

Social Misconstructions in the Analysis of the  
Australian Experiences of the French-Canadian  
*Patriote* Convicts, 1839–1848

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*In June 1839 conditional pardons were approved for 58 convicted participants in the Lower Canada Patriote Rebellion, and their death sentences were commuted to penal transportation to New South Wales for life. They sailed as convicts on board H.M. store ship Buffalo and arrived in Sydney in February 1840. Some wrote diaries or journals of their experiences, and these documents present a view that has come to dominate current discussion of the period of “exile”. This view proposes that the Patriotes were frequently humiliated and subjected to slave labour conditions that were alleviated only by benevolent interference on the part of leaders of the Roman Catholic Church. However, recent archival research contests the accuracy of such self-serving descriptions and indicates that their continued acceptance is an ongoing social misconception of reality. The Patriotes were treated more humanely than was usual and were provided with far more significant alleviations to their situation by a colonial government usually depicted as indifferent.*

*En juin 1839, des pardons conditionnels furent approuvés pour 58 détenus reconnus coupables d’avoir participé à la rébellion des Patriotes du Bas-Canada et leurs peines de mort furent commuées en déportation pénale à vie en Nouvelle-Galles du Sud, en Australie. Naviguant comme détenus, ils arrivèrent à Sydney en février 1840. Certains tinrent des journaux de leur expérience et ces documents offrent un point de vue qui en est venu à dominer le débat actuel sur la période de l’exil. Selon ce point de vue, les Patriotes furent humiliés fréquemment et soumis à des conditions d’esclavage que ne réussit à soulager que la seule intervention bienveillante des dirigeants de l’Église catholique romaine. Cependant, une recherche archivistique récente met en doute l’exactitude d’une telle auto-mésinterprétation de la*

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*réalité. Les Patriotes furent traités plus humainement qu'on n'avait l'habitude de le faire et leur situation fit l'objet d'allègements beaucoup plus importants de la part d'un gouvernement colonial réputé indifférent.*

The expression “social misconstruction” ... refers to a collective error, to a widespread agreement about facts or interpretation that is mistaken. A range of examples will be reviewed in this work, all of which have three distinct features: they involve errors, mistakes, or misreading of evidence; the errors have been widely accepted; and they have persisted over many years.<sup>1</sup>

R. F. HAMILTON demonstrated that ongoing misconstructions of reality are to be found not only in theoretical works directed towards an academic audience, but also in the histories of heroic individuals whose biographies are part of popular culture.<sup>2</sup> Specific events tend to be fictionalized and glamorized after the deaths of these heroic figures, and such cultural icons inevitably attract authors who create a post-mortem impression to magnify that image. These erroneous views then become the accepted image of reality and, because of the heroic stature of each of the individuals, that image is hard to change. Distortions in the historical records of the Lower Canada *Patriotes* have provided a contemporary example of the process.

Although the events of the 1838 rebellion in Lower Canada have been well documented by a number of authors, very little attention has been given to the consequences of that rebellion for the 58 individuals whose death sentences had been commuted to transportation for life as convicts in Australia. Allan Greer<sup>3</sup> and E. K. Senior,<sup>4</sup> for instance, merely noted their departure, while R. Hughes<sup>5</sup> included a few quotes from one of the *Patriote* diaries. A number of Australian authors have discussed the group, but the works of two Canadians have been more influential in terms of establishing the prevailing historical vision. F. M. Greenwood published a large segment of the diary of *Patriote* François-Maurice Lepailleur and provided some editorial analysis.<sup>6</sup> B. D. Boissery published a modified version of her 1977 doctoral dissertation which dealt with the 1838 rebellion itself and the Australian experiences of the *Patriotes*.<sup>7</sup> In both cases, the authors tended to concentrate primarily

1 R. F. Hamilton, *The Social Misconstruction of Reality: Validity and Verification in the Scholarly Community* (New Haven: Yale University Press, 1996), p. 1.

2 *Ibid.*

3 Allan Greer, *The Patriotes and the People: The Rebellion of 1837 in Rural Canada* (Toronto: University of Toronto Press, 1993), p. 353.

