

“A Calamity From Which No Relief Can Be Expected”: Empire, Authority, and Civilian Responses to the French Occupation of Newfoundland, June-September 1762

MARK OSBORNE HUMPHRIES

À mesure que les relations socioéconomiques coutumières entre les habitants de Terre-Neuve furent rompues, les courants d'échanges habituels cessèrent de fonctionner au cours du dix-huitième siècle. Parce que l'île était un espace contesté – même en temps de paix –, les rapports économiques et sociaux existants donnèrent aux civils le choix de résister, de collaborer ou de partir. Si certains furent ruinés, d'autres ne virent aucun changement dans leur situation et d'autres encore profitèrent même des nouvelles possibilités offertes. En fin de compte, il importait de reprendre St. John's moins pour faire valoir les revendications des Anglais dans la région, que pour reconstruire l'économie et exercer un contrôle sur la circulation des personnes et des marchandises à l'intérieur des sphères d'influence française et anglaise d'outre-Atlantique.

As customary socio-economic relationships between the inhabitants of Newfoundland broke down, normal patterns of exchange ceased to function during the 18th century. Because the island was a contested space – even in peacetime – existing economic and social connections enabled civilians to choose to resist, collaborate, or flee. While some were ruined, others maintained the status quo, and some even profited from new opportunities. In the end, re-capturing St. John's was less important for pressing English claims in the area than reconstructing the economy and asserting control over the movement of people and trade within overlapping French and English transatlantic worlds.

IT WAS A BOLD PLAN. On 8 May 1762 the Chevalier de Ternay's squadron of four ships, loaded with 870 French regulars, set sail from Brest, evaded the British blockade, and escaped onto the high seas destined for Newfoundland. Ternay's mission was to capture and hold St. John's, destroy the English fishery, secure civilian prisoners for ransom, and recruit a regiment of Irish Catholic soldier-sailors.¹ On 20 June, he reached the Grand Banks, encountering several fishing boats

1 Duc de Choiseul to Chevalier de Ternay, 5, 9, and 15 April 1762, Archives de la Marine (MAR) B⁴ 104, fols. 51-7, Archives Nationales de France (AN), reel C-11993, Library and Archives Canada (LAC). Folio references refer to the original as indicated in the transcripts. The author wishes to thank his colleagues in the Department of History at Memorial University of Newfoundland (MUN) – Sean Cadigan, Olaf U. Janzen, Lianne Leddy, and Jeff A. Webb – for reading and

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about eight leagues from the coast. A few were taken and burnt but others managed to escape, spreading word of the imminent attack to St. John's.² In Newfoundland and the merchant ports of western England, traders and fishermen panicked. In an environment that supported only limited agriculture, Newfoundland merchants, artisans, and fishermen relied on imported goods and labour to carry on the fishery. Ternay's attack, wrote a group of Poole merchants, would thus lead to a state "inseparable from Want and Famine. An Event much to be dreaded! An Evil immediable upon the approach of Winter! And a Calamity from which no Relief can be expected, except by the speedy Expulsion of our Enemies from that Country and the consequent Re-establishment of the Commerce and Tranquility."³

English-language historians of Newfoundland once saw the island as a mono-cultural, English colony. The legacy of Judge D.W. Prowse's *History of Newfoundland*, in this regard, casts a long shadow, painting the island's history as one of conflict between migratory fishermen and residents – the former supported by imperial policy-makers in London who were said to have discouraged (or even outlawed) permanent residency on the island.⁴ Beginning in the late 1960s, though, historians sought to revise this narrow view (although, as Jerry Bannister has shown, it still holds much popular appeal), emphasizing the complexities of the imperial relationship rather than its stifling effect on the island's growth and political development.⁵ In this respect historians such as Keith Matthews emphasized the importance of the economic and social aspects of the migratory fishery, which began in the 16th century as an enterprise where merchants, mainly from West-Country ports, hired servants to travel to the island where they would fish, dry their catch, and return at the end of the season.⁶ Economic exchanges, it was argued, shaped the English character of the island. The best grades of dried cod were sold in England and Catholic Europe while the lowest-quality fish was shipped to the Caribbean to feed African slaves who worked the sugar plantations; gold and wine flowed back to England from Spain, Portugal, and Italy while rum was brought to Newfoundland

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- 2 Deposition of Samuel Doggets, 11 July 1762, War Office (WO) 34/26, fol. 172, The National Archives (TNA), reel B-2651, LAC; see also Admiral Colville's report to Jeffery Amherst in WO 34/42, fol. 92, TNA, reel B-2659, LAC, as well as Ternay to Choiseul, 9 July 1762, MAR, B⁴ 104, fol. 63-4, AN, reel C-11993, LAC. On the state of St. John's defences, see J. Webb to Board of Trade, 23 February 1761, Colonial Office (CO) 194/15, fol. 12, TNA, reel B-212, Centre for Newfoundland Studies (CNS), MUN.
- 3 Petition from the Merchants and Inhabitants of Poole to the Principal Secretary of State for the Northern Department and the Lords of the Admiralty, undated 1762, c. July/August 1762, Public Record Office (PRO) 30/47/16, TNA.
- 4 D.W. Prowse, *A History of Newfoundland from the English, Colonial and Foreign Records* (London: Macmillan, 1895).
- 5 Keith Matthews, "Historical Fence Building: A Critique of the Historiography of Newfoundland," *Newfoundland Studies* 17, no. 2 (2001): 143-65; Jerry Bannister, "Whigs and Nationalists: The Legacy of Judge Prowse's History of Newfoundland," *Acadiensis* XXXII, no. 1 (Autumn 2002): 84-109.
- 6 Keith Matthews, "A History of the West of England-Newfoundland Fisheries" (PhD diss., Oxford University, 1968). On Matthews's work, see Jeff A. Webb, "Revisiting Fence Building: Keith Matthews and Newfoundland Historiography," *Canadian Historical Review* 91, no. 2 (June 2010): 315-38.

from Jamaica and Bermuda. As Gordon Handcock demonstrated, failed settlement schemes in the first decades of the 17th century provided the basis for a small resident population that initially posed little threat to the dominance of the migratory fishery but which grew in importance over time. When servants began to overwinter in Newfoundland to get a head start on the next fishing season, claiming the best “fishing rooms” (beachside premises where fishing operations were carried out) and drying-beaches by right of first occupancy, they became permanent residents and soon established a growing, self-sustaining population.⁷

In the late 1970s and early 1980s historians increasingly turned their attention to the socio-economic dynamics of the island’s resident fishery and its effects on political and social development, in part to escape the historiographical “fence-building” decried by Matthews.⁸ These year-round occupants of the island hired labourers, were supplied by merchants, and became known as “planters.” Enterprising traders in the West Country then began to supply residents not only with wage labourers, but also with the goods required to survive on the island and to fish. Because Newfoundland had limited agricultural potential, residents relied almost exclusively on imports obtained at the start of the season on a credit account that was settled up by paying in dried fish in the fall. In the “truck system” traders would extend credit to both resident fishermen and boat-keepers in order to purchase goods and hire labour while they, in turn, charged servants for their supplies, holding back wages until the end of the season when they settled up their own debts in dried cod.⁹

Since the early 1990s historians have debated the relative power of merchants, planters, by-boatmen, and servants in the Newfoundland economy, focusing on class struggle between capitalists and wage labourers.¹⁰ Merchants used the truck system to amass huge fortunes while fishermen struggled under heavy debts; it was an inherently volatile economic environment. “If catches or prices were poor,” writes Sean Cadigan, “planters might be tempted to sell their fish to another merchant should he offer slightly better prices than those of the planter’s own merchant. To ensure a return on their credit, then, merchants had to seize their planters’ fish

7 See also C. Grant Head, *Eighteenth Century Newfoundland: A Geographer’s Perspective* (Toronto: McClelland and Stewart, 1976); W.S. MacNutt, *The Atlantic Provinces: The Emergence of Colonial Society, 1712-1857* (Toronto: McClelland and Stewart, 1965), 1-28; and Gordon Handcock, *So Longe as there Comes Noe Women: Origins of English Settlement in Newfoundland* (St. John’s: Breakwater Press, 1989).

8 Matthews, “Historical Fence Building,” 161-2.

9 On Newfoundland in the 17th century, see Peter Pope, *Fish into Wine: The Newfoundland Plantation in the Seventeenth-Century* (Chapel Hill, NC: University of North Carolina Press, 2003); on the social and economic history of the 18th century, see Head, *Eighteenth Century Newfoundland*. For the development of its permanent population, see Handcock, *So Longe as there Comes Noe Women*; and, for a good introduction to the truck system, see G.W. Hilton, *The Truck System: Including a History of the British Truck Acts, 1465-1960* (Cambridge: Cambridge University Press, 1960).

10 For the dynamics of the debate, see Gerald Sider, *Between History and Tomorrow: Making and Breaking Everyday Life in Rural Newfoundland* (Peterborough, ON: Broadview Press, 2003), which is an update of his earlier *Culture and Class in Anthropology and History: A Newfoundland Illustration* (Cambridge: Cambridge University Press, 1986). See also Sean Cadigan’s response: “Power and Agency in Newfoundland and Labrador’s History,” *Labour/Le Travail* 54 (Fall 2004): 223-43.

quickly if they thought this situation might unfold. If this occurred, however, servants would no longer work because they had no hope of being paid at the end of the fishing season.”¹¹ This created mutual suspicions that made the fishery highly vulnerable to disruption.¹² But at the same time, as Cadigan argues, the cost of imported labour eventually led to the development of a meaningful household economy in the early 18th century that supported the growth of the resident fishery and ultimately placed increased power and agency in the hands of ordinary people.¹³

While some historians such as Gerald Sider continue to emphasize the determining influence of merchant capital, an important aspect of the debate has been all but ignored: Newfoundland was simultaneously part of several overlapping Atlantic worlds, even as late as the mid-18th century.¹⁴ Peter Pope’s *Fish into Wine* demonstrates that during the 16th and 17th centuries Newfoundland was “a central node in an international network . . . that linked [the island] not only with the West Country but also with London, Iberia, the Mediterranean, the Atlantic islands, the Netherlands, New England, and even New France.” In the English Atlantic, the cod fishery fueled African slave labour on Caribbean plantations, generated a prosperous trade between England and southern Europe, encouraged the migration of thousands of Irish, French, and English, and led to the eradication of the indigenous Beothuk people.¹⁵ Like other parts of that emerging world, it was a fluid and complex socio-economic environment in which ethnic, class, and political differences took on new meanings thus forcing us to rethink binary conceptions of class and labour.¹⁶ Yet comparatively little attention has been given to the meaning of these international

11 Sean Cadigan, “Merchant Capital, the State, and Labour in a British Colony: Servant-Master Relations and Capital Accumulation in Newfoundland’s Northeast-Coast Fishery, 1775-1799,” *Journal of the Canadian Historical Association* 2, no. 1 (1991): 24-5.

12 For a comparison of master-servant relationships in the empire, see Douglas Hay and Paul Craven, *Masters, Servants, and Magistrates in Britain and the Empire, 1562-1955* (Chapel Hill, NC: University of North Carolina Press, 2004); Margaret Conrad, ed., *Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800* (Fredericton: Acadiensis Press, 1991); and Allan Greer, *Peasant, Lord, and Merchant: Rural Society in Three Quebec Parishes, 1740-1840* (Toronto: University of Toronto Press, 1985).

13 The full thesis is explored in Sean T. Cadigan, *Hope and Deception in Conception Bay: Merchant-Settler Relations in Newfoundland, 1785-1855* (Toronto: University of Toronto Press, 1995). For a distillation, see Cadigan, “Power and Agency in Newfoundland and Labrador’s History,” esp. 240-3.

