

Book Notes

A Translation Project

Eds: Geoffrey de Q. Walker is Emeritus Professor of Law at the University of Queensland and is the author of several books and numerous articles on legal and related subjects. He has long been interested in French exploration and historical accounts of Australia. Through his translations of these historical records he has provided a valuable resource. ISFAR is very grateful to Geoffrey de Q. Walker and to the State Library of New South Wales for allowing us to publish his following brief summary of each work.



The studies of early Australia written by nineteenth century French authors contain useful insights into the nation's beginnings from an outside perspective. They are not as widely known as perhaps they should be, the language barrier apparently being the main reason.

In September 2020 the State Library of New South Wales finished accessioning five translations by Geoffrey de Q. Walker, French historical works, which are now freely available to the public online under the Creative Commons system. The following note provides some details of the project.

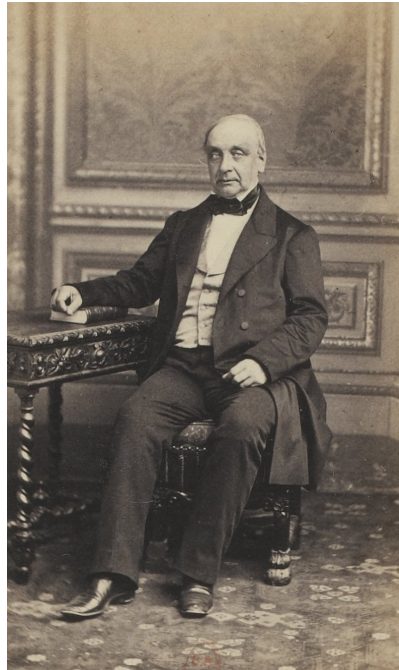
1. Ernest de Blosseville, *History of England's penal colonies in Australia (Histoire des colonies pénales de l'Angleterre dans l'Australie)*, translated by Geoffrey de Q. Walker, Sydney, Mitchell Library, State Library of New South Wales, 2018, 395 pp.

<http://archival.sl.nsw.gov.au/Details/archive/110650988>.

Australia's 'first historian': Ernest de Blosseville

Professor Colin Forster in his valuable book *France and Botany Bay* (published 1992 by Melbourne University Press) notes that while de Blosseville's 1831 work *Histoire des colonies pénales de l'Angleterre dans l'Australie* is regarded as the first scholarly history of Australia ever written, it has never received the recognition it deserves (in the Anglosphere, that is; in France it was awarded the 1832 Montyon prize for the moral sciences by the Académie française.). Forster attributes its neglect in the English-speaking world to language problems and the lack of a translation.

Written by Viscount (later Marquis) Bénigne-Ernest Poret de Blosseville (1799–1886), author, scholar and member of parliament, this book was first published in Paris in 1831. It opens with a description of the factors leading to the search for a new location for a penal settlement, following the loss of the American colonies. He points out that Britain’s continued sending of convicted felons to America was a factor in generating the pressures leading to the American Revolution, as illustrated by Benjamin Franklin’s famous barb, ‘Would you like us to send you back some rattlesnakes?’



Ernest de Blosseville Wikipédia Fr.

The author then sets out a comprehensive political, economic and social account of the development of New South Wales and Tasmania up to 1830. The treatise criticises some aspects of the colony’s record, including the heavy reliance on capital punishment, the convicts’ sometimes violent treatment of the aboriginal population and the United Kingdom government’s neglect of the nascent settlement, which led to near disaster by starvation

on three occasions. In general, however, he saw the enterprise as a success, equally from the viewpoint of criminal reform, reduction of serious crime and efficient colonisation. While a comprehensive general history, the work also contributed to a long-running penological debate about transportation, as against the penitentiary system, that developed during the nineteenth century in France, the United Kingdom and the United States.