4 E. K. Senior, *Redcoats and Patriotes: The Rebellions in Lower Canada 1837–1838* (Stittsville, Ontario: Canada's Wings, Inc., 1985), p. 202.

5 R. Hughes, *The Fatal Shore: A History of the Transportation of Convicts to Australia, 1787–1868* (London: The Harvill Press, 1996), pp. 261–262.

6 F. M. Greenwood, *Land of a Thousand Sorrows* (Vancouver: University of British Columbia Press, 1980).

7 B. D. Boissery, “The Patriote Convicts: A Study of the 1838 Rebellion in Lower Canada and the Transportation of Some Participants to New South Wales” (Ph.D. dissertation, Australian National University, Canberra, 1977), and *A Deep Sense of Wrong* (Toronto: Dundurn Press, 1995).

on the opinions expressed by Lepailleux. Despite the clear risk of not subjecting the writings of “political prisoners” to close scrutiny and cross-validation, little such caution was apparently exercised.

The present research involved the translation or collection of the diaries and journals of five of the Lower Canada *Patriotes*,<sup>8</sup> together with those of the five Americans who had been participants in the Upper Canada rebellion and had sailed as convicts to Australia on the same ship (the *H.M.S. Buffalo*). In addition, the archival collections of governmental and church documents and newspapers of the time were examined in Sydney, Ottawa, and London. In contrast to the diaries and journals, the official correspondence tends to be blunt and generally free of editorial assessment or subjectivity.

This analysis makes clear that the various *Patriote* authors, especially Lepailleux, presented a distorted picture of their experiences, and that these distortions have become the accepted historical record. The major problem with respect to the pertinent material is that little correlation has previously been made between the expressed beliefs and experiences of the *Patriote* authors and the documented actions of governmental and church agencies in Australia. The men were separated in their own compound for two years, and, even upon their release “on parole” (Tickets of Leave), they were dependent upon information and expressions of support from church figures, as well as upon local rumour. They were ignorant of the actions taken on their behalf by the colonial administration and tended to credit any positive change to the efforts of their clerics. Bishop (later Archbishop) Polding of the Roman Catholic diocese received considerable (and in large measure, questionable) credit in the journals with respect to the decision to land the *Patriotes* in Sydney and for the provision of Tickets of Leave and the ultimate granting of pardons. The more recent texts have uncritically accepted these uninformed beliefs.

Seven specific factual problems immediately appear from an examination of the archival evidence. The first is stated by Greenwood: “Convinced that the political prisoners would attempt a mutiny, Captain J. V. Wood and the officers of the (H.M.S.) Buffalo imposed stringent conditions and generally made life miserable, at least according to the surviving accounts of the Canadiens.”<sup>9</sup>

It was unreasonable to expect that a six-month voyage on any ship of that

8 L. Ducharme, *Journal of a Political Exile in Australia* (trans. G. Mackaness) (Sydney: D. S. Ford, 1944); H. Lanctôt, Written as letters to his children/grandchildren in a bound book, 1877–1879, National Archives of Canada (hereafter NAC), MG24, B 163; F.-M. Lepailleux, *Journal d'un patriote exilé en Australie 1839–1845* (ed. G. Aubin) (Sillery: Septentrion, 1996); F.-X. Prieur, *Notes of a Convict of 1838* (trans. G. Mackaness) (Sydney: D. S. Ford, 1949); B. Roy, “Memoire de Basile Roy : voyage en exil” (Québec: Archives nationales du Québec, 1839–1844). As Roy was illiterate and had paid Lepailleux to write a diary on his behalf, the work which resulted was quite repetitious (Lepailleux, *Journal d'un patriote*, June 1, 1840).