14 Sider, *Between History and Tomorrow*, esp. 98-104. Aaron Fogleman’s definition of the Atlantic World as a place defined by types of inter-cultural encounters in which ethnic, class, and political differences took on new and important meanings is most useful. See his “The Transformation of the Atlantic World, 1776-1867,” *Atlantic Studies* 6, no. 1 (April 2009): 5-6. The wider literature is much too large to summarize here. For recent historiographical overviews and interpretive/methodological discussions, see Alison Games, “Atlantic History: Definitions, Challenges, and Opportunities,” *American Historical Review* 111, no. 3 (June 2006): 741-57, and Philip Morgan and Jack Greene, “Introduction: The Present State of Atlantic History,” in *Atlantic History: A Critical Reappraisal*, ed. Jack P. Greene and Philip D. Morgan (Oxford: Oxford University Press, 2009), 3-34.

15 Pope, *Fish into Wine*, 80, 154; John Mannion, “Irish Migration and Settlement in Newfoundland: The Formative Phase, 1697-1732,” *Newfoundland Studies* 17, no. 2 (Fall 2001): 257-93; Ingeborg Marshall, *A History and Ethnography of the Beothuk* (Montreal and Kingston: McGill-Queen’s University Press, 1998).

16 Fogleman, “Transformation of the Atlantic World,” 6.

relationships at the height of the growth period in the resident fishery during the middle years of the 18th century. In many ways, mid-18th-century Newfoundland is still conceived as an Anglo-Irish space in which the most important socio-economic-political interactions were those between metropole and periphery.

But Newfoundland was very much a contested space where British interests and pretences to power overlapped among French, Spanish, Dutch, Portuguese, and Indigenous groups. In this space the English were far from unrivalled colonizers, struggling not only with other European powers for control of the island's resources but also with the Beothuk, Mi'kmaq, and Inuit.¹⁷ Even so, the military history of the island has largely been written from a British perspective, emphasizing the struggle between British and French armies for physical control of the island.¹⁸ The historiography of Ternay's 1762 attack, in particular, tends to emphasize the inevitability of British domination, casting the loss of St. John's as a minor "raid" on an unequivocal English possession and crowning the "re-capture" of the city as the final event in the long struggle between France and Britain in America.¹⁹

Eighteenth-century Newfoundland should instead be thought of as "a space of power," to use Elizabeth's Mancke's term. Mancke argues that "imperial history provides conceptual possibilities for reassembling the transoceanic and multinational connections that, although widely prevalent, were too cross-grained for more strictly colonial histories" to take into account. She argues that all across

17 My thinking on this subject has been heavily influenced by Allan Dwyer's important doctoral dissertation entitled "Atlantic Borderland: Natives, Fishers, Planters, and Merchants in Notre Dame Bay, 1713-1802" (PhD diss., Memorial University of Newfoundland, 2012), 1-2. See also the seminal work of Olaf Uwe Janzen, "Une Grande Liaison: French Fishermen from Île Royale on the Coast of Southwestern Newfoundland, 1714-1766 – A Preliminary Survey," *Newfoundland Studies* 3, no. 2 (1987): 183-200; Janzen, "'Une Petite République' in Southwestern Newfoundland: The Limits of Imperial Authority in a Remote Maritime Environment," *Research in Maritime History* no. 3 (1992): 1-33; Janzen, "The Illicit Trade in English Cod into Spain, 1739-1748," *International Journal of Maritime History* 8, no. 1 (June 1996): 1-22; and Dennis A. Bartels and Olaf Uwe Janzen, "Micmac Migration to Western Newfoundland," *The Canadian Journal of Native Studies* 10, no. 1 (1990): 71-96.

18 On earlier military campaigns, see Alan F. Williams, *Father Baudoin's War: D'Iberville's Campaigns in Acadia and Newfoundland 1696, 1697* (St. John's: MUN Department of Geography, 1987), and James Pritchard, "Canada and the Defence of Newfoundland During the War of the Spanish Succession 1702-1713," in *Canadian Military History Since the Seventeenth Century: Proceedings of the Canadian Military History Conference, Ottawa, 5-9 May 2000*, ed. Yves Tremblay (Ottawa: Directorate of History and Heritage, National Defence, 2001), 49-57.

19 Evan Fyers, "The Loss and Recapture of St. John's, Newfoundland in 1762," *Journal of the Society for Army Historical Research* 11 (1932): 179-215; David Webber, *The Re-capture of St. John's, 1762* (St. John's: Occasional Paper of the Newfoundland Military Museum, 1962). A more balanced view, which analyzes the larger strategic context, is Olaf Janzen, "The French Raid Upon the Newfoundland Fishery in 1762: A Study in the Nature and Limits of Eighteenth-Century Sea Power," in *Naval History; the Seventh Symposium of the U.S. Naval Academy*, ed. William B. Cogar (Wilmington, DE: Scholarly Resources, 1988), 35-54. The French perspective is examined in Maurice Linÿer de la Barbée, *Le chevalier de Ternay: vie de Charles Henry Louis d'Arsac de Ternay, chef d'escadre des armées navales, 1723-1780*, 2 tomes (Grenoble: Éditions des 4 Seigneurs, 1972), tome I, 151-71; Georges Cerbelaud Salagnac, "La reprise de Terre-Neuve par les Français en 1762," *Revue française d'histoire d'outre-mer* LXIII, 231 (1976): 211-22; and André de Visme, *Terre-Neuve 1762: Dernier combat aux portes de la Nouvelle-France* ([Montréal]: Les Editions André de Visme, 2005).

Northeastern North America, including in Newfoundland and Labrador, the power of European and Aboriginal groups fluctuated and remained disconnected from the development of settlement; thus, viewing the history of the region through a single colonial lens distorts our understanding of important intercultural connections. She suggests, instead, that we discard our notion of national European colonies where power was vested in a metropolis, instead conceiving of these places of settlement and economic activity as spaces of power where “multiple claimants, including natives” shared power in a decentralized system in which spheres of influence overlapped, rather than abutted, one border upon another.²⁰

Even on the Avalon, where British settlement was most heavily concentrated, it was not a homogeneously English space. As John Mannion has shown, by the middle of the 18th-century most of the servants who supported the resident fishery came from Ireland. Bad harvests, religious persecution, and tales of fortune enticed thousands to make the trek each year, not only to Newfoundland but also to other nodes in the North Atlantic economy. As masters defaulted on wages or servants married into planter families, the number of permanent Irish Catholic residents grew from almost none in 1698 to comprise over 40 per cent of an overwintering population of about 7,200 by 1752. The majority were young, unattached men, which fed a perception amongst the English merchant and planter classes that the Irish were unstable, disloyal, and unreliable. The presence of these “masterless men” who overwintered on the island threatened to undermine pretensions to English control, domination, and subjugation.²¹

In large measure this is why the Board of Trade continued officially to support the migratory fishery, which appeared on the surface to offer the most benefit to British colonial interests. Not only did it generate more wealth in England, but it was also understood to function as a nursery for seamen so that, in theory at least, the fishing fleets would form a strategic reserve from which the navy could crew its ships. King William’s Act (1699) represented an attempt to balance the interests of residents and migrants. While it protected coastal areas, which traditionally had been used to base fishing operations, it also allotted most of the island for settlement. In this officially liminal space, Jerry Bannister argues that naval government – in which the governor was a captain of a naval vessel that visited the island on a seasonal basis – was an efficient means of exercising limited imperial control.²²

20 Elizabeth Mancke, “Spaces of Power in the Early Modern Northeast,” in *New England and the Maritime Provinces: Connections and Comparisons*, ed. Stephen J. Hornsby and John G. Reid (Montreal and Kingston: McGill-Queen’s University Press, 2005), 32-3 (quotation on 32).

21 John Mannion, “Irish Migration and Settlement in Newfoundland: The Formative Phase, 1697-1732,” *Newfoundland Studies* 17, no. 2 (2001): 257-8; Mannion, “. . . Notoriously disaffected to the Government . . .”: British Allegations of Irish Disloyalty in Eighteenth-Century Newfoundland,” *Newfoundland Studies* 16, no. 1 (2000): 3. For a comparative perspective, see Hilary Beckles, “‘A Riotous and Unruly Lot’: Irish Indentured Servants and Freemen in the English West Indies, 1644-1713,” *William and Mary Quarterly*, 3rd ser., 47, no. 4 (October 1990): 503-22, and Terrence Murphy and Gerald John Stortz, *Creed and Culture: The Place of English-Speaking Catholics in Canadian Society, 1750-1930* (Montreal and Kingston: McGill-Queen’s University Press, 1993). For the estimate of the population of Newfoundland in 1752, see H. Drake, “A General Scheme of the Fishery and the Inhabitants of Newfoundland for the year 1752,” 1752, CO 194/13, TNA, reel B-211, CNS, MUN.

22 On naval government in Newfoundland, see Jerry Bannister, *The Rule of the Admirals: Law, Custom and Naval Government in Newfoundland, 1699-1832* (Toronto: University of Toronto Press 2003);

A detailed examination of the June 1762 French attack and subsequent occupation of Newfoundland provides an opportunity to re-examine the nature of these overlapping Atlantic worlds, the colony's place within the history of a larger European North America, and the limitations on the exercise of imperial authority in contested spaces. When customary socio-economic relationships between English merchants, resident planters, and migrant servants broke down, as the inhabitants of Poole had feared, normal patterns of exchange ceased to function. But because Newfoundland was a contested space, existing economic and social connections enabled civilians to choose to resist, collaborate, or flee depending on their cultural or socio-economic position within those networks. While some were ruined, others maintained the status quo or even profited from new opportunities. In a contested space of power, re-capturing St. John's was less important for pressing British claims in the area than reconstructing the economy and asserting control over the flow of people and trade within overlapping French and English transatlantic worlds.

When Newfoundland is framed as a space of power rather than an English colony, it becomes clear that naval government was a necessity in an area where imperial authority and the possibility of centralized control were limited by the influence of other claimants to the region. In this respect, the most active rival co-claimant was France. English historians have often forgotten that the island and its offshore resources remained a simultaneous part of a French Atlantic that linked slave posts in western Africa to settled colonies and economic interests in the Caribbean, South America, Canada, Louisiana, and Newfoundland.²³ Again, this is because after 1713 France had no major colony in the region which, in traditional colonial narratives, is synonymous with the exercise of power and territorial control. But as Kenneth Banks writes: "In considering the French Atlantic as a distinct entity, it is also useful to see it as part of a larger transatlantic, transnational, and cross-cultural Atlantic zone in the 1500-1800 era, one layer of many other 'Atlantics,' which, if laid like transparencies one atop of another, formed the Atlantic World."²⁴ In this multi-polar world, settlement only denoted one form of imperial possession. In the French empire, colonies were viewed rather as individual economic zones that produced distinct resources – some via settlement, others through informal means such as the seasonal exploitation of resources and trade.²⁵ Like the English, the French came to Newfoundland to fish cod. While the Treaty of Utrecht surrendered

Bannister, "The Naval State in Newfoundland, 1749-1791," *Journal of the Canadian Historical Association* 11, no. 1 (2000): 17-50; and Bannister, "The Fishing Admirals in Eighteenth-Century Newfoundland," *Newfoundland Studies* 17, no. 2 (2001): 166-219. For a comparison, see Arthur J. Stone, "The Admiralty Court in Colonial Nova Scotia," *Dalhousie Law Journal* 17, no. 2 (Fall 1994): 363-429. Historians debate the actual importance of the "nursery of seamen." See Gerald Graham, "Fisheries and Sea Power," *Canadian Historical Association Annual Report* 20 (1941): 24, and David Starkey, "The West Country-Newfoundland Fishery and the Manning of the Royal Navy," in *Security and Defence in South-West England Before 1800*, ed. Robert Higham (Exeter, UK: University of Exeter Press, 1987), 93-101. The dates are from Cadigan, *Newfoundland and Labrador*, 60.

23 Kenneth J. Banks, *Chasing Empire Across the Sea: Communications and the State in the French Atlantic, 1713-1763* (Montreal and Kingston: McGill-Queen's University Press, 2002), 8-9.

