deep and nothing which occurred to them in New South Wales could

1. See F.-X. Prieur, Notes d'un condamné, pp. 204-06.
2. F.-X. Prieur, Notes d'un condamné, p. 205.
3. Bourdon would have been singularly unsuited if caught and sentenced to hard labour at Norfolk Island, for instance.
4. Entries for 23 September, 1, 20 October 1842, Lepailleur Journal. Bourdon eventually reached New York (after a stop in Rio de Janeiro) and his arrival was noted in Le Canadien, 31 May 1843.
shake it. At times, before the regular arrival of letters from Lower Canada, this belief had competed with despair that they had been forgotten and that nothing was being done to relieve their lot.

But many in Lower Canada would have been able to testify, 'Je me souviens'. Colborne's actions in the aftermath of the Rebellion, although shocking the people into a sullen submission, had made deep, bitter memories. On Sundays, when the devout attended mass the sight of empty pews and some families worshipping without their heads, reminded many. At first, no political pressure to bring the Canadiens back could be mounted. But they were kept in the public view by stories in newspapers, which although bearing little resemblance to actual conditions in Sydney, brought a response from the people which bordered on hysteria. For example, Le Fantasque reported that the patriote convicts were often flogged before meals 'par maniere de coup d'appétit'. The majority of people thought it injustice that respectable men, such as Jean-Louis Thibert, should be treated as common felons and forced to associate with criminals. With the engendering of so much ill-feeling and the prevalence of resentment, the transported Canadiens became a focus of political, popular and clerical agitation in Lower Canada.

Petitions began to circulate in September 1839 - the same week of their departure - begging for a general amnesty as well as the repatriation of the rebels. In 1841 the Governor, Sir Charles Bagot, wrote to Lord Stanley that the 'pressure is great, and will increase'  

1. The hatred of Colborne lasted as long as many patriotes lived. In 1884, for example, his name was an anathema still for Colborne Avenue in Montreal was renamed De Lorimier after the executed patriote. Ironically this avenue was situated near the Montreal gaol. See, J. D. Borthwick, History of the Montreal Prison, p. 95.
2. Le Fantasque, 9 September 1841.
and urged that pardons be issued. Two weeks later he re-iterated this plea declaring that clemency 'would tend beyond any other measure...to create a feeling of gratitude and confirm the attachment of the Canadiens to the Mother Country'. Bishop Bourget worked for the patriotes' release, championing their cause before his fellow bishops and attempting to intercede with Governor Bagot. He convinced a visiting French prelate to help, persuading him to make the patriotes' cause his own. Accordingly, when Polding visited London, he, Bishop de Forbin-Jansen and the Rev. William Ullathorne of New South Walles pleaded for an amnesty with Lord Stanley. Bourget wrote encouragingly to Lepailleur, telling him that:

Je me suis employé autant que j'ai pu pour obtenir votre liberté et celle de vos compagnons. Je travaille et je travaillerai à votre libération.

The Imperial Government was extremely reluctant to consider any suggestion of pardon and repatriation for the transported patriotes. But Governor Metcalfe argued strongly that it was 'advisable to bury in oblivion the past troubles of the Colony'; that 'the great majority of the people of the United Province' were in favour of Amnesty; that many of those who had participated in the Rebellions were openly living in Lower Canada and that no effort could be made to 'bring them to justice'. He pragmatically noted that 'with regard to these last Classes', it was 'much better' to allow them to live in the province by 'an act of Grace' seeing that they could do it anyway by 'an act of boldness'. His most telling point was that it would be impossible, politically, to 'extend a general Amnesty to those who have not been tried and found guilty, many of whom were among the leaders of the late Disturbances, & to exclude from it those, the greater portion of whom were followers, who


are now suffering the punishment of Transportation'. The men in Australia were bitter that they paid the price for many who escaped punishment and this point was brought before the Canadien public through a letter from René Pinsonnault published in Le Canadien. The illiterate convict announced that the convicts expected pardon for their rebellion 'qui ont déjà expié par tant de tourments et de privations, une faute partagée par tant d'autres et dont nous payons la dette'.

Stanley's hesitancy had its roots in fears that the Chartists would cite possible patriote pardons as a precedent. In the end, he reluctantly bowed to Metcalfe's urging and allowed a general amnesty, which excepted the patriote convicts. For those unfortunates, Her Majesty's Imperial Government decided to grant individual pardons after petitions had been received. When this news was announced, the machinery for the patriotes' return sprang into being. L'Association de la Delivrance was organised and it began printing and circulating petitions for the release of each man. Meetings were held in the various country areas and fund raising was organised through the Reform newspaper, La Minerve. Citizens were told that 'la guerre a fait de la plupart des malheureux exiles des mendients' that 'de riches cultivateurs qu'ils étaient, vivant dans une heureuse aisance, ils sont devenus les plus pauvres de'entre nous', and reminded that 'Ils sont tout sacrifié pour vous, leurs familles, leurs biens, leur bonheur, leur liberté, leur vie'. L'Association called upon each parish to organise a committee and to delegate one or two to go throughout each concession and collect modest subscriptions, '15, 20 ou 30 sous par tête', in order to pay the passages

1. Stanley to Metcalfe, 3 July 1843, C.O. 537/141, PAC.
2. Le Canadien, 16 August 1843.
of the men from Sydney. \(^1\) Lists were published of subscriptions and the names of parishes which had not responded to this call to 'charité et d'amour fraternel' were listed. \(^2\) By June 1844 £2000 had been collected and was in the hands of the treasurer in Montreal.

L'Association de la Délivrance faced a problem of getting the donations to their intended recipients. According to the treasurer, Edouard-Raymond Fabre (a wealthy Montreal bookseller), it was uncertain if the Imperial Government would bear the cost of the repatriation and he asked the advice of John Roebuck M.P. as to what would do 'la plus grand avantage de ses malheureux frères'. \(^3\) Roebuck's answer was that the money should be sent to London and that he would try to hire a ship to bring the men from Australia. \(^4\)

All the patriote convicts were pardoned by March 1844, and the first Warrants arrived in the colony in April of that year for Louis and Rene Pinsonnault, the two Morins and Charles Huot. \(^5\) Many of the other Canadiens were startled that only five were pardoned, but eventually all realised that theirs would come. One, Michel Alary, wrote to his wife, telling her she would never know the 'joie' which the clemency had brought and assuring her that 'nous avons plus d'espoir que jamais; nous croyons qu'avant un an nous serons tous en Canada'. \(^6\) These who had not received pardons as yet, immediately thought of petitioning the Governor, but when another twenty pardons arrived in June, they knew that there was no necessity. \(^7\)

\(^1\) Le Canadien, 22 December 1843.
\(^2\) See, for example, Ibid., 20 September 1844.
\(^3\) Fabre to Roebuck, 27 June 1844, M.G. 25, A.19, Vol. 4, PAC.
\(^4\) Roebuck to Fabre, 17 August 1844, translated and published in Le Canadien, 20 September 1844.
\(^5\) Entry for 10 April 1844, Lepailleur Journal.
\(^6\) Le Canadien, 14 October 1844.
\(^7\) For the pardons see, Copies of Royal Pardon Warrants, 4/4495, pp. 155-61, 174-90, 196-225, ANSW.
A month after receiving his pardon, Louis Pinsonnault left Sydney on 20 May 1844. He found no difficulty paying the cost of his passage, an exorbitant £30 and hastened from the Colony. At the end of June a group of Canadiens met in Meillon's inn to organise their voyages home. It was decided that the best fare would be obtained through group negotiation and delegates from the meeting scoured the waterfront during the next few days asking ships' captains for quotations. They were offered passage on the Achilles at a price of £14 per person if fewer than thirty-five travelled, with the cost dropping to £13/15/- for more than that number, and closed the bargain. Although Michel Alary had estimated in May that no more than twenty-five would be able to afford the return passage, thirty-eight men closed up their businesses, farewelled their friends and prepared to sail on 9 July 1844.

Lepailleur went to Longbottom for the last time to say good-bye to his friends, Neich, Ireland and the Macdonald family. They had been very good to him. The Macdonalds had offered to share their Christmas meals and Neich thought nothing of lending him a horse. Ireland had been willing to sponsor him when he was on ticket-of-leave and to act as a reference whenever necessary. Friends, such as these, were seldom found by convicts and yet even they could not change the impression of New South Wales which Lepailleur carried away with him.

He had found that even in depressed Sydney jobs were available for those who possessed trades. But for him, trades, money meant just one goal - that of providing for his loved family. In September 1842

1. La Minerve, 12 December 1844.

2. Mrs Macdonald requested Lepailleur in 1842 to write regularly on his return to Canada telling her about Domitile and the two boys and his life.
he viewed that when his pardon arrived, he would leave 'cette misérable Colonie pénal' and rush to Canada. In fact, he did just that. While he was earning money, he wanted to send at least two-thirds of it to Domitile to enable her to visit and console Alfred and Jean-Baptiste. He thought courage was an essential ingredient for a convict; otherwise he or she would be susceptible to illnesses which were worsened by despair and cited the deaths of Louis Dumouchelle and Chévrefils as examples. He feared dying in Australia away from his 'pauvre enfantelli', and stated that he thought of his wife 'jour et nuit'. As weeks and months passed while he worked on ticket-of-leave, he needed his courage to sustain himself saying at one point that he had lost 'tous Sousie et toute Consolation'. His self-negation was expressed in dreams in which he was rejected by Domitile. When the Achilles sailed down the Sydney Harbour and through the Heads, Lepailleur thanked God as each yard took him from the 'Terre de mille peine' and brought him closer to his family.

Exile in New South Wales had not taught the stubborn habitants from Lower Canada to trust the English, and on the voyage an amusing incident illustrated the gulf which was between them. When the Achilles crossed the International Date Line, many refused to believe in the time change and prayers were said on the ship on both Saturday and Sunday to accommodate them. The Achilles reached London in November 1844 and immediately, the thirty-eight Canadiens contacted Roebuck. They advised him that having come so far they now found to their sorrow 'une entière destitution de moyens pécuniaires, et ... l'impossibilité d'effectuer notre retous...de nos familles'. They asked him to advance a sum of £10/10/0

1. Entry for 1 September 1842, Lepailleur Journal.
2. Entry for 24 January 1843, Ibid.
4. Released prisoners to Roebuck, 29 November 1844, M.G. 24, A. 19, Vol. 4, pp. 68-69, PAC.
to each of them to ensure a speedy and assured voyage to Canada. Roebuck contacted Lord Stanley, explaining the plight of the men. To his credit, Stanley immediately accepted Roebuck's assurances that funds had been collected by the Association in Canada which were more than enough to pay the amount requested, and authorised the Treasury to advance £400 to cover the costs of the passages.¹

On 23 January 1845, 'après une absence de plus de six longues années, la plupart de ...frères exilés recevaient..., dans leur bras, leurs épouses, leurs enfants et leur amis', but 'au milieu de la joie' La Minerve and other papers noted sadly that 'Quinze de nos compatriotes nous manquent encore pour compléter notre felicité'.² Le Canadien broke into verse:

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Encore un coup, salut au retour de nos frères!
Salut, en terminant, au nom de mon pays!
Bonheur à ceux qui sont aux rives étrangeres!
Regrets aux malheureux que la mort a ravis!
Larmes à leurs cercueils et paix à leurs familles!
A vous, santé, plaisir, au sein de vos foyers,
Braves concitoyens, vivez, dormez tranquilles
A l'abri de l'orage, à l'abri des dangers.
Malgré les noirs frimas qui couvrent nos montagnes
Et la neige et le froid blanchissant nos campagnes,
Les bords du Saint-Laurent seront plus enchanteurs
Que le pays d'ex l où vous versiez des pleurs.³
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The remaining men in Sydney posed a problem for the Association, and for the government. After the thirty-eight had left London, Stanley wrote and asked Gipps to find out the state of the remainder and McLean's men found that most had saved very little. These findings were not forwarded to London as Stanley's interest in the men waned. Prieur, one of those struggling to get back, found a French sponsor and stated that the government in New South Wales advised that reimbursement would be

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¹ Stanley to Roebuck, 30 November 1844, Ibid., pp. 70-72.
² Le Canadien, 24 January 1845.
³ Ibid., 31 January 1845.
made to any individuals who sponsored the exiles.¹

Four years elapsed between the departure of Louis Pinsonnault in May 1844 and the arrival of the last patriote convicts in Montreal in June 1848. Gagnon, Joseph Goyette and Langlois reached Lower Canada in May 1845; Prieur in September, 1846; the two Morins and René Pinsonnault in August 1847. Doctor Newcomb was almost seventy-four when he returned about January 1848; Jeremie Rochon was reunited with his five girls in May 1848; and the last five (Bouc, Bourbonnais, Guimond, Trudelle and Languedoc) straggled back about June 1848.² This last group brought news that Joseph Marceau dit Petit Jacques had married an Englishwoman (aged nineteen) in October 1844 'qui lui a apporte une dote assez considérable' and elected to remain in New South Wales, farming in the Dapto region.³

While in Australia, Lepailleur pondered the lesson which was being administered to him and concluded it was 'follie des plus grand que prendre parre au affer politique'.⁴ Only two or three of the patriote convicts would have disagreed with him. In the 1850s, Lanctôt ran for the Legislative Assembly as a Rouge, (sequel to the patriotes) but was defeated - once only by one vote.⁵ He was president of the Huntingdon republicans, a group to which Pascal Pinsonnault also belonged. Ducharme became a member of l'Institut Canadien but was not active politically.