2. Alexis de Tocqueville, *Of Penal Colonies (Des Colonies pénales)*, translated by Geoffrey de Q. Walker, Sydney, Mitchell Library, State Library of New South Wales, 2017, 46 pp.,
<http://archival.sl.nsw.gov.au/Details/archive/110650990> .

De Tocqueville's doubts

Forster also notes that in 1833 Alexis de Tocqueville, author of the classic *Democracy in America*, published *Des colonies pénales*, which was intended as a reply to de Blosseville's generally favourable description of Australian penal settlement and its results. It is forty pages long and consists of three chapters. It received the Montyon prize in 1833, the year after de Blosseville's book won the same award. The only translation of that work in existence was a contemporary one by a German scholar who candidly admitted his lack of English language skills—the author has now translated this work also. Possibly few Australians are aware that de Tocqueville ever wrote anything about Australia.

Des Colonies pénales was in many respects intended as a response to de Blosseville's positive assessment of the convict system. While conceding that the New South Wales and Tasmanian settlements showed that the penal colony system had definite advantages, de Tocqueville criticised several features of it, including that it enabled convicts, who commonly developed little attachment to the land of their exile, to return to the home country without necessarily having been reformed. It also made it possible for convicts to escape into the wilderness and join with the 'Indians' in forming marauding bands, as had happened in Van Diemen's Land. The convicts were not committed to the success of the settlement, and that, combined with neglect by the British government, led several times to starvation almost destroying it. Finally, it was difficult to maintain order and the governors had to foil endlessly renewed plots.

Further, as the colony had become more established, transportation lost its deterrent power and some offenders committed crimes in the United Kingdom with the aim of securing a free passage to Australia. De Toqueville saw transportation more as a system of colonisation than as a penal system and thought the continued influx of criminals after the colony became established could encourage moves towards independence, as had occurred in America.

Like Jeremy Bentham, de Tocqueville strongly preferred the American penitentiary system to the Australian penal colony approach. In 2001 Professor John Braithwaite of ANU in 2001 pointed out the perverse results of that preference:

These US ideas were a failure in their own terms, though they were interpreted by Americans and Europeans as a success. The Australian ideas were a success in their own terms, though Australians, who believed them to be a success at the time, came to follow the English analysis (of Bentham) that they were a failure. De Tocqueville was the other European who was influential in defining the American penitentiary as a success and transportation of convicts to Australia as a failure. Great distortion arose from both the shame Australia acquired about its past and the pride of Americans in theirs.

Making the above two works readily accessible to more students and researchers may help to introduce new and independent insights into the understanding of Australia's most formative decades and the development of modern penological doctrine.

3. Jules de La Pilorgerie, *History of Botany Bay: Present state of England's penal colonies in Australia, or, An examination of the effects of transportation by M. Jules de la Pilorgerie (Histoire de Botany-Bay : état présent des colonies pénales de l'Angleterre dans l'Australie, ou, Examen des effets de la déportation, considérée comme peine et comme moyen de colonisation / par Jules de La Pilorgerie)*, translated by Geoffrey de Q. Walker, Sydney, Mitchell Library, State Library of New South Wales, 2018, 295 pp.,
<http://archival.sl.nsw.gov.au/Details/archive/110650989> .

A rival view from de La Pilorgerie

Published in Paris in 1836, Jules de La Pilorgerie's *Histoire de Botany-Bay* is the second French history of Australia. Professor Forster notes that it is a substantial work (running to 394 pages in all) and is in some respects a general history, but in essence is narrower than that, using Australian history in support of his advocacy of the penitentiary system as against convict transportation. He criticises de Blosseville's account, while acknowledging that, 'written with real talent [it] is a vigorous plea in favour of the punishment of deportation and of penal colonies'. He also disparages the favourable view of Sydney as a penal settlement expressed by François Péron, 'the most famous and influential of the early French observers'. De La Pilorgerie reaches two final conclusions on the penal effectiveness of transportation:

Very far from offering possibilities of reforming the guilty, deportation entails the reciprocal corruption of morals.