24 Mancke, "Spaces of Power in the Early Modern Northeast," 32-4, 9-10.

25 Dale Miquelon, "Envisioning the French Empire: Utrecht, 1711-1713," *French Historical Studies* 24, no. 4 (Fall 2001): 671-7.

their settlement at Plaisance, the French continued to exploit the fishery, as Allan Dwyer has clearly shown in his study of the Notre Dame Bay region, and to regard it as a part of their overseas empire until the early 19th century – straining to influence and control fishing grounds, the movements of people, and paths of economic and cultural communication.²⁶

The continued French commitment to Newfoundland reflected the tangible social, economic, and cultural connections that had developed between France's Atlantic merchant ports and the fishery. Historically, the French caught more fish at Newfoundland than the English. In the years before the outbreak of war, for example, the French made 420,000 quintals of dried cod to the English's 360,000 on Newfoundland shores alone, mainly by ships from Saint-Malo.²⁷ Like the British Board of Trade, the French also regarded the fishery as a "nursery for seamen." As Jean-François Brière has demonstrated, the Newfoundland fishery alone produced 2,000 new seamen each year and likely accounted for more than a quarter of the 40,000 to 60,000 able-bodied seamen in the French navy at the outbreak of war.²⁸

During the Seven Years' War, as France lost most of its overseas possessions to the British, negotiators refused to relinquish their stake in the fishery. When peace negotiations broke down in the fall of 1761 it was over continued access to the fishery – even though the French navy had experienced a series of naval disasters that left the British holding roughly 50 per cent of their sailors in captivity.²⁹ But the French war minister, the duc de Choiseul, believed that if France was to regain the strength necessary to challenge British naval supremacy in a future war, it would be through Newfoundland's continued presence within the French empire as a nursery for seamen. Economic imperatives thus combined with strategic goals to convince Choiseul to launch an invasion of the island in 1762 rather than develop other possible avenues of attack in Africa, South America, or the Caribbean. Such an operation would not only make the best use of limited resources, but also provide an opportunity to reassert French claims to the fishery.³⁰

Choiseul's initial plan proposed sending a squadron carrying several hundred men to attack the English fishery, landing artillery officers and engineers to recapture the former French colony at Plaisance. There they were to wait, holding it until the spring of 1763. The long-term objective was to use the island as a base from which to launch an invasion of the occupied colonies along the St. Lawrence the

26 Dwyer, "Atlantic Borderland," 66-105.

27 Compiled from "Questions and Answers Related to the State of the French and British Fisheries at Newfoundland, 1762," British Library, Additional Manuscripts 35913, Maritime History Archive (MHA), MUN.

28 Jean-François Brière, *La pêche française en Amérique du Nord au XVIIIe siècle* (Saint-Laurent, QC : Fides, 1990), 223; on the decline of French naval manpower, see Jonathan R. Dull, *The French Navy and the Seven Years' War* (Lincoln, NE: University of Nebraska Press, 2005), 13-14, 194-5, and James Pritchard, *Louis XV's Navy, 1748-1762: A Study of Organization and Administration* (Montreal and Kingston: McGill-Queen's University Press, 1987), 71-82 (esp. 82).

29 Brière, *La pêche française en Amérique du Nord au XVIIIe siècle*, 223; Dull, *French Navy and the Seven Years' War*, 13-14.

30 Choiseul, "Plan de Campagne par Mer pour l'Année, 1762," MAR B⁴ 104, fols. 4-9, AN, reel C-11993, LAC. See also Georges Cerbelaud Salagnac, "La reprise de Terre-Neuve par les Français en 1762," 211-22.

following year. But even if the squadron failed to conquer the city, Choiseul noted that the damage done to the English fishery would, in and of itself, constitute a serious blow to the enemy's interests.³¹

To command the mission the French war minister chose Charles-Henri-Louis d'Arsac, the Chevalier de Ternay, a young naval officer who had risen relatively quickly through posts in the Mediterranean.³² Choiseul gave Ternay three sets of specific instructions on 5, 9, and 12 April. The main goal would be to "ravager et de détruire autant qu'il se pourra, le commerce de la Pesche anglaise dans l'Isle et sur le Banc de Terre Neuve." Ternay was then to land his infantry forces, capturing St. John's rather than Plaisance as required in the initial conception of the operation. Ternay, with this accomplished, would work up and down the coast, "détruira et brûlera toutes les Cabanes, Bateaux et engins de Pesche, enlevera le plus de pesheurs qu'il pourra, et après ces Expéditions sur L'Isle de Terre Neuve auxquelles il employera le moins de tems qu'il sera possible, il viendra les continuer sur le Banc de Terre Neuve en tâchant de couler bas ou de brûler le plus de Bâtiments de Pesche qu'il pourra, ainsy que les échauffants destinées a Secher le Poisson." These tasks were to be completed no later than the beginning of November, when Ternay would return to France and leave behind a garrison to hold the city.³³

To assist Ternay in taking the city, on 9 April Choiseul assigned two senior infantry officers (Colonel Comte d'Haussonville and Lieutenant-Colonel Bellecombe), as well as an artillery officer, to oversee land operations, a siege, and to make preparations to defend St. John's for a period of time.³⁴ Although an engineer was assigned to help in this work, he was also tasked with creating the first detailed maps of the coastline.³⁵ This indicates that Ternay was being given both the expertise and tools necessary to mount a prolonged occupation. At first, he was skeptical. In July 1762, Ternay wrote to the war minister:

Vous voudrez bien vous rappeler, Monseigneur, que lorsqu'il fut question du projet d'attaque de l'isle de Terre-Neuve je m'appliquay a detruire les idées d'établissement que vous parûtes avoir dans cette meme isle. Vous me fîtes l'honneur de me parler de St Jean je navois alors aucune idée de ce port je ne conçevois pas comment il était possible de se maintenir dans un poste entouré d'ennemis et éloigné

31 Choiseul, "Plan de Campagne par Mer pour l'Année, 1762," MAR B⁴ 104, fols. 4-9, AN, reel C-11993, LAC. See also Salagnac, "La reprise de Terre-Neuve par les Français en 1762," 211-22.

32 Salagnac, "La reprise de Terre-Neuve par les Français en 1762," 212-3. On Ternay, see Barbée, *Le chevalier de Ternay*; for his role in the campaign specifically, see tome I, 151-71.

33 "Mémoire du Roy pour servir d'instruction Chev. de Ternay," 5 April 1762, MAR B⁴ 104, fol. 51 and 52-3, AN, reel C-11993, LAC. Some debate has arisen over whether Choiseul intended Ternay to make a conquest of St. John's or whether he only meant him to mount a more limited hit-and-run raid, sacking the city and then abandoning it. Olaf Janzen argues, in "The French Raid Upon the Newfoundland Fishery in 1762," 35-54, that the mission was only supposed to be a raid on the English fishery, while André de Visme argues for occupation as the main goal in *Terre-Neuve 1762*. This obscures the real goal of the operation, which was simply to reassert French claims in the region while destabilizing British counter-claims.

34 Choiseul to Ternay, 9 April 1762, MAR B⁴ 104, fol. 55, AN, reel C-11993, LAC.

35 Gordon Handcock, "State-of-the-Art French Cartography in Eighteenth Century Newfoundland: The Work of Marc Antoine Sicre de Cinq-Mars," *Newfoundland Studies* 4, no. 2 (1988): 148.

de tout secours je mis donc a la voille dans lintention de me conformer exactement au 1er plan que vous avez arresté mais jay reconnu Mon erreur lorsque je me suis trouvé dans un port dont lembouchure étroite peut estre deffendüe avec facilite.³⁶

Only after Ternay had actually captured St. John's and saw the narrow harbour for himself did he understand why Choiseul believed that the port could be held, even though it would quickly be surrounded by the enemy.³⁷

Choiseul's third set of instructions was issued on 12 April, presenting the young naval officer with a complex strategy designed to not only capture the city but also to destabilize the English economy and monopolistic claims to power in the region. The instructions ordered Ternay to use the mission to augment French manpower by recruiting a new regiment of soldier-sailors from amongst the Irish Catholic population.³⁸ Recruiting the regiment became the task of Jean-Baptiste Sutton de Clonard, the younger brother of prominent Irish-French merchant Thomas Sutton de Clonard. The Suttons were an important Wexford merchant family who operated within both the British and French Atlantic trading networks. They appear to have begun as salt-meat merchants in Wexford during the 1740s but, as Louis M. Cullen has shown, by 1762 Thomas Sutton had moved to France where he operated as a trader out of Saint-Malo. He became prominent in that city's circle of merchant-adventurers, who linked the French metropolis to the colonies in America, Africa, and India through a triangular trade in provisions, slaves, and raw materials. After the war, he would go on to lead the French East India Company and, along with the Duc de Choiseul, champion a failed French plantation scheme at Cayenne, Guiana.³⁹

It was his younger brother, Jean-Baptiste, who ran the family's trading operations in Newfoundland.⁴⁰ The younger Sutton was well known to both Irish and English inhabitants and was recognized during the campaign by several witnesses; one of his captives, Francis Hearn, actually claimed that Sutton had been born in Newfoundland.⁴¹ St. John's Justice of the Peace John Stripling specifically recognized him as a Wexford trader, which would make sense given the importance of salt-meat in the Newfoundland fisherman's diet.⁴² That he moved between

36 Ternay to Choiseul, 9 July 1762, p. 37, MAR B⁴ 104, fol. 65, AN, reel C-11993, LAC.

37 See Hancock, "State of the Art French Cartography in Eighteenth Century Newfoundland," 152.

38 Choiseul to Ternay, 12 April 1762, MAR B⁴ 104, fol. 57, AN, reel C-11993, LAC.

39 This overview of the Sutton family is derived from Louis M. Cullen, "Irish Businessman and French Courtier: The Career of Thomas Sutton, comte de Clonard, c. 1722-1782," in *The Early Modern Atlantic Economy*, ed. John J. McCusker and Kenneth Morgan (Cambridge: Cambridge University Press, 2000), 86-104 (esp. 86-93).

40 On Irish merchants trading in Newfoundland, see John Mannion, "A Transatlantic Merchant Fishery: Richard Welsh of New Ross and the Sweetmans of Newbawn in Newfoundland, 1734-1862," in *Wexford: History and Society*, ed. Kevin Whelan (Dublin: Geography Publications, 1987), 373-421, and Whelan, "The Waterford Merchants and the Irish-Newfoundland Provisions Trade, 1770-1820," in *Négoce et industrie en France et en Irlande aux XVIIIe et XIXe siècles*, ed. L.M. Cullen and P. Butel (Paris: Éditions du Centre National de la Recherche Scientifique, 1980), 27-45.

41 Deposition of Francis Hearn, 15 August 1762, WO 34/26, fol. 194, TNA, reel B-2651, LAC. For other reports of Sutton, see affidavit of John Lewis, 15 August 1762, WO 34/26, fol. 194, TNA, reel B-2651, LAC, and "Intelligence Gathered at Placentia," 1762, WO 34/42, fol. 98, TNA.