¹ F.-X. Prieur, Notes d'un condamné, p. 241.
² La Minerve, 26 May 1845; 10 September 1846; 4 October 1847; 28 January, 17 April, 30 June 1848.
³ La Minerve, 30 June 1848.
⁴ Entry for 13 April 1844, Lepailleur Journal.
⁵ See Jean-Paul Bernard, Les Rouges, Montreal 1971, n.p. for the election results.
Most of the returned exiles burrowed into the maternal warmth of Canadien culture and generally reacted very conservatively. For example, Provost, Toussaint Rochon, Joseph Roy dit Lapensée and Charles Bergevin dit Langevin signed a petition from St-Clément for amendments to the Tavern Licensing Laws which would make alcohol more difficult to procure.¹ Joseph Dumouchelle re-established himself 'grâce à son énergie et à son industrie, il parvint à ramener l'aisance au milieu des siens'.² Jacques Goyette received the contract to build the presbytery for the St-Clément church in 1845 and was elected a Councillor for Beauharnois in 1850.³ Jean Laberge prospered also. He remained a life-long friend of Prieur and it was his son who, as a doctor, signed Prieur's burial certificate. Prieur, himself, became a Conservative politically and followed George-Etienne Cartier. In later life he was rewarded with the post of Superintendent of Canadian Prisons.⁴ Louis Bourdon became mayor of Farnham and Toussaint Rochon also used his undoubted talents in the local government field. On his return to St-Clément he became a Councillor in 1849, 1855, 1859, 1862 and 1864. He was elected Mayor in 1862 after having served as a marquillier in 1859. In the year of his death, 1865, he became a major in the Régiment de Beauharnois - the force against which he had fought in 1838.⁵ Pierre-Hector Morin was appointed master of the port of Montreal in May 1848, only nine months after his return. He remained in that post until he retired in 1864 and moved to live with Achille in Amhertsburg, Ontario. When he died in 1866 he was mourned as a popular man, known for his probity, urbanity and 'gaieté canadienne'.⁶ Charles Bergevin dit Langevin was a Councillor during the

5. A. Leduc, Beauharnois, pp. 69, 142-43, 172, 208.
years 1847-49 in Beauharnois and died in September 1864 fully esteemed by his fellow men. Joseph Goyette served as the secretary-treasurer of the parish of Bas du Fleuve and was appointed marquillier in 1866.¹ From evidence such as this, Beauharnois had a repatriated patriote on its Council for almost twenty years - an indication of the respect felt in French Canada towards the exiled men.

For Lepailleur, life was difficult after his return. He lost Domitile through death in 1855 - the companion who had haunted his dreams and motivated him through his sojourn in the miserable colony of New South Wales. After a period of mourning, he fulfilled a promise he had made to Cardinal and married Eugénie and assumed responsibility for the children. He and Eugénie moved into Montreal where he worked as a bailiff. During the remainder of his long life, Lepailleur never forgot the events of 1838 and its disastrous consequences in his life. Although he had made friends with generous people in New South Wales, he remembered the routine brutality and cruelty towards women in that colony and marvelled. Although he would sometimes recollect men such as Neich, Meillon and Ireland with fondness, he would shudder at the incidents involving José Frank. And he probably carried another memory with him to his death in 1891, that of 19 January 1845, when he returned to Chateauguay and 'trouvè' his 'cher Domitile...ver les minuis grand réjouissance' for her and for him.

¹. A. Leduc, Beauharnois, pp. 69, 141.
CONCLUSION

PAIN - AN ESCAPABLE FACT?

Exil aflagante qui me rend esclave et m'éloigne de mon pays et souvant perde l'esperance d'y retourner Jamais avoir le coeur percé de douleur de me voir séparée pour toujours d'avec mon aimable femme, mes enfants mes parens, et mes connaissance, ce sont des motifé assez grands pour donner la mort à un homme qui serais pas courageux, comme sa été déjà ca pour L Dumouchelle & Chevrefils. L'amour de lat patrie n'est pas moins naturel que l'amour paternel, et la porte de la liberté est insupportable, à quiconque n'est pas assex depourvu de Bon Sens pour n'en pas connaître le prix.

Maurice Lepailleur, 25 September 1842.
CONCLUSION

PAIN - AN ESCAPABLE FACT?

There has been an optimistic consensus amongst Australian historians about the effect of the convict system on Australia. As expressed by Professor Shaw in *Convicts and the Colonies*, the system economically:

helped Australian development.... Socially it did no great harm. Though the crime rate was higher in Australia than in England, colonial morals were not destroyed.¹

Professor Russel Ward described the legacy in glowing terms:

early Australian history surely gives much cause for pride and little for shame. From the most unpromising possible material there developed in a few short years the self-reliant progenitors of a free and generous people.²

A few have rejected the standard picture and have been more realistic about the convict beginnings. H. Reynolds has argued that the convict legacy in Tasmania was 'more lunatics, more orphaned or abandoned children, more prisoners, more invalids and paupers' in the 1860s than Queensland and South Australia combined, even though those mainland colonies had a population two and a half times larger than Tasmania.³ Dr. Miriam Dixson has traced one root of what she portrays as Australia's crude masculinity to convict origins.⁴ Professor Manning Clark has emphasised the psychological barriers deriving from the convict period.

Describing the end of the convict era in Tasmania he wrote:

3. H. Reynolds, '"That Hated Stain": The Aftermath of Transportation in Australia, Hist. Stud., Vol. XIV (1969), p. 21. Of course, convictism lasted longer in Tasmania than in New South Wales, and there were fewer offsetting influences. For example, many emigrants preferred the other colonies because of the persistence of the convict 'taint'.
From that time the ghost of the past haunted the minds of the living: the people became embarrassed by their past and were not even able to tell themselves that the whole point of knowing the past is so that one can dispense with such ghosts.\(^1\)

At first glance it would seem improbable that the study of the Canadien patriote convicts would raise questions which might help lay some of the ghosts of the Australian convict past. Only one chose to remain in Australia and all the others left by 1848. Their effect on New South Wales would seem to be confined to some place names on a map and wooden blocks marking the foundations of a few Sydney streets.

Because of the striking contrast their attitudes throw on those of the British convicts, the Canadiens made an outstanding contribution to the sources of convict history in New South Wales. Three – Léon (Léandre) Ducharme, François-Xavier Prieur and Louis Bourdon – published books after their return to North America.\(^2\) Most of the Canadiens corresponded regularly with their families during their Australian incarceration – even the illiterate men who depended on the generosity of their friends to act as amanuenses. Because of the political situation of the time in Canada and the pain provoked by their exile, some letters were published in the Montreal and Quebec City newspapers.\(^3\) Several patriotes kept journals during their convict life: notably Maurice Lepailleur and Basile Roy.\(^4\) Lepailleur saw Sydney 'from below' and did not


\(^2\) Bourdon's book is mentioned by Prieur (*Notes d'un condamné*, p. 205), and in an interview with Aegidius Fauteux in 1933 the Bourdon family acknowledged the memoir's existence (*La Patrie*, 21 October 1933). A search by Fauteux, Dr George Mackaness, archivists, librarians and myself has failed to locate it in North America.

\(^3\) See for example, *L'Aurore Des Canadas*, 22 November 1841, 16 July 1842; *Le Canadien*, 16 August 1843, 14 October 1844. In addition the Rochon family still has those written by E.-P., Toussaint and Jérémie but I was unable to gain access to them.

\(^4\) In addition to Roy and Lepailleur, Joseph Dumouchelle and Louis Guérin kept journals also (See Entry for 16 January 1842 and Entry for 20 June 1841, Lepailleur Journal).
care for the view. From his journal, comments and observations, disconcerting questions for Australian historians arise. Another challenge to the established view about the effects and legacy of convictism arises simply from the existence of patriote convict literary sources. Why are these sources unique to the Canadiens? This and other questions will be dealt with below.

The transported patriotes were part of the end of the convict era and they saw Sydney in its sixth decade. By that time the society was emerging from convictism and many of the customs and attitudes must be regarded as established ones. Examples are the routine and pervasive physical violence which characterised the colony and the drunkenness of the 'lower orders'. To some extent the Canadiens were in an ideal position to judge Sydney 'from below'. They were themselves, generally speaking, part of the lower classes and yet had a very different mentality from the English convicts. They and their families did not, and could not, believe that Australia would be their permanent home. For example, while under superintendence at Longbottom, Lepailleur hunted and preserved specimens of the wild life to 'laporter au Canada',¹ and the journal was kept to enable him to recall experiences once he had returned to his 'cher Domitile'.² Although the Canadiens almost despaired at times of seeing their homeland, they never abandoned hope. They therefore had an incentive to communicate regularly with their families and friends, and in some cases to keep a record of their experiences.³ After the

¹. Entry for 17 March 1841, Lepailleur Journal. See also Entry for 1 January 1841 for another example.
². Entry for 27 January 1841, Ibid.
³. Lepailleur kept journals for others and made several plans of the Longbottom camp for various compatriots: for example see Entry for 23 May 1841, Ibid.
first two decades, on the other hand, British convicts saw Australia as a land of opportunity. As Professor Clark asserted, 'the town thieves' came to Australia with the sense it was 'their last chance of redemption'. The Canadiens never considered their island prison as anything but a temporary, despised place of exile.

The Canadien ethic prized self-sufficiency and combined with the teachings of the Roman Catholic church, produced an unusually high standard of familial obligation. Consequently the patriote convicts experienced agony when forced to leave their families, homes and parishes. At night time, for instance, some (Chèvrefils, for example) wept because of their agony and despair. In a letter to his wife, the illiterate René Pinsonnault exclaimed, 'Pourquoi, mon Dieu, ne puis-je te les porter [that is, the lines of the letter] moi même! J'ai la certitude que tu es loin d'être à l'aise, et que tu es forcée de mendier ton pain et celui de nos pauvres enfants'.

Unusually religious for convicts, the patriotes contributed to the fabric of Australian Catholicism while they were in the colony, not only by chanting the first High Mass in Parramatta but by the example of their sincere religious feelings. In the Longbottom camp several joined a lay brotherhood and God was part of their convict ballads:

\[
\text{A Céleste providence} \\
\text{qui veillez sur les humains} \\
\text{Mes pour notre délivrance} \\
\text{vous qui fixé leur dessein}....
\]

2. Le Canadien, 16 August 1843.
4. Entry for 7 June 1841, Lepailleur Journal.
While under superintendence many were prepared to walk through winter and summer fifteen miles to the Catholic church in Parramatta to avail themselves of a regular service. By contrast, the British convicts had to be compelled to attend services and there is no mention of the Divine in their songs as being the felon's Solace and Hope.

As already mentioned, the British settlers - whether free or bond - were materialistically motivated. This attitude was clearly evidenced in a convict ballad:

If ever I return from the Ocean,
Stores of riches I'll bring for my dear....

The goal of material riches was just beginning to creep into the Canadien ethic and a patriote song proudly advised:

Riches cités, gardez votre opulence,
Mon pays sel a des charmes pour moi: ...
Dans ma douce patrie,
Je veux finir ma vie....