9 Greenwood, *Land of a Thousand Sorrows*, p. xxiv. The same views were expressed by Boissery, A *Deep Sense of Wrong*, pp. 180, 198–199, and Lepailleux, *Journal d'un patriote*, September 17, 1840.

time would be pleasant, let alone a naval vessel temporarily assigned for transportation of convicts. The men had been convicted of treason or, in the case of the Americans, of foreign invasion. They were not the usual run of criminals who had been found guilty of felonious behaviour, and they could be presumed to be collectively dangerous. Military troops additional to the normal complement of Marines were on board as a convict guard, but also in case there was an outside attempt at rescue. Despite this, the middle-class members among the Lower Canadians were surprised when they were not treated as gentlemen, and they regarded the tight security on board the *Buffalo* as onerous.<sup>10</sup>

The Americans in the Upper Canada group planned a mutiny, after which the ship would have been sailed to an American port.<sup>11</sup> The details of the planned mutiny were leaked to the captain, and, as a consequence, a search took place and any potentially dangerous implements were confiscated from the convicts' luggage. It was alleged that the daily time on deck was shortened in consequence of the plot, but this detail was not recorded in the ship's log books. Nonetheless, Guillet reported that the rations of this group "were generous in comparison with those of emigrant ships, nor were the other conditions of travel severe for sailing-ship days".<sup>12</sup> Certainly the Canadian prisoners were fortunate to have had an unusually low mortality rate of 1:144.<sup>13</sup>

Despite the allegations of ill treatment, including his own, Lepailleur wrote a letter of thanks to Captain Wood and the ship's doctor, and it was countersigned by 41 of the *Patriotes*.<sup>14</sup> Either the letter was an act of ingratitude or viewpoints changed dramatically after the landing.

Secondly, it has been assumed that Governor Gipps and the Sydney public were fearful of the *Patriotes* and that "hysteria ruled".<sup>15</sup> No such fear has been documented to have been expressed by Governor Gipps, however,

10 Twelve *Patriotes* who were literate and held professional, mercantile, or clerical occupations are grouped here as members of the middle class. See Archives Authority of New South Wales (hereafter AANSW), "Annotated Printed Indentures, 1840–1842. List of 58 male convicts by the ship BUFFALO, J. Wood, Master; arrived from Montreal on the 25th February, 1840", AO Fiche 741, pp. 48–53.

11 W. Gates, *Recollections of Life in Van Dieman's [sic] Land* (Lockport: D. S. Crandall, 1850), pp. 62–65; D. D. Heustis, *Narrative of the Adventures and Sufferings of Captain Daniel D. Heustis and his Companions...* (Boston: Redding and Co., 1847), pp. 90–94; C. Lyon, *Narrative and Recollections of Van Dieman's [sic] Land During a Three Years' Captivity of Stephen S. Wright...* (New York: J. Winchester, 1844), pp. 18–19; R. Marsh, *Seven Years of My Life...* (Buffalo: Faxon and Stevens, 1848), pp. 61–63; S. Snow, *The Exile's Return...* (Cleveland: Smead and Cowles, 1846), p. 9.

12 E. C. Guillet, *The Lives and Times of the Patriotes* (Toronto: University of Toronto Press, 1968), p. 198.

13 Boissery reported that the mortality rate for convict ships after 1820 was 1:50, for Royal Navy ships 1:30, and in emigrant ships 1:10 (*A Deep Sense of Wrong*, p. 178).

14 Lepailleur, *Journal d'un patriote*, February 24, 1840.

15 Boissery, "The Patriote Convicts", pp. 211, 237, and *A Deep Sense of Wrong*, pp. 195–196, 198, 202. For Greenwood, it "was a common assumption" that the group "posed a serious threat to law and order" (*Land of a Thousand Sorrows*, p. xxv).

while only one of the local newspapers provided a negative report upon the arrival of the prisoners.<sup>16</sup> Even so, this newspaper was chastised for its severity and lack of humanity by three of the other newspapers.<sup>17</sup> The *Sydney Herald* had expressed its misgivings in a January 1840 edition, but was noncommittal in its references to the *Patriotes* when they arrived, and during April 1840 it provided support by recommending their early assignment as farm labourers.<sup>18</sup> It is obvious that there was little fear, hysteria, or resistance evidenced among members of the administration or in the minds of the local population.