42 Deposition of John Stripling, 2 September 1762, WO 34/26, fol. 205, TNA, reel B-2651, LAC; Stripling was an especially reliable witness, having signed surrender documents at St. John's in

English and French clients on the island is implied by his family's Saint-Malo connection, indicating that he participated in a triangular trade in salt-meat and dried fish that he brought back upon his return to Europe. Before the outbreak of war Saint-Malo's trade accounted for 60 per cent of France's dry fishery at Newfoundland, with some 70 ships and around 3,500 men making more than 250,000 quintals of cod annually on French Shore beaches.⁴³ As a man with a foot in both the British and French worlds, Sutton was a logical choice to lead the recruiting mission.⁴⁴

The war minister's final set of instructions also demanded a more targeted campaign of destruction that would be used to entice Irish servants to join Clonard:

En suivant les instructions que vous ont été données pour incendier tous les Bâtiments de mer et les Engins de pêche, vous ne pouvez manquer de réduire tous les matelots pêcheurs à la plus grande misere, il faudra en profiter pour faire embarquer sur Votre Escadre tous les pescheurs Irlandais et Catholiques que vous trouverez, et de concert avec le S. de Cloynard [*sic*] qui sera en etat de les bien connaitre, Vous les engagerez au Service du Roy pour former un Bataillon de Matelots Soldats Irlandais dont vous confierez le Commandement et la conduite au S. de Cloynard jusque à votre arrivée en france, et pour parvenir plus facilement à ces engagements, vous ferez promettre par le S. de Cloynard a ceux d'Entré aux qui seront Capitaines et officiers Mariniers qu'on leur donnera à leur arrivée en france, des grades d'officiers dans ce Bataillon S'ils se prêtent promptement a le former sinon en tout du moins en partie.⁴⁵

Choiseul believed that if fishing boats, oceangoing ships, and all gear could be destroyed, the fishery would have to cease and the Irish servants would be unable to escape. This would reduce them to "great misery" as they would no longer be paid their wages, would have no means to return home, and would face a harsh winter without provisions. This, the war minister argued, would present an opportunity for Sutton to use his connections on the island to entice servants to switch masters, diverting their labour to coincide with French imperial goals rather than English.⁴⁶

June and later being ransomed in August. See "Capitulation de troupes Anglais et Reddition du fort et de la ville de St. Jean en terre neuve, aux francais, le 27 Juin 1762," Great Britain, file 6807-430, National Army Museum (NAM), reel A-1466, LAC. On the importance of the Wexford trade, see Pope, *Fish Into Wine*, 234-5, and Mannion, "The Waterford Merchants and the Irish-Newfoundland Provisions Trade, 1770-1820," 28-30.

43 "Questions and Answers related to the State of the French and British Fisheries at Newfoundland, 1762," British Library, Additional Manuscripts 35913, p. 76-8, British Library, MHA, MUN. On St. Malo merchants in the Newfoundland fishery, see Jean-François Brière, "Saint-Malo and the Newfoundland Fisheries in the 18th Century," *Acadiensis* XVII, no. 2 (Spring 1988): 131-8, and Charles de la Morandière, *Histoire de la pêche Française de la morue dans l'Amérique septentrionale: des origines à 1789, Tome II* (Paris: G.P. Maisonneuve et Larose, 1962), 561-76.

44 Choiseul to Ternay, 12 April 1762, MAR B⁴ 104, fol. 57, AN, reel C-11993, LAC.

45 Choiseul to Ternay, 12 April 1762, MAR B⁴ 104, fol. 57, AN, reel C-11993, LAC.

46 Choiseul to Ternay, 12 April 1762, MAR B⁴ 104, fol. 57, AN, reel C-11993, LAC.

The war minister also intended Ternay to use the same tactics to induce prominent citizens to surrender and then use them to negotiate the release of French sailors who had been imprisoned in Britain. He told the admiral:

Après avoir brulé dans L'Isle de Terre Neuve tous les angards, magasins et tous engins propres à la Peshe, vous menacerez de brûler aussi les maisons et d'enlever tous les habitants que vous pourrez embarquer comme prisonniers de guerre, et Surtout les Juges de paix qui sont les Magistrats des lieux; mais comme pour éviter leur éxpatriation et l'incendié de leurs maisons, il ne manqueront pas de vous proposer de capituler, vous pourrez alors vous relâcher et Signer avec les Magistrats une Capitulation dans laquelle vous auriez soin de Stipuler un Echange de tous les prisonniers que Vous Seriez dans le cas de faire pour un même nombre de nos officiers mariniers et matelots actuellement détenues en Angleterre.⁴⁷

While Ternay would again burn boats and fishing gear, this time he would convince prominent civilians to surrender by promising to spare their houses and stores – but only if they capitulated without a fight. This was meant to appeal directly to the interests of the most politically valuable members of the community: those who had invested significant capital in goods and fixed property. Choiseul told Ternay that once the prominent members of the colony had surrendered and pledged not to take up arms against the French King for the duration of the war he was to deport some of them using their papers to negotiate an exchange of prisoners with the English government. The result would not only cripple the English fishery, but also destroy Britain's economic and political influence on the island's east coast by eliminating a main centre of trade and power.⁴⁸

When Ternay set sail in early May 1762, he was thus embarking on a dangerous mission that was designed to reassert the French presence in Newfoundland before peace negotiations resumed. It was not a mission aimed solely at destruction, but was intended to alter balances of power and destabilize English claims to exclusive control over the island. After a largely uneventful ocean crossing, on 24 June Ternay's ships turned into Bay Bulls where they landed several hundred French soldiers under the Comte d'Haussonville (a veteran of the fighting at Quebec).⁴⁹ Once ashore, the French burned the flakes, stages, and boats but, as had been planned, only destroyed the homes and possessions of the English inhabitants who fled into the interior.⁵⁰ The French commander then distributed copies of a "manifesto" written by the Comte d'Haussonville that enjoined:

47 Choiseul to Ternay, 12 April 1762, MAR B⁴ 104, fols. 57-8, AN, reel C-11993, LAC.

48 Choiseul to Ternay, 12 April 1762, MAR B⁴ 104, fols. 57-8, AN, reel C-11993, LAC.

49 Report on the expedition, 8 July 1762, Service historique de l'Armée (SHA), Y2d, no. 1221, Archives Administratives (AA), France, reel F-793, LAC.

50 Deposition of Samuel Doggets, 11 July 1762, WO 34/26, p. 172, TNA, reel B-2651, LAC; Deposition of Thomas Lamb, 1 August 1762, WO 34/26, p. 189, TNA, reel B-2651, LAC.

We count d'Haussonville, French General, do declare to all the inhabitants of the island of Newfoundland that the French grenadiers landed on the said island, we shall not do them any harm but shall protect them, if they do not take armes, if they give necessary succour; we bound them expressly as well of these justices of peace and principal planters, do not leave their houses or settlements neither to defend themselves; if they do anything against the said declaration, they shall be treated according to the laws of war.⁵¹

The manifesto was meant to induce the population of nearby St. John's to surrender on the promise that fixed property and trade goods would be protected.⁵² The next day, Ternay's force began the eight-mile march northwards to the port, guided by Irish fishermen recruited at Bay Bulls.⁵³

While traders and the commercial population of St. John's with large stores of goods and accumulated capital might be persuaded to accept the French offer, fishermen and emergent traders (planters who had begun to accumulate enough wealth to act as petty merchants and local suppliers) with few fixed assets were more inclined to resist. Those with the most to lose were the fishermen and emergent traders of Conception Bay, who participated in a mixed economy that included fishing, trade, and limited agriculture.⁵⁴ As illustrated by Table 1, the permanent population of Conception Bay (men, women, and children) was scattered across a number of communities up to 30 kilometres west of St. John's and had grown by nearly 400 per cent in the decade after 1752.⁵⁵ By the time of the invasion there were around 320 resident men living in the bay, most of whom would have hired servants to work the fishery; many also engaged in limited trade with other residents, either by renting out fishing rooms or trading in moderate amounts of fish and goods. This remarkable increase in the population was also supported by concurrent growth in agriculture so that by 1762 each resident male, on average, had just over 6 acres of improved land and 4.3 children. This stability reinforced the dominance of the resident fishery so that by 1760 (the last year before the occupation with complete

51 Deposition of Silas Atkins, 16 July 1762, WO 34/26, p. 176, TNA, reel B-2651, LAC. There are various copies of the manifesto in different files and sources. Although the texts of each are similar, some appear to have been issued at different times and in different places. Compare the above, for example, with that printed in *London Evening Post*, 20-22 July 1762, issue 5415. Text is reproduced uncorrected from the original.

52 Ternay to Choiseul, 9 July 1762, MG2, ser. B4, MAR B⁴ 104, fol. 63, AN, reel C-11993, LAC.

53 D'Haussonville, Report on the expedition, 8 July 1762, SHA, Y2d, no. 1221, AA, reel F-793, LAC.

54 Sean Cadigan, "The Staple Model Reconsidered: The Case of Agricultural Policy in Northeast Newfoundland, 1785-1855," *Acadiensis* XXI, no. 2 (Spring 1992): 51-2. Cadigan begins his analysis in 1785 but, as Table 1 makes clear, agricultural development began much earlier, was all but destroyed in the 1762 attack, and then increased again thereafter. See also Cadigan, *Hope and Deception in Conception Bay*.

55 Here I have used Gordon Handcock's method of using the wintering female population as an indices to estimate a maximum permanent population as defined by the formula (women x 2) plus children. This allows us to estimate the maximum possible conjugal units and to conservatively estimate family size. See Handcock, *So Longe as there Comes Noe Women*, 95-6.

figures), it accounted for more than 75 per cent of the total catch compared with only 60 per cent eight years before. At the same time the economy was diversifying so that, by the time of the invasion, seal oil and furs were becoming major sources of income during winter, generating a modest surplus that could be reinvested in commercial trade with other fishermen and residents. Many of those living in Conception Bay would have been dependent on local trade networks for the acquisition of supplies, local buyers for their fish, oil, and furs, and stable sources of migrant labour. They had little to gain by agreeing to d'Haussonville's terms because, in such a mixed economy, survival still depended on carrying on the fishery.⁵⁶

As the French marched from Bay Bulls, 370 men from Conception Bay descended on St. John's ready to resist the invaders.⁵⁷ The annual report on the state of the fishery and the inhabitants of the island lists the total male population (resident and migrant) of Conception Bay as 2,420 for 1762, which would suggest that a minimum of just over 15 per cent volunteered.⁵⁸ Those who remained at their homes and fishing rooms (or fled into the interior and up the coast) would have included established merchants and fishermen who had much to risk by fighting. These choices made by the population – to fight, to remain at home, or to flee – do not break down neatly according to traditional socio-economic categories such as planter, merchant, servant, or by-boatmen; they reflect the overlapping nature of those positions within society. Some residents were emergent traders with a significant personal stake in the fishery while others, like Harbour Grace merchant Charles Garland, were more dependent on trade than their own participation in the fishery. Agriculture would have been more important for some than others. Migratory or resident wage-labourers would also have had to evaluate their own prospects of being paid (and provisioned) according to their master's situation.

While Fort William, which protected the north side of the harbour, was in a poor state of repair and garrisoned by only 80 soldiers, there were other factors that worked in the defenders' favour.⁵⁹ As the French drew near, it was clear that they had been unable to haul their artillery over the difficult roads. The 500 men under d'Haussonville would thus have had no way of taking the fort but by direct infantry assault across open ground defended by ten British guns.⁶⁰ Buoyed by the

56 These figures are compiled from the annual state of the fishery reports found in CO 194/13, 194/14, 194/15, 194/16, TNA, reel B-211, B-212, CNS, MUN. For a comprehensive study of the resident fishery in Conception Bay, see Cadigan, *Hope and Deception in Conception Bay*.

57 Return of the Strength of the Fort at St. John's in Newfoundland, 27 June 1762, PRO 30/47/16, TNA; "A Report of the State and Condition of the Works at St. Johns Fort in Newfoundland before it was in Possession of the Enemy," 20 September 1762, WO 34/26, fols. 35-6, TNA, reel B-2651, LAC; "Account of the Surrender of St. John's," 29 August 1762, WO 34/26, fol. 202, TNA, reel B-2651, LAC; Janzen, "French Raid Upon the Newfoundland Fishery in 1762," 41-2.

58 "A General Scheme of the Fishery and Inhabitants of Newfoundland for the Year 1762," 1762, CO 194/15, fol. 65, TNA, reel B-212, CNS, MUN.

59 Governor Webb to Board of Trade, 23 February 1761, CO 194/15, fol. 12, TNA, reel B-212, CNS, MUN.

60 "A Report of the State and Condition of the Works at St. Johns Fort in Newfoundland Before it was in Possession of the Enemy," 20 September 1762, WO 34/26, fols. 35-6, TNA, reel B-2651, LAC; "Account of the Surrender of St. John's," 29 August 1762, WO 34/26, fols. 202-3, TNA, reel B-2651, LAC.

appearance of the civilian volunteers, the garrison's commander, Captain Walter Ross, gave orders to distribute arms and ammunition and this brought the total British force to around 450 men.⁶¹

When the French made camp before the town on the evening of the 26th, the Comte d'Haussonville dispatched a revised version of his manifesto to the townspeople which read in part: "[We] give notice to all the inhabitants . . . not to go out of the town neither to go into the woods, nor to sea, under the penalty that is inflicted by the laws of war. We promise and assure all the inhabitants that if they surrender themselves without arms, we shall use them as Frenchmen, and we shall not do them the least molestation, but to the contrary we will protect them."⁶² While the soldiers and the makeshift militia prepared to resist, many of the townspeople – who would have included established merchants and emerging traders as well as artisans and tavern keepers – were more inclined to listen to the French offer for a negotiated surrender.