In Australia when the Canadiens were homesick for the belfries of their parish churches, Xavier Prieur asserted that 'ni la fortune, ni les honneurs' could have persuaded them to stay in New South Wales. The writer of the letter published in La Minerve told his wife that he kept £50 in the bank ready to pay his passage home and that he and his comrades looked forward to the day when Dumas would officially tell them 'VOUS ETES LIBRES; vous verrez bientot votre patrie, vos familles, vos amis; vous verrez le clocher de votre village, vous entendrez encore ce timbre sonore qui appelle chaque dimanche des fidèles'. Certainly they left the colony as fast as possible once their pardons were received.

2. La Minerve, 19 August 1844.
The patriotes were the largest group of foreign-speaking convicts to be transported to Australia and precautions were taken to guard against a conspiracy being planned in their native tongue. They were one of the most feared groups of prisoners to arrive in Sydney and the Sydney Herald, for example, had generated much prejudice against them. By their docility, their hard work and their piety, they overcame these obstacles and became prized and sought-after workmen in the colony. The Canadiens regarded themselves as exiles - not felons - and gradually Sydney saw them also in that light.

To gain a perspective on the Canadien convicts, a comparison should be made with another group of transported prisoners. A decade before the Buffalo's arrival, a group of agricultural convicts arrived in Sydney - the 'Swing' rioters. They had also been previously law abiding men before their insurrections and riots. They were the largest group ever transported from England for the same offence: a total of 464 men were transported to Van Diemen's Land or New South Wales. The variety of causes for the 'Captain Swing' troubles have been detailed by Professors Eric Hobsbawn and George Rudé in Captain Swing, but it is sufficient to say there was a mixture of economic depression, political discontent and radical agitation which climaxed in 1830 in the agricultural areas of England. The men transported to New South Wales as a consequence have been studied in detail by Professor Rudé, and it is with this study that the closest comparison of any convict group can be made with the patriotes.

The 139 'Swing' convicts sent to mainland Australia came from five English counties - Hampshire (49), Berkshire (41), Wiltshire (35),

Dorset (13) and Kent (1). Thirty-six were sentenced to seven year terms, thirty-nine to fourteen years and the remaining sixty-four to life. The majority reached Sydney aboard the Eleanor on 26 June 1831. They came from villages and most were farm labourers such as ploughmen, ostlers, thatchers and herdsmen. The others were village artisans and tradesmen: blacksmiths, carpenters, coopers and chimney-sweeps for examples. One was a schoolteacher and another a road surveyor. They were socially respectable men by and large, with few previous brushes with the law. As one of the trial judges commented on the blacksmiths, carpenters and artisans in his court, they were 'men in a superior condition of life' whose wages were sufficient 'to place them far above want'.¹ The average age of those transported was fourteen months older than a 'regular' convict, and seventy-five of the 139 men were either married or widowed. Only thirty-two were unable to read and write and only eleven had been convicted before the riots. No sentence had been served by any of these eleven which was longer than nine months.

The 'Swing' rioters reached New South Wales during the 'assignment period' when all but the most incorrigible men were mustered on arrival, interrogated and then assigned to private employers or government departments. Consequently they were scattered widely throughout New South Wales, and only rarely did more than one man work for the same employer.² Those employers were influential and included a magistrate, the Solicitor General and William Charles Wentworth.³ After approximately six years of servitude, free pardons were given to all but six; those

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¹ Quoted by G. Rude, "Captain Swing", p. 471.
² Professor Rude did not state whether this was because the government feared a conspiracy to riot in New South Wales. It was probably not a deliberate policy to forestall insurrection.
³ One of the employers of the 'Swing' convicts was Hamilton C. Semphill to whom Lepailleur was later assigned.
being excluded by the Governor as 'unworthy of indulgence' because of their colonial offences. ¹ When given the chance to have their wives and families join them in the colony at the government's expense, only three took advantage of the offer. Rudé found evidence that sixteen of the bachelors married in the colony - as well as some of the married men. Eighteen of the 'Swing' convicts were related (either as brothers, father and son, or cousins): approximately 13%. Most of the rioters were emancipated by the time of the Buffalo's arrival. Before comparing them in detail with the Canadiens, the following table summarises many general details:

<table>
<thead>
<tr>
<th>Occupation*</th>
<th>'Swing'</th>
<th>Canadiens</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>%</td>
</tr>
<tr>
<td>Farmers with property</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Farm labourers</td>
<td>103</td>
<td>74</td>
</tr>
<tr>
<td>Artisans/Tradesmen</td>
<td>34</td>
<td>25</td>
</tr>
<tr>
<td>Apprentices</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Professional</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Kinship Ties</td>
<td>18</td>
<td>13</td>
</tr>
<tr>
<td>Married in N.S.W.</td>
<td>16</td>
<td>12</td>
</tr>
<tr>
<td>Died while serving sentence</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>No. literate</td>
<td>107</td>
<td>77</td>
</tr>
<tr>
<td>No. returned home</td>
<td>1/131</td>
<td>1</td>
</tr>
</tbody>
</table>

SOURCES: Rudé, "Captain Swing", passim; Appendix I.

* For classification of the Canadiens see Appendix I.

At first glance there would appear to have been close similarities between the 'Swing' rioters and the Canadiens rebels. Both groups came

¹ Quoted by G. Rudé, "Captain Swing", p.472.
from rural areas, from villages. Expressing social outrage resulted in transportation for both groups. From the above table, the basic difference would appear to lie with the land holding statistics. Almost half the Canadiens farmed their own land as censitaires and some employed labourers (for example, Antoine Coupal dit Lareine), in contrast to the 'Swing' convicts who were employees. In Lower Canada, few Canadiens did not have relatives who had not been connected with virgin farming - that is, clearing the land and establishing their farms. For example, the seigneury of Beauharnois had been opened for settlement for less than three decades. The 'Swing' farm labourers worked a soil tilled for generations and were, as labourers, directed in their work. They were not typical convicts. Not only did they come from rural areas, they had only eleven men with a previous criminal conviction in their ranks. Being agricultural tradesmen and skilled labourers, the two highest qualifications for workers in New South Wales, they were in great demand throughout the young colony. When Rudé asked what happened to them after receiving their pardons, he was forced to admit that he had 'no certain means of finding out'. A detailed search for their names extending into the 1860s provided no information from the Mitchell Library, various directories and censuses. Rudé found that his question could not have the answer that they left to return home, because only one could be documented as returning to England. By contrast all but one of the Canadiens returned home. This indeed had been a dominant preoccupation since their arrival and helps explain their extraordinary economic success during the depression.

So, a study of the group most likely to have similarities with

1. Ibid., p. 479.
the Canadiens shows only how different the patriotes were to this seem­
ingly analogous group. Older, more responsible, than any other body
of convicts, the Canadiens' attitudes are unparalleled in convict
history.

The patriotes are unique in many ways. They would appear to have
been the most moral group of convicts sent to Australia, especially when
the lack of previous evendence of criminality is taken as a yardstick of
morality. They had no official offences during superintendence. In many
ways they were ideal Wakefieldian immigrants - God fearing, law abiding,
family men. A large proportion had possessed landed property in Lower
Canada and had qualities of leadership. They were tied to each other
by kinship bonds - at least 39% were related. But most important,
they came from a pre-industrial society where the family unit provided
the essentials of food, shelter and clothing, and supported each member
of its community culturally and socially. The highest duty in life,
after that dictated by piety, was providing land for the sons. That
the Canadiens were communally minded has already been documented in
the text and their concern for each other included taking care of their
aged and disabled, writing letters to each other while on ticket-of-
leave and helping to find employment for each other.

The ideal of 'mateship' has always been considered one of the
virtues of the British convicts, but by any standards the Canadiens were
comrades. Although they grumbled amongst themselves they presented a
solid front to outsiders. When Jérémie Rochon and Languedoc tried to
expose Bourdon's irregularities, they received disdain from the group.

1. Responsible because they did not forget their familial obligations,
gave honest labour for their wages in New South Wales, attended to their
religious duties and (with two or three notable exceptions), stayed out
of trouble with the law.
Those who were literate - particularly Ducharme and Lepailleur - helped their fellow convicts maintain correspondence with their families. News from Canada was shared amongst each other. While on ticket-of-leave Lepailleur helped Charles Roy dit Lapensée communicate in English. The Canadiens were concerned with each other's welfare and lent money to tide their comrades over. Some even gave money to the older men who found a living difficult because of their lack of marketable skills. They arranged meetings and parties with each other and drank together. They took trips together - for example to La Perouse and the races - lived communally and kept in contact with each other. They helped find jobs by recommending fellow patriotes to their employers. In summary, their mateship consisted of supportive activities and was not enforced by a Convict Oath\(^1\) or a Society of the Ring,\(^2\) for instance. It also lacked the anti-authoritarian aspects of the British mateship. The Canadien form flourished in the city of Sydney, revolved around helping fellow humans and extended to financial aid. Although it was usually fellow Canadiens who benefited on one occasion at least the wretched conditions the British convicts endured touched the patriotes. On one of their outings to church in Parramatta they gave money and tobacco to the prisoners stationed at Duck River (presumably an ironed gang). Not surprisingly this charitable act provoked much comment in Parramatta.\(^3\)

The support given to each other as outlined above should have helped the Canadiens with the wrench of leaving wives and families. But for these men (and the American Mott who behaved similarly to them) nothing seems to have helped. The deprivation of love affected them

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2. See Ibid., pp. 113-67, for a story detailing the terror by which convicts at Norfolk Island forced conformity amongst each other.
3. Entry for 8 August 1841, Lepailleur Journal. It was, of course, illegal for anyone to give aid of any description either by gift or sale to convicts. Lepailleur stated that charity could be rewarded by imprisonment and that a £3 was levied for selling bread to convicts.
not only emotionally but physically when coupled with their anxiety over the welfare of their families. Before Louis Dumouchelle was sent to hospital Lepailleur worried about his health and attributed his worsening physical condition to Dumouchelle's inability to stop worrying and brooding over his distant loved ones. Louis died a month after Lepailleur made his observation.\footnote{Entry for 24 September 1840, Ibid.} Another who wept for his family was Chèvrefils. Although his death was caused by malnutrition, emotional distress sapped his will to live. While on ticket-of-leave Lepailleur allowed Basile Roy to borrow money in his name and he also feared for Roy's life because Basile was so ill and therefore unable to earn money.\footnote{Entry for 27 December 1842, Ibid. Roy died in 1846 after his return to Lower Canada. During his ticket-of-leave period Jean-Baptiste Bousquet, unable to work because of his smashed arms, was supported by his fellow Canadiens and the Frenchman, Meillon. But, according to Fauteux, the deprivations and chagrin occasioned by his imprisonment and exile, caused his premature death also (Entry for Jean-Baptiste Bousquet, A. Fauteux, Les Patriotes, n.p.).}

The Canadiens displayed what could be termed an 'organic' mateship and one which was consistent with the society from which they came: that is, they were a pre-working class group from a pre-industrial society. Although they succumbed to some diminution of their values while incarcerated - for example, the thefts from the doctor's stores - they basically remained motivated by the group's best interests. In stark contrast to the British convicts who stole food from dying men they were so worried about Chèvrefils, for example, they voluntarily shared their small allowances with him.\footnote{Entry for 19 August 1840, Lepailleur Journal.} Their spiritual dimension gave them strength in Longbottom. Some joined an auxiliary brotherhood and Lepailleur thought prison (because of the lack of temptations there) an excellent place to put his spiritual affairs in order.\footnote{For example see Entry for 28 June 1840, Ibid.}
their families, wives and children remained unchanged even though it took a year and send and receive a letter. But to give this picture a fuller dimension, the activities of French Canada to get her sons returned must be remembered. Habitants in nearly every parish gave what they could towards the travel fund of l'Association de la Délivrance, and the publication of the letters from the exiles kept the festering sore before the eyes of the authorities.

French Canadian society, being pre-industrial, did not suffer from the acquisitive ethic so many commented on finding in early New South Wales and had the kind of 'collectivist' values which characterise many agrarian and earlier societies. When Governor Metcalfe announced that pardons would be issued after receipt of petitions, petitioners came forward immediately. The family was the essential core of Canadien life and that the heads of the families had been exiled was not forgotten. Individual families and the collective family of 'la nation canadienne' fought to get the transported patriotes back. Although one cannot draw comparisons between a society which had lost only fifty-six members and one from which over a hundred and sixty thousand were transported, one can draw attention to the contrast between the attitudes of the individuals who were transported.

