KING GEORGE'S DIASPORAS: THE TREATMENT OF 'HOSTILE' POPULATIONS IN BRITAIN AND CANADA, 1745-1763

by

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Abstract

Studies of Acadians and Jacobites traditionally examine identity from a perspective within these groups. To comprehend their treatment at the hands of the British in the mid-eighteenth-century, they must be understood as the British saw them. Frenchness and Roman Catholicism were fundamental to Acadian and Jacobite identity as they were conceived by the British authorities in Scotland and Nova Scotia in 1745 and 1755, respectively. These facets of the identities were used to establish the treasonable nature of each group and explains their treatment by the British. As such, cultural forces are better suited than explicit hierarchical structures for explaining the Acadian dérangement and the pacification following the 1745 rebellion.
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Chapter 1 – Introduction: Identifying Identities

Let hist’ry tell where rival kings command,
And dubious title shakes the madded land,
When statutes glean the refuse of the sword,
How much more safe the vassal than the lord;
Low skulks the hind beneath the rage of pow’r,
And leaves the wealthy traitor in the Tow’r,
Untouched his cottage, and his slumbers sound,
Though confiscation’s vultures hover round.¹

This portion of Samuel Johnson’s poem ‘The Vanity of Human Wishes’ (1749) talks of the pacification measures following the 1745-6 Jacobite Rebellion, but ‘confiscation’s vultures’ hovered around more than just the Duke of Cumberland’s handiwork in the mid-eighteenth-century. An editorial comment on the contents page of an issue of Queen’s Quarterly makes the same point:

Canadian history has been less bloody than that of many other lands, but we have our share of dark chapters. Thousands of Acadian refugees could have told a shameful tale, if their overcrowded transports had ever made port.²

The transports, of course, did make port, and the story was told, most famously in Henry Longfellow’s Evangeline: A Tale of Acadie. Subsequent tellings of the story have fitted

² Boris Castel (ed.), Queen’s Quarterly 105, 3 (Fall 1998), p. 324
well into the ‘mournful tradition still sung by the pines of the forest,’ if only in scope. Histories of the grand dérangement – the forcible deportation of Acadians at the hands of the British colonial authorities in 1755 – have remained very limited in geographical, if not temporal range. John Bartlet Brebner’s New England’s Outpost (1927) remains typical of works of Acadian historiography, linking Acadia to the New England colonies and attributing blame for the Acadian deportations to the territorial imperialism of the New Englanders. This work blazed a trail from which other works on Acadia have rarely strayed, emphasising the paramount importance of Acadian identity. In his introduction, Brebner stated one of the aims of his work as ‘to tell summarily of the genesis and character of the Acadian people.’ Establishing an ‘Acadian’ identity was thus of significance for Brebner, and it is important to note that he attempts to establish this identity solely within the context of the New World. The countries of Europe and their populations which poured into America – either in an immigrant or administrative capacity – in this period are not considered when Brebner attempts to outline Acadian identity. In many respects, this makes perfect sense, for Brebner only became interested in Nova Scotia because of its relationship to post-conquest Quebec. The Acadians were the first Roman Catholic and French group within the British Empire, and he was fascinated by ‘what influence British experience with the Acadians might have had upon their administration of Quebec.’ Exploring the history of Acadia against the backdrop of post-conquest Quebec obviously imposes geographical limits on his study and therefore on his view of what ‘Acadian’ means.

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3 Henry W. Longfellow, Evangeline: A Tale of Acadie (Fredericton, NB: Goose Lane, 2004), p. 10
5 Brebner, New England’s Outpost, p. 8
This blinkered approach to Nova Scotia in the early eighteenth century is typical of modern historians. Acadians are seen only in relation to New France or New England, and the aboriginals with whom they cohabited rarely make an appearance except as willing dupes of the French, whose missionaries consistently used them for their own ends. Old World powers intrude only as domineering colonial powers whose interests superseded all those of the local peoples. This historiographical tendency of viewing the Old World within a narrative of colonial oppression and exploitation has continued until very recently. Naomi Griffiths’ works, spanning from the 1960s to the 1990s, are indicative of this pattern. In arguing against the rather fanciful contention that the British administration of Nova Scotia was ‘totalitarian’, she wrote in 1969 that

at that time [1710] part of the accepted ideas of the English governing classes was the belief that colonies existed primarily for the benefit of the Mother Country. It was a belief current throughout Europe during the eighteenth century, and was heartily assented to by France, Spain, Portugal and Holland. As far as Britain was concerned, however, it meant very little more than an imperfectly applied policy of trade preferences for the Mother Country.  

Mercantilism, as described here, takes the blame for colonial maladministration and consequently the deportations. Her 1992 work, The Contexts of Acadian History 1686-1784, furthers the separation of Europe from Acadian identity, when she writes that ‘the

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6 Ibid., p. 7
explanation of Acadian distinctiveness does not lie in the transference of an identity already forged in Europe." Indeed, ‘no work published in [English or French] has connected Acadian experience with the heritage of ideas and knowledge brought by the migrants to the new lands.’ She argued that Acadian identity was at least partly dependent upon an older, European heritage, but it was not forged until ‘Acadians’ existed in Acadia. Griffiths’s opinion on exactly when this identity was created has differed throughout her career. In 1973, she wrote that

the drama of their deportation in 1755, when the majority of Acadians were exiled from Nova Scotia has over-shadowed the slower and more complex saga of their earlier history. But the deportations neither created nor destroyed the Acadians. It has been the most obviously striking event in Acadian history, but it could not have occurred had there been no Acadians. That is to say, the events of 1755 happened because the French-speaking population of Nova Scotia of that time was not merely another French settlement, temporarily occupied by the English. In 1755 the Acadians already had their own identity."

Only four years earlier she had attributed to the dérangement the role of a pivotal moment in the formation of Acadian identity:

For a number of French-speaking Catholics in Louisiana and throughout the Maritime provinces of Canada, as well as for a number of people in France itself, the word

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9 Ibid., p. xviii
[Acadian] is a label they attach to themselves because one or more of their ancestors suffered in 1755 ... These people were known at that time as the Acadians, or "les français neutres," their mother tongue was French, their religion Catholic, and this despite British ownership of the colony since 1713.¹¹

Despite the alteration of her opinion on the moment when ‘Acadian’ became a group, this last passage, the first of these excerpts to appear in print, hints at what has become a significant problem in the historiography of Acadia. Acadian identity has been well examined by Griffiths, Brebner, and others, but their studies have been of the Acadians’ self-perception. Such an identity is of limited use when examining an event such as the dérangement, when Acadians were rounded up by non-Acadians and shipped away from Acadia. What is of paramount importance here is an understanding of ‘Acadian’ as it was meaningful to the British authorities and the New Englanders who expelled the Acadians. An understanding of Acadian identity as Acadians themselves understood it is fine for understanding the Acadians’ self-perception, but is useless for understanding how the British saw them. What is necessary for this – which is essential for a proper understanding of why the authorities did what they did in 1755 – is an understanding of ‘Acadian’ as the British conceived of that identity, however little it corresponded with Acadian self-identity.

Externally constructed identities are also of importance for understanding the history of Jacobitism. The cause in support of James II’s claim to the throne following his deposition at the hands of the ‘Glorious Revolution’ of 1688, Jacobitism derived its name

¹¹ Griffiths, Acadian Deportation, p. 1
from the Latin version of the name James, *Jacobus*. Bruce Lenman writes that this name is not necessarily as straightforward as this:

The story in the Bible in Genesis, Chapter XXVII, where Jacob deceives his father Isaac into giving him a blessing meant for Jacob’s brother Esau, was also part of the emotional loading of the term ‘Jacobite’ to mean ‘imposter’, as well as ‘supporter of the exiled Stuarts’.¹²

Despite its obvious political goal, more is bound up with Jacobitism than at first meets the eye, and Lenman’s dual meaning of the term is merely the tip of the iceberg. In his study on Jacobitism in England in the eighteenth century, Paul Monod recognised this problem in his introduction, subtitled ‘defining Jacobitism’.¹³ Dealing with evidentiary issues, he writes that

Jacobites may be identified by what they said and did, and by what others said about them. Unfortunately, most of the surviving evidence falls into the latter category – it consists of accusations, allegations and scraps of information from which inferences may be drawn. These types of material must be very carefully weighed, and few solid conclusions can be reached from them. Even direct expressions of Jacobitism may be difficult to interpret.¹⁴

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For the purposes of this inquiry, a view of Jacobites as others perceived of them would be ideal, were it not for the difficulties alluded to at the end of the above passage. Indeed, 'no clear dividing line separates “real” Jacobites from those whose commitment was less “serious”.'\(^{15}\) Here we come full circle, as Samuel Johnson himself was a ‘sentimental’ Jacobite who himself said (relating to the pension he received from George III) that “I think that the pleasure of cursing the house of Hanover, and drinking King James’s health, are amply overbalanced by … three hundred pounds a year.”\(^{16}\) Clearly a simple binary distinction between ‘Jacobite’ and ‘non-Jacobite’ is inappropriate.