By 1762, St. John's was a thriving commercial trading centre. A detailed list of imports from July 1760 shows 46 ships arriving in harbour and indicates that traders were increasingly importing not only basic provisions and equipment for the fishery but also luxury goods, such as silk, tobacco, refined sugar, and olive oil. That month two of the ships alone brought in 100 pairs of women's shoes, 50 dozen pairs of men's shoes, 11 chests of "wearing apparel," and 150 ready-made garments, all of which were for resale on the island.⁶³ Those wholly dependent on the import and export trade (and its commercial spinoffs) stood to lose everything if the garrison did not agree to d'Haussonville's terms. If "treated like Frenchmen," though, they might protect their investments in capital goods or possibly even continue to profit from a new trade with the enemy.

To the horror of some, when the French demanded that the fort surrender the next day the envoys were sent away as British soldiers began distributing ammunition to the militia and loading their cannon.⁶⁴ While d'Haussonville prepared to assault the fort, 24 of the town's "principal merchants and inhabitants" demanded a meeting with Captain Ross. They presented him with the following petition:

[We] beg leave to represent to you our great fears at your sending away the flag of truce and refusing to give up this fort. . . . We have hitherto done everything in our power according to your directions for the good of his majesty's service, but we must now acknowledge that we are not able to do more, and that you are not to expect that neither we nor any other inhabitants will wait till the place is stormed by such a superior power, and our effects, families, and

61 "Account of the Surrender of St. John's," 29 August 1762, WO 34/26, fols. 202-3, TNA, reel B-2651, LAC; William Fowler, *Empires at War: The Seven Years' War and the Struggle for North America, 1754-1763* (Madeira Park, BC: Douglas and McIntyre, 2005), 264.

62 Copy of d'Haussonville's manifesto, "'written at camp' before St. John's," 27 June 1762, WO 34/26, fol. 182, TNA, reel B-2651, LAC.

63 List of imports, July 1760, CO 194/15, fols. 14-21, TNA, reel B-212, CNS, MUN.

64 Rev. Edward Langman to Rev. D. Burton, 28 July 1762, ser. B, vol. 6, p. 146, Archives of the United Society for the Propagation of the Gospel (USPG), CNS, MUN; "Account of the Surrender of St. John's," 29 August 1762, WO 34/26, fol. 202, TNA, reel B-2651, LAC.

lives being then at the mercy of the enemy when we are not able to oppose which we mean to endeavour to prevent and not using any defence or offensive arms at this juncture, besides most of the boat keepers and stoutest men of this place are gone.⁶⁵

As the officers of the garrison later reported, upon receiving this paper Ross determined that without the support of prominent merchants it would be impossible to defend the fort. He emerged from the meeting with Michael Gill, a local merchant and chief magistrate, and told the crowd of civilian volunteers to disperse and “that when they wanted their service, they would send for men.”⁶⁶ The officers and magistrates then signed surrender papers for the fort and town.⁶⁷

The townspeople had behaved exactly as the French had anticipated. As Gill explained in a letter to Charles Garland, a merchant and magistrate at Harbour Grace in Conception Bay, they had advocated for capitulation because the French “General has promised that we shall be secure in our possessions and effects, which is the terms of our capitulation.”⁶⁸ In capitulation, some saw an opportunity to protect accumulated material wealth. Those who made their living from trans-Atlantic or coastal trade did so by exploiting larger networks; for many, the island was only one of many nodes.⁶⁹ Surrender thus protected local investments while occupation might actually offer new opportunities for trade with former enemies.⁷⁰

When St. John’s surrendered, it became the temporary headquarters of the French garrison in Newfoundland. That summer d’Haussonville and Bellecombe began to improve the town defences in anticipation of a British attack and the long winter ahead, deporting many of the less well-heeled English inhabitants to New England and Nova Scotia.⁷¹ Ternay, meanwhile, seized 40 ships in the harbour, outfitting the larger vessels with cannons and skeleton crews to assert French authority in communities further up the coast. The important nature of that part of the enterprise to the larger French mission is captured by the cartographic activities of Marc-Antoine sieur de Cinq-Mars.⁷² Map-making is an act of possession in that it is an exercise that attempts to assert control over the environment and territory by documenting, defining, and laying claim and thus enabling the communication of imperial control to others.⁷³ As

65 “Declaration of the Inhabitants of St. John’s,” 27 June 1762, PRO 30/47/16, TNA.

66 “Report on the Loss of St. John’s,” 27 June 1762, PRO 30/47/16, TNA.

67 Rev. Edward Langman to Rev. D. Burton, 28 July 1762, ser. B v 6-144a, USPG, CNS, MUN; Extract of the Surrender of St. John, 27 June 1762, PRO 30/47/16, TNA.

68 *London Evening Post*, 20-22 July 1762, issue 5415. For the French account of the surrender see d’Haussonville to Choiseul, 8 July 1762, SHA, Y2d, no. 1221, AA, reel F-793, LAC.

69 See Pope, *Fish into Wine*.

70 Deposition of William Dobel, 26 July 1762, WO 34/26, p. 186, TNA, reel B-2651, LAC; n.a., MAR B⁴ 104, fols. 64-5, AN, reel C-11993, LAC; Rev. Edward Langman to Rev. George Bearcross, 9 November 1761, ser. B, vol. 6, p. 144ff, USPG, CNS, MUN.

71 D’Haussonville, Report on the expedition, 8 July 1762, SHA, Y2d, no. 1221, AA, reel F-793, LAC.

72 N.a., MAR B⁴ 104, fols. 64-5, p. 35, AN, MG 2, ser. B4, reel C-11993, LAC; Records of the Admiralty Court at St. Johns, 28 September 1762, GN2/1/A, p. 141, Provincial Archives of Newfoundland and Labrador (PANL). See also Rev. Edward Langman to Rev. George Bearcross, 9 November 1761, ser. B, vol. 6, p. 144ff (esp. 152), USPG, CNS, MUN.

73 For a discussion of the purposes of map-making in Newfoundland, see Olaf Uwe Janzen, “‘Of Consequence to the Service’: The Rationale Behind Cartographic Surveys in Early Eighteenth-Century Newfoundland,” *The Northern Mariner* 11, no. 1 (January 2001): 1-10.

Gordon Handcock notes, the French maps produced in 1762 were the most detailed depictions of Newfoundland completed to that point in the 18th century. The decision to dispatch not only troops, but also a mapmaker up the coast reflects the larger economic and political aspirations embodied by Choiseul's plan.⁷⁴

One of the harbours occupied and thoroughly mapped was Trinity, 250 kilometres northwest of St. John's.⁷⁵ There a similar debate ensued between those who wished to defend their homes and those who were more inclined to attempt to negotiate with the French and to use the occupation to their advantage. The diary of the prominent Trinity merchant-magistrate Benjamin Lester provides a unique window into the world of occupied Newfoundland and the pragmatic choices made by its inhabitants.⁷⁶ According to Lester, on 30 June word reached Trinity that the French had sacked Bay Bulls.⁷⁷ Lester was hesitant to organize a defence as he also soon learned that the French were "humane people [who] dont hurt anybody but protect them the General, Compt D'hausant Selle publish'd his Manafesto under hand to all the Inhabitants of N.f.Land that if they would keep provissions of their Houses & give him Succors he would not hurt them, which we hear he has Complyd . . . [at Bay Bulls] they Burnt all the Houses except two, which was all that was possess'd, whatever they wanted pay'd for." While some residents advocated resistance it was all but impossible without the blessing of Lester and other members of the merchant elite, who not only controlled access to arms and ammunition but also governed supplies and labour. When French forces finally arrived on 17 July the town's principal inhabitants chose to follow the same course as their counterparts in St. John's, surrendering after firing a symbolic shot from the tiny battery at the entrance to the harbour.⁷⁸

Lester's capitulation at Trinity soon transitioned into collaboration. Each day during the two-week occupation, the "Commandant," as Lester called him, gave orders for provisions that the merchant obtained from the other townspeople. In gathering supplies and information, it is telling that the French appointed the existing chief magistrate as their liaison, leaving the British social structure intact but co-opting it to their own purposes.⁷⁹ In co-operating, Lester was able to preserve his life and property while profiting from the new trade he carried on with the French. When goods were demanded, Lester noted in his diary that the French refused to take anything from him without paying for it – even gifts of beer and wine intended to win their favour.⁸⁰ While Lester expropriated livestock and provisions from his neighbours, he sold brandy, malt, soap, and other goods to the French from

74 Handcock, "State of the Art French Cartography in Eighteenth Century Newfoundland," 146.

75 Handcock, "State of the Art French Cartography in Eighteenth Century Newfoundland," 152-4.

76 Diary of Benjamin Lester (Lester Diary), 12 July 1762. I have used Gordon Handcock's transcriptions of this diary, which is held by the MHA, MUN. The originals are held in the Dorset County Record Office; microfilm copies are available through LAC on reel A-574. On Benjamin Lester, see D.F. Beamish, "Benjamin Lester," *Dictionary of Canadian Biography Volume V*, http://www.biographi.ca/009004-119.01-e.php?id_nbr=2501, as well as Handcock, *A Biographical Profile of 18th and Early 19th Century Merchant Families and Entrepreneurs in Trinity, Trinity Bay* (St. John's: MUN Department of Geography, 1980), 78-129.

77 A French account of operations in Trinity is provided in MAR B⁴ 104, fols. 69-71, AN, reel C-11993, LAC.

78 Lester Diary, 30 June 1762, 17 July 1762.

79 Handcock, "State of the Art French Cartography in Eighteenth Century Newfoundland," 152.

80 Lester Diary, 17 and 19 July 1762.

his own stores. He also began to hire out his boats and servants to carry supplies and provisions to their garrisons in Conception Bay and St. John's.⁸¹

Like the merchants at St. John's, Lester also used the occupation to improve his long-term economic position. He repeatedly and self-interestedly targeted two residents, Lambert and Terrell, taking all their livestock and much of their provisions to meet French demands without paying compensation. When the French began to burn boats, flakes, and stages as well as the houses of those who fled the town, it was Lester who chose which properties would be destroyed and which would be spared. Both Lambert and Terrell's works in the harbour were destroyed on his orders.⁸² These two men were emergent planter-traders who continued to hire servants to fish, but who had also begun to extend credit to others themselves. Lambert was married, with two boats and 18 servants; he was a local churchwarden and overseer of the poor and sometimes acted as an agent for the Ballard West Country merchants; and he had had legal disputes with Lester before.⁸³ Terrell seems to have owned multiple rooms, stages, and ships at Trinity.⁸⁴ As emergent traders, Lambert and Terrell were upstart rivals. Targeting them allowed Lester to turn the occupation to his advantage as, when it came to an end, he would be better positioned to re-establish trade. As Allan Dwyer has argued in his case study of Lester's expansion into Notre Dame Bay during the 1770s, it was typical of a larger pattern in which the established merchant used the ambiguity of contested spaces and borderland regions to his advantage – trading allies in order to ruthlessly eliminate more junior rivals.⁸⁵

Emergent planter-traders were vulnerable as they were both in debt to more senior merchants and had most of their assets tied up in the credit they had extended to other fishermen.⁸⁶ They were also heavily invested in fishing themselves. Unlike Lester, they had limited authority, power, and wealth with which to bargain for favourable treatment. This lack of agency heightened levels of fear – even where the French failed to appear – and prompted traders and their clients to take precipitate action. At St. Mary's Harbour, Henry Thresher, a junior agent of a Poole merchant, decided to seize 1,330 quintals of cod as well as a proportionate amount of train oil (derived from cod livers) from one of his debtor-planters – Thomas Townshend. Townshend's servants consequently abandoned him, knowing that he would be unable to pay them their wages.⁸⁷ Just as nervous creditors might move in to seize their debtor's fish if they saw an opportunity to cut their losses, so too might a fisherman's servants pre-emptively desert as soon as they suspected that their master would be unable to pay. John Power

81 Lester Diary, 17, 18, and 19 July 1762. See also Gordon Handcock, "Trinity Invaded: The Historical Significance of the French Occupation July-August 1762" (unpublished lecture given to Trinity Historical Society, 12 October 1996), 1-19, CNS, MUN.