As has been mentioned many times already, the literary sources left by the Canadien convicts are unique. Conan Doyle pointed out in a Sherlock Holmes story that sometimes negative evidence is the most important. In the story referred to, the essential clue was the barking of a dog. When Sherlock Holmes was told that the dog had not barked, he pointed out the significance of the animal's silence. Why are there no comparable British sources? We know that the Canadiens kept records of their Australian experiences and maintained a correspondence with Lower
Canada because they expected to share that experience on their return and therefore wanted to keep their memories and relationships alive. Does the lack of sources - that is, not only letters home but daily journals - imply that the British convicts did not expect to repatriate themselves? What happened to the British convicts when their transport ships left the wharfs?

That the patriote convicts were unique was recognised by those who knew them. In 1890 when the oldest residents were able to remember and reflect on conditions which had operated in early Sydney, the Echo newspaper ran a series of articles on the history of Sydney's suburbs. Only one group of convicts received mention in any positive way in the forty articles - the patriotes, even though by 1890 none had been in Sydney and its suburbs for more than forty-two years. From several of these articles it can be seen that the Canadiens in only four - at the most eight - years in the Sydney environs stamped themselves into the memories of those who knew them. Why?

The answers come in articles on Macdonaldtown, Concord and Enfield. Because of their unique character and value and the proof they offer to many conclusions and statements in this thesis, the comments of men (such as Neich) who had known the patriotes intimately both under superintendence and on ticket-of-leave will be cited in detail. The Echo, in its report on Macdonaldtown, stated that:

... some touching stories are told by old residents of their [the patriotes'] care for the poor in the neighbourhood where they were at work. Many of them kept an informal sort of night school. There was such a school at Paddington, where a party of the Canadians were employed in quarrying stone for the Victoria Barracks. There was another in Macdonaldtown while they were there, and there were others wherever gangs of them were employed in making the Parramatta or other roads. Wherever they were at work they earned the respect and gratitude of their neighbours, and when they received their free pardons and were allowed to return to their native country they were greatly missed by the poor of Sydney and the suburbs.¹

¹. The Echo, 7 August 1890.
Speaking about Enfield, the Echo mentioned that Father Brady:

... held services with tolerable regularity in the slab barracks which
the Canadians built for themselves.... A number of them settled in En­
field and Strathfield, near the Woodcutters' Arms Hotel and formed a
fine garden. They were, also, always willing to do any work required
by the settlers in the district, and many of them were excellent trades­
mens. ¹

Not surprisingly the most detailed picture was given by the older resi­
dents in the Longbottom area (now called Concord). They remembered the
patriote convicts:

... employed making the Parramatta-road [sic].... The excellent char­
acter borne by their comrades in misfortune in Paddington, Macdonald­
town and elsewhere was shared by the Longbottom contingent. Their
good deeds, their kindness to the poor, and their general courtesy and
industry are still remembered....²

These testimonies from the Echo prove the worth of the Lepail­
leur Journal. Although the man had faults (censoriousness, for exam­
ple), his comments and the reactions of the Canadiens show vividly what
Sydney was like. Because the patriote convicts were unique, they were
remembered and talked about for more than forty years, and the consen­sus of those who had known them was that the poorer elements of the
city of Sydney and its environs missed them the most.

Sydney, as painted by the Canadiens, was not an attractive place.
Léon Ducharme's first impression was horror when he saw men forced to
take the place of bullocks and harnessed to carts. This was just a
foretaste of colonial New South Wales and its debasement of human be­
ings. As has been shown, the Longbottom camp - and the prison exper­
ience in general - fostered corruption. It is also clear that the
Superintendent, Baddely, augmented his government stipend by selling
government grain and encouraging the Canadiens to work for him - thus

¹. Ibid., 25 September 1890.
². Ibid., 11 September 1890.
personally profiting from the patriotes' expertise as tradesmen. Many of the Canadiens became entrepreneur at Longbottom, for example, those in the oyster gathering business. E.-P. Rochon had tacit approval from Baddely for his spoke-making enterprise. At the camp, the patriotes were summoned to control their police wardens: for example, the night of the Gorman fracas. Having seen at firsthand the corruption of the guardians of the state, the patriotes could only despise a system which tolerated them. In the incident involving José Frank and his wife they assumed the bribery of the police. They also believed that men in higher places were corrupted. All four commentators - Ducharme, Lepailleur, Prieur and Roy - spoke of convicts being denied just returns by their superiors. As Ducharme remarked:

Pour toute réponse, on leur dit qu'ils pouvaient recourir à la loi. Mais comment dans notre pauvreté pouvions nous lutter en justice avec des hommes riches et influents, des hommes qui par la suite auraient cherché toutes les occasions possibles de nous nuire.1

If the rich, the powerful and the enforcers of the law felt above the sanctions of society, how did the lower orders feel? Lepailleur recorded many incidents in the Sydney newspapers dealing with bushrangers whom he understood to have been escaped convicts living outside the law. If being a convict was such a degradation, and if the superiors of the Canadiens were corrupt, one would have posited that their legacy from Lower Canada would have been powerful enough for the patriotes to have escaped many of the perversions of imprisonment.

It was not so. The stress of being gaolied showed early in the Montreal prison and when the Buffalo reached Sydney Basile Roy hoped they would soon be separated as he felt they had been together long

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1. L. Ducharme, Journal d'un exilé, p. 43. The Canadiens in 1842 alone, lost more than £400 through theft or the inability of their employers to pay them or by being cheated. An interesting parallel sentiment to Ducharme's was expressed by Alexander Harris: see [Alexander Harris?], Settlers and Convicts or Recollections of Sixteen Years' Labour in the Australian Backwoods, Melbourne 1964 (originally published London 1847), p. 74.
enough. In the Longbottom camp, the Canadiens stole from each other — not only small items like newspaper clippings or money, but the special rations for the sick. Lepailleur, for one, was horrified when he saw them losing their cultural values and adopting those of their materialistic gaolers. Like other convicts the Canadiens sold their food to those more hungry. There was even a partial breakdown at Longbottom in religious observance.\(^1\) The deterioration of piety and the acceptance, to some extent, of colonial values was evident on Ascension Day, May 1841. Lepailleur excused his work party from labour because of the Holy Day and bitterly repented his action when he found they gathered oyster shells for immediate profit rather than laying up future treasures in Heaven.\(^2\) He blamed the oyster business for encouraging greediness. The commercial activities were feared not only because they were bad for individual morality but because the risks taken endangered all and could lead to a longer period being spent in Australia. But the commercial lessons learned in the Longbottom stockade stood them in good stead once they left its gates.

The Canadien commentators believed that reliable workers were rare in the colony of New South Wales. At the time when the patriotes entered the employment market, Sydney suffered from a severe economic depression. In fact, one of their early difficulties in obtaining assignment was that the government was asking a higher wage for them than was being paid to emigrant labour. In his first year of earning money in New South Wales as a worker — that is, on assignment and ticket-of-leave — Lepailleur made £55. He managed to save half of that sum. He was neither a miser nor spendthrift. Lepailleur and other Canadiens drank together at taverns. He paid to have his shoes repaired, his

\(^1\) This can be documented by comparing the numbers going to mass in Parramatta and with those receiving communion in the camp. Sometimes fewer than twenty were prepared to take the long walk.

\(^2\) Entry for 20 May 1841, Lepailleur Journal.
clothes laundered, and his watch fixed during that year (at a cost of ten shillings). His savings therefore appear to be a reasonable amount after the above items and food and shelter payments are deducted. His £55 was earned by painting houses and lettering gravestones and coaches. Other Canadiens, notably E.-P. Rochon, appear to have made more money than Lepailleur. In Sydney the Canadien values of hard work, reliability, piety and docility obviously contrasted favourably with the work attitudes of the 'town thieves' who competed for employment with the patriotes. It is no surprise that the latter were able to find so many well paying jobs and that their values enabled them to resist the temptation to spend the money they had earned in dissipation.¹

The values of the Canadiens obviously coloured their perceptions of social life in the Sydney area. The portion of the Parramatta Road which they observed from Longbottom could not have been more than a mile in length and the Longbottom area was not renowned for its depravity. Yet many of Lepailleur's entries show the routine callousness to women - something which was outside the ken of the patriotes and attributable in many instances to the excessive alcoholic consumption in New South Wales. The Canadiens deemed the plight of women to be horrendous. During the period of superintendence wrote that nowhere was such 'une ville bien deborde que Sydney'.² He was amazed at the marriage of a twelve years old girl who produced an infant nine months later.³ The policeman Gorman beat his wife with such severity that she screamed with as much terror as an animal being slaughtered and provoked the police-convict fracas.⁴ If that beating was an isolated incident in the lives of the Gormans it might have been more easily excused but she had been thrashed by Gorman only the night before. Mrs Rose, wife of the Longbottom forest warden, was regularly maltreated also. In October 1840 she was 'only'

1. An obvious exception was Joson Dumouchelle. See below at pp. 273-74.
2. Entry for 2 July 1840, Lepailleur Journal.
3. Entry for 12 November 1842, Ibid.
4. Entry for 13 June 1840, Ibid.
beaten three times one day. Her husband's justification was that she had been drinking.¹ Lepailleur recorded that such treatment was commonplace in the Rose household and Mrs Rose was still being attacked when he left the Longbottom environs. To summarise the above, the Candiens claimed they lost sleep at night because the screams of the women in the vicinity were at night louder than the cries of the birds during the day.²

Sydney's women not only drank to excess but were promiscuous also. Today, the behaviour of the poor wretch from the Parramatta Factory exhibiting her 'black hole' can be seen through eyes which have read of behaviour modification. To the Canadiens, however, such actions were remarkable and novel. Lepailleur not only recorded the behaviour of the women but noted also that his superintendent, sick and demented, took himself off to the Parramatta Factory to be entertained and on other occasions Baddely made extensive visits to the Lunatic Asylum. Baddely was in the advanced embrace of syphilis. Were these places of confinement where obedience to a superior's will could be enforced by flogging, therefore, the only ones in which Baddely could be accommodated? Were the women promiscuous or intimidated?

The Canadiens themselves were frightened of breaking the rules in New South Wales. Not only was this fear occasioned by their Canadien value of avoiding 'disgrace', but they were very conscious of the pain suffered by those who transgressed. The very multiplicity of rules bothered them, particularly such trifling ones as taking a drink of water without permission - an offence punishable by the lash. Lepailleur described the Hyde Park Barracks as a place of 'Toursement & de Peine pour

¹. Entry for 14 October 1840, Ibid.
². Entry for 11 May 1841, Ibid.
les Pauvre Maleureaux prisonnier[s]' and told of 'Piter Cyte' who received more than nine thousand lashes during his time. Hyde Park, to Lepailleur, was the place where 'on hache la Cher humaines & que lon abrège les Jour Des pauvre malheureux'.

As a punishment in Australia, flogging was almost as old as the first colony. When some unfortunates decided to increase their food allowances on 7 February 1788 Governor Phillip ordered the lash. By 1835 it was estimated that statistically one of every four convicts would have received a flogging. Sydney citizens were hardened to human pain. Judge Roger Therry reported a convict party going to the hospital bearing 'on their shoulders (two supporting the head and two the feet) a miserable convict, writhing in an agony of pain'. The felon could not control his screams. When Therry questioned bystanders he was told it was only 'a prisoner who had been flogged'. The incident below which was detailed to Alexander Harris has been widely quoted by historians but its long-range social consequences have been unquestioned. Harris was told that a convict at Bathurst Gaol was seen to:

walk across the yard with the blood that had run from his lacerated flesh squashing out of his shoes at every step he took. A dog was licking the blood off the triangles, and the ants were carrying away great pieces of human flesh.

'White, ragged, and swollen' sinews reportedly protruded from the man's back. Although it was a blazing hot day the flogging had proceeded although the authorities had shown consideration in one respect by ordering: a pair of scourgers, who gave one another spell and spell about; and they

1. Entry for 1 November 1840, Lepailleur Journal.

were bespattered with blood like a couple of butchers.¹

Scenes, such as that described above, gave the inhabitants of New South Wales a callousness which seemed obvious to one of the best observers of the nineteenth century. Charles Darwin thought it odious 'to every feeling to be waited on by a man, who the day before, perhaps, was flogged, from your representation, for some trifling misdemeanour'.² If society's betters could treat those whose backs bore the marks of the lash with such indifference, and could only see flogging as a cheap, easily available deterrent, what was the effect of the frequency of brutal punishments on society as a whole?