Very far from intimidating [detering] the malefactors of the metropolis, it quickly transforms itself, following the degree of prosperity of the penal colonies into a medium of enticement, of inducement to crime.

His side of the argument did not prevail, however, as France went on to establish penal colonies in New Caledonia and at Cayenne, French Guiana (which included Devil's Island). New Caledonia received French convicts until 1897 and Cayenne until 1938. De La Pilorgerie's work was widely acknowledged in the penal debate as being one of the two authoritative studies, de Blosseville's being the other, of Australia's historical experience as a penal colony. Until now, it has remained untranslated.

4. M. Mazois & Thomas Muir, *The Scottish Martyrs and Botany Bay, history of the tyranny exerted by the English government against the celebrated Thomas Muir, Scotsman (Histoire de la tyrannie du gouvernement anglais exercée envers le célèbre Thomas Muir, Écossais)*, translated by Geoffrey de Q. Walker, Sydney, Mitchell Library, State Library of New South Wales, 2018, 32 pp.,
<http://archival.sl.nsw.gov.au/Details/archive/110650992>.

The adventures of Thomas Muir and the Scottish Martyrs

Chapter IV of de La Pilorgerie's work includes a reference to the remarkable history of Thomas Muir and the Scottish Martyrs. Following a grossly biased trial in Edinburgh conducted by Lord Braxfield, they were convicted of sedition for advocating a number of parliamentary reforms (most of which were adopted a few decades later) and sentenced to transportation.

Such was Muir's renown as a martyr for liberty and democracy that the French revolutionary Committee of Public Safety ordered the French admiralty to dispatch frigates in an attempt to rescue him, but they were unable to locate the British ship transporting him and his confederates. (As the Committee was itself anything but liberal or democratic, its action was presumably intended as a propaganda gesture.)

Arriving in Sydney in October 1795 aboard the *Surprise*, they were treated favourably by Lieutenant-Governor Grose and Governor Hunter. Two years later, however, Muir escaped aboard an American ship, the *Otter*, and made his way to the west coast of North America, then to Mexico, where he was at first imprisoned by the Spanish authorities and sent to Havana.

Muir then signed on as a seaman aboard a Spanish warship bound for Spain, but was badly wounded, losing his left eye and cheekbone, in a battle with a British frigate. Having been taken ashore, he travelled to France, where he was received at the urging of the French foreign minister, Prince Talleyrand. He was warmly welcomed at Bordeaux, and his account of his experiences was recorded by a local businessman, one Citizen Mazois, and published in 1798 under the title *Histoire de la tyrannie du gouvernement anglais exercée envers le célèbre Thomas Muir, Écossais*.

He then proceeded to Paris, where he incidentally befriended Thomas Paine. He was fêted by the Directoire revolutionary government and assisted them with their plans to invade Scotland and establish a republic there, with Muir as intended president. He did not long survive, however, succumbing to his injuries a couple of years later.

An intriguing detail in de La Pilorgerie's version and some other accounts is his claim that a number of New York and Philadelphia residents, moved by the published accounts of Muir's stand and sentence, joined together to raise the funds necessary to charter the *Otter* to deviate from its intended

course and call at Port Jackson under some pretext, with the secret, and in the event successful, mission of liberating him. While some circumstantial evidence supports that account, nothing in Muir's letters provides any evidence of prior planning by his friends.

Apparently, Muir and the Scottish Martyrs enjoyed some renown in New South Wales for years afterwards, but their story was later virtually forgotten in Australia (although not in Britain, where prominent memorials to him were erected in London and Edinburgh). Perhaps the local colonial authorities were reluctant to celebrate a man whom they must have regarded as a traitor and escaped convict.

This publication had previously been translated in 1990, with a most useful introduction.