82 Lester Diary: 17 July 1762, 21 July 1762, 23 July 1762, 22 July 1762; Bannister, *Rule of the Admirals*, 144-8.

83 Keith Matthews Name File: "Thomas Lambert," L020, MHA, MUN.

84 Lester Diary, 22 July 1762.

85 Dwyer, "Atlantic Borderland," 171-94.

86 For a discussion of emergent planter-traders, see Allan Dwyer, "A Different Kind of Newfoundland: Planter Success in 18th-Century Notre Dame Bay," *Newfoundland Quarterly* 99, no. 2 (2006): 38-45.

87 Thomas Graves to the Rear Admiral of St. Mary's Harbour or his Majesty's Justice of the Peace for that District, September 1762, GN 2/1/A, fol. 146, PANL.

of Tilting Harbour on Fogo Island, for example, hired William Sullivan and several other men to fish for him in September 1761. Even though the French never reached the harbour, his merchant on the main island disappeared and his supplies ran out around 1 August. His servants abandoned him for lack of provisions late that summer.⁸⁸ While servants provided the labour necessary to fish, they were still creditors with a claim on their master's profits. This made them a potential liability when supplies ran low or catches proved poor. Everywhere, mutual suspicion prevailed.

Many fishermen in Trinity and elsewhere chose to flee as soon as word of the French landing at Bay Bulls began to spread and resistance proved impossible.⁸⁹ As a node in a larger Atlantic world, Newfoundland was not a closed economic or social system. It was a place where merchants, planters, and servants earned a living through various means; but all had social, cultural, and/or economic ties to other nodes in the network. According to witness accounts, most residents probably left Bay Bulls harbour while the French were still in the bay, boarding ships from harbours further to the south bound for England or the American colonies.⁹⁰ When two small boats docked at Teignmouth near Exeter on 18 July, they reported that when they had put into "Petty-harbour [just north of Bay Bulls] . . . they found the houses entirely deserted." There is good evidence to suggest that in the most settled areas of the island many families simply abandoned their homes once resistance proved impossible. In Conception Bay, "the fishermen [there were said to be] in the utmost confusion, leaving their effects, and endeavouring to embark in the first vessels they could meet with."⁹¹ As indicated by Table 1, the permanent population of Conception Bay dropped by 40 per cent between 1762 and 1763. At the same time, the value of seal oil and furs taken in winter dropped by roughly 80 per cent while the number of acres under cultivation decreased by 89 per cent, year over year.⁹²

The fluid nature of the island's economy allowed many simply to pick up and leave.⁹³ Where official controls on the movement of people and goods were limited by distance or isolation, flight made it possible to escape a threatening situation and begin anew elsewhere. But the decision to flee was constrained by the need for access to an ocean-going ship or at least the wealth to pay for passage aboard such a vessel. This meant that wage-labouring servants who had contracted to "ship themselves" to the island were usually left without any means of escape, and those trapped on the island could only try to carry on as best they could. At Trinity, John Lemon fled in June and his servants used the provisions he left behind to keep fishing.⁹⁴ In Conception Bay, Henry Webber, a planter at Harbour Grace, fled to New England; his

88 Records of the Court at St. John's, 26 October 1762, GN2/1/A, fols. 149-50, PANL.

89 Records of the Court at St. John's, 27-9 June 1762, GN2/1/A, fols. 149-50, PANL; Records of the Surrogate Court at Harbour Grace, 7, 8, and 14 October 1764, GN 2/1/A, fols. 167-8, 203, PANL.

90 Deposition of Samuel Doggets, 11 July 1762, WO 34/26, fol. 172, TNA, reel B-2651, LAC.

91 *London Evening Post*, 20-22 July 1762, issue 5415.

92 Annual State of the Fishery, 1762, CO 194/15, fol. 65, TNA, reel B-212, LAC.

93 See Olaf Janzen, "The Illicit Trade in English Cod into Spain, 1739-1748," *International Journal of Maritime History* 8, no. 1 (June 1996): 1-22.

94 Records of the Surrogate Court at Trinity, 7 October 1762, GN2/A/1, p. 167, PANL. For a similar case related to William Tavernor's servants, see the entries for 8 October 1762, GN2/A/1, fol. 168, PANL.

servant John Butt continued to fish and make oil until the end of the season.⁹⁵ In being stranded on the island, some actually managed to turn the situation to their advantage. At Brigus, just south of Harbour Grace, planters James Keating and Cornelius Cannon fled their fishing rooms, leaving behind a quantity of uncured fish and oil. Their neighbour's servant, John Molloly, then took the fish, cured it, and sold it at a profit.⁹⁶ Such stories, though, were the exception. Planters such as Darby Coughlan of Fogo often tried to retain what supplies and fish they had left for themselves. Coughlan, accordingly, sent his servants Richard Right, John Rieve, and John Koeffy "away in an old boat with very little provisions [even] though they were desirous to stay."⁹⁷ Those who were sent away could only look forward to a long harsh winter without shelter or supplies.

Faced with almost certain death in winter, migrant servants were easily induced to trade English masters for French once the fishery – their source of sustenance – ground to a halt. The French, of course, already viewed these newly masterless men as a reservoir of trained labour; they were not British subjects to be captured or even liberated, but an untapped resource of colonial manpower. While the Duc de Choiseul's plan specifically targeted Irish Catholics, it is telling that the campaign of destruction was orchestrated so as to ensure that the main incentive would be economic and not national, religious, or political. The relationships between English and Irish have often, and too simplistically, been cast in binary terms as those of Protestant master and Catholic victim, implying that ties were defined only by ideological, colonial, and religious struggle.⁹⁸ As John Mannion has argued, though, this ignores the important and changeable position of the Irish in the North Atlantic world where they were as adept as other members of that wider community at utilizing social and economic networks to secure their own interests.⁹⁹ Newfoundland was simply one market among many that demanded their labour. Just as merchants used the occupation to their advantage and planters utilized trade networks to flee, so too were some servants able to negotiate with the French and transition their labour between overlapping imperial economies.

The task of redirecting servant labour to French purposes fell to Jean-Baptiste Sutton de Clonard, the Wexford salt-meat merchant, who landed with d'Haussonville on 24 June. Just as d'Haussonville's manifesto induced traders to capitulate, so too did it create conditions favouring the recruitment of servants.¹⁰⁰ Sutton then convinced servants to join him by promising to pay them from their first day with the French, thus offering a secure economic opportunity in the face of

95 Records of the Court at St. John's, 26 October 1762, GN2/A/1, p. 148, PANL. For similar cases, see Records of the Court of St. John's, 28 September 1762, GN2/A/1, fol. 143, and 10 October 1763, GN2/A/1, fol. 201, PANL.

96 Court at St. John's, 20 October 1763, GN2/A/1, fol. 201, PANL.

97 Records of the Court at St. John's, 29 October 1762, GN2/1/A, fol. 151, PANL.

98 Christopher Cusack, "Beyond the Emerald Isle: Studying the Irish Atlantic," *Atlantic Studies* 8, no. 3 (September 2011): 383.

99 See the essays in David Gleeson, ed. *The Irish in the Atlantic World* (Columbia, SC: University of South Carolina Press, 2010).

100 Deposition of Francis Hearn, 15 August 1762, WO 34/26, fol. 194, TNA, reel B-2651, LAC.

hardship.¹⁰¹ Word of the French offer spread quickly amongst the servant population, and it was reported that during the summer nearly 2,000 Irishmen converged on St. John's looking for work.¹⁰² From this pool, Sutton selected 356 of the strongest and most able servants to join his new regiment.¹⁰³ "Ces hommes sont jeunes, forts et robustes," he reported to Choiseul; "ils ont été accoutumés a la mer, en faisant la pêche de la Morüe, et Seroient en etat de Servir en qualité de bons Matelots en faisant incorporer avec eux un certain nombre d'officiers Mariniers et de Matelots choisis pour diriger la troupe."¹⁰⁴ According to the detailed nominal roll that he submitted on his return to France, the average age of these Irish recruits was just under 23 (median 22), with the youngest being 17 and the oldest 50. When fitted out for uniforms, 79 per cent were described as "large," 17 per cent as "medium," and 2 per cent as "small" – indicating that the vast majority were above average size.¹⁰⁵ The French call appealed not only to servants, but also to planters with few social or economic ties to the island once the fishery ceased to function. The 9 Irishmen who were recruited to be officers in the regiment, for example, were generally older (the average age was just over 27) and may have in fact been planters or emergent-traders as several were educated and spoke Latin. They assisted in recruitment and oversaw the work of several hundred additional Irish labourers, who did not join the army but were nevertheless employed in building defences at St. John's and in raiding operations up the coast.¹⁰⁶

The majority of these Irish recruits were not acting out of a deep-seated sense of disloyalty; as English magistrate John Stripling observed, most were probably well disposed to their English masters. But like merchants and planters, they too were faced with simple and ultimately pragmatic choices during the occupation. The Irish had come to Newfoundland to earn a living. With their wages lost, passage home blocked, and the fishery suspended, exchanging English masters for French not only provided the chance to escape a potentially deadly situation but also a way to pursue new economic opportunities.¹⁰⁷ Of the 334 recruits who disembarked at Brest, only 14 chose to remain in the French Army while 12 opted to join the French navy as able seamen. The rest, wrote one official

l'on ne dois pas regardante 242 irlandais congedier comme perdu a
pour le Royaume, la permission qu'ils ont demandée d'aller

101 Sutton de Clonard to Choiseul, February 1763, MAR, Lettres reçues (Le Havre, 1763) B3/557, fol. 208, AN.

102 Deposition of John Stripling, 2 September 1762, WO 34/26, fol. 205, TNA, reel B-2651, LAC; on his reliability, see note above.

103 Sutton de Clonard, "Liste Générale des nomes et surnomes des irlandais pris a St. Jean," undated (Fall 1762), MAR, Lettres reçues (Le Havre, 1763) B3/557, fols. 210-213, AN; Ternay to Choiseul, 15 October 1762, MAR B⁴ 104, fols. 73-4, AN, reel C-11993, LAC.

104 Sutton de Clonard to Choiseul, February 1763, MAR, Lettres reçues (Le Havre, 1763) B3/557, fol. 208, AN.

105 "Irelandaise Marine, 1763, Rolle des nomes et surnomes," 3 February 1763, MAR, Lettres reçues (Le Havre, 1763) B3/557, fol. 202, AN.

106 Affidavit of Francis Hearn, 15 August 1762, WO 34/26, fol. 194, TNA.

107 Sutton de Clonard to Choiseul, February 1763, MAR, Lettres reçues (Le Havre, 1763) B3/557, fol. 208, AN; see also Sutton de Clonard to Choiseul, January 1763, MAR, Lettres reçues (Le Havre, 1763) B3/557, fol. 228, AN.

s'embarquer dans differens Ports pour le Service du marchand dois faire esperee qu'ils s'attacherons a la france pour toujours; et dans la totalite il y en a tres peu qui n'ayans paru desiree reellemens [illegible] retournee dans leur Patrie.¹⁰⁸

In addition to the 242 who chose to join the French merchant fleet, Sutton was also able to convince 49 to go with him on a separate expedition to Cayenne in South America. In total, then, 87 per cent of those who joined the French in Newfoundland chose to work as able seamen on French merchant ships. Only 8 per cent opted to remain in either the French navy or army while the remaining 5 per cent languished in hospital.¹⁰⁹ Like their English masters in Newfoundland, they took advantage of trans-Atlantic connections and overlapping socio-economic networks that acted as conduits for migrant Irish workers in both peace and wartime.