Questions as to the legacy of convictism were asked by writers in the nineteenth century, notably Marcus Clarke, William Astley and the editors of the Bulletin. In an editorial in 1886,³ the latter raised the question of flogging and concluded that if 'the whole community' was not 'lowered and brutalised, then by all means flog away'. It strongly pointed out that 'the brutality of the lower classes of the British people - the wife-beating, animal torturing and general desire to inflict pain' was 'due largely to the horrible punishments to which their rulers so long familiarised them'. It wondered whether Australian attitudes to violence rose 'from the tainted surroundings of our early national life, or from the absence of any checks which the neighbourhood of cultivated nations might impose'. Such a question has been generally

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1. [A. Harris], Settlers and Convicts, pp. 12-13. In a story in the Bulletin, ('Bathurst Field Day', 8 November 1890), William Astley (Price Warung), gave the answer for the authorities' concern for their scourgers. It was simply that after a couple of hours uninterrupted flogging their muscles relaxed to the point where the force of the punishment was greatly diminished. Therefore it was important to keep the floggers rested and in good physical condition. See also the story by the same author entitled 'In Floggers' Corner', The Bulletin, 1 November 1890 for a further description of punishments in their most repulsive detail.


ignored by social historians.

The picture painted by Mr Justice Therry of a group of British convicts must be looked squarely in the face. He saw a group of men:

chains clanking at their heels - the patchwork dress of coarse grey and yellow cloth marked with the Government brand in which they were paraded - the downcast countenances - and the whole appearance of the men, exhibited a truly painful picture.

What were the social consequences of men like these working throughout the colony? Were the brutal punishments which accompanied a slip from grace a factor in determining the Australian character? Was the callous treatment accorded women responsible for their subservient position in Australian history? Was the routine violence and oppression practised by some human beings on others responsible for men and women forgetting their homes and familial obligations in the United Kingdom? The evidence of the Canadiens is valuable. Although it does not, and can not, answer the above questions, it shows that they can be asked and only adds strength to the pessimistic viewpoint of Reynolds and Dixson.

The patriote convicts show it was possible to continue loving and caring for distant wives and families as transported prisoners. They also prove that some convicts, at least fifty-eight from Lower Canada, retained compassion and concern. Even though New South Wales was experiencing a financial depression they found the jobs and money with which to pay their passages back to their homeland. It will be claimed that the Canadiens were an exceptional group of convicts and that no general-

1. R. Therry, Reminiscenses, p. 42, underlining mine.
isations should be drawn from them. But generalisations must be drawn from them, their observations and behaviour as convicts, and these challenge the accepted assumptions about the convict past of Australia. And if the pain and agony which the patriote convicts endured because of their forced dislocation from their loved ones is to have had a use, the contrast of their lives and loves must help to lay the ghosts of the emotionally crippled and brutalised people who forcibly laid the foundations of Australia.
TABLE I - Alphabetical List of all men transported from Lower Canada

SOURCES:

Parishes - Depositions and Report of the State Trials.

Age, Marital Status, No. of Children, Literacy and Kinship - Convict Indents.

Previous Political History and Membership in Frères Chasseurs - Report of the State Trials, depositions, A. Fauteux, Patriotes de 1837-38.

Plea - Report of the State Trials. The pleas have been coded to show: Com - Complusion; N.I. - Not involved; Cl. - Clemency; CNP - Crown case not proved; Lun. - Lunacy.

Date of Return to Canada -

La Minerve - 12 December 1844; 20 January 1845; 26 May 1845; 10 September 1846; 4 October 1847; 27 January 1849; 17 April 1848; 30 June 1848. The month of the year has been given in Roman numerals.
<table>
<thead>
<tr>
<th>Name</th>
<th>Parish</th>
<th>Age</th>
<th>Marital Status</th>
<th>Number of Children</th>
<th>Occupation and/or Status</th>
<th>Literacy</th>
<th>Kinship with patriote Convicts</th>
<th>Kinship with rebellious patriotes</th>
<th>Political agitation prior to 1838 Rebellion</th>
<th>Member of Frères Chasseurs</th>
<th>Plea at Courts Martial</th>
<th>Date of Return to Canada</th>
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<tbody>
<tr>
<td>ALARY, Michel</td>
<td>Ste-Clement</td>
<td>38</td>
<td>M</td>
<td>1</td>
<td>Carpenter/Joiner</td>
<td></td>
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<tr>
<td>DEPAULIERRE, Louis</td>
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<td>49</td>
<td>M</td>
<td>8</td>
<td>Farmer/Yeoman</td>
<td>x</td>
<td></td>
<td></td>
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<td>CHEVRIEUX, Gabriel</td>
<td>St-Martine</td>
<td>43</td>
<td>M</td>
<td>6</td>
<td>Farmer/Yeoman</td>
<td>x</td>
<td></td>
<td></td>
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<tr>
<td>COUPIL, dit LAREINE</td>
<td>Ste-Martine</td>
<td>42</td>
<td>S</td>
<td>3</td>
<td>Blacksmith/Yeoman</td>
<td>x</td>
<td></td>
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<tr>
<td>DUBOIS, Baptiste</td>
<td>Ste-Césaire</td>
<td>30</td>
<td>M</td>
<td>2</td>
<td>Merchant/Yeoman</td>
<td>x</td>
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<tr>
<td>BOUQUET, Jean-Gaetan</td>
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<td>M</td>
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<td>Farmer/Yeoman</td>
<td>x</td>
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<td>BORON, Louis</td>
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<td>Farmer/Yeoman</td>
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<td>BOUC, Charles-Emile</td>
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<td>Carpenter/Joiner</td>
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<td>1/45</td>
<td>N.I.</td>
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<td>Charles St-Clement</td>
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<td>M 8</td>
<td>ST-Clement</td>
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<tr>
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<td>com</td>
<td>Farmer/Peasant</td>
<td>x</td>
<td>St-Patrice</td>
<td>Jean-Louis</td>
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<td>com</td>
<td>Farmer/Peasant</td>
<td>x</td>
<td>St-Clément</td>
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TABLE 2 - FARMERS, SEIGNEURIES AND LAND HOLDINGS IN ARPENTS.

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<tr>
<th>Name</th>
<th>Seigneury</th>
<th>Land Holding in Arpents</th>
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<tbody>
<tr>
<td>Béchard, Théodore</td>
<td>De Léry</td>
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<tr>
<td>Bergevin dit Langevin, Charles</td>
<td>Beaugenours</td>
<td>140+</td>
</tr>
<tr>
<td>Bigonnesse dit Beaucare, François</td>
<td>De Léry</td>
<td>112</td>
</tr>
<tr>
<td>Bousquet, Jean-Baptiste</td>
<td>Debartzch</td>
<td>132+</td>
</tr>
<tr>
<td>Chèvrefils, Ignace-Gabriel</td>
<td>Beaugenours</td>
<td>90+</td>
</tr>
<tr>
<td>Coupal dit Lareine, Antoine</td>
<td>Laprairrie</td>
<td>324</td>
</tr>
<tr>
<td>Defaillette, Louis</td>
<td>De Léry</td>
<td>56</td>
</tr>
<tr>
<td>Dumouchelle, Joseph</td>
<td>Beaugenours</td>
<td>140+</td>
</tr>
<tr>
<td>Goyette, Jacques</td>
<td>Beaugenours</td>
<td>60</td>
</tr>
<tr>
<td>Guertin, François-Xavier</td>
<td>Dessaulles</td>
<td>60</td>
</tr>
<tr>
<td>Hébert, Jacques-David</td>
<td>De Léry</td>
<td>228+</td>
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<tr>
<td>Hébert, Joseph-Jacques</td>
<td>De Léry</td>
<td>84</td>
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<td>Laberge, Jean</td>
<td>Beaugenours</td>
<td>145+</td>
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<tr>
<td>Lavoie, Pierre</td>
<td>De Léry</td>
<td>53</td>
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<tr>
<td>Leblanc, David-Drossin</td>
<td>De Léry</td>
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<tr>
<td>Leblanc, Hubert-Drossin</td>
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<td>Longtin, Jacques</td>
<td>La Salle</td>
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<tr>
<td>Marceau dit Petit Jacques, Joseph</td>
<td>De Léry</td>
<td>56</td>
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<td>Paré, Joseph</td>
<td>De Léry</td>
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<tr>
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<tr>
<td>Pinsonnault, René</td>
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<td>Robert, Théophile</td>
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<td>45</td>
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<td>Roy, Basile</td>
<td>Beaugenours</td>
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<td>159</td>
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<td>Turcot, Louis</td>
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+ = Holding unable to be calculated exactly because one or more boundaries was either a road or a river.
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**TABLE 3 - OCCUPATIONAL BREAKDOWN OF THE CANADIENS TRANSPORTED**

TO NEW SOUTH WALES.
Breakdown of the categories used in the preceding tables:

**Farmers:**

See Table 2 of this Appendix

**Farm labourers:**

Guimond
Languedoc
Longtin, M.
Roy dit Lapensée, J.
Trudelle

**Professionals/merchants:**

Bouc
Bourdon
Ducharme
Huot
Lanctôt
Morin, A.
Morin, P.-H.
Prieur

**Artisans/shopkeepers (including bailiffs)**

Alary
Bourbonnais
Buisson
Dumouchelle, L.
Gagnon
Goyette, Joseph
Guérin dit Dussault
Langlois
Lepailleur
Papineau dit Montigny
Provost
Rochon, E.-P.
Rochon, J.
Rochon, T.
Touchette.
APPENDIX II

Breakdown of the verdicts of the fourteen Courts Martial.

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<th>Trial Number</th>
<th>Number Tried</th>
<th>Number Executed</th>
<th>Number Transported</th>
<th>Number Acquitted</th>
<th>Number Bailed</th>
<th>Number Banished</th>
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APPENDIX  III
APPENDIX III

List of residents of New South Wales identified through the Assignment Butts and Butts of Ticket-of-Leave to be employers of the patriote convicts. In some cases nothing other than the surname is known.

<table>
<thead>
<tr>
<th>NAME</th>
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<tr>
<td>Andrew,</td>
<td>Lewisham</td>
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<tr>
<td>Bayliss, Capt. J.</td>
<td>Camperdown</td>
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</tr>
<tr>
<td>Blanchard</td>
<td>Elizabeth Street, Sydney</td>
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<tr>
<td>Bobart, Rev.</td>
<td>Parramatta</td>
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<tr>
<td>Brady, Rev. J.</td>
<td>Windsor</td>
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<tr>
<td>Brain, Robert</td>
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</tr>
<tr>
<td>Brown, J.W.</td>
<td>'Paterson', Parramatta, x</td>
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</tr>
<tr>
<td>Chauvel, Capt.</td>
<td>Dobbee, Mudgee</td>
<td></td>
</tr>
<tr>
<td>Cleris &amp; Calonou</td>
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</tr>
<tr>
<td>Cox, Edward</td>
<td>Mulgoa, x</td>
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</tr>
<tr>
<td>Christmas, William</td>
<td>Iredale &amp; Co., ironmongers</td>
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<tr>
<td></td>
<td>139 Elizabeth Street, Sydney</td>
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<tr>
<td>Deloitte, Capt. W.S.</td>
<td>Five Dock, x</td>
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<tr>
<td>Dumas, A.G.</td>
<td>clerk, Prin. Supt. of Convicts' office, Hyde Park and Newtown</td>
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<tr>
<td>Fisher, Henry</td>
<td>'Terrace Vineyard' North Richmond</td>
<td></td>
</tr>
<tr>
<td>Freman</td>
<td>Botany</td>
<td></td>
</tr>
<tr>
<td>Grant, Patrick</td>
<td>Gazette office</td>
<td></td>
</tr>
<tr>
<td>Henin</td>
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</tr>
<tr>
<td>Ireland, John</td>
<td>Plough Inn, Ashfield</td>
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<tr>
<td>Joubert</td>
<td>Sydney</td>
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<tr>
<td>Lawson, W.</td>
<td>'Veteran Hall', Prospect, x</td>
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</tr>
<tr>
<td>Lees, James</td>
<td>shoemaker, Kent Street, Sydney</td>
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</tr>
<tr>
<td>McLean, Capt. J.</td>
<td>Hyde Park and Birch Grove</td>
<td></td>
</tr>
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</table>
McReed Chippendale
Meillon, John cooper and innkeeper
Brickfield Hill, Sydney
Mesnier, Philemon
Mitchell, Sir Thomas Surveyor-General, 'Craig End',
Darlinghurst, Sydney
Michols, Charles Sydney, Concord and Yass
Nichols, G. R. Sydney, Concord and Yass
Perry, Capt. S.A. Austenham
Dep. Surveyor-General
Pilcher, H.I. solicitor, Maitland
Prevost & Gusso Canterbury
Purkis Pitt Street, Sydney and Five Dock
Raine, Thomas Concord
Rouge
Rowley, John Burwood
Semphill, H.C. Darlinghurst x
Sheaffe, Capt. Dapto x
Sherwin, Dr. Sydney
Smith Windsor
Smith, Charles carcasse butcher, Surry Hills
Stenhouse & Hardy solicitors, 203 Elizabeth Street, Sydney
Thompson, J.P. Gazette office, George Street, Sydney
Tumis, Joseph
Williams, J.H. solicitor and American consul
Macquarie Street, Sydney
Windsor, P.M. Parramatta
APPENDIX IV
On an overcast Tuesday, 25th February 1840, the H.M.S. Buffalo sailed into Sydney Harbour. Aboard were fifty-six French Canadians from Lower Canada or Canadiens as they called themselves. Most were God fearing, law abiding men from families with modest farm holdings or skilled trades, men with qualities of leadership. All were accustomed to a pioneering colonial life in which family co-operation was vital. These men were not the ideal Wakefieldian immigrants so desperately needed in the colony of New South Wales: they were convicts exiled from Lower Canada for political rebellion/social rioting during November 1838.

