

***The Apology of the Paxton Volunteers,
adapted to the candid & impartial World***

Citation: "Paxton Boys Mss 'Apology of the Paxton Volunteers of 1764'
Am .283"

Introduction

This pamphlet is an account of grievances that the Paxton Volunteers, on behalf of the back settlers, want redressed against hostile Indian tribes. It is not intended as an admission of guilt or regret, but as an explanation of why they are defending themselves in the province of Pennsylvania. The Volunteers, a group of alleged anti Indian vigilantes, are presenting their case for disobeying their governing body, the Assembly, whose vision was formed by the pacifist tenets of the Quakers in a time of peace. However, they argue, at the present moment of Indian warfare, these peacetime views have only led to deaths of the back settlers. They further state that by giving aid and comfort to the enemy Indians, the Quakers are actually subverting the King of England's efforts of bringing civilization to the province of Pennsylvania. Therefore, they see themselves as loyal subjects to the King by protecting the settlers. These wars between the English back settlers and the Indians, aided and abetted by the French, were resulting in deaths on both sides. The Volunteers hope this deposition might sway the public to their side.

They claim self defense against the Indians who are charged with murdering and maiming white people and destroying their property. Their testimony is that after the Indians have encroached upon a settlement, they retreat to their own territory with impunity since the Assembly, under the influence of Quakers, has passed laws forbidding the Volunteers to pursue the Indians there. Some of these Indians that have admittedly killed white people are even treated as friends by the Quakers and given presents by them in Philadelphia. The Volunteers also feel betrayed by their own Assembly that refused to send militia to protect them or their borders against this alleged Indian duplicity.

After sworn testimony affirming the truth of the Paxton Volunteers charges against the Indians, they feel vindicated from the charge of disloyalty to the Assembly when Provincial officials rule they acted as loyal British subjects of good character and "promised us a redress of our grievances...."

As our late Conduct at the Conestoga Manor and Lancaster have occasioned much Speculation & a great diversity of Sentiments in this and neighboring Governments; some vindicating & others condemning it; some charitably alleviating the Crime, & others maliciously painting it in the most odious & detestable Colours, we think it our duty to lay before the Publick, the whole Matter as it appeared, & still appears, to us.

But in order to have a just Idea of our Conduct, it is necessary to reconsider a few Things, which are recent in the Memories of Thousands in this Province, & which they will ever have

reason to remember. When the Province of Pennsylvania was flourishing in Prosperity & Plenty, & the peaceful Inhabitants did not suffer the Danger from Incursions of their savage Neighbors; all their fair Prospects were suddenly exchanged for Scenes of the most melancholy Distress & Horror. By the breaking out of an Indian War, the state of four Frontier Counties in this Province became wretched & deplorable beyond Definition. The Indians set fire to Houses, Barns, Corn, Hay,—in short to every thing that was combustible, so that the whole Country, seemed to be in one general Blaze & involved in one common Ruin. Great Numbers of the back Settlers were murdered, scalped, & butchered in the most shocking Manners; & their dead Bodies inhumanely mangled; some having their Ribs divided from the Skin with a Tomahawk, others left expiring in the most exquisite[XXX?] Fortunes with their Legs & Arms broken, their Skulls fractured, & their Brains scattered on the Ground. Many Children were either spitted alive & roasted or covered under the Ashes of a large Fire before their helpless Parents' Eyes. The Hearts of some were taken out & eaten while they were yet beating between their Teeth, and others, where Time & Opportunity would admit of it, were skinned, boiled and eaten. Hundreds were carried into the most miserable Conditions & separated from all the Endearments of their Friends & Privilege of the Christian Church, & daily tortured to death in every Method of Cruelty which Indian Barbarity can suggest. Let any Man that has any Sentiments of Humanity or any Bowels of Compassion for the Miserable imagine himself in the Midst of one of these Scenes that are exhibited in every Attack that is made on our Frontiers; there to see the Husband butchered in the Presence of his helpless Wife, while the Children are clinging round his Knees; or in another Place a widowed Mother reserved to be a Spectator of an inhuman Massacre of her tender Family before she receives the friendly Hatcher that closes her Eyes on the shocking Scene. Look around & behold, & those that are with Child ripped open & mangled in the most indecent a Manner. On the other Hand you see Hundreds of miserable Refugees flying to the nearest Frontier Town, with a Part of their Families, leaving the Remainder of them in the Hands of the Enemy or till they finish wandering in the Woods. On this side you see Hundreds reduced from plentiful & independent Circumstances, to a State of Beggary & Despair taking Shelter in the Hovels & Stables to secure their helpless Families from the Inclemency of the Night or the Season; while others could not even obtain this, but are obliged to make Fires in the Woods & live even worse than the Savages themselves. And on that Side you hear the Screams of Children deprived of their nearest Relatives, that know not perhaps what has become of them; the fruitless Sighs of the disconsolate Widow, or the Groans of a broken hearted Father mourning for a darling Son or Daughter, whom he had dedicated to God, but who is now abandoned to the Service of the Devil, and who perhaps on a Future Day may help to make a party to murder & scalp some of his nearest Relatives. Then you see whole Families butchered while they are asleep, or whole Garrisons put to Death by the Savages. None but those who have been Spectators or eye Witnesses of these shocking Scenes can possibly have any adequate Idea of our Sufferings. Nay even those very Persons who are so not hardened and destitute of Common Feelings of Humanity, as to be able to extenuate these horrid Barbarities under the charitable Plea of it being their Custom of making War, would we doubt not be softened, had they but shared with us in the slightest Parts of our Sufferings.