A third misconception holds that “[t]he intercession ... by Dr. [Bishop] Polding ... convinced Governor Gipps that they could safely remain in the colony” rather than be landed, as had been intended, at the notorious maximum security prison on Norfolk Island.<sup>19</sup> The Lepailleur and Prieur journals were the apparent sources for this erroneous claim.<sup>20</sup> A series of letters and notes between Governor Gipps and Captain Wood of the *Buffalo* provided contrary information. The Governor had asked that the *Buffalo* take additional convicts on board for shipment to Norfolk Island. Captain Wood responded by enclosing his orders from the Admiralty, which required the ship to sail directly to New Zealand after discharging the Canadian convicts in Sydney. The Governor decided that, although his orders were to send such convicts on to Norfolk Island, he would allow them to stay in Sydney rather than organize alternative transportation for them.<sup>21</sup> This decision was made on March 5, 1840, a day before Father Brady agreed to ask Bishop Polding to appeal to the Governor to allow the group to remain in Sydney.<sup>22</sup> No archival evidence was found to indicate that Bishop Polding made any written expressions of support or guarantees of good conduct before or after the crucial date.

Lepailleur repeatedly gave the impression that imprisonment at the Long-

16 Mitchell Library, Sydney (hereafter ML), *Sydney Gazette*, vol. 38, no. 4672 (March 10, 1840), p. 2.

17 ML, *The Australian*, vol. 7, no. 775 (March 21, 1840), p. 2; Sydney Archdiocesan Archives (hereafter SAA), *Australasian Chronicle*, vol. 2, no. 65 (March 13, 1840), p. 2; State Library of New South Wales (hereafter SLNSW), *Sydney Monitor*, vol. 15, no. 1478 (March 20, 1840), p. 2.

18 SLNSW, *Sydney Herald*, vol. 10, no. 937 (January 13, 1840), Supplement, p. 1; vol. 10, no. 956 (February 26, 1840), p. 2; vol. 10, no. 983 (April 29, 1840), p. 2.

19 Greenwood, *Land of a Thousand Sorrows*, pp. xxv–xxvi; F. O’Donoghue, *The Bishop of Botany Bay: The Life of John Bede Polding, Australia’s First Catholic Archbishop* (Sydney: Angus and Robertson, 1982), pp. 46–47, expressed similar sentiments.

20 Lepailleur, *Journal d’un patriote*, April 28, 1841; Prieur, *Notes of a Convict*, p. 82. Prieur claimed that despite “urgent and incessant applications” by Bishop Polding and “a certificate of good conduct” submitted to the Governor by Captain Wood, it was the Bishop’s guarantee of future good conduct that had been crucial in persuading the Governor. There was no archival documentation to support these claims.

21 AANSW, Colonial Secretary: Correspondence, 1840 to 1848: 1840 Commissariat File, 4/2484.2, correspondence between Governor Sir G. Gipps, Colonial Secretary E. D. Thomson, and Captain J. Wood of HMS *Buffalo*, February 29–March 5, 1840.

22 Ducharme, *Journal of a Political Exile*, p. 33.

bottom Stockade for two years could be characterized as slave labour.<sup>23</sup> Lepailleur's own diary is sufficient to refute these claims. The middle-class members of the group, including the four authors, were provided with supervisory positions and did no physical work. Indeed, Lepailleur's diary records his frequent strolls in the woods and leisurely practices on work days. The largely illiterate agriculturalists were given jobs relatively similar to those they would have engaged in on their own farms: removing and splitting rocks, carting rocks by ox cart, and making wooden and clay bricks, among other tasks. Some worked as carpenters making saleable objects for the corrupt superintendent. Despite the efforts required for their daily labour, many were able to find the energy to do a variety of additional tasks for private commerce during the evenings. It was clear that Lepailleur's frequent use of the term "slave" to describe himself and the group was an exercise in exaggeration. The work expected was not severe, and the level of supervision was more inconsistent than cruel. Nonetheless, Greenwood and Boissery indicated the direction of their support by choosing the expressions of two of the *Patriotes* as titles for their books: *Land of a Thousand Sorrows* and *A Deep Sense of Wrong*.<sup>24</sup>

In actuality, the Canadians were treated quite benevolently when their term of imprisonment with hard labour was compared with what was expressed as more general by Hughes and by A. W. Baker.<sup>25</sup> They were never chained together in work gangs and never flogged, practices which were "normal" in the colony.