The declared aims of the rebels during the unsuccessful armed uprising had been political independence, a democratic, secular and republican constitution along American lines and the abolition of seigneurial land tenure, a remnant of French feudalism. Most of the patriotes on the Buffalo, however, were not interested in constitutional theory. The farmers, for example, had had very much more concrete goals, namely to end the growing exploitation by rent raising seigneur-speculators and to obtain land for their sons who were then beginning to form a landless, rural proletariat. Virtually all the men had nurtured feelings of ethnic hostility towards the privileged and culturally chauvinistic English minority of merchants, officials and seigneurs. Whatever the motivation, the fifty-six had actively supported the rebel leaders. In most cases they had been men highly respected in their parishes - hence useful examples for punishment -
or had assumed positions of command at the parish level or both. Tried by showcase courts martial for treason, they had been sentenced to death, but unlike twelve of their fellow rebels who paid the extreme penalty, their sentences were commuted to transportation for life to New South Wales. After some hesitation whether to ship these 'political incendiaries' and 'cut throats' - as the alarmist Sydney Gazette called the Canadiens⁵ - to Norfolk Island, the Governor, Sir George Gipps, decided to confine them in isolation near Sydney. They were sent to the Longbottom Stockade on the Parramatta Road, in the parish of Concord, about half-way between Sydney and Parramatta.⁶ There they remained until October 1841-January 1842, working for the government crushing stone, making charcoal and bricks, cutting blocks for the Sydney streets and improving the Parramatta Road.⁷

During the first months of their imprisonment, the Canadiens were the subject of a newspaper debate. W. A. Duncan's Australasian Chronicle, Roman Catholic and radical in politics, blamed the Rebellions on 'the infamous Tory gangs of Downing Street', thought the sentences 'outrageous',⁸ and advocated leniency in the form of early assignment, tickets or pardons.⁹ The Sydney Monitor and Commercial Advertiser tended to support this position,¹⁰ while the Tory Herald and the Whiggish, Presbyterian Colonist wrote of teaching rebels a lesson and convict insubordination.¹¹ The proponents of a hard line were initially successful, but eventually the prisoners were assigned, then granted tickets, with most working in the Sydney-Parramatta area. Political pressure in the Legislative Assembly of Canada was sufficient, by early 1844, to induce the Imperial Government to grant pardons.¹² With the exception of two who had died, one who had escaped to the United States and one who settled in New South Wales, all the Canadiens returned home in the
succeeding months.

Their fellow exiles - English-speaking Canadians and Americans involved in a similar Rebellion in Upper Canada - have received detailed treatment by at least one Australian historian - Mary Milne McRae. Because they left a surprisingly rich literary legacy relating to the convict system, the patriotes are even more worthy of scholarly attention. Two - Jean-Marie-Léon (Léandre) Ducharme and François-Xavier Prieur - published books after their return to North America. Most of the Canadiens corresponded regularly with their families during their Australian incarceration - even the illiterate men who depended on the generosity of their friends to act as amanuenses. Because of the political situation at the time in Canada and the pain provoked by their exile, some letters were published in the Montreal and Quebec City newspapers. The most novel sources for historians of the period, though, are the Journals of Basile Roy and François-Maurice Lepailleur. Unlike most extant material (for example, the books of Prieur and Ducharme), these manuscript Journals were actually written day by day, by convicts themselves, while at the Longbottom settlement and during the assignment and ticket of leave periods. As far as is known by the authors, these records are unique as sources for convict history.

Basile Roy was an illiterate habitant farmer of some substance who lived in one of the rare stone houses in French Canada. During the rebellion his activity was confined to spells of night sentry duty. He felt the injustice of his punishment so severely that he determined to keep a record for his wife and six sons - even though he faced serious trouble if the Journal with its critical comments about the administration of the Longbottom camp was discovered. Although the process of
collaboration is not clear, Lepailleur exercised considerable influence over what went into Roy's Journal. Many of the entries in the latter are summaries of material in Lepailleur's own volumes. Nevertheless details are occasionally different and there are a few significant nuances of opinion which enable one to glimpse two different personalities.

Prior to the Rebellion of 1838, Maurice Lepailleur took little active interest in politics, being fully occupied with his family and his three jobs of bailiff, house painter and postal courier. Although dubious about the prospects of success, he participated in the uprising. His motives were straightforward: anger at the burning and pillage which accompanied the suppression of the first Rebellion in 1837; belief that 'la nation canadienne' could survive culturally only through political independence; and unswerving loyalty to the local reform politicians, particularly his brother-in-law Joseph-Narcisse Cardinal, one of those hanged in December 1838. In the initial stages of the insurrection, Lepailleur was given the task of leading a band of patriotes to the native settlement of Caughnawaga to obtain guns the Indians had recently received from the government. They were eventually ambushed and captured by the Indians who immediately turned their prisoners over to the authorities. Shortly before this debacle, the Canadiens had confronted an Indian scouting party and had been dissuaded from firing by Lepailleur whose insistence that they negotiate with the Iroquois as 'brothers' saved dozens of lives.

The Lepailleur Journal should prove of value to historians, particularly the portions dealing with the period of confinement at Longbottom. Certainly the author of the Journal - a thoughtful, observant and compassionate, if somewhat puritanical man - was in an excellent position
to understand what was happening about him. Lepailleur enjoyed the confidence of both his fellow convicts and the camp authorities. He was often the prisoners' choice to read the Sunday prayers when no priest was available. He also acted as letter writer, letter reader and commentator on the Sydney newspapers for several companions who were illiterate. At various times he held minor positions of authority in the camp, such as overseer of work, hut captain and sentry at the stockade gate. As sentry he served as an information channel between the Canadiens and those passing by on the Parramatta Road who took an interest in their lot. From his small hut of branches and bark, Lepailleur observed in fascination the impressive bustle of commerce, the strange flora and fauna, and the antics of the citizenry.

The Journal provides an outspoken, comprehensive view 'from below' of what life was like in a prison settlement. The daily routine is given detailed treatment: the rations, clothing, types of forced labour, rules and punishments, medical care (or rather the lack of it), recreation and games, and so on. Other themes include the corruption and petty tyranny of the half-mad Superintendent, Henry Clinton Baddely; the brutal stupidity of the police; and the indefatigable efforts of the Roman Catholic Bishop, John B. Polding and his subordinates, to ease the lot of the Canadiens and help them obtain tickets-of-leave and pardons. The emotional dimension of the experience is brought out clearly: strong-minded men weeping because the agony of their exile in a very foreign land might never end, the painful separation from loved ones among men of a culture which placed the highest value on family life and obligation, the humiliation of being treated as felons, the impotent anger that they should pay the price for a Canadien public which had, apparently forgotten them. Overall, the Journal presents a fascinating study of the gradual degeneration of the
human spirit in prison, even when conditions are of the mildest and
the prisoners have unusual resources of character and culture to draw
on. Surprise, then outrage, finally sad resignation were experienced
by Lepailleur as he witnessed 'so-called patriotes' collaborating
with the authorities, informing on each other, stealing food.

To Lepailleur imprisonment and exile seemed worse than death.
In prison, he wrote, one is the slave of everyone, not just a single
tyrant but everyone with the slightest authority. But it was the
thought that he was over 5,000 leagues from home where his wife Domitile
and his two small boys were in dire financial distress which really ate
into him. He brooded about it for days at a time and at night contin­
ually dreamt of his family. Only a psycho-analyst could properly in­
terpret the many dreams Lepailleur recorded, but some clearly suggest
the extremes of negation he was experiencing. In them he appears at
different times callously rejected by Domitile, impotent, and dead.

For solace many of the prisoners turned to religion. Communal
prayers were held every evening. The dining hut, decorated with foliage,
at times became a chapel to receive a visiting priest. A number of men
regularly marched fifteen miles in the heat so that they could attend
Mass in the Parramatta church in which some were very active, chanting
High Mass and joining the lay brotherhood. The settlement's cook,
Francois-Xavier Guertin was so devout, Lepailleur thought he would soon
don a cassock and begin preaching to the prisoners. Lepailleur himself
spent many hours reading religious works and performing such devotions
as would lessen his time in purgatory.

Singing ballads provided another comfort. Lepailleur recorded
six of these. 20 The themes are not surprising: asking God for deliv-
erance from their chains, lamenting the separation from family, remembering the still, green forests on the mighty St. Lawrence, and celebrating Canadien women who stole men's hearts. The only political note is suggested in the ballad 'Vive la France' which contrasts French elegance and joie de vivre with the crudity and insipidness of the Anglo-Saxons, who prefer tea to wine, wear long faces instead of dancing on Sundays, but do manage, sometimes, to vary their diet of 'Le Rosbif' with 'un ragoût, sans goût, sans goût'.

As gate sentry Lepailleur was in the best position of all the prisoners to observe social life in the Concord area. Although profoundly touched by and admiring of kindnesses shown him - the schoolboy who brought him newspapers, the gardener who gave him fruit, sundry citizens who donated money for tobacco - Lepailleur tended to take a jaundiced view of the people in New South Wales. To him the convicts, emancipists and emigrants were all the scum of the earth. He comments on the unreliability of workers, the callousness with which human beings treated each other and the prevalence of crime of all kinds, drunkenness, prostitution, concubinage and desertion. To Lepailleur, the poor wretch exhibiting her 'Black Hole' was typical and he compared Sydney to the biblical cities of Tyre, Sidon and Sodom, a city where all manner of sexual promiscuity was openly practised. What disgusted him most was the violent treatment of wives by their husbands. The Journal is full of incidents; the policeman, Gorman, who beat Mrs Gorman almost insensitive, a Portuguese who hung his wife naked to a tree and stabbed her but easily escaped punishment, and old Rose, the forest warden at Longbottom, who regularly gave his wife fifty blows in imitation of the standard fifty lashes. At night Lepailleur and his companions were haunted by screams, which sounded like animals being slaughtered, but which they discovered were women being beaten.
In Appendix I we offer selections from the Journal illustrating Lepailleur's perception of life on the outside, as well as of the inside, of the Longbottom Stockade. The entries recorded by Lepailleur when on assignment and ticket of leave tend to be much more sketchy than those written at Longbottom. They do contain useful detail on employment, crime, sexual and financial morality and other matters of interest to social historians. The main emphasis, however, is on the activities of the Canadiens. A segment of this part of the Journal has been published in the original French.22

Lepailleur's Journal is not an easy source to use, unless one is fluent in French and knows the Canadien idiom. Even then decipherment requires patience. Although the son of a notary, Lepailleur was not fully literate. He read a great deal while in the settlement, without much difficulty it seems, but had a problem writing. The French of the Journal is grammatically awkward and minimally punctuated. Anglicisms, slang expressions and Canadienisms abound. The spelling is almost always phonetic. What whatever his literary shortcomings, Lepailleur has left us an honest, deeply felt, perceptive and happily unofficial record of a rare convergence in the paths of Australian and Canadian history.