The decisions of English and Irish civilians as well as the planning of French officers assumed that the British would be unable to mount an expedition to relieve the island before winter. Choiseul thus dispatched two ships with reinforcements and supplies to assist Ternay's efforts to hold St. John's.¹¹⁰ But when British operations against France's Spanish ally in Havana ended successfully in the second week of August, the North American Commander-in-Chief Jeffery Amherst ordered a relieving force to Newfoundland. As Olaf Janzen has argued, the 1762 campaign underscored the fundamental importance of seapower in protecting empire; in that arena, France was no match for Great Britain.¹¹¹ Both Choiseul's ships were captured by British patrols before they could reach Newfoundland, while Admiral Lord Colville was easily able to sail north from Halifax and land infantry and artillery under Colonel William Amherst at Torbay on 13 September. From there the infantry marched overland via Quidi Vidi and surprised the French forces atop Signal Hill, overlooking St. John's, on the 15th. The next night, Ternay's ships slipped out of the harbour, leaving a small force under d'Haussonville to hold the fort. Without reinforcements, the French commander had little choice but to surrender three days later.

But while the French ultimately failed to hold St. John's, Ternay's mission underscored the fragility of British claims to the island and the practical difficulties of asserting imperial authority in a contested space. It highlighted emerging vertical connections between two rival imperial networks that transcended politics, nationality, and religion; it also emphasized the willingness and ability of people to move between them when presented with a clear choice. From the French point of view, Ternay's mission had been a strategic success. Upon his return to France in mid October, Ternay wrote to the French war minister:

108 M. Mocquari to M. Nodier, 16 March 1763, MAR, Lettres reçues (Le Havre, 1763) B3/557, fols. 232-3, AN.

109 These statistics are taken from "Extrait de la revue des reçues irlandaises . . ." 15 March 1763, MAR, Lettres reçues (Le Havre, 1763) B3/557, fol. 234, AN. Louis M. Cullen also provides a brief analysis of the regiment in "Thomas Sutton, comte de Clonard," 88-9.

110 Records of the High Court of the Admiralty, Seizure of the *Françoise* Louis de Saint-Malo, 1762, HCA 32, TNA, reel B-5738, LAC; Records of the High Court of the Admiralty, Seizure of the *Zéphyr*, 1762, HCA 32, TNA, reel B-5753, LAC.

111 Janzen, "French Raid Upon the Newfoundland Fishery in 1762," 36-9.

La campagne que je viens de faire quoyque moins heureux sur la fin peut cependant estre regardée comme destructive pour la Nation anglaise. La pêche de la morüe interceptée pour cette année perte que jevalüe au moins a un millier de livres Sterlings, 460 batimens de toutes Sortes de grandeurs brulés ou coulés bas, tous les echaffauts détruits, les habitants de St. Jean expulsés de chez eux avec perte de tous leurs effets commercables, 350 irlandais que je mène en France, et 100 prisonniers que jay fait passer sur des parlementaires en angleterre.¹¹²

When peace negotiations resumed, the war minister reiterated his demands for fishing rights and used the success of the raid to support French claims to the island's resources.¹¹³ The British Prime Minister Lord Bute agreed, in the end, to cede St. Pierre and Miquelon to Louis XV and guaranteed use of drying beaches along the southern "French Shore," thus securing the future of a French presence in America (albeit one that was infinitesimally smaller than it had been earlier in the century).¹¹⁴

Because the British attack on St. John's was a dramatic victory, in which outnumbered British soldiers scrambled up steep cliffs in heavy fog to rout superior numbers of French troops, it has tended to overshadow in historical memory the damage done to the island's economy and society during the three-month occupation. Romantic, anglo-centric narratives ignore the fact that in 1762 the English fishery was all but destroyed. Between 1755 and 1760, total fish exported to market had averaged 297,777 quintals per year.¹¹⁵ In 1762 it was 50,500 – 84 per cent below average.¹¹⁶ The narrative trope of "recapture," usually adopted by English language historians since D.W. Prowse, also conjures up the false image that Newfoundland was a conquered, subdued, and purely English space by the time of the Seven Years' War.¹¹⁷ It was not. Thousands of French fishermen visited the beaches and banks of Newfoundland each year while the Inuit, Innu, and Mi'kmaq also made use of the region's rich resources. The island's settler population was Irish and English, and even then was concentrated on the eastern-most shores of the island. Further to the west, the Beothuk continued to encounter French, English, and other Native groups in the interior. Newfoundland was clearly a contested space, just as it had been for more than 250 years.¹¹⁸

112 Ternay to Choiseul, 15 October 1762, MAR B⁴ 104, fol. 73, AN, reel C-11993, LAC.

113 Janzen, "French Raid Upon the Newfoundland Fishery in 1762," 38-9.

114 Colin G. Calloway, *The Scratch of a Pen: 1763 and the Transformation of North America* (New York: Oxford University Press, 2006), 7-9.

115 Compiled from figures in the annual state of the fishery report, 1755-1760, CO 194/13, 194/14, 194/15, 194/16, TNA, reels B-211, B-212, CNS, MUN.

116 Annual state of the fishery report, 1762, CO 194/15, fol. 65, TNA, reel B-212, CNS, MUN.

117 Prowse, *History of Newfoundland from the English, Colonial and Foreign Records*, 309. See also Fyers, "Loss and Recapture of St. John's," and Webber, *The Re-capture of St. John's*.

118 Dwyer, "Atlantic Borderland," 240-8; Bartels and Janzen, "Micmac Migration to Western Newfoundland," 71-96; Olaf Uwe Janzen, "The Royal Navy and the Interdiction of Aboriginal Migration to Newfoundland, 1763-1766," *International Journal of Naval History* 7, no. 2 (August 2008): <http://www.ijnhonline.org/issues/volume-7-2008/aug-2008-vol-7-issue-2/>; William Whitney, *James Cook in Newfoundland, 1762-1767* (St. John's: Newfoundland Historical Society, 1975); Marshall, *History and Ethnography of the Beothuk*.

Re-taking St. John's, though, was just the beginning of an important period of transition in English Newfoundland. In the wake of the occupation, governors Thomas Graves (1762-1763) and Hugh Palliser (1764-1768) had to work hard to re-assert formal and informal British imperial authority on the island, to stabilize the economy, and to re-establish a society torn apart by invasion and occupation.¹¹⁹ Both the limits of British authority and the extent of the socio-economic chaos are evident in the extant court records for St. John's, Trinity, Ferryland, and Harbour Grace, which contain 141 separate judgements rendered between 28 September 1762 and 1 November 1765 (the end of the season in which the last case pertaining to the French occupation was heard).¹²⁰ In total, 62 per cent of these claims pertained to various breaches of contract, 33 per cent related to property, and only 3 per cent related to physical injuries. Twenty-nine related specifically to the occupation (21 per cent in total), and are listed in Table 2 in chronological order. The decisions of Graves (who adjudicated 23 of these cases) and Palliser (6) untangled a web of complaints by merchants, planters, and servants. In doing so, they sought to address the structural weaknesses uncovered during the raid by exerting control over the movements of people, the portability of labour, and the relationships between debtors and creditors.

Nineteen of the judgements related to the occupation were for breach of contract (65 per cent) and of these, 11 resulted from claims filed by servants – 10 for failure to pay wages and 1 for failure to provide passage home. Migrant servants came to Newfoundland on a fixed contract, usually for two summers and a winter, and were provided with transportation home as part of that agreement. Both governors' judgements tended to favour migrant servants, assuring that their wages were paid even when their masters had outstanding debts to merchants. For example, on 7 October 1762 Philip Murphy, John Connels, Patrick Coffee, Edward Walsh, "Tracey," and "Kufe" alleged against "John Lemmon, Merchant, who lately quitted the said harbour in fear of the enemy," that "they did accordingly enter up on and continue in the said service yet that David Taylor the said agent for the said Lemmon, did and doth still refuse to pay them the balance of their wages, wherefore they pray that the court will take the same into consideration." In total, the 6 servants were owed about £78 in lost wages. After deducting £9 for the provisions they had used during the occupation to continue fishing, Lemon was ordered to pay the

119 On Palliser, see William H. Whiteley, "Sir Hugh Palliser," *Dictionary of Canadian Biography* IV, <http://www.biographi.ca/009004-119.01-e.php?BioId=36225>. See also William Whiteley, "Governor Hugh Palliser and the Newfoundland and Labrador fishery, 1764-1768," *Canadian Historical Review* L, no. 2 (June 1969): 141-63, and Whiteley, "James Cook and British Policy in the Newfoundland Fisheries, 1763-67," *Canadian Historical Review* LIV, no. 3 (September 1973): 245-72. For a more recent study, see Olaf Janzen, "Showing the Flag: Hugh Palliser in Western Newfoundland, 1764," *Northern Mariner* 3, no. 3 (July 1993): 3-14.

120 Some individual cases comprised multiple parts, naming different defendants accused of separate transgressions. To clarify the analysis, I have treated these as separate judgements as, sometimes, the governor or surrogate reached a different decision in one part of the case than in the other. Of these 141 judgements, then, 21 explicitly mention the "French" or "the enemy" in the context of the events in 1762. Nine additional cases (8 in 1762 and 1 in 1763) do not explicitly use these terms but do concern claims against those who "quitted the country," "went for New England," or "abandoned" their servants during the summer and fall of 1762. In the context of the other entries in the court books, is reasonable to assume that these cases are related to the 1762 occupation. See various entries between 1762 and 1765: GN2/A/1, fols. 159-69, 141-51, 155-58, 184-90, 195-6, 200-3, 258, PANL.

balance of £69.¹²¹ As illustrated by Chart 1, 9 of the 11 judgements (82 per cent) favoured the petitioning servants while the outcome of the other two cases is unknown. Even in cases like that brought by William Sullivan of Titling Harbour, who had abandoned his master for lack of provisions, Governor Graves proved willing to grant at least partial wages.¹²² In adjudicating the ten cases from the occupation involving merchants, Graves and Palliser only reached a favourable decision for them 20 per cent of the time. In 40 per cent of the cases, they decided against merchants or, in the other 40 per cent, ensured that debts were collected – but only to the extent that the debtor would not be ruined.¹²³

The success of servants' petitions is indicative of a new official policy that was intended to curb the power of merchant capital so as to re-assert centralized control on the island. At the end of the 1765 season, Palliser summarized his views on the security of the island for the Board of Trade:

[The] Inhabitants . . . are no Security to the Country but the Contrary, for they always have and always will Join an Invading Enemy as well from Necessity as Inclination . . . they are no better than the Property or Slaves of the Merchant Supliyers to whom by Extravagant high Prices of their Goods they are all largely in Debt, more than they can ever Work out during Life, they have hitherto had no means of freeing themselves from that State of perpetual Servitude, therefore the Fishery still went on, tho Universally allw'd [*sic*] to be yearly declining, People doom'd to Perpetual Servitude are ever wishing for Change of masters, so when men find an Oportunity of becoming free and Independant they will certainly Embrace it.¹²⁴

In Palliser's view, the investment of merchant capital in the resident trade discouraged formalized resistance so long as elites were able to use their position and wealth to negotiate favourable terms with the enemy. This process of negotiation, in turn, would ensure that both credit and supplies would cease to flow to resident planters, bringing the fishery to a grinding halt. Not only would planters be forced to flee when this happened, but servants would also need to seek out new markets for their labour or face starvation. In such an environment, where a change of masters was possible and the relationship between master and servant was characterized by suspicion rather than mutual dependence, servants would naturally embrace an opportunity to better their situation by joining the enemy.¹²⁵ The only viable way to

121 Surrogate Court Records, Trinity, 7 October 1762, GN2/A/1, fol. 167, PANL.

122 Records of the Court at St. John's, 26 October 1762, GN2/1/A, fols. 149-50, PANL. See also Records of the Court at St. John's, 29 October 1762, GN2/1/A, fol. 151, PANL; larger statistics were derived from entries for 28 September 1762 to 1 November 1765, GN2/1/A, PANL.