A fifth unsubstantiated claim pertains to the practice of assigning convicts to settlers. "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."<sup>26</sup> The assignment system, however, had already fallen into disrepute by the time of the arrival of the *Buffalo*, and the Governor was required to phase out the system until its final termination on July 1, 1841.<sup>27</sup> In addition, the Secretary of State for the Colonies in London and the Governor General of Canada had been quite specific that two years of hard labour should be completed before

23 Lepailleur used the word "slave" on at least 18 occasions to describe himself or his companions in *Journal d'un patriote*, and in writing the diary for Roy ("Memoire de Basile Roy") Lepailleur used the word as a descriptor at least five times. Boissery, in *A Deep Sense of Wrong*, gave limited support for this characterization (p. 235).

24 See notes 6 and 7.

25 Hughes, *The Fatal Shore*; A. W. Baker, *Death is a Good Solution: The Convict Experience in Early Australia* (St. Lucia: University of Queensland Press, 1984).

26 Boissery, "The Patriote Convicts", p. 237, and *A Deep Sense of Wrong*, pp. 210, 228–229, 231.

27 SAA, *Australasian Chronicle*, vol. 2, no. 53 (January 31, 1840), p. 4; Public Record Office, London (hereafter PRO), CO 280/118, 50274, Lieutenant Governor Sir J. Franklin to Lord J. Russell, February 15, 1840, pp. 252–253; D. Troy, *Guide to Convict Records in the Archives Office of New South Wales*, 2nd ed. (Sydney: The Archives Authority of New South Wales, 1981), p. 21.

consideration would be given to the granting of Tickets of Leave.<sup>28</sup> Three weeks after the formal end of the assignment system, the Governor and the Colonial Secretary developed a scheme of Private Employment Tickets. These were specifically designed to allow the “Canadian prisoners” to secure work and live outside the Longbottom Compound several months prior to the granting of Tickets of Leave.<sup>29</sup> Many were given jobs with leading figures within the colonial administration; although some of these officials refused to pay the accumulated wages, such faults should be regarded as individual rather than systemic. Assignment at the time of the *Patriotes*’ arrival was not an option, and the belief that the two-year incarceration was the result of administrative fear or inadequate decision making cannot be substantiated in the archival material.

It has been implied that the colonial administration was insensitive to the needs of the *Patriotes*.<sup>30</sup> However, immediately after the arrival of the Upper Canadians in Tasmania, the Lieutenant Governor (Franklin) requested that his superiors allow him to grant Tickets of Leave as early as two years after their arrival, should their conduct be satisfactory. He notified his superior, Governor Gipps, of his action. This request was approved in London and in Canada and ultimately became a reality.<sup>31</sup>

Upon disembarkation, the Lower Canadians were placed at Longbottom Stockade and kept, for most of the time, by themselves. After a short time a French-speaking superintendent was placed in charge of the compound. It was most unusual for all those arriving on the same ship to be kept together, and this administrative action was extremely favourable to the group, given the fact that few could speak English. Separation into routine work gangs based at different locations could have led to frequent punishment given the high potential for misunderstanding by unilingual supervisors.

Hippolyte Lanctôt, who had been a notary in Lower Canada, drafted a petition to the Governor seeking some form of clemency for the Lower Canadians. The petition was positively endorsed by the colonial administration in Sydney and received similar approval from the Canadian Governor General in Kingston and the Secretary of State for the Colonies in London.<sup>32</sup>

28 PRO, CO 280/118, 50274, Colonial Office to C. Poulett Thomson, Governor General of Canada, June 10, 1840; Lord J. Russell to Lieutenant Governor Sir J. Franklin, October 20, 1840, pp. 255–257.