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FOOTNOTES

1. A total of fifty-eight men were transported from Lower Canada, the present province of Quebec. Two, however, were English-speaking: Dr Samuel Newcomb of Chateauguay and Benjamin Mott of Alburg, Vermont.

2. None had a previous criminal record. The average holding of the farmers was approximately 115 acres. For detailed information see Beverley D. Boissery, 'The Patriote Convicts: A study of the 1838 Rebellion in Lower Canada and the Subsequent Transportation of some Participants to New South Wales', Ph. D. thesis, submitted to School of History, S.G.S., The Australian National University, April 1977, Appendix I.


4. The patriotes from the seigneury of Beauharnois, in particular, were social rioters rather than political rebels: B. D. Boissery, op. cit., ch. III.

5. 10 March 1840. See also Sydney Herald, 13 Jan. 1840.

6. Behind the Stockade, stretching to Hen and Chicken Bay on the Parramatta River, were seven hundred acres of government land. In the early 1820s Longbottom had been a thriving prison farm, concentrating
on the cutting and sawing of timber. By 1840 the settlement was used mainly to graze a few government bullocks and as a barracks for a small detachment of mounted police. The handful of convicts there when the Canadiens arrived were soon transferred.

7. Although forced to do manual labour, the status of the Canadiens as political prisoners was given some recognition. They were able, for example, to keep their own clothes and did not work in irons.

8. 13 March 1840.

9. 13 March, 21, 28 April, 4 July 1840.

10. 20, 25 March 1840.


16. Only twenty-four (43%) were literate.

17. *L'Aurore des Canadas*, 13 November 1840, 23 February, 22 November 1841, 14 May, 14 July, 17 August 1842, 28 February 1843; *Le Canadien*, 16 August 1843, 16 September, 14 October 1844; *La Minerve*, 19 August 1844, 24, 30 June 1848. One of these letters is printed in Appendix II.

18. 'Memoire de Basile Roy, Voyage en exil, Ecrit par F— Maurice LePailleur [sic] 1839 a 1844', Archives nationales du Québec (ANQ). 'Journal de F.M. Le Pallieur [sic] 1839', ANQ. During the period of the Rebellions and exile Lepailleur spelled his name in a variety of ways, finally adopting the spelling used in the text. The Roy Journal is approximately 50,000 words in length; the Lepailleur Journal, 165,000. Both Journals cover the two sea voyages, the confinement at Longbottom and the assignment and ticket of leave periods. Greenwood is preparing
an English translation of the Lepailleur Journal for publication.

19. Lepailleur kept his Journal in secret as a record to show his wife and children. He did not intend to publish it. The comments about the prison settlement are therefore much more revealing than the materials contained in the censored letters the Canadiens sent home. Similarly his assessment of his colleagues is far more critical than that contained in the published accounts of Prieur and Ducharme. Another useful feature of the Journal was Lepailleur's inclusion of the opinions of other Canadiens as well as his own.

20. After the Entry for 7 June 1841.

21. Explicit comment on politics is rare in the Journal, although there are scattered reflections that one cannot expect justice from British politicians or 'les Anglais' in general. This silence illustrates the point made earlier that the democratic, secular, and republican ideology of the top patriote leadership did not penetrate very far down the social scale. The Canadiens as portrayed in the Journal seem far removed indeed from anti-clericalism directed towards a separation of church and state. Lepailleur, moreover, recorded that many of his companions held the Queen in affectionate regard, but did not mention that there was any interest aroused by Lord Durham's recommendation of responsible government for Canada.

13 June 1840.

The policemen began to drink during the day as usual. About six or seven o'clock, four other police came to stay at Sergeant Lane's and they joined in the drinking. Mr Baddely\(^2\) arrived back from Sydney about midnight, and retired to bed in his house. Fifteen to twenty minutes later [police constable Sam] Gorman and his wife left Lane's to return home. As soon as Gorman got out the door, he fell upon his wife, kicking and punching her. With every blow she fell to the ground, crying out like someone being slaughtered. The other policemen came out but did not stop Gorman beating his wife. Bourdon\(^3\) [prisoner] went to tell Mr Baddely that Gorman was beating his wife again. He came running with Bourdon and at the begging of Mrs Gorman who asked, 'Are you going to let me be butchered?', he jumped on Gorman and threw him to the ground. With this a general brawl broke out such as you've never seen. Mr Baddely had the carters' room opened so that they could help him. When the carters arrived, the police had torn everything to bits. He then put Gorman in the lock-up and our fellows brought several of them out of Lane's house. Mr Baddely then gave the order to open all the huts where we bunk. Everyone came out and there was a terrible scuffle between the Canadiens and the police. Mr Baddely and Bourdon went completely out of their minds. I have never seen such a farce and have never seen anything as low as these police of New South Wales, drunks and scum.
23 July 1840

During the afternoon a drunken woman, just come from the factory at Parramatta, began to abuse the woman who lives in the small cabin in front of the gate. After she had sworn a lot, cursed and blasphemed, Mr Baddely sent for a policeman. The woman, overhearing Mr Baddely, turned her back to us, lifted up all her clothes and showed us her bum, saying that she had a 'Black Hole' there and slapping her belly like the wretch she was. Nothing more vile than that tribe; animals are more decent than they. I would say much more but it would dirty my little journal to go on. It is incredible to see so many drunken women in this country. The roads are full of women drunkards.

2 August 1840

We are going to Mass at Parramatta today, but only thirty of us. This is the fourth time we go to Mass. The rules are not observed in the churches here as they are in Canada. They come to church here with small children who are still infants and who do nothing but cry in the Mass. Women are not ashamed to suckle their babies in church during the course of the Mass. Lovers hold hands in church as if they were in a private house. I heard a story from an Irish Catholic who told me he was exiled for political reasons and sent out without sentence and he remained a prisoner for 14 years.

23 September 1840

Mr Baddely has taken up a new type of speculation. He has ordered leather hides to make five or six pairs of boots and he is going to have David Leblanc [prisoner] make them for sale. What a dirty trick.
Our poor unfortunate Canadiens are forced to go about with holes in our shoes while the shoemaker works to profit a man who is well paid by the government. The Superintendent's pay is 6 shillings a day plus his room, board and heat and several people to act as servants. In addition he draws 2/6 a day for a horse, which he is expected to feed but supplies from the rations provided for the government's animals. Apart from his pay he makes not less than 10-12 shillings a day from the work he forces the prisoners to do and the grain he sells, which does not belong to him.... We poor Canadiens are now forced to sell our shirts or other clothes to have shoes. We've got to give the shoemaker 1/8 to make us a pair of ankle-boots and 7d. to resole our shoes, and supply everything needed to do it, even the thread.

27 September 1840

We are not going to Mass today, because it would not please Mr Bourdon to do so. This little Lord is fed up with going to Mass so often. Our dear, naive Commandant is too stupid to give anyone else the authority to take us to Mass. If Bourdon told him to, it would be fine, but Bourdon believes he will be dethroned if he gives anyone else precedence. I believe Bourdon thinks we're all his slaves. For some days past he's adopted a new trick, that of opening our doors right at sunrise.... Mr Bourdon plays the big man, in accordance with his personality and small talents. He fits in with the Commandant: they are two of a kind. Still, I believe the Commandant is more stupid by far, in the sense that he has less knowledge of business with which to run the settlement. All of us shrug our shoulders but there is nothing to say. We must endure all with patience and for the love of God.
13 October 1840

Our Commandant had his wheel spokes delivered to Sydney yesterday. There were a thousand of them. It's a man named Paddy who took them to the barge. He came to get them at night, the day before yesterday. Several of us have taken up gathering oyster shells to sell. In this country oyster shells are used to make lime and sell here at the waterfront for 10 pence a bushel and brought to Sydney they sell for 14 pence and 16 pence and 20 pence a bushel at Parramatta. They don't use stone here to make lime. The stone here is not suitable for making lime.

Mr. David Lennox told us this morning that we were going to go do the harvest with the farmers, in five or six weeks and we will be (there) for 6 weeks. This would be a fine outing that we'd get from His Excellency; he who said he was soon going to give us our freedom within this Island [sic]. Last year 600 people did the harvest and this year only 350 have to go.

A man named John Alexander Reid has been condemned to 7 years exile in Van Diemen's Land for having stolen 3 pounds of every 9 pounds of beef for the convicts in his settlement, during one month. Reid is an overseer of convicts at Jambaroo (Stockade) near Kiama. The court could not avoid saying he was a bad man, the rations themselves already being too small. How many similar abuses are committed in this miserable government settlement against the prisoners? And it's this which often makes the convicts escape into the bush. This discovery occurred through the punishment of 50 lashes which the overseer had had inflicted on the cook, because of a quarrel between the two parties, probably to do with the rations stolen by Reid. This is an example for other settlement overseers....
Old Rose made an examination today of the wheel spokes which were cut in this settlement and our oyster shell gatherers were alarmed. They abandoned their venture. This hurts them, because the profits were for themselves. J. M. Thibert, J. L. Thibert, Jean Laberge and Joston Dumouchelle, the 2 Longtins, Paré, Jérémie Rochon and Charles Langevin [prisoners] were gathering for themselves and sell [them] for 10 pence a bushel to a person called Paddy. A man can gather from 6 to 10 bushels a day. This pays well. Old Rose was really determined to report all that is going on in the settlement to the authorities but he changed his mind. Mr Baddely went to see him and his partner and they arranged the matter on condition that all the timber yards are shut down. This [business] caused a great debate among us, with everyone who is working for personal profit afraid. There has been really bad behaviour here for some time [past] and the principal cause is the overseer [Baddely or Bourdon]. Old Rose told Mr Baddely that it was a Canadien who informed him of all the bad things going on in the settlement. Mr Baddely had also given some of us permission to sell loads of wood for our own profit. But I’m not going to get entangled in such a business.

16 November 1840 (Lepailleur was at this time a patient in the Sydney hospital).

.... A poor fellow died tonight of ear trouble. He had been sick for perhaps a fortnight. This man suffered horribly with his illness and to crown the misery they mistreated him to the last degree. It is incredible to see these ignorant (convict) room attendants mistreat the poor patients. This poor patient was shaken and beaten with the greatest violence not 48 hours before his death.... The lowest animals are
not as inhuman with their own kind. What barbarism there is in the
country compared to Canada, what humanity in Canada, what gentleness and
tenderness with which they care for sick. The ill in Canada are in
paradise compared to those here. This poor fellow was tied down to his
bed during the last days because he let his bedclothes fall to the
ground. In this hospital they don't bother to enshroud anyone. They
are placed stark naked in their coffins without any fuss. In the Sydney
hospital they never bother to sit up with a patient. It often happens
that they find a person dead in his bed in the morning without knowing
when he died. I dreamt tonight of my dear Domitile. It seemed to me
that she started to laugh at me and then she ran away from me from the
upper to the lower floor. This contempt really hurt me because it seemed
that it was the first time that I had seen her since I left for exile.

27 December 1840

.... Etienne Languedoc [prisoner] was punished today and properly so.
He refused very rudely to go to Mass and for the third time he laughed
at those who were going to Mass. Mr Baddely was told and he came him­
self this morning as we were leaving. He made Languedoc come before him
and he had irons put on his arms behind his back and sentenced him to
come to Parramatta behind us, right to the door of the church and to
stay there throughout the Mass and to return after the Mass behind us.
He was to have been escorted by Laberge and Trudelle (prisoners) and
if he didn't go properly, they were to beat him with a cane. This
punishment was almost as humiliating for us as for him.... After some
of us talked to Mr Baddely he changed the punishment. He stayed in
irons all day long without stopping and at a good stride. The messenger,
Plunkett, had orders to make him walk fast and if he didn't want to go
fast to beat him with a big cane. This punishment is fairly stiff,
especially in weather as hot as today....

1 January 1841

Today is Friday, the first of January. What a great day in Canada today but not for us, or for our dear families.... My dear family whom I love so tenderly, is it to be that exile will keep me away from you, from all I love, for a long time to come? Oh, the separation is sad and wrenching! To separate from a tender wife and young children who haven't known the tenderness of a loving father. Dear family, I often raise my spirit and my heart to heaven so that God may break the chains that bind me to this place and put an end to my exile and so allow me to return to my dear family, to all that my heart desires.... In slavery my heart has not changed. It is still the same today as it was in the time I had the happiness to live with you. I have great hopes of seeing you once more before I die. But to know when that day will arrive! My greatest fear is to suffer the blow of finding one of you missing.... Goodbye once more and please Heaven we will be reunited again in our country....