[Eds: details of this publication are as follows:

Wantrup, Jonathan, *The transportation, exile and escape of Thomas Muir: a Scottish radical's account of Governor Hunter's New South Wales published in Paris 1798*, translated from the French with introduction and notes, Melbourne, Boroondara Press, 1990.

Several copies of this version are still for sale as rare books and it is held in a number of libraries. It is not available to read online.]

5. Paul Merruau, *The Convicts in Australia (1851–1852)*, (*Les convicts en Australie (1851–1852)*), translated by Geoffrey de Q. Walker, Sydney, Mitchell Library, State Library of New South Wales, 2017, 170 pp., <http://archival.sl.nsw.gov.au/Details/archive/110650991> .

A novelist's view of convict life

Paul Merruau's work *Les convicts en Australie (1851–1852)*, published in 1853, has not previously been translated. The author presents it as fiction, but seeks to base it on fact and supplies a bibliography of the non-fiction works he has consulted. The French original was reprinted in 2016 by ULAN Press of Middletown, Delaware.

A 1986 review of *Les convicts en Australie (1851–1852)* for the ISFAR journal by J. H. Pollet de Saint-Ferjeux asserts that despite the book's shortcomings, 'Merruau's talent as a journalist, his ability to evoke an atmosphere and the quality of his mind make this book worth reading'.

He concludes:

I claim that this book deserves survival in the context of Australian culture for at least three reasons: firstly, it does attempt to analyze the convict mentality rather than merely retelling the story of the convict state. Secondly, it attempts to analyze the mechanics of punishment rather than the philosophies/prejudices of the time about punishment. Thirdly, Merruau is very good at recreating the atmosphere of a far-away land that he hasn't seen (*Explorations* no. 3, 1986).

Until the 2016 reprint appeared, it was thought that there were no more than half a dozen copies of the French original still in existence. It is therefore likely that few Australian scholars have had access to it. The addition of an English translation may help to bring it to the notice of a wider scholarly audience.

A Note from the Author: All five translations are available in full text on the website of the State Library of New South Wales and may be reproduced, subject only to acknowledgement of source, for any non-commercial purpose. They can be accessed via a catalogue search under the author's name or mine.

Geoffrey de Q. Walker translations of French publications on the history of the New South Wales penal colony, 1798–1853, (compiled 2015–2018) http://archival.sl.nsw.gov.au/Details/archive/110637728?_ga=2.142008757.644637245.1599558422-495808619.1528758056.

Geoffrey de Q. Walker

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Tom Thompson (ETT Imprint): A Publishing Project

Tom Thompson has published two new editions of the George Mackaness translations of memoirs by François Xavier Prieur and Léon Ducharme, two of the French-Canadians transported to Australia in 1840.

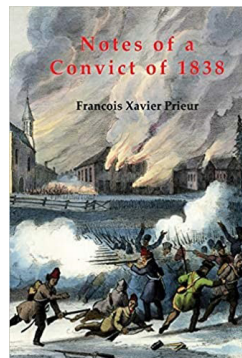
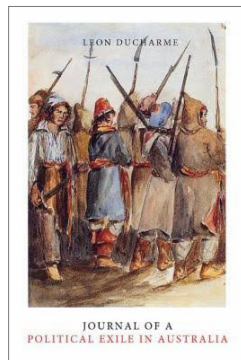
Leon (Léandre) Ducharme, *Journal of a Political Exile in Australia (Journal d'un exilé politique aux terres australes)*, translated by George Mackaness, Exile Bay, NSW, ETT Imprint, January 2021, 120 pp., rrp AU\$ 24.95, ISBN 978-1-92247-315-8.

E-book available.

The Rebellions of 1837–1838 (*Les rébellions de 1837–1838*) were two armed uprisings against British rule that took place in Lower and Upper Canada in 1837 and 1838. The uprisings were quelled and fifty-eight of the French-Canadian ‘patriotes’ from Lower Canada were sentenced to prison in Australia, specifically to Longbottom Stockade near Concord, west of Sydney. They spent twenty months breaking stones, helping build the Parramatta Road. In 1842 they were permitted to gain employment under the ‘ticket of leave’ system and eventually received full pardons in 1844.