123 Entries for 28 September 1762 to 1 November 1765, GN2/1/A, PANL; W.L. Morton, "A Note on Palliser's Act," *Canadian Historical Review* 34, no. 1 (1953): 34-6.

124 Draft of an act "For Encouraging and Obliging the Men to Return Yearly to England," 18 December 1765, CO 194/16, pp. 211-12, TNA. For an analysis of the conditions faced by planters and servants, see Matthews, "A History of the West of England-Newfoundland Fishery," 412-14.

125 Draft of an act "For Encouraging and Obliging the Men to Return Yearly to England," 18 December 1765, CO 194/16, fols. 211-12, TNA, reel B-212, CNS, MUN.

protect British interests, in Palliser's view, was to abandon the long-standing custom of the country that saw merchants retain first rights on a debtor's fish, guaranteeing a servant's wages so long as they returned to England.¹²⁶ This re-assertion of the supremacy of the migratory fishery began under Graves but was formalized under Palliser, who decreed in 1765 that "as a further Security for the return of the Men let it be Unlawful to Pay any Servants Wages in Newfoundland otherways than by Bills of Exchange for the Ballance due, such Bills to be drawn Payable to the Man only, but to make such Bills Negotiable they may be payable to the Man's Order, provided he Indorses it after Landing in the King's Dominions in Europe."¹²⁷ The legal protection of servants' wages was thus intended to restrict the portability of labour and the movement of people, ensuring that labourers were hired in England and returned there at the end of their contract.¹²⁸ In other words, it sought to close off the connections between English and non-English nodes in the North Atlantic economy.

The promotion of a migratory fishery acknowledged that Newfoundland was a space of power where influence was shared rather than monopolized by either officials in London or the representatives of merchant capital at the periphery.¹²⁹ In this analysis, the accumulation of a large resident population that was heavily indebted to local traders – who themselves had little incentive to heavily invest in imperial defensive infrastructure – was a liability that could be easily exploited during an enemy invasion. Graves and Palliser thus sought to protect the rights of creditors in disputes over debt, but only so far as it would enable fishermen to carry on the fishery.¹³⁰ The Board of Trade ultimately accepted Palliser's arguments, which were confirmed in decrees issued in 1767 and 1768.¹³¹ As Jerry Bannister has argued, the act he proposed in 1765 would eventually be taken out, dusted off, and passed in 1775 when imperial authority was again challenged as a new claimant in the region emerged in the rebellious Thirteen Colonies.¹³²

The 1762 occupation demonstrated the limits of English imperial power as well as the continued existence of overlapping French and British areas of influence. Faced with difficult choices, some merchants, traders, planters, and servants fled, others tried to resist, while still others collaborated. These choices were simultaneously constrained and enabled by the existence of overlapping trade networks, which limited the choices of some while allowing others to survive and even profit during the occupation. In a contested space of power, re-asserting authority meant reconstructing the economy and regulating the flow of people and trade within overlapping French and English transatlantic worlds.

126 Bannister, *Rule of the Admirals*, 123-8.

127 Draft of an act "For Encouraging and Obliging the Men to Return Yearly to England," 18 December 1765, CO 194/16, fol. 215, TNA, reel B-212, CNS, MUN.

128 The best discussion of the evolution of law under Palliser is Bannister, *Rule of the Admirals*, 158-62.

129 Morton, "A Note on Palliser's Act," 35-6.

130 Decree of the Governor at St. John's, 8 September 1762, GN2/1/A, fols. 141-2, PANL; Decree of the Governor at St. John's 25 August 1763, GN2/1/A, fol. 184, PANL.

131 Morton, "A Note on Palliser's Act," 36.

132 For a thorough examination see Bannister, *Rule of the Admirals*, 158-64.

Table 1: Population and Economy of Conception Bay, 1752-1765

	1752	1753	1754	1755	1757	1758	1759	1760	1762	1763	1764	1765
Resident male masters (merchants, planters, and emergent traders)	154	220	145 (233)	259	268	301	311	360	320	179	246	267
Total permanent population ¹³³	728	875	860 (946)	1,039	1,895	2,049	2,222	2,479	2,681	1,637	1,968	1,987
Number of boats kept by residents	204	266	228 (253)	210	270	273	274	395	209	249	264	280
Number of boats kept by migrant fishermen	138	177	140 (155)	151	41	36	84	197	30	85	99	137
Quintals of fish made by residents	44,600	36,600	36,000 (41,133)	46,800	40,500	68,250	41,100	92,400	24,000	57,310	58,080	67,800
Quintals of fish made by migrant fishermen	3,0290	34,120	33,760 (37,310)	30,671	6,100	9,000	11,450	30,720	5,000	24,590	21,800	30,680
Value of winter seal oil	-	36	-	-	150	170	310	510	900	150	150	200
Value of furs	76	0	70 (90)	-	120	170	120	130	30	30	20	10
Number of stages	195	151	139 (160)	266	240	238	255	349	175	243	256	297
Number of acres of improved land	82	37	-	103	1,100	1,260	1360	-	2000	230	260	280

Source: Compiled from the annual states of the fishery reports (titles vary) for Harbour Grace, Carbonier, and Bay Verte found in CO 194/13, 194/14, 194/15, 194/16, TNA, reels B-211, B-212, CNS, MUN. The figures for Bay Verte are missing for 1754. For that year, the figures in brackets are estimates based on previous rates of year-over-year change. The states of the fishery for 1756 and 1761 are missing in their entirety.

133 This is defined as total possible conjugal units (2 x women) plus children; it is based on the method used by Gordon Handcock in *So Longe as there Comes Noe Women*, 278-9.

Table 2: Civil Cases Related to the French Occupation, 28 September 1762-1 November 1765

Date of Case	Place	Petitioner/ Complainant	Defendant	Type of Case	Specifics	Decision Favoured
28 September 1762	St. John's	Planters (2) ¹³⁴	Unknown	Property	Unlawfully seized goods	Petitioner/complainant
7 October 1762	Trinity	Servants (5)	Master	Breach of contract	Unpaid wages	Petitioner/complainant
7 October 1762	Trinity	Servants (6)	Master	Breach of contract	Unpaid wages	Petitioner/complainant
9 October 1762 ¹³⁵	Trinity	Unknown	Unknown	Unknown	Unknown	Unknown
16 October 1762	St. John's	Servant	Master	Breach of contract	Unpaid wages	Petitioner/complainant
18 October 1762	St. John's	Servant	Master	Breach of contract	Failure to provide passage home	Unknown
23 October 1762	St. John's	Servant	Master	Breach of contract	Unpaid wages	Petitioner/complainant
24 October 1762	St. John's	Planter	Merchant	Breach of contract	Failure to provide provisions	Petitioner/complainant
24 October 1762	St. John's	Planter	Merchant	Property	Unlawfully seized goods	Petitioner/complainant
24 October 1762	St. John's	Planter	Planter	Property	Unlawfully seized goods	Petitioner/complainant
26 October 1762	St. John's	Servant	Master	Breach of contract	Unpaid wages	Unknown
26 October 1762	St. John's	Servant	Master	Breach of contract	Unpaid wages	Petitioner/complainant
26 October 1762	St. John's	Servant	Master	Breach of contract	Unpaid wages	Petitioner/complainant
29 October 1762	St. John's	Servant (3)	Master	Breach of contract	Unpaid wages	Petitioner/complainant
4 November 1762	St. John's	Servant	Master	Breach of contract	Unpaid wages	Petitioner/complainant

134 The numbers in parentheses indicate number of petitioners/complainants.

135 This entry clearly relates to the French occupation but is cut-off in the governor's book.

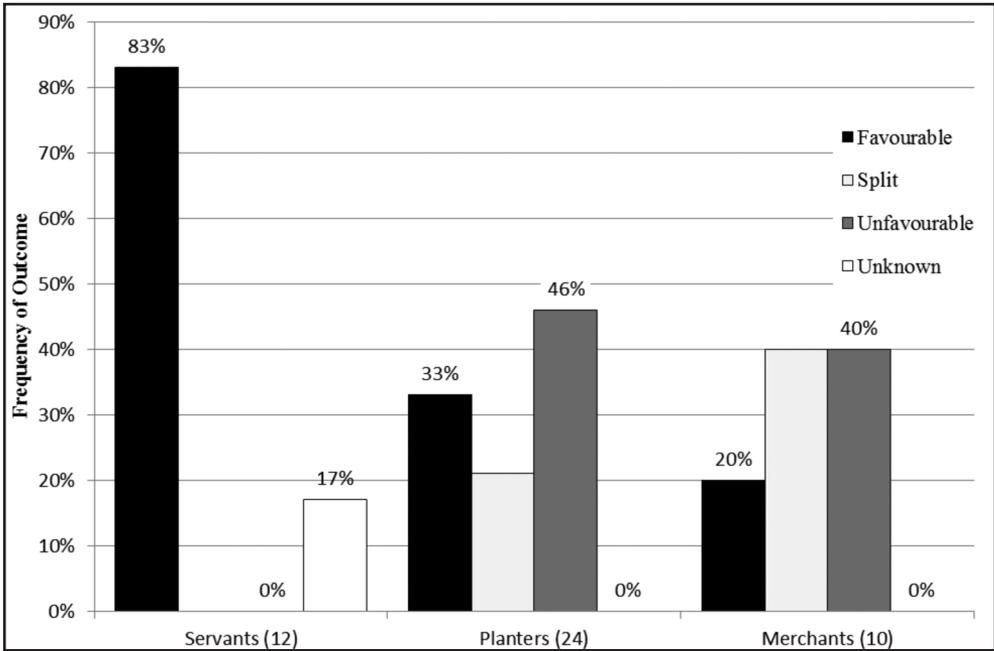
Date of Case	Place	Petitioner/ Complainant	Defendant	Type of Case	Specifics	Decision Favoured
20 August 1763	St. John's	Merchants (12)	Crown ¹³⁶	Property	Unlawfully seized goods	Petitioner/complainant
25 August 1763	St. John's	Merchant	Planters	Breach of contract	Unpaid debts	Split ¹³⁷
10 September 1763	Ferryland	Planter	Servants	Breach of contract	Unpaid rent	Defendants
23 September 1763	St. John's	Planter	Merchant	Property	Unlawfully seized goods	Petitioner/complainant
11 October 1763	St. John's	Planter	Unknown	Breach of contract	Unpaid rent	Petitioner/complainant
11 October 1763	St. John's	Planter	Planter	Property	Unlawfully seized goods	Split
14 October 1763	St. John's	Planter	Merchant	Breach of contract	Unpaid debts	Split
14 October 1763	St. John's	Planter	Merchant	Breach of contract	Unpaid rent	Split
7 September 1764	St. John's	Merchant	Planter	Real estate	Unlawful occupation	Split
19 October 1764	St. John's	Planters (3)	Planter	Property	Unlawfully seized goods	Petitioner/complainant
24 October 1764	St. John's	Merchant	Merchant	Breach of contract	Unpaid debts	Split
22 October 1764	St. John's	Planter	Unknown	Breach of contract	Unpaid rent	Split
26 September 1765	St. John's	Servants (2)	Master	Breach of contract	Unpaid wages	Petitioner/complainant
11 October 1765	St. John's	Boat Captain	Merchant	Property	Unlawfully seized goods	Petitioner/complainant

Source: PANL, GN2/1/A, entries for 28 September 1762 to 1 November 1765. Some cases included multiple parts and each part has been treated as a separate judgement.

136 During the recapture effort, military officers unlawfully seized merchant goods that had been collected by the French.

137 A "split" means that the decision was a compromise between the two positions.

Chart 1: Outcome of Total Number of Court Cases involving Servants, Planters, and Merchants



Source: Records of the Courts at St. John's, entries for 28 September 1762 to 1 November 1765, GN2/1/A, PANL. Some cases included multiple parts and each part has been treated as a separate judgement.