But let us next enquire into the Causes of these Calamities under which we have labored these seven or eight Years, during the last of the Indian War. Different Persons ascribe them to different Causes, either from their Ignorance of some Facts, which are necessary to be considered or from some sinister Views or bad Information. All seem to be agreed that the French instigated the Indians first to strike us & used every Method to retain them in their Interest until their own Power was broken & destroyed in America.— But the weak defenseless State of our long extended Frontier was another Cause of the War, or of at least our feeling of Calamities of it as severely as we did. We had no Militia in the Province to come to our Assistance, no Stockades or Forts to return to for Safety; the Inhabitants living formerly in Peace were unaccustomed to the life of Arms and unacquainted with the Indian Method of making War; so that we were unable to defend ourselves against the first Incursions of our Savage Enemies, & knew not where to look for Help. In this miserable Situation we continued for more than a Year, while our Distresses were daily increasing, many were murdered, many captivated, and more than 200 miles of a Frontier Country laid waste & deforested. But the defenseless State of our Frontier is not sufficient to account for our Distresses. For one would think that a Government might do something to help a bleeding Frontier in less than a Year; & who could suspect that the Men in Power refused to relieve the Sufferings of their fellow Subjects? Unnatural as this appears, yet many of us were but too well convinced of it & constrained to believe it and mourn in Silence over our hard Fate. When we applied to the Government for Relief, the far greater Part of our Assembly were Quakers, some of whom made light of our Sufferings, plead Conscience, so that they could neither take Arms in Defense of themselves or their Country, nor form a Militia Law to oblige the Inhabitants to arm, nor even grant the King any Money to enable his loyal Subjects in the Province to reduce the common Enemy. If they were conscientious & found that it was inconsistent with their Principles to govern in a Time of War., why did they not resign their Seats to those who had no Scruples of the Kind? One would think, that if they really sympathized with in our Sufferings, this is the least they could have done. But this they did not do, until they were forced to it, till their Friends in England interfered, & insisted upon it, less a Bill should pass in Parliament to disqualify such Persons having any Share in Government in Time of War. But this is not all, altho' our Charter secures to each County an equal Number of Representatives, four at least & more if the Governour's Assembly, at any Time think proper; yet they allow our five Frontier Counties but ten Representatives in Assembly, while the three Interior Counties have twenty four. Is not this a flagrant Instance of Injustice? And what can we think of a Sect, that could do such an Act, yet would have the World believe that they were inspired & led by the holy Spirit, & that they were the true Disciples of the holy Jesus ? Can they who had it in their Power to remove this be Friends to Liberty, while they persevere in such notorious of our Charter, is such a Scandalous Encroachment of so important a Privilege as being equally represented in Legislation? Can there be any reason for this Inequality, if it be not, that the Quakers being of Majority in the three Interior Counties, they are resolved at any rate to fill the House of Assembly & rule the Province? However others may think of this, we are certain that if we had had a proper Number of Representatives in Assembly, equable to the Stipulations of the Charter, so many of our Brethren had not been murdered & captivated. Something would have been done sooner for our Relief & Assistance. We can ascribe this to no other Cause, than

to their insatiable Thirst of Domination, which may be gratified tho' at the Expense of the Lives of their fellow Subjects. Let this unjust Infringement of our Rights be removed before they ever pretend to be influenced by the Principles of common Justice, the Dictates of Conscience, or the Miseries of their fellow Subjects. Tis true they gave up some of their seats in the Assembly in the last War, when they could no longer hold them, & when we were obliged to deny some of our murdered Brethren the Privilege of a Grave until we had brought them to Philadelphia & exposed them with all their Wounds to open Views; if peradventure we might thereby excite their Compassion for our Distress. But still they left the Root of the Evil & retained the Power of filling the House when they pleased ; which Power they have again exercised; & had not Providence favored us the last summer in transferring Coll: Bogg with his little Army, they had again involved our Frontier in one general Devastation. Notwithstanding previous & warm Remonstrances[XXX?] against their Resolution of affording him no assistance, they persevered in their determinations & absolutely put it out of the Power of the Governor and the Provincial Commissioner to send any Escort with him to Fort Pitt; when every Person in Government saw that if he was defeated or cut off in his march, that important Forts must have fallen a Sacrifice to Indian Cruelty; & four whole Counties must have inevitably deserted their Habitations, & left the means of their Subsistence in the hands of Savages as such. Quakers may talk what they will of Happiness & Justice of their Domination , but these such glaring Evidences of their unjustifiable Usurpation, their Thirst of Power, their Want of the Principles of Justice, and of the common Feelings of Human Nature of the Distressed; that we cannot but blame them as the Cause of many of our Sufferings.

Does this Conclusion seem too severe to any, or not sufficiently supported? Let us attend a little to some other Facts, which appear to us to confirm the same Judgment of them. Tis true that the Assembly last year voted 800 Men to guard the Frontiers. But had the Design been to have sent so many Men to have only looked on the Ravages that were committed amongst the Back Settlers without giving them the least Assistance, could not have been more effectually executed. They were prohibited by Law from going over the Bourn Dasies[XXX?] of the purchased Lands after the Enemy, altho' this Power was granted to the Government by the Royalty. Every Person in the Province saw that this was only to insult their Distress. For 100,000 men could not have guarded 200 miles of a Frontier against the Incursions of the Savages in this Manner. Where as 800 men might have done great Service had they been allowed Authority to follow them into their own County. There were a thousand Chances to one that Men stationed on the Frontiers in the Manner appointed by the Assembly would not see a single Enemy during the whole Season; even tho' the Inhabitants should be murdered every Day. The Assembly well knew