Of the fifty-six surviving Canadians, fifty-five returned to Canada, leaving only one (Joseph Marceau) in Sydney. Canada Bay, a bay on the Parramatta River, and the present City of Canada Bay are reminders of this French Australian connection as are other parts of the area—Exile Bay, France Bay, Marceau Drive and more. Léandre Ducharme’s journal, published in Montreal in 1845, was translated by George Mackaness and first published in 1944. Mackaness subsequently published another 100 copies (Dubbo, 1976) and we are indebted to ETT Imprint of Exile Bay for this new version, published January 2021.

As well as being a valuable record of the uprising and its subsequent trials, Ducharme’s first-hand viewpoint of the sea journey and the lives of prisoners in Australia in the mid-nineteenth century is also an important contribution to the history of French Australian connections and to the story of European settlement in Australia. His descriptions of the colony’s pastoral and agricultural industries and their transport difficulties as well as his predictions for the wine industry in Australia are observant and enhance our knowledge of the history of the period.



Francois Xavier Prieur, *Notes of A Convict of 1838 (Notes d'un condamné politique de 1838)*, translated by George Mackaness, Exile Bay, NSW, ETT Imprint, February 2021, 165 pp., rrp AU\$ \$24.95, ISBN 978-1-92247-322-6.

E-book available.

Notes of A Convict of 1838 is the second of only two accounts left by French Canadian prisoners transported to New South Wales. At his trial in January 1839 Francois Xavier Prieur was sentenced to death but later was among the fifty-eight French Canadians whose sentences were commuted to transportation for life to New South Wales. They travelled on the *Buffalo* and reached Sydney in February 1840.

Prieur kept detailed notes of the campaign, the trials, the journey by sailing ship, his life as a prisoner at Longbottom and the various jobs he undertook as a 'ticket of leave' prisoner. In his introduction he explains that he is 'not going to write history' but will endeavour to provide 'information concerning the things I have seen with my own eyes, touched with my own hands, and suffered in my own person'. He says that he has revised the notes and then, because he has 'little skill at writing' asked a friend to correct the style to 'make them acceptable to the reader'.

The following stories of each of the ordeals experienced by Prieur and his fellow prisoners are then described clearly, with attention to detail. For example, he gives a list of all fourteen trials, naming each prisoner, stating his occupation, his marital state and number of children, his sentence and its final outcome. In the chapter, 'The Voyage of the Transportees', he describes not only their horrific treatment, but allows us to imagine their living conditions on the ship through his vivid descriptions and a diagram of the hole where they were 'installed, or rather stacked'.

Notes of A Convict of 1838 is a very personal story which makes it all the more powerful; it is an important record of Canada's rebellion years and also a moving account of the treatment and sufferings of the transportees, both on the journey and during their five years at Longbottom and then in the community of New South Wales where they had to earn their fares home to Canada. At that time the economic situation of the colony was precarious and Prieur and his comrades faced bushfire, robbery and more but, for Prieur at least, the story ended happily.

ETT Imprint is to be commended for making both books more widely available in these two attractive editions. Each book contains a number of carefully chosen black and white illustrations and the covers, designed by Tom Thompson, are based on atmospheric paintings from the period—Ducharme’s journal features *Les Insurgés, à Beauharnois, Bas-Canada* by Katharine Jane Ellice, and the cover design of *Notes of A Convict of 1838* is from Charles Beauclerk’s 1839 painting, *The Midnight Ride of Louis-Joseph Papineau: Vermont and the Patriote Rebellion of 1837/8: Battle of St-Eustache, Quebec, 1837*. Each book is inscribed as follows: ‘A Sydney-Paris Link Production, in memory of Jean-Paul Delamotte’.

Elaine Lewis

Melbourne