29 AANSW, Colonial Secretary: Copies of Letters Sent re Convicts (January 23, 1841 to December 30, 1842), 4/3689, Letter 41/268, Colonial Secretary to Principal Superintendent of Convicts, July 24, 1841, pp. 188–191, Reel 1053.

30 Lepailleur, *Journal d’un patriote*, April 28, 1841; Prieur, *Notes of a Convict*, p. 87; Greenwood, *Land of a Thousand Sorrows*, p. 155, n. 29.

31 PRO, Colonial Office, CO 280/118, 50274, Lieutenant Governor Sir J. Franklin to Lord J. Russell, February 15, 1840, pp. 252–253; Lord J. Russell to Lieutenant Governor Sir J. Franklin, October 20, 1840, p. 257; ML, Franklin Papers, Af1/21, Lieutenant Governor Sir J. Franklin to Governor Sir G. Gipps, February 19, 1840.

32 NAC, Governor General’s Papers, Despatches from Colonial Secretary to Governors, Canada, G1 (RG 7 G 1), vol. 98 (1841), Governor Sir G. Gipps to Lord Russell, January 26, 1841, pp. 81–92, Reel C–155; NAC, Colonial Office, Original Correspondence – Secretary of State, No. 480, Province of

Both the Upper and Lower Canadian prisoners received their Tickets of Leave two years after their arrival in Australia. Despite the absence of any supporting documentation, Bishop Polding received the credit for this action from the Lower Canadians and the contemporary authors,<sup>33</sup> while Lieutenant Governor Franklin received advance credit for the “indulgences” granted to the Upper Canadians and Americans.<sup>34</sup>

In other positive actions, three destitute members of the group were fed from convict stores for up to a year, even after they had received their Tickets and were expected to be self-supporting.<sup>35</sup> Governor Gipps supported this initiative, and later Governor FitzRoy provided colonial funds to enable two of the elderly *Patriotes* to book passages to return to Canada via London.<sup>36</sup> The Secretary of State for the Colonies advanced money, at the request of Mr. Roebuck, MP, to allow the 38 *Patriotes* who were the first group to have left Sydney to pay for their fares between London and New York.<sup>37</sup> In these and other minor matters, the colonial administration showed a willingness to provide assistance which has not been sufficiently credited.

Finally, Bishop Polding tends to receive the responsibility for the granting of full pardons to the group in 1844.<sup>38</sup> There is some measure of truth in this claim, given the fact that Bishop Polding, accompanied by Bishop Forbin-Janson, had meetings in London with Lord Stanley, the Secretary of State for the Colonies, during which they pressed for pardons for the *Patriotes*. The efforts of these two clerics have largely dominated the historical record even

Canada, 1841 (July 1 – September 22 Despatches), CO 42/480, Lord Sydenham to Lord Russell, August 5, 1841, pp. 166–167, Reel B–369; ML, Secretary of State for Colonies – Despatches to the Governor of New South Wales (August to December 1841), A1286, Lord Russell to Governor Sir G. Gipps, September 1, 1841, pp. 171–172, Reel CY1953.

33 “Sentenced to death. A survivor from the gallows. F. M. Lepailleur, a companion of Cardinal and Duquette, condemned for high treason, adds a page to history”, *The Montreal Daily Star*, December 15, 1888, p. 9; Boissery, *A Deep Sense of Wrong*, pp. 298–302; Greenwood, *Land of a Thousand Sorrows*, p. xxvi.

34 SLNSW, *Free Press and Commercial Journal*, vol. 1, no. 32 (April 24, 1841), p. 3 (reprinted from *Hobart Town Advertiser*, April 9, 1841).

35 AANSW, Colonial Secretary Correspondence: Letters Received, 1843, 4/2602 Convicts 1, Reel 2254, Letter 43/2537, Principal Superintendent of Convicts to Colonial Secretary, April 3, 1843; AANSW, Colonial Secretary: Letters Sent re Convicts, 4/3691 (January 3, 1843 to October 7, 1844), Letter 43/154, Colonial Secretary to Principal Superintendent of Convicts, May 23, 1843, p. 88, Reel 1053.