Well, I have spent 3 New Year's in the saddest possible way. Nothing in the world [could be] more distressing than having been in the cells of the Montreal prison in 1839. In 1840 we were passing by the Cape of Good Hope in the hold of the Buffalo, which was the most horrible, because of the constant darkness, the strict rules that had to be obeyed, and by the vermin which continually devoured us and the heat, and to crown our misery, hunger, since many of us sold our shirts and other clothing to have something to eat from the soldiers and sailors.... 1841 is not quite as painful, but when one realises he is 6000 leagues from his country and family and still in chains and in
prison, a slave and deprived of all freedom whatsoever, as I have already explained many times in my little Journal (unfinished sentence). A great heartache for us is not to have received any news yet for almost 16 months from our families. It is absolutely certain that our letters have been intercepted in the post offices, either in Canada or Sydney and a letter from my family would give me pleasure at the moment. It might tell me what steps the Canadiens are going to take to pull us out of this place, as we have seen nothing as yet in the papers saying that anything is being done in our favour. I believe most of the Canadiens have forgotten us. Not our dear families; no they will never forget us. But the populace think us fine (here) and are perhaps happy to see us far away from the country. I often imagine this and don't think I'm wrong.

21 April 1841

I'm spending the day today fixing up my mattress and I'm forced to cut up my trousers to mend it. The government is too stingy to give us a new mattress after we wear out the old one.... It is really painful to see people who were well brought up reduced to sleeping on the floor with one blanket. There are many of us who have slept on the floor with only one blanket for more than 3 or 4 months - and what's worse, we can't afford to buy any. Mr Baddely has been in Parramatta for several days and when he wants to go on the steamer from the place where he's staying in Parramatta, somebody must take him his small pony so he can go by horseback from the house to the steamer, which is perhaps 10 arpents [about 650 yards] and then if he is going to Sydney, another messenger must leave immediately after the first arrives (back) and go.... to Sydney with the pony so he can go on horseback from the
steamer in Sydney Harbour to the town. This charming man can employ a quarter of the people in the settlement in nothing more than escorting and carting him in a canoe or a barge. He thinks nothing of making a messenger walk 10 leagues [30 miles] to see him or follow him about in town. It is in this manner he considers us. He thinks nothing of having his shoes taken off by those [of us] he says he considers the most respectable. What a relief if he can leave the settlement.

11 May 1841

One of the neighbours of the camp got drunk and stabbed his wife in several places and escaped. That was Sunday night. The wife has not yet died. They are neighbours of Neich,7 in the new house. We hear more women crying in the night here than birds singing in the woods during the day. I believe every husband here beats his wife and I have it on good account that the greater number of women drink or are useless and the men are drunkards. One can imagine the great harmony which reigns in these households - of which some aren't married but are living together in concubinage.

22 September 1841

Our Devil has just raised a storm over that poor old man, Pierre-Hector Morin [prisoner]. Mr. Morin was on his way to meet his son [Achille Morin, another transported Canadien] who was picking lettuce in the garden. The Devil saw him and went to ask him what he was going to do there. The Captain [Morin] answered that he thought his son was working in the garden. The Devil began to treat him as a liar... and raised his cane and the Captain raised his arm to protect
himself from the cane. Baddely immediately called Bourdon to put Mr Morin in irons and in the lock-up to send him to Sydney. Seeing that Bourdon was in no rush, he called the corporal, who had seen the affair and was in no hurry to obey. The irons were brought to the place and great threats were made. Following this Mr Morin was dismissed from his job as foreman and sent back to work as a labourer.

23 September 1841

Despite his innocence Mr. Morin was forced to go and ask forgiveness from the Superintendent yesterday evening, to stop him from hurting his chances of leaving the settlement, which is to take place any day. This villain supposedly wanted to write the Governor to have Mr Morin put on Cockatoo Island with the prisoners in irons. I was the one who took Mr Morin to the Superintendent yesterday evening and Mr Morin got his job back.... He [Baddely] complained to Bourdon that no one, not even the corporal, was willing to help him or obey his orders against Mr Morin. In his moment of temper he told Bourdon he was going to report all of us together and would use the term 'riot against him', meaning that all of us rose up against our Superintendent. What a horrible character, what a madman. Nothing pleases him more than when he can find a chance to punish a poor prisoner. How many lashes has he had given to a poor criminal he could find at fault and who was not really at fault! Seeing them in an inn ... seeing them playing about on the road ... seeing them talking on the road to free people ... or being impolite and numerous other similar offences - these bring the poor criminal a punishment of 50-100 lashes.
1. Greenwood wishes to acknowledge the invaluable translating assistance he has received from Louise Tremblay, a doctoral scholar at the Australian National University, and Béatrice Chassé, archivist in charge of manuscripts at the Archives nationales du Québec.

2. Henry Clinton Baddely, Superintendent of the Longbottom Stockade, was responsible to the Colonial Engineer, Major George Barney. Almost nothing definite is known about Baddely except the job he held, his death at Longbottom on 2 March 1842 and his burial in St John's Anglican cemetery, Parramatta. Lepailleur recorded that Baddely was known to everyone living near the Stockade as 'the madman from Northern Ireland, (16 Sept. 1841) and gave his age at death as thirty-three (4 March 1842). Prieur (pp. 89-90) described him as a bachelor who had lost his army commission because of misconduct. Baddely emerges from the accounts left by the Canadiens as coarse, choleric, corrupt, stupid and addicted to bullying.

3. Louis Bourdon was the settlement clerk and the prisoner most relied upon by Baddely to keep order among the convicts. His dictatorial attitude and unrelenting pursuit of privilege enraged many of the Canadiens.

4. Superintendent of Bridges in the Department of the Colonial Engineer.

5. See the newspaper report in the Australian, 10 Oct. 1840.
6. Thomas Rose, neighbour and forest warden of the settlement. He and Baddely were constantly at loggerheads.

7. Emmanuel Neich, proprietor of the Bath Arms hotel on the Parramatta Road, just west of the Stockade.
Windsor, 5 October 1842.

I am taking advantage of Mr Lonctin's [sic] letter to write you a few lines. Why, my God, can't I bring them to you myself! I am certain you are far from being well-off and that you are forced to beg for your living and that of our poor children. If you were here I could - with a lot of work - keep you from misery. Every moment we expect a change in our situation. If however this does not happen and all hope of returning to our country is snatched away, many of us want to bring our wives and children to be with us. Two influential people here are taking an interest in our lot and hope to ease it as much as possible. But our chains are still pretty heavy....

It will cost a lot to ask our families to join us here, because then we must give up any hope of seeing our country again. But the desire to see our wives and our children and to help them, when we know they are in misery, dispossessed through confiscation of all we left them, exposed as you are to charity, overrides all other considerations. It is well to resign ourselves to everything if we have no more hope!

We shall, however, wait a few more months; perhaps finally the voice of justice, of mercy, will be heard in favour of so many unfortunate people who have already, by so many torments and hardships, paid for a fault shared by so many others, for whom we are paying the debt.
God wished it that way, we shouldn't complain; there must always be victims. But I repeat, the end of our captivity is keenly awaited - will it have an end? We have been beguiled by promises which perhaps will never be realised. This thought is very painful and I push it away as much as possible, because God is all powerful and all merciful.
SELECT BIBLIOGRAPHY

The following list includes only those sources which have contributed directly and significantly to this thesis.

PRIMARY SOURCES

I. MANUSCRIPT AND OTHER NON-PRINTED SOURCES

1. Archives nationales du Quebec, Quebec City.
   Documents relatifs aux evenements de 1837 et 1838.
   Journal de F.-M. Le Paillieur
   Memoire de Baile Roy, Voyage en exil, Ecrit par F. Maurice LePaillieur 1839 a 1844

2. Archives de la Chancellerie, Archidiocese de Montréal,
   Montreal.
   Lettres Bourget.

3. Bibliotheque de la Ville de Montréal, Montreal
   Fauteau Collection

   Maps comprising the various parishes of the County of Cumberland, circa 1833, by William Meadows Brownrigg.
   Official Correspondence between the Colonial Office and the Governor of New South Wales.

   Censes Returns, 1831, 1851, 1861.
   Ellice Correspondence, 1838 (photocopies of originals in the National Library of Scotland).
Ellice Diary
Line Drawings by Henri Julien
Loyal Addresses to the Governors, 1837, 1838, 1849.
Maps of the Montreal area, especially those drawn by Joseph Bouchette.
McGinnis Papers (only those dealing with the De Léry seigneurie).
Official Correspondence between the Colonial Office and the Governors of Lower Canada: 'Q' Series (transcribed from C.O. 42) and C.O. 537/141-43.
Petitions for Amendment to the Tavern Licensing Act, 1850.
Portraits drawn by Jean-Joseph Girouard
Rebellion Papers
Seigneurial Tenure Commission Papers
Watercolours by Mrs Edward Ellice junior.

Butts of Private Employment Tickets
Census Returns, 1841
Death Register, 1828-79.
Letters from the Colonial Engineer
List of Prisoners assigned to Surveyors and Surveyor-General's Department, 1838-44.
N.S.W. Colonial Secretary, Returns of the Colony, 1836-44.
Papers of the Buffalo, 1840.
Register of Assignment to Military Officers.
Returns, Principal Superintendent of Convicts, 1833-55.
Royal Pardon Warrants, Copies of.
Savings Bank Warrants, 1840-44.
Ticket of Leave Registers.
II. OFFICIAL PRINTED SOURCES.

Journals of the House of Assembly of Lower Canada, 1828-37, Quebec City.

Journals of the Legislative Assembly of the Province of Canada, 1841-49, Kingston.


The Names and Descriptions of all Males and Females who Arrived in the Colony of New South Wales, 1840, Sydney.

III. NEWSPAPERS AND JOURNALS

1. Those offering direct evidence:

Australasian Chronicle

Australian

Colonist

Free Free Gazette

L'Ami du Peuple

La Minerve

Le Canadien

Le Journal de Quebec

Le Moniteur Canadien

Montreal Gazette

Montreal Herald

Montreal Transcript

North American

Quebec Gazette

Sydney Gazette

Sydney Herald (and Sydney Morning Herald)

Sydney Monitor and Commercial Advertiser

Vindicator and Canadian Advertiser
2. Those providing autobiographical, biographical and retrospective comment:

**Bulletin**

**Echo**

**La Presse**

**Le Monde Illustré**

**Montreal Star**

**IV. CONTEMPORARY PRINTED SOURCES**


Darwin, Charles, *Journals of Researches into the Geology and Natural History of the Various Countries Visited by H.M.S. Beagle from 1832 to 1836*, London 1890.


Fowles, Joseph, *Sydney in 1848*, Dee Why West 1973 (originally published Sydney [1848]).

[Alexander Harris?], *Settlers and Convicts or Recollections of Sixteen*
Years' Labour in the Australian Backwoods, Melbourne 1964 (originally published London 1847).

Hood John, Australia and the East, London 1843.

Low, Francis, The City of Sydney Directory for MDCCCXLIV-V, Sydney 1844.


Meredith, Mrs Charles, Notes and Sketches of New South Wales, Dee Why West 1973 (originally published London 1844).

New South Wales Calendar and General Post Office Directory for 1837. [Sydney 1837].


Prieur, François-Xavier, Notes d'un condamné politique de 1838, Montreal 1972 (originally published Montreal 1884).

Sellar, Robert, The History of the County of Huntingdon and of the Seigniories of Chateauguay and Beauharnois, Huntingdon 1888.

Shirreff, Patrick, A Tour through North America together with a Comprehensive View of the Canadas as Adapted for Agricultural Emigration, Edinburgh 1835.

Snow, Samuel, The Exile's Return, Cleveland 1846.


SECONDARY SOURCES


Beatty, Bill, With Shame Remembered, Melbourne 1962.


McQueen, Humphrey, A New Britannia, Penguin Australia, 1970.


Ouellet, Fernand, Eléments d'histoire sociale du Bas-Canada, Montreal 1972.


Shaw, George M. (compiler), Concord Jubilee: 1883-1933, Sydney 1933.

Stephensen, P. R., The History and Description of Sydney Harbour, Adelaide, Sydney, Melbourne, Brisbane and Perth 1966.