Monod gets around this problem by focusing on Jacobitism as a cultural phenomenon. ‘Movement’ and ‘ideology’ are both terms that can be applied to Jacobitism, but neither can be used without qualification, for as each embraces parts of Jacobitism, neither grasps it in its totality.\(^{17}\) Consequently he enumerates three key rules governing his conception of Jacobitism:

First, Jacobite political culture should be interpreted as a language, with its own internal logic or grammar, operating as a coherent system. Second, it is pointless to search outside political culture for the origins of this language; its causes and context are contained within it, and should be discussed as a series of interconnections rather than a hierarchy of external determinants. Third, Jacobitism cannot be wrenched out of the wider culture of which it was a part.\(^{18}\)

\(^{15}\) Ibid., p. 6
\(^{16}\) James Boswell, The Life of Samuel Johnson, LL.D. (Ware, Herts.:Wordsworth, 1999), p. 219
\(^{17}\) Monod, Jacobitism, p. 8
However, noticeably absent from this conception are the Jacobites themselves, as is implied by Monod’s reliance on Michel Foucault for this notion. Culture seems an ideal means of getting around the greyscale which encompasses all shades of Jacobitism, but, in its Foucauldian form, it tends to arrogate too much to itself, removing agency from individuals and the material, economic, and structural factors which form motive forces in their actions. However, culture is evidently too important to omit from any understanding of Jacobites and their beliefs. In 1987, J. C. D. Clark delivered a paper on the importance of Jacobitism for historical studies. Although he overstates the case, his argument recognised the cultural importance of Whig and Tory politics in the eighteenth century, even to the present day. Reflecting on the consequences of revising historians’ notions of a post-1688 Whig consensus, he saw that

what once appeared as a consensual, contractarian tolerationism now appears as the fiercely-resented and long-resisted imposition of Whig values. At the heart of the Whig intellectual hegemony in British life since 1688, it seems, lies nothing more elevated than a coup d’état.

In stating this, Clark was arguing that the cultural hegemony of the winners from the Glorious Revolution in 1688 had the power to influence knowledge of their enemies until the revisionism he was writing about. Here is a re-humanised Foucauldian conception, where the power/knowledge relationship is of clear importance, but where Whigs are

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18 Ibid., p. 10
19 Ibid., pp. 9-10
present to be resented and resisted. Those doing the resenting and resisting were Jacobites, and our understanding of them will be based on the conception of those controlling knowledge about them, as the above quotation from Monod makes clear.22 However, it is important to remember Clark’s words, for they escape what Daniel Szechi has conceptualised as the ‘optimist/pessimist/rejectionist’ triptych of conceptions of Jacobitism, and promotes Jacobitism to an alternative to Whiggism. As Linda Colley has eloquently argued, it would be wrong to view Jacobitism as merely Tory fundamentalism, for Toryism and Jacobitism were discrete and separate phenomena, but it would be equally wrong to view Jacobitism as the political, intellectual, or cultural inferior to the post-1688 Whig consensus.23 In viewing Jacobites as agents within a culture, fighting against Whig hegemons, it is possible to sidestep the anachronistic views – such as attributing inevitability to Jacobite defeat – which have affected Jacobite historiography, and in doing so we can see the Jacobites in the same threatening light as they themselves were seen.

The focus on externally constructed Acadian and Jacobite identity is fundamental to understanding why the British authorities behaved the way they did towards these groups. It is in delineating the contours of these identities that we can comprehend the motives and even the manner of their subsequent treatment. As Robert Darnton has written, ‘individual expression takes place within a general idiom,’ and it is the key argument of

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22 Monod, *Jacobitism*, p. 5
this thesis that such a conclusion can be writ large in the treatment of ‘hostile’ populations within the first British Empire in the eighteenth century. It is the identity construed as ‘hostile’ which determines, in part, the treatment of bearers of that identity. In other words, this treatment is as culturally determined as the identity upon which it is inflicted. Some historians have attempted to attribute blame to the imperial government for the dérangement, for example, but in doing so they have missed the point. The search for orders from the Board of Trade ignores the cultural motives for the treatment of the Acadians: as French-speaking Roman Catholics, they were construed as hostile, and different hostile populations met a remarkably similar fate. The treatment of the Jacobites and Acadians, therefore, was idiomatic (to borrow Darnton’s characterisation), the common features of their treatment being a cultural locus of how hostile and treacherous populations were treated in the mid-eighteenth-century. The purpose of this thesis is to establish these features, and to show how they were culturally determined, rather than explicitly ordered. Indeed, when higher authorities appreciated the full extent of the treatment meted out in their name to both Jacobites and Acadians they responded with either ignorance or righteous indignation.

The bulk of the primary source material used to sketch this picture deals with Acadia. There are several reasons for this. First, Jacobitism has a richer and wider secondary

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historiography which fulfils the evidentiary needs of this thesis. Acadian historiography is at once more prone to chiaroscuro and more limited in scope. Secondly, an understanding of Acadian identity can only come from the primary source material, given the explorations of Acadian identity from the Acadian perspective which exist in the secondary historiography. Finally, the ubiquity of Jacobitism in British politics in the first half of the eighteenth century renders the corpus of primary material on that subject enormous. It would be beyond the scope of this thesis and the resources available to its author to provide a detailed and extended treatment of this material.

The Acadian primary sources all come from published collections. Chief amongst these is Placide Gaudet’s 1905 collection. Gaudet painstakingly reconstructed Acadian genealogies in Nova Scotia and published these alongside a rich collection of primary documents from Nova Scotian, French, and US archives. Correspondence between the government of Nova Scotia, its counterparts in Massachusetts and other American colonies, the Board of Trade, and the functionaries implementing the dérangement all feature in this collection. A closely edited version of the journal of Col. John Winslow, the Massachusetts officer in charge of the deportations at Grand Pré, also appears in this collection, although a fuller version of his journal has been used for this thesis, published in the 1882-3 edition of the Collections of the Nova Scotia Historical Society. Winslow’s journal is the most detailed and valuable of accounts of the dérangement, and for the purposes of this argument, it is a particularly valuable source. In providing day-by-day accounts of the dérangement in process, Winslow records the actual implementation of policies deriving from the association of Acadian identity with hostility, and as we shall
see, he provides clues to his and his fellow officers’ understanding about the people they were deporting.
Chapter 2 – National and Religious Identities

Identities are not like hats. Human beings can and do put on several at a time. ... The sense of a common [British] identity ... did not come into being ... because of an integration and homogenisation of disparate cultures. Instead, Britishness was superimposed over an array of internal differences in response to contact with the Other, and above all in response to conflict with the Other.²⁶

Linda Colley’s words remind us that no identity is monolithic.²⁷ As there are British constructions of ‘Acadian’ and ‘Jacobite’ (there are also competing non-British constructions), ‘British’ is itself a synthetic identity. In the eighteenth century, the ‘Other’ to which Colley refers was the French, and with the notion of ‘Frenchness’ came Roman Catholicism. Writing of the British polity in the 1740s, Colley states that ‘the way in which the state was organised and the ideas men and women held about it, were inextricably linked with perceptions of Catholicism and Protestantism.’²⁸ Protestantism was the salient feature of the emerging British identity in the early eighteenth century, and Catholicism was its binary opposite, the ‘Other’ against which it could be identified.²⁹ A Protestant interpretation of British history, manifested in celebrations throughout the ritual year (such as January 30, when the ‘martyrdom’ of Charles I was commemorated, or November 5, when the discovery of Guy Fawkes marked the unmasking of the 1605 Gunpowder Plot), bolstered the notion that the British were a

²⁷ See also Jeremy Black, Eighteenth-Century Britain, 1688-1783 (London: Palgrave, 2001), p. 9
²⁸ Colley, Britons, p. 46
‘chosen’ people and guided by God. Roman Catholics were targets for abuse and physical injury at the hands of Protestants, especially when Britain was at war with a Catholic power. War ensured that the Protestant version of history was open ended:

The vision that so many Britons cherished of their own history became fused in an extraordinary way with their current experience. To many of them, it seemed that the old popish enemy was still at the gates, more threatening than before. The struggles of the Protestant Reformation had not ended, but were to be fought over and over again.  

Figure 2.1 – William Hogarth, *Calais Gate, or the Roast Beef of Old England* (1749)

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More than any other European power, the enemy at the gates was France. The popular identification of France with Roman Catholicism is apparent from Figure 2.1, an engraving by William Hogarth itself analysed by Colley. In the foreground an emaciated French soldier and a rotund monk are seen slavering over a joint of roast beef. As Ben Rogers has argued in his recent book *Beef and Liberty*, roast beef was an icon of Britishness: 'while Continental food was popishly debauched, English food was as plain and wholesome as its religion.'\(^3^2\) The French soldier and monk staring hungrily at the roast beef in the engraving symbolise two things. First, the union between the Roman

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\(^3^2\) Sarah Bakewell, ‘Beast of British’, *Times Literary Supplement* 5225 (23 May 2003), p. 36; also see Ben Rogers, *Beef and Liberty: Roast Beef, John Bull and the English Nation* (London: Chatto and Windus, 2003). See also Figure 2.1 on p. 14 above, subtitled ‘The Roast Beef of Old England.’
Catholic Church and French military power is apparent from them appearing side-by-side. Secondly, they are looking covetously at the beef which is by extension Britain itself. Hogarth’s image is the most eloquent statement of British (and Protestant) perceptions of a rapacious (and Catholic) France.

In 1745 the Laudable Society of Anti-Gallicans was founded by a group of tradesmen in London. This mercantilistic society revelled in British imperial achievement and delighted in the consequent reduction of French imperial power. Pictured in Figure 2.2 is an example of Anti-Gallican propaganda published in the year the dérangement took place. In the left foreground a British lion scares away a French cock which shouts ‘Peccavi’ (‘I have sinned’) — yet another religious reference, for the French were not merely competing with the British, they were sinning (defying God) by doing so. Underneath the lion’s left paw is a list of recent British victories against the French. In this list appears Beauséjour. This fort, located on the Chignecto isthmus in Nova Scotia was captured after a short siege in June 1755. Within this fort 300 Acadians were found under arms by its New England captors. This fact provided the immediate justification for the deportations.33

That the discovery of Acadians in Beauséjour could be used to justify their wholesale expulsion stems from an extremely hostile view of Acadian identity. Take, for example,

the following extract from a letter of June 1755 by Charles Lawrence, Lieutenant-Governor of Nova Scotia:

Unless we remain in possession undoubtedly the French will return and re-establish. ... By the French I mean both Acadien and Canadiens [sic] for it is a question with me, whether the former in those parts are not more our inveterate enemies than the latter.\footnote{Col. Charles Lawrence to Col. Robert Monckton, June 25, 1755, reprinted in Griffiths, \textit{Acadian Deportation}, p. 109}

In this letter, Lawrence not only defines the Acadians in terms of the French (the Other), but also argues that the Acadians were worse. ‘Acadian’ and ‘Canadien’ were both constituent parts of ‘French’ (as he saw it), but Lawrence is arguing that ‘Acadian’ is the worse of the two. There was a clear and direct connection between the Canadiens, the inhabitants of New France, and the French, but that between the French and the Acadians was less clear. To state that the Acadians were ‘more our inveterate enemies’ (‘enemy’ also being synonymous with ‘French’) than the Canadiens is to emphasise their superior Frenchness. Lawrence was not alone in drawing explicit and direct links between the Acadians and the French. In 1720, Paul Mascarene, a Huguenot (French Protestant) in the British Army, wrote a description of Nova Scotia in which the Acadians appear as either ‘inhabitants’ or ‘French inhabitants.’\footnote{Paul Mascarene, \textit{Description of Nova Scotia}, Public Archives of Canada (PAC)/NS/A:11, reprinted in Griffiths, \textit{Acadian Deportation}, pp. 28-35} In 1745, during the War of the Austrian Succession, Mascarene corresponded with William Pepperrell, the New Englander sent by the Governor of Massachusetts, William Shirley, to capture the French port of Louisbourg on Île Royale (Cape Breton Island). Pepperrell referred to the Acadians as
‘Nova Scotians’, but did so in a way which makes it clear that ‘Nova Scotian’ is not a benign identity. He wrote that

it would surely be but reasonable to make reprisals upon the Nova Scotians, if they suffered the Indians to molest or kill any of his Majesty’s subjects within the limits of your government, when it is so much in their power to prevent them. Upon the whole something should be done to keep these Neutral French, as they are called, within proper bounds.\(^3^6\)

In much the same way as Mascarene did in the 1720s, the Acadians are defined by their Frenchness and, consequently, they are excluded from the group denoted by ‘his Majesty’s subjects’. Even a nomenclature which seems less prejudicial, like ‘Nova Scotians’, is not apolitical, therefore, as it is has here been coined in exclusionary terms. Also, by stating that ‘Neutral French’ was an unofficial term (‘as they are called’), a value judgement (invariably a negative one) is being made about its accuracy, but it is clear that it is the neutrality of the Acadians – not their Frenchness – which is being called into question.\(^3^7\)

Personal journals and official correspondence all support the above conclusions about the close association of ‘Acadian’ and ‘French’. In Placide Gaudet’s edited version of John Winslow’s journal, for example, there exist 134 references to the Acadians. Of these,

\(^{3^6}\) William Pepperrell and Peter Warren to Paul Mascarene, March 8, 1745/6 (O.S.), reprinted in Griffiths, Acadian Deportation, pp. 52-3

\(^{3^7}\) This point was made most clearly by William Douglass in his *A summary, historical and political, of the first planting, progressive improvements, and present state of the British settlements in North-America* (London, 1755), pp. 305, 317
only just over half (seventy-four) benignly refer to the Acadians as ‘inhabitants’. The remainder of the references call them ‘French’ (thirty-one instances), ‘French inhabitants’ (twenty instances), ‘neutrals’ (two instances), and ‘Acadians’, ‘poor devils’, ‘poor wretches’, ‘troublesome neighbours’, ‘bad subjects’, ‘rebels’, ‘tartars’, and ‘rascals’ (one instance of each). The association of Acadians with the French was strong enough to justify the reassertion of this link on no less than fifty-one occasions within the pages of a personal journal. Indeed, a similar pattern is evident in the journal of Abijah Willard, a Captain in the Second Battalion of the Massachusetts regiment serving in Nova Scotia in 1755. In his journal, covering the period from 9 April 1755 to 6 January 1756, there are fifty-seven references to the Acadians. Of these, four refer to them as the ‘enemy’, and the remaining fifty-three call them, quite simply, the ‘French’. That ‘Acadian’ and ‘French’ are synonymous within the pages of these personal journals is compelling evidence for the widespread currency of that association.

‘French’ and ‘Roman Catholic’ were, as we have seen, nearly synonymous terms for the British in the eighteenth century. Because Acadians were viewed as French, it follows that their Catholicism was likewise emphasised. The Treaty of Utrecht (1713), by which Acadia was ceded by France to Britain, contained the following clause relating to religion:

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40 Ibid., pp. 21, 26, 35-6, 38-9, 40, 42, 44-7, 49, 51-5, 57, 59-65, 74
Those [Acadians] who are willing to remain [in Nova Scotia], and to be subject to the Kingdom of Great Britain, are to enjoy the free exercise of their religion, according to the usage of the Church of Rome, as far as the laws of Great Britain do allow the same.\footnote{Article XIV of Treaty of Utrecht (12 April, and 13 July, 1713 (N.S)), in Fred L. Israel (ed.), \textit{Major Peace Treaties of Modern History 1648-1967} (5 vols., New York: Chelsea House, 1967), i, p. 210 (spelling has been modernised)}

Whilst it is true that British laws pertaining to Catholicism were punitive (Roman Catholics were not allowed to own property, vote, stand for public office, and their freedom of worship was circumscribed), this dispensation gave Catholics in Nova Scotia greater freedoms than their British counterparts could enjoy.\footnote{See Black, \textit{Eighteenth-Century Britain}, pp. 6, 125-6, 128, 135; Colley, \textit{Britons}, p. 19; A. Doughty, \textit{The Acadian Exiles} (Toronto: Glasgow Brook, 1920), pp. 28-40, 42-6, reprinted in Griffiths, \textit{Acadian Deportation}, p. 17; Brebner, \textit{New England’s Outpost}, pp. 64-5. Anti-Catholic legislation mushroomed following the Restoration in 1660, as Roman Catholics were blamed for the Civil Wars and political instability in the seventeenth century. For a broad selection of key legislation from 1660 to 1727, see Carl Stephenson and Frederick George Marcham (eds.), \textit{Sources of English Constitutional History} (New York: Harper & Brothers, 1937), pp. 535-559 and 599-619, but esp. pp. 539, 543-6, 549, 553-7, 600-5, 607-8, 610-12, 618} Such leniency can be explained by the precariousness of the British administration in Nova Scotia at the time of the treaty, and the corresponding need to placate the Acadians.\footnote{See Barry Moody, 'Making a British Nova Scotia', in John G. Reid, Maurice Basque, Elizabeth Mancke, Barry Moody, Geoffrey Plank, William Wicken, \textit{The ‘Conquest’ of Acadia, 1710: Imperial, Colonial, and Aboriginal Constructions} (Toronto: UTP, 2004), pp. 127-54} What is important here is not that Catholicism was treated differently in Nova Scotia than it was in Britain, but that the British (and indeed the French, their co-signatories to the treaty) saw that concessions to the Acadians’ Catholicism were necessary. In no small part, this was due to the desire to retain the Acadian population rather than letting it migrate to New France and augment the French population there.\footnote{Geoffrey Plank, \textit{An Unsettled Conquest: The British Campaign Against the Peoples of Acadia} (Philadelphia: University of Pennsylvania Press, 2001), p. 59; ‘Description of Nova Scotia’ by Paul Mascarene, Public Archives of Canada, NS/A:11, reprinted in Griffiths, \textit{Acadian Deportation}, p. 29} Right from the start of Britain’s rule over the colony, then, Acadians were identified with Catholicism.
This remained the case throughout the period leading up to 1755. As early as 1710, when Acadia was ‘conquered’, plans for settling Protestants in the colony were formulated. These plans remained inert until the years following the Treaty of Aix-la-Chapelle in 1748. In these years, groups of mostly German-speaking, ‘foreign’ Protestants were brought to Nova Scotia and eventually settled in the town of Lunenburg, ninety kilometres south-west of Halifax, in 1753. The ethnic and national origins of the Protestants who were to settle Nova Scotia were determined primarily by the mercantilist British policy which resisted migration from Britain. However, these origins are less interesting for our purposes than the fact that, firstly, it was explicitly Protestants who were to settle in Nova Scotia, and secondly, that they were to be thus used to exert an influence on the Acadians. The new settlers were originally to be placed in settlements contiguous to Acadian villages, whose populations they would outnumber, so that, in time, intermarriage and the weight of numbers would “remove their prejudices in favour of a French government and the Romish faith.” Indeed, royal instructions to Nova Scotia’s governors from 1749 were specific on the policy toward Catholicism. Edward Cornwallis, a military officer who served with the Duke of Cumberland during the pacification operations in Scotland following the ’45, was appointed governor in 1749, and he was instructed

45 The extent to which the colony was truly conquered has been a subject of constant debate. The most recent contributions to this debate are Reid et al, ‘Conquest’ of Acadia, and Plank, Unsettled Conquest, esp. ch. 2
46 For a meticulously detailed history of the settlement of foreign Protestants in Nova Scotia, see Winthrop Pickard Bell, The ‘Foreign Protestants’ and the Settlement of Nova Scotia (Toronto: UTP, 1961)
47 Bell, ‘Foreign Protestants’, pp. 84-6
to declare that the said Inhabitants [the Acadians] shall continue in the free exercise of their Religion, as far as the Laws of Great Britain shall admit of the same and also in the Peaceable Possession of such Lands as are under their cultivation; provided that the said Inhabitants do within three months from the Date of such Declaration or such longer time as You shall think proper, take the Oaths of Allegiance appointed to be taken by the Laws of this Our Kingdom.\textsuperscript{49}

In addition, Cornwallis was to report on the activities of Roman Catholic priests in Nova Scotia, their parishes and the sizes of their congregations.\textsuperscript{50} Most tellingly, Cornwallis was also instructed to arrest priests who, acting on the instructions of the Bishop of Quebec (who claimed ecclesiastical jurisdiction over Nova Scotia), excommunicated those Acadians who married Protestants. Indeed, ‘such excommunication will be prejudicial to the welfare and security of Our said province, and is inconsistent with the Directions given by us for the better ordering the same.’\textsuperscript{51} The directions alluded to here are those for settling foreign Protestants in the colony, ‘and to the end that the said French inhabitants may be converted to the Protestant religion and their children brought up in the principles of it,’ Cornwallis was ‘to give all possible encouragement to the educating [of] Roman Catholic children in Protestant schools.’\textsuperscript{52}

\textsuperscript{48} Governor Edward Cornwallis to the Board of Trade, 10 July 1750, Public Record Office, Kew, doc. 81, CO 217/33, cited in Plank, \textit{Unsettled Conquest}, p. 133
\textsuperscript{49} Gubernatorial instructions for Edward Cornwallis, 29 April 1749, reprinted in Gaudet, ‘Acadian Genealogy’, p. 50
\textsuperscript{52} \textit{Ibid.}
British policy for Acadians, who were evidently seen as uniformly Roman Catholic, was therefore to settle large Protestant populations adjacent to Acadian villages, to closely monitor priestly activity, and to educate Roman Catholic children in Protestant schools. It is clear, from the failure of those elements of this policy which were implemented, that it was viewed by the Acadians as quite far from the ‘free exercise of their religion’. The Protestants who did arrive were too few, lazy, and rowdy to be of use, and within a few years, Lunenburg was founded far away from the possible infiltration the authorities now feared from the Acadians.\textsuperscript{53} Catholicism was tolerated in Nova Scotia as long as such toleration was essential for the security of the colony and its economy, but only insofar as hopes remained high for the eventual conversion and Protestantisation of the Catholic population. As long as the Acadians remained Roman Catholic, it was feared, they would always prefer French to British rule over the colony. As one contemporary Bostonian author put it

\begin{quote}
while our French inhabitants retain a language and religion the same [as] France, our natural enemy, and entirely different from that of Great Britain, they must naturally and unavoidably … favour the French interest[. T]herefore they must be removed by some subsequent treaty, or be elbowed out, or their language and religion must gradually be changed.\textsuperscript{54}
\end{quote}

His solution was quite simple: the Acadians must either convert or be expelled. However, the situation was more complicated than this, and a sense of this complexity can be gained from the following words of another contemporary author, who wrote that

\textsuperscript{53} Plank, \textit{Unsettled Conquest}, pp. 133-4; Bell, \textit{‘Foreign Protestants’}, pp. 317-33
the French inhabitants are well known to be better inclined to the French than the English government, and must eternally be so, as long as they are suffered to have French Roman Catholic Priests, subjects of the French King, and under the direction of the Bishop of Quebec, among them.\textsuperscript{55}

So, in attempting to win the hearts of the Acadians, the British allowed them freedom of religion (with the caveat mentioned above), but the only means of exercising that freedom was with French-speaking Catholic priests who perpetuated whatever allegiance there existed for French government. Whilst this Acadian preference for French government is debatable, it is important that it was consistently assumed, by the British, to be true. As long as the Acadians spoke French and were Roman Catholic, administrators, Protestants, and proselytisers assumed that they never could be anything other than loyal to the French.\textsuperscript{56}

That such an assumption was made about the Jacobites is likewise true. Writing in the midst of the 1745 Jacobite Rebellion, Henry Fielding described a dream vision in his pro-government journal, \textit{The True Patriot}. Plucked from his home and family and dragged through streets filled with scenes of rape and murder, Fielding was arbitrarily convicted in his dream of treason (through his public support for the Hanoverians) to Charles Edward Stuart:

\textsuperscript{54}Douglass, \textit{Summary}, p. 327
\textsuperscript{55}William Clarke, \textit{Observations on the late and present conduct of the French, with regard to their encroachments upon the British colonies in North America} (Boston, 1755), p. 29
The Court having put it to the vote, (for no jury, I thought, attended) and unanimously agreed that I was guilty, proceeded to pass the sentence usual in cases of High Treason, having first made eloquiums on the Pope, the Roman Catholic religion, and the King who was to support both, and be supported by them.⁵⁷

Following the dream narrative, Fielding wrote a letter to Charles Edward Stuart, the grandson of James II, who was leading the 1745 rebellion then in progress. Fielding asked:

Are you not guilty of further prevarication, when you endeavour to insinuate your reliance on the subjects of this realm? Had you not previously stipulated for an assistance from Spain? Did you not set out from France, assisted with money, arms, and men, from that Crown?⁵⁸

The links between Jacobitism and France, in particular, will be examined shortly, but connecting Catholicism and Jacobitism was inevitable given the circumstances of the

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⁵⁶ For example, Lawrence wrote to the Board of Trade on this theme on 1 August 1754. See Board of Trade, *Journal of the Commissioners for Trade and Plantations* (14 vols., London: HMSO, 1920-1938), x (January 1754-December 1758), p. 71
1688 Glorious Revolution which deprived James II of the throne. A convert to Catholicism, James had attempted not only to secure toleration for Catholics in Britain, he had also tried to travel down the road of re-Catholicising the country.\(^5^9\) He and his descendants remained Catholic until his grandson, Charles Edward Stuart, belatedly converted to Protestantism in London, incognito, in 1750.\(^6^0\) According to Paul Monod, the exclusion of this family from the throne because of their Catholicism by the 1689 Revolution settlement ‘largely determined the development of the English state in the seventy years after the Revolution, influencing both the adoption of “libertarian” policies like religious toleration [for Protestants], and the enactment of repressive legislation [against Catholics].’\(^6^1\) This conclusion supports Colley’s argument for the centrality of the anathematization of Catholicism in the British polity in the eighteenth century. In short, were it not for Catholicism, Jacobitism could not have existed.

By the time of the 1745 rebellion, this perception was still alive and well, as is clear from Figure 2.3, a detail from another of Hogarth’s engravings also analysed by Colley, *The March to Finchley* (1750). In this image, the central figure, a guardsman, is harrased by two women on either side of him. These women, so argues Colley, are representative of the choice faced by contemporary Britons: the pregnant (fertile) and fair Hanoverians, or the shrivelled (barren) and Catholic Stuarts.\(^6^2\) There really was no choice for the guardsman, who was a member of one of the regiments actually formed in one of the

\(^{5^8}\) *Ibid.*, p. 135  
\(^{6^0}\) Daniel Szechi, *The Jacobites: Britain and Europe, 1688-1788* (New York: MUP, 1994), pp. 120, 151  
\(^{6^1}\) Monod, *Jacobitism*, p. 11  
poorer London districts sent north to fight the Jacobite rebels. More than any other factor, or foreign potentate, the Jacobite cause was identified with Catholicism, and indeed Jacobitism was the largest pillar of support for Colley’s arguments on the importance of Protestantism to incipient Britishness. That this was particularly misconceived in the case of Scottish support for Jacobites was deliberately ignored. The Catholic population of Scotland was tiny, and Jacobitism was strongest amongst Scotland’s Episcopalians. English support for Jacobitism (however small) was highly embarrassing for the British government in 1745, but equally as embarrassing for it was Jacobitism’s Protestant contingent. In 1715, for example, an incredulous Lord Cowper, passing sentence on Jacobite peers, exclaimed

“But then, good God! How must those Protestants be covered with confusion, who entered into the same measures [i.e. a rebellion to place James ‘III’ on the throne and ‘establish Popery’], without so much as capitulating for their religion … or so much as requiring, much less obtaining a frail promise, that it should be preserved, or even tolerated.”

Supporters of Jacobitism were clearly betrayers of Protestantism, and if the British public, or the guardsman in Hogarth’s painting, were to choose the Stuarts over the Hanoverians, then the inevitable result would be the destruction of Protestantism in Britain. Portraying Protestantism as mortally threatened by Jacobitism immeasurably

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63 Colley, Britons, pp. 44-6  
64 Ibid., ch. 1  
bolstered the cause of the notoriously unpopular Hanoverians, and this strategy was highly successful.

The linkage of Frenchness and Catholicism leads to another near self-evident conclusion in the Jacobite context: that Jacobitism and the French were strongly linked. Indeed, ‘the exiled Stuarts always looked to France for aid before all others.’ Fielding, as we have seen, was well aware in 1745 of the succour provided by the French to Charles Edward Stuart, and although it was not a decisive contribution, the French Crown supported the Stuarts and their dependents with pensions and palaces. James II set up court at the Palais Saint-Germain-En-Laye in 1690, after having been lent the palace by Louis XIV. Louis supported the Jacobite attempts to regain the English throne until he was forced to acknowledge Britain’s Hanoverian succession by the same treaty that ceded Acadia to Britain, the Treaty of Utrecht (1713). France, as England’s (and Britain’s) ‘natural enemy,’ was indeed the first place to which the troubled Stuarts and their supporters looked for help, and it proved the final destination for the majority of Jacobite émigrés in the years after 1688, and following each successive Jacobite rebellion. A Jacobite diaspora of considerable size (‘tens of thousands’ according to one estimate) was formed in France, as elsewhere in Europe as a result of nearly sixty years of failed risings in Britain. Members of the diaspora were, by and large, able to make a living when they

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67 Szeczi, Jacobites, p. 90
68 Kishlansky, Monarchy Transformed, p. 334; Szeczi, Jacobites, p. 90; Jeremy Black, Culloden and the '45 (Stroud, Gloucs.: Alan Sutton, 1990), p. 19
69 Douglass, Summary, p. 327
71 Szeczi, “Cam Ye O’er Frae France?”’, p. 361
could find employment. However, this was mostly a patrician diaspora, as British authorities were comparatively lenient to plebeian Jacobites, only being interested in apprehending their presumed leaders.

The official toleration of a sizeable Jacobite diaspora in France, and the presence of opportunities for them to make a living in that country (as military officers or merchants, for example) marked the most consistent element of French support for the movement. However, it was French diplomatic and military support, although fitful after 1713, which was the most obvious manifestation of French aid. As Colley rightly argues, because ‘a Jacobite victory was likely to redound to the advantage of Britain’s foremost competitor in overseas trade and colonialism, namely France … [she] was the Stuarts’ most devoted ally.’ The connection with trade is a pertinent one, for not only were the Jacobites of the diaspora successful traders in France and elsewhere, but they were also keen aiders and abettors of cross-Channel smuggling. The smuggling trade was used to recruit agents for the French and to act as a channel of communication between the continent and Jacobites in Britain. It also strongly relied on Jacobites, as can be seen from the fact that the peaks and troughs of the smuggling trade (insofar as they can be measured) roughly correspond to those of Jacobitism as a whole (growth from 1714, peaking around 1718-19, and declining from the early 1720s). While it is true that most Britons resented excise measures and customs in eighteenth-century Britain, it is no less significant that

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73 Szechi, “Cam Ye O’er Frae France?”, p. 364
74 Colley, Britons, pp. 77, 79
Jacobites were involved in trade which cheated the Crown of revenue. Acadians were likewise involved in the contraband trade between Nova Scotia, Île Royale, and Île St. Jean (Prince Edward Island). This will prove important when, as we shall see, Acadians and Jacobites were both viewed as inclined to treason by the British authorities.

Militarily, the French promised the Jacobites much but delivered little. They provided naval support for the abortive invasion of 1708 and for the failed rising of 1715, as well as some ships and money for the 1745 rising. In 1743, Louis XV ordered a massive invasion fleet to transport 10,000 soldiers to invade Britain. This project was thwarted by unfavourable winds in early 1744, and was the closest France ever came to doing something of real practical value for the restoration of the Stuarts. Whether or not it was practical for the French to provide more assistance then they did during and after the '45 rebellion – in the midst of the War of Austrian Succession – is a moot point. France’s government attempted to intercede with the British for the lives of Jacobite prisoners, but the British government ignored it as a warning not to meddle in British internal affairs. Crucially for the Jacobites, though, the French always maintained that their support for the Stuart cause was negotiable, thereby gaining a useful bargaining tool. They used it in September 1747 to gain British recognition of their right to fortify Dunkirk, and their May 1746 peace proposals demanded an amnesty for Jacobites and the safety of Charles Edward Stuart, although the French were prepared to renew their acknowledgement of

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77 Plank, Unsettled Conquest, p. 124  
78 Szechi, Jacobites, pp. 95-7; Colley, Britons, pp. 77, 79  
79 Lenman, Jacobite Risings, p. 275  
80 Black, Culloden, pp. 183, 185
Despite the overall ambivalence and ineffectiveness of French support for Jacobitism, the perception in Britain was of a potent menace from France. Frenchness and Catholicism were also closely linked in the British popular mind. The relationship between France, Catholicism, and Jacobitism has been succinctly described by W. A. Speck:

Popery was inseparably linked with arbitrary power in government propaganda, and the most arbitrary regime in western Europe was held to be the French monarchy. That France was hand in glove with the rebels was taken for granted.\(^8^2\)

The connection of Roman Catholicism and the French monarchy through the medium of arbitrary power was elaborated by Thomas Salmon in 1749:

As to the constitution of the [French] government, it appears that they [the French] were a free people until the reign of Lewis [Louis] XIII ... they are obliged chiefly to Cardinal Richlieu for the destruction of that constitution, and rendering France an absolute monarchy ... The Pope’s supremacy was rejected until the present reign; but ... [it] seems now to be established, and every Ecclesiastic is obliged to subscribe [to] that constitution; though every [parlement] opposed this measure with great warmth, as well as the clergy.\(^8^3\)

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\(^8^1\) Ibid., pp. 180, 185
\(^8^3\) Thomas Salmon, *A New Geographical and Historical Grammar* (London, 1749), p. 53 (italics original)
So, despite popular and clerical opposition, Papal supremacy was introduced to France, a country which owed its subjection to absolute monarchy to a cardinal. The connections between arbitrary power, Catholicism, and contemporary France could hardly be more clear.

As we have seen, Frenchness and Catholicism were anathematised in eighteenth-century Britain. They formed the binary opposites of everything the developing British identity was to stand for. France was Britain’s colonial rival, and Catholicism was tainted by Mary I (1553-8)’s reign and the arbitrary government Britain had only just been delivered from in the Glorious Revolution. Both France and Catholicism were viewed as equally repugnant, and both the Acadians and Jacobites were seen as tainted by them. The Acadians’ linguistic, ethnic, and religious heritage unavoidably pointed towards France and Roman Catholicism. This combined in the mind of the small, surrounded, and nervous British administration in Nova Scotia to create a siege mentality. Jacobitism’s raison d’être was Catholicism, inevitably linking the two. France would never be far from view, as Europe’s Catholic superpower, especially under Louis XIV. Acadian and Jacobite identities were consequently strongly opposed to ‘Britishness’, justifying Linda Colley’s conclusion that

self-evidently, the Protestant construction of British identity involved the unprivileging of minorities who would not conform: the Catholic community, most Highland Scots before 1745, and the supporters of the exiled Stuart dynasty, those men and were who were not allowed to be British so that others could be. Self-evidently, too, this way of viewing the world fostered and relied on war. There are few more effective ways of bonding together
a highly disparate people that by encouraging it to unite against its own and other outsiders.\textsuperscript{84}

This argument is encapsulated within the second stanza of ‘God Save the King’, first sung in London in September 1745, in the middle of both the Jacobite rebellion and the War of Austrian Succession:

\begin{quote}
O Lord our God arise,
Scatter his [the King’s] enemies
And make them fall:
Confound their politicks,
Frustrate their knavish tricks.
On him our hopes are fix’d
O save us all.\textsuperscript{85}
\end{quote}

The context in which these words were first sung makes it clear that the ‘enemies’ referred to are the Jacobites and Britain’s enemies in the war, of whom the chief foe was France. The ‘all’ to be saved in the last line are evidently those ‘allowed to be British’. The remainder of this thesis will concentrate on the ways in which this consensus against Britain’s ‘own and other outsiders’ was played out, and will endeavour to establish that, like the formation of British identity, these actions were determined not so much by orders as by cultural imperatives.

\textsuperscript{84} Colley, Britons, p. 53
\textsuperscript{85} Ibid., p. 44

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Chapter 3 – Treason, *Praemunire*, and the Exile of Hostile Peoples

As outlined in the introduction, there are three main arguments of this thesis. First, the identity construed as hostile determines (in part) the treatment of bearers of that identity. Secondly, different ‘hostile’ populations met a similar fate, and finally, related to this second argument, the common features of this fate form a cultural locus or perimeter of how such peoples were treated in the eighteenth century. To put it simply, the similarity with which peoples as disparate as Jacobites and Acadians were treated is a consequence both of the perception of their identities, and also of culturally ordained notions of how to deal with such peoples. The previous section has examined Acadian and Jacobite identities, and elucidated the two primary features of these for the British (Frenchness and Catholicism), and how they were incompatible with Britishness as it was emerging in the early eighteenth century. It falls to this section to show how the treatment of these two peoples can be explained as a result of the ways in which Frenchness and Catholicism interplayed with the unique elements of each identity to explain their treatment by the British. It will be seen that, despite the presence of features other than Frenchness and Catholicism in each identity, these two features were controlling factors in the ways in which Acadians and Jacobites were treated, explaining the similarity in this treatment. It will also become apparent that the destruction of each identity (*not* each people) was the fundamental objective of the respective policies towards them, and that this formed the cultural imperative which determined their ultimate fate at the hands of guardians of a fledgling British identity.
To recall Linda Colley’s words at the beginning of the previous section,

identities are not like hats. Human beings can and do put on several at a time.  

‘Acadian’ and ‘Jacobite’, as construed by the British, emphasised Frenchness and Catholicism, but neither – or even both – of these features provides a comprehensive definition of each identity. Indeed, the relative weight of Frenchness and Catholicism varies between each identity. The Acadians, as descendants of emigrants from France and subjects of the French Crown until 1713, were much more closely identified with France than were the Jacobites, who had been subjects of the British Crown until 1688 (or later), and many had followed the one they believed to be the rightful monarch into exile, wherever he went. It happened to be France, but even this cannot make up for the ethnic French component in the Acadian identity. So, whether the Catholicism or Frenchness of a given individual is conceived as an identity in its own right (following the schema hinted at by Colley), or as a component of other identities, it is an important observation that there was a variation in the weight of these elements. This is particularly important when it is borne in mind that the Jacobites and Acadians were dealt with in wartime, and the extent to which each group was seen as having a competing nationality is crucial in explaining the treatment.

Jacobites were uniformly regarded as having been guilty of high treason for the 1745 rebellion. In William Blackstone’s ‘definitive statement of the law,’ the definition of

\[86\] Ibid., p. 6
\[87\] Brown, ‘Foundations of British Policy’, p. 140
high treason is based on the statute 25 Edw. III c.2. This statute defines treason as against a *de facto* monarch, not a *de jure* one. In the case of the 1745 rebellion, this means that all arguments about whether or not the Hanoverian succession was lawful are irrelevant: George II (1727-60) sat on the throne and it was treason to wage war against him or to compass his death, regardless as to whether or not one agreed with his right to rule. Indeed, further legislation (11 Hen. VII c.2) enacted in the reign of Henry VII (1485-1509) pronounced all subjects excused from any penalty or forfeiture who assist a monarch *de facto*. This statute has particular relevance, as it was used by Henry Fielding when trying to defend himself in the imaginary court where he was tried in his dream narrative:

> Being called upon to make my defence, I insisted entirely on the statute of Hen. 7 by which all persons are exempted from incurring the penalties of treason, in defence of the King *de facto*. But the Chief Justice told me in broken English, that if I had no other plea, they should presently over-rule that; for that his Majesty [James ‘III’] was resolved to make an example of all who had any ways distinguished themselves in opposition to his cause.

The broken English of the judge, as well as the casual disregard of English statute law is yet another means of emphasising the foreign and arbitrary government Britons had to look forward to as a result of a Stuart restoration. As noted above, France was seen as the

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89 Fielding, *True Patriot* 3 (19 November 1745), p. 130
most arbitrary government in western Europe, so this was a further link between Stuart monarchs and France.

Active support of the Stuarts in 1745 encompassed several different types of treason, as can be seen when statute law is related to the French and Catholic elements of Jacobite identity. By the statute of Edward III, it was treason to compass the death of the king, to wage war against him in his realm, and to support the king's enemies in his realm. Arguably, the '45 Rising involved all of these, but it is further legislation, pertaining to Catholicism and the Hanoverian succession, which defined new forms of treason, of which the Jacobites were also arguably guilty. By statutes (5 Eliz. c.1, 27 Eliz. c.2, and 3 Jac. 1. c.4) from the reigns of Elizabeth I (1558-1603) and James I (1603-1625), it was treason to defend the pope's jurisdiction in England, to either be or shelter a Catholic priest, or to reconcile with the Catholic Church. Whilst support for the Stuarts was not predicated on supporting Catholicism – Tories and Episcopalians were Jacobites because of both their belief in the rightfulness of the Stuart claim to the throne, and their disaffection from the post-1688 Whig hegemony – it was invariably seen as such by loyal Britons, as we have seen. Statutes guaranteeing the Hanoverian succession also outlined new forms of treason. The Pretender, James 'III', was attainted of treason, and it was treason for any British subject to communicate with him. By 17 Geo. II c.39, it was treason for any of the sons of James 'III' to land in Britain or Ireland, and by various statutes passed throughout Anne's reign (1702-14), it was treason to attempt to hinder the rightful succession (1 Ann. St. 2 c.17), or to affirm in writing that someone other than the monarch has rightful claim to the throne (6 Ann. c.7). Whilst the '45 did not involve an

90 See p. 31 above.
attempt to hinder the succession, much pro-Stuart propaganda poured from Jacobite pens and presses, and it would never have taken place had not James ‘III’\textquotesingle s eldest son landed in Scotland.\footnote{See Monod, Jacobitism, ch. 1, esp. pp. 28-38}

The ’45 rebellion, by definition, was treasonable, but Jacobites were guilty of more than the simple treason implied by rebelling against the monarch \textit{de facto}. The ’45 most certainly was of benefit to the French in the midst of a war against them. So, supporting the king’s enemies within his realm and the reconciliation with the Roman Catholic Church implied by supporting the Stuarts’ attempts to regain the throne rendered militant Jacobites (implicated in the ’45) guilty of several different shades of treason. The guilt of the Acadians, on the other hand, was much more difficult to identify. The quasi-legal arguments in favour of their expulsion were presented to the governing council in Halifax by Jonathan Belcher on July 28, 1755. His main argument was that

\begin{quote}
by their conduct from the Treaty of Utrecht to this day they have appeared in no other light than that of rebels to His Majesty, whose subjects they became by virtue of the cession of the province and the inhabitants of it under that treaty.\footnote{Enclosure in letter from Lords of Trade to Henry Fox, Secretary at War (14 April 1756), in Gaudet, ‘Acadian Genealogy’, p. 63}
\end{quote}

Belcher’s attempted construction of the Acadians as rebels depended upon those occasions where they allegedly lent support to the French and hostile natives in attacking the British, rather than an emphasis on their reluctance to take the oath of allegiance to the Crown. The only crime of which the entire Acadian community was guilty was that of
praemunire ('to warn'), the crime of appealing to or obeying a foreign court or authority, thereby challenging the authority of the Crown, so called after the writ preparatory to the prosecution of the crime. They were guilty of this because ‘by the statute 1 W[illiam] and M[ary] st. 1, c.8, persons of eighteen years of age refusing to take the new oaths of allegiance, as well as supremacy, upon tender by the proper magistrate, are subject to the penalties of a praemunire.’ These penalties were less harsh than those for treason, being exclusion from the monarch’s protection, the forfeiture of lands, tenements, goods, and chattels to the monarch, and imprisonment. It was this last element which was caused problems. Acadian property was expropriated, but under English law, the only crime the community at large could be convicted of was a praemunire offence, and Nova Scotia did not have the necessary resources to imprison approximately 10,000 subjects in a time of war. Emphasising Acadian support for the French and natives placed more weight on arguments insisting on their treasonable behaviour, escaping the restriction that a conviction for praemunire would have entailed. Such assistance did take place, but it was not universal and, in many cases, it was extorted from Acadians by a threat of violence and destruction of their property from the very people they were compelled to help. Indeed, Belcher’s arguments were calculated from the start to favour the expulsion of the Acadians. He wrote that

the question now depending before the Governor and council as to the residence or removal of the French inhabitants from this province of Nova Scotia, is of the highest

93 Blackstone, Commentaries, iv, ch. 8
94 Ibid., iv, p. 1512
95 Ibid., iv, p. 1513
96 See John Bartlet Brebner, ‘Canadian Policy towards the Acadians in 1751’, Canadian Historical Review 12, 3 (1931), pp. 284-7
moment to the honour of the Crown and the settlement of the colony, and [at] such a juncture as the present may never occur [sic] for considering this question to any effect, I esteem it my duty to offer my reasons against receiving any of the French inhabitants to take the oaths and for their not being permitted to remain in the province.97

It was the Halifax Council’s desire to expel the Acadians, and thereby render the British administration in Nova Scotia more secure, which led to the emphasis on the Acadians’ treasonable behaviour. However, they did not suffer the penalties for treason, which, according to Blackstone, were hanging, drawing, and quartering for men, and public burning for women.98 Rather, the following extract from the diary of Col. Robert Monckton, the senior military officer in Nova Scotia in 1755, records a typical incident from the dérangement:

28th [August 1755] – Sen[t] Major Frye of the N[ew] England Troops with 200 men to Destroy the village of Chipondi, Memramkook & Pitcondiack and bring in the Inhabitants. … 3rd Sept[embe]jr. Major Frye returns but with very bad Success for having devided [sic] his Party. One of them was Surprised by the Enemy and lost 23 men killed and taken, One Officer killed and another wounded; However they burnt upwards of 300 Houses and brought in about 30 women and children.99

97 Enclosure in letter from Lords of Trade to Fox (14 April 1756), in Gaudet, ‘Acadian Genealogy’, p. 63
98 Blackstone, Commentaries, iv, ch. 6
The destruction of property and capture of the Acadians prior to their deportation are the key elements of their punishment, but this passage contains the key to understanding why Acadians and Jacobites were treated differently. However much they were seen as British subjects, the ethnic French connection meant that Acadians were seen as the ‘Enemy,’ and it was this, ironically, which saved them from the worst treatment they could have received. John Winslow, in charge of the deportations at Grand Pré, described another incident. On 7 October 1755, twenty-four Acadian men escaped from their transport, and on the following day, Winslow made the Strickest Enquiery [sic] I could how those young men made their Escape yesterday, and by Every Circumstance Found one Francis Hebert was Either the Contriver or abetter who was on Board [Thomas] Church[’s ship, the Schooner Leopard] & this Day his Effects Shipt, who I ordered a Shore [sic], Carryd to his own house & Then in his Presence Burnt both his house and Barne, and Gave Notice to all the French that in Case these men Did not Surrender them Selves [sic] in Two Days, I Should Serve all their Fri[e]nds in the Same Man[n]er & not only So would Confisticate [sic] their Household Goods and when Eever [sic] those men Should Fall Into the English hands they would not be admitted to Quarter.¹⁰⁰

Quarter was clemency shown to enemies who would otherwise be killed. This extract clearly shows that the Acadians were viewed as the enemy. However, they were not completely so, because the dérangement was not as clear cut as that. Four days later the men had still not returned, and Winslow records in his journal entry for 12 October that
our Partys [sic] being reconnitering [sic] the Country Fell in with one of the French 
Deserters who Endeavored to Make his Escape on horse Back. They [hailed] him & 
Fired over him, but he Persisted in riding off when one of our men Shot him Dead off[?] 
his horse, and also meeting with a Party of the Same People Fired upon them, but they 
made their Escape into the Woods.\(^{101}\)

Winslow was clearly having difficulty classifying the Acadians in normal military terms: 
were they the enemy or deserters? They were French-speaking, ethnically French and 
Roman Catholic, which would certainly make them more the enemy than anything else, 
but they were also British subjects by the Treaty of Utrecht, which promised toleration of 
Catholicism. Consequently, his way of describing the events of late 1755 is confused. 
Samuel Johnson, whose Dictionary of the English Language was published in that year, 
was clear on the contemporary understanding of ‘deserter’. He provided three definitions 
for the noun:

1. He that has forsaken his cause or his post ...
2. He that leaves the army in which he has enlisted ...
3. He that forsakes another; an abandoner.\(^{102}\)

The last definition implies an abandonment on an individual level, between two persons, 
but the preceding two make it clear that the word ‘deserter’ was understood in terms of 
obligation and the military. On the one hand, Col. Winslow will give no ‘quarter’ to those 
construed by him and others as the ‘enemy’, but on the other, he is attempting to secure

\(^{100}\) Journal of Lt.-Col. John Winslow, 8 October 1755, reprinted in Gaudet, ‘Acadian Genealogy’, p. 29
\(^{101}\) Ibid., 12 October 1755, p. 31 (emphasis added)
the recapture of ‘deserters’. Despite this confusion however, what is important is that the Acadians were being ‘martialised’, or accorded military status, by the British. Their proximity to the ‘real’ enemy, the French, meant that they were assimilated into that category rather than as rebels, which is how the unfortunate Jacobites were conceptualised.

The human cost of this latter conceptualisation was significant. As a group guilty of little less than high treason, the Jacobites bore the full wrath of the Hanoverian state in both legal and extra-legal action. Their punishment was remarkably similar to that which the Acadians endured. Systematic violence was meted out after the Battle of Culloden (16 April 1746), at which time

expeditions were ordered to kill the Jacobites and destroy their property. In theory rebels who made an effort to surrender their arms were to be allowed to return home, with the exception of their leaders, but this practice was not always observed … Some of the expeditions, especially those sent to the remoter sections of the western Highlands, were especially cruel, characterised by killings, rapes, and systematic devastation that did not exempt loyal Highlanders.\(^\text{103}\)

Capture, rather than killing, was the aim of the soldiers pursuing Acadians, and there is no evidence to suggest that rape took place, but systematic devastation of property and arbitrary arrest was certainly, as we have seen, commonplace in Nova Scotia in 1755. The surrender of arms is an important point of comparison between the Jacobites and

\(^{102}\) Samuel Johnson, ‘Deserter,’ in *A Dictionary of the English Language* (London, 1755)
Acadians. Ordered by gubernatorial proclamation on 3 May 1755 to surrender their weapons, it appears that the Acadians, despite some protests, did just that.\textsuperscript{104} The consequence of disobeying this proclamation was that the Acadians would be viewed as rebels, leaving them subject to ‘military execution.’\textsuperscript{105} So, surrender of arms ensured that Acadians were not seen as rebels, and this was the case with Jacobites. The Duke of Cumberland wrote that “orders shall be given to kill all that have arms in their houses as that will be the only trace of treason left.”\textsuperscript{106} For both Acadians and Jacobites, then, possession of arms was a sign of treasonable activity, but Jacobites were treated worse, for although Acadians were subject to military execution, there is no evidence that any were actually executed. For Jacobites, discovery of arms in their possession was a death sentence, coming after an actual rebellion, something the seizure of Acadian arms was presumably meant to prevent.

Quarter is also a link between the events of 1745 and 1755. As we have seen, Winslow threatened the exclusion from quarter to Acadian fugitives. In 1745, soldiers pacifying the Highlands were told to give no quarter to the Jacobites they found.\textsuperscript{107} There were several justifications for this: the lenience of the British government following the 1715 rebellion had not reconciled Jacobites to the Whig regime, and Jacobites had given no

\textsuperscript{103} Black, \textit{Culloden}, p. 178
\textsuperscript{104} Journal of Col. John Winslow, 16 June 1755, \textit{Collections of the Nova Scotia Historical Society} (hereafter \textit{CNSHS}) 4 (1884), p. 161; Acadian petitions to Lawrence, dated 10 June, 24 June, and 25 July 1755, reprinted in Gaudet, ‘Acadian Genealogy’, pp. 60-1. As evidence of how uniformly this order was followed, Belcher feebly argued that the Acadians were ‘hiding the best of their Arms and surrendering only their useless Musquets [sic].’, Enclosure in letter from Lords of Trade to Fox (14 April 1756), in Gaudet, ‘Acadian Genealogy’, p. 64
\textsuperscript{105} Journal of John Winslow, 16 June 1755, \textit{CNSHS} 4 (1884), p. 161
\textsuperscript{106} Duke of Cumberland’s Papers, Royal Archives, Windsor Castle: 10/43. Quoted in Speck, \textit{Butcher}, p. 113
quarter when they were winning, to name but two. However, it appears that the government forces actually forged the orders of the principal Jacobite commander, Lord George Murray, by interpolating a passage which read ‘and to give no quarters to the Elector [of Hanover – a sneering Jacobite reference to George II]’s Troops, on any account whatsoever.’

In Nova Scotia, Acadians had to attempt to evade their punishment for threats of the exclusion from quarter to be made. In Scotland, orders were falsified and other justifications made for the lack of quarter shown to Jacobites, even wounded men on the battlefield of Culloden were murdered. However, quarter was granted to the few French soldiers who surrendered, and even to Jacobites in French service.

Clear association with France rendered rebels less rebellious, and facilitated their assimilation into the less repugnant category of ‘enemy’. Undoubtedly, this was also a pragmatic decision, as captured French soldiers and those holding French commissions could be exchanged for British prisoners held by the French, but it is still indicative of a shared cultural understanding of ‘enemy’ and ‘rebel’.

Despite these differences and similarities, the primary shared experience of Jacobites and Acadians was that of exile. As we saw in the last section, exile and the formation of a large Jacobite diaspora was part of Jacobitism almost from the moment of its inception. In the case of the ’45, Jacobites either escaped to the European continent (as did Charles Edward Stuart and Lord George Murray, amongst others), or they were transported to the colonies. Although the penalty for treason was execution, the vast majority of the over

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109 Black, *Culloden*, p. 187
110 Lenman, *Jacobite Risings*, p. 275
3,000 rebels captured were transported to America. Only one-twentieth of these 3,000 went to trial and, whilst 120 were executed, the sentences of the remainder were commuted to transportation. Those who did not go to trial were also transported as indentured (virtually slave) labourers for life.111 As Bruce Lenman has written, 'the prerogative of mercy was an important part of the social structure of Hanoverian Britain.'112 Black writes that transportation enabled 'a strong discretionary element in the system of capital punishment.'113 This discretionary element sent Jacobites to America, to many of the same colonies as those to which the Acadians were sent in 1755. Ideas had been voiced by Admiral Charles Knowles in 1746 that entire Highland clans should be transported to Nova Scotia, and that the Acadians should make room for them.114 These ideas came to naught, but they do illustrate the key distinction between Jacobite and Acadian exile. According to Geoffrey Plank, the Acadians were deported to American colonies to encourage 'the integration of Acadians into British colonial society.'115 However unsuccessful this may have been, the key point is that Acadian exile was meant to achieve something, a recasting of the Acadians in the mould of faithful British subjects. Jacobite exile, on the other hand, was completely punitive. Exile, correspondingly, represented different things for the different groups. To the British, Acadian exile was (almost) a carrot, encouraging their Protestantisation and integration into British colonial society. John Winslow did, after all, offer the Acadians his best wishes when he told them of their status as the King’s prisoners:

111 Ibid., pp. 272, 274; Black, Culloden, p. 191; Speck, Butcher, p. 177
112 Lenman, Jacobite Risings, p. 274
113 Black, Eighteenth-Century Britain, p. 186
114 Plank, Unsettled Conquest, p. 116
I shall do Every thing in my Power [to] ... make this remove[,] which I am Sensable [sic] must give you a great Deal of Trouble as Easy as his Majesty’s Service will admit and hope that in what Ever part of the world you may Fall you may be Faithful Subjects, a Peasable [sic] & happy People.116

To the British, Jacobite exile was most definitely a stick, a punitive exile, administered as an alternative to the death sentence. It represented something similar to the exile of the Acadians – removal of a problem – but Acadian exile was the beginning, rather than the end, of the process. To remove a people is straightforward ethnic cleansing, but to do so with the aim of assimilating them is something else.

115 Ibid., p. 141
Chapter 4 – Conclusion

It was the desire to make the Acadians more ‘British’ that lends the greatest parallel between their treatment from 1755 and that of the Jacobites. After suffering murder, rape, destruction, transportation, and punitive legislation, Highland clans and ex-Jacobites began to actively participate in ‘British’ (domestic and imperial) society.\(^\text{117}\) The culmination of this process was reached in the 1780s, as in 1784 formerly Jacobite estates were returned to their owners by the government on behalf of a grateful nation following the Scottish contribution to British forces in the American War of Independence.\(^\text{118}\) Despite the lack of discrimination by the authorities in Scotland in 1746, when loyalists were punished along with rebels, Scots in the British armed forces were exempted from such punishments as the ban on Highland dress.\(^\text{119}\) Consequently, it is not a straightforward progression from all Highlanders as rebels to all Highlanders as loyal subjects, but that is certainly the suggested trend. And this trend was part of a reciprocal relationship, for the British government’s fear of a Stuart restoration abated following the War of Austrian Succession and, especially, after a competing French empire was all but destroyed in the Seven Years War (1756-63). Anti-Catholic and anti-Jacobite legislation was dismantled in the 1770s and 1780s, and there grew a more relaxed and heterogeneous political atmosphere in which Toryism and Jacobitism could co-exist along with loyalty to the Hanoverian succession.\(^\text{120}\) It was more a product of this atmosphere than of any inherent duplicity that Samuel Johnson said that £300 more than

\(^{117}\) Colley, Britons, p. 131; Black, Culloden, p. 189
\(^{118}\) Lenman, Jacobite Risings, p. 281; Szechi, Jacobites, p. 132
\(^{119}\) Black, Culloden, p. 192; Lenman, Jacobite Risings, p. 277
compensated for giving up drinking the health of the “king o’er the water.” The defeat of the ’45 drew the teeth from Jacobitism as a movement, forever consigning it to the realms of nostalgia and romance.

Despite an analogous romanticism, the Acadians retained a distinctive identity and refused to assimilate. This distinctiveness is celebrated by Acadians and historians of Acadia alike. What Jacobite assimilationism and Acadian cultural resistance shared in common was an identical British aim for each people: the assimilation and neutralisation of both groups was desired, and the British government succeeded in the case of the Jacobites, but failed in that of the Acadians. Assimilation, or the destruction of a unique identity, was the avowed governmental aim when dealing with each group. However, the lack of direction from London for the pacification phase of the ’45, and for the dérangement, lends credence to the notion that the behaviour of the local authorities in these instances derives from shared cultural perceptions.

Both target groups were identified as French and Catholic, albeit that each component was weighted differently within the identities. The two groups were both treated as potential rebels or the enemy, and the lack of distinction between these categories explains the authorities’ confusion. The Jacobites and Acadians were punished, not only in accordance with the law for the crimes associated with each category (i.e. treason or praemunire), but they were also subjected to martial justice as befitted their perceived identities.

121 Boswell, Life of Samuel Johnson, p. 219
122 See Clive Doucet, Notes from Exile: On Being Acadian (Toronto: McClelland & Stewart, 1999) and the introduction to Griffiths, Acadians.
123 In the case of the Jacobites, see Speck, Butcher, pp. 127, 161-2, 199, 201. For the Acadians, see Letter from Lawrence to the Board of Trade, 18 October 1755, Public Archives of Canada, Nova Scotia: A:58, reprinted in Griffiths, Acadian Deportation, pp. 145-6
It is quite clear that the pacification following the 1745 Jacobite Rebellion, and the 1755 *grand dérangement* of the Acadians are two events that were very similar. Despite occurring in different places, with different authorities, and involving different groups, they both show the extent to which a consistent treatment could exist in the mid-eighteenth century. More than this, they show that such consistency is derived from a cultural idiom (taking culture as a language, as do Monod and Darnton), as opposed to explicit orders or government policy. More work needs to be done, in particular, on the different contexts of Jacobite and Acadian society, but this thesis has attempted to draw some tentative conclusions and show that ‘culture’ and ‘identity’ are categories which, in eighteenth-century colonial society, are tangible concepts which used force to interpose frequently into the everyday lives of ordinary people.

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124 Monod, *Jacobitism*, p. 8; Darnton, *Great Cat Massacre*, p. 6
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