36 ML, New South Wales – Governor’s Despatches to the Secretary of State for the Colonies, vol. 53 (January to March 1847), A1242, Governor Sir C. FitzRoy to the Colonial Office, February 21, 1847, pp. 523–528, Reel CY685; vol. 54 (April to August 1847), A1243, Governor Sir C. FitzRoy to the Colonial Office, April 3, 1847, pp. 71–72, Reel CY688.

37 NAC, Roebuck Papers, Correspondence and Statements by or about Transported Prisoners 1838–1844, MG 24 A 19, vol. 4, file 22, Lord J. Stanley to J. A. Roebuck, MP, November 30, 1844, pp. 70–72.

38 Greenwood, *Land of a Thousand Sorrows*, p. xxvi; M. E. Compton, “The Life of John Bede Polding, O.S.B.” (MA Honours thesis, University of New England, Armidale, 1977), pp. 127–128; SAA, *Morning Chronicle*, vol. 2, no. 196 (August 20, 1845), pp. 2–3; O’Donoghue, *The Bishop of Botany Bay*.

though religious leaders and prestigious figures from Montreal were also agitating for remissions of the sentences.

Reports from London indicated that Lord Stanley had reassured the two Bishops with respect to the granting of pardons,<sup>39</sup> but, in a later speech in the House of Lords, Stanley was quite negative.<sup>40</sup> It would appear that, for Stanley, political expectations demanded caution, coupled with the automatic negation of proposals from the opposition benches. Nonetheless, the free pardons were issued in London during 1843 and 1844 and received in Australia between April and December 1844.<sup>41</sup> The *Patriotes* were one of the few groups of convicts to be granted full pardons, which enabled them to return from their “exile”. This is a clear sign of long-term support from the politically influential.

The histories of significant and heroic figures must be subjected to critical replication, despite the obvious costs, if historians are to avoid reinforcing the errors of the past.<sup>42</sup> Certainly, the writings of self-proclaimed political prisoners should be treated with extreme caution. Despite these obvious methodological considerations, the contents of the journals of the 1838 *Patriotes* have become the accepted historical vision, and little concern has been given to the need for cross-validation and reassessment.

This analysis of recently accessed archival material indicates that present-day thinking with respect to the experiences of these prisoners should now be substantially modified. The Lower Canada *Patriotes* were treated no worse during the voyage on the *Buffalo* than was usual for convict ships of that time, while their treatment in New South Wales was far better than that described as normal in the histories of other prisoners. The Lower Canadians could not have anticipated the conditions in the Montreal gaol; they had no prior knowledge of the difficulties to be expected on convict ships; and they were ignorant of the stringent rules governing convicts who had been sentenced to transportation with hard labour in New South Wales.

The complaints of the *Patriote* authors, then, though sometimes merited, reflected the fact that their lives had been simple, protected, and relatively free of privation prior to the rebellion. They regarded themselves as “gentlemen”, not as convicts, and this led them to view their treatment as unwarranted and excessive. Their journals perpetuated these beliefs and the uncritical acceptance of these documents has been responsible for an ongoing social misconception of the reality of their period of “exile”.

39 B. Beatty, “Canadian Patriots’ Exile in Australia”, *Journal of the Australian Catholic Historical Society*, vol. 3, no. 2 (1970), p. 41.

40 SLNSW, *Sydney Herald*, vol. 15, no. 1908 (June 29, 1843), p. 6.

41 ML, Secretary of State for the Colonies, Despatches to the Governor of New South Wales (September to December 1843), A1292, Lord Stanley to Governor Sir G. Gipps, November 14, 1843, pp. 473–476, reel CY1828; January to April 1844, A1293, January 28 and February 29, 1844, pp. 81–82, 223–226, reel CY1829; May to August 1844, A1294, July 11, 1844, pp. 305–306, reel CY1830.

42 Hamilton, *The Social Misconception of Reality*, pp. 219–221, 284 n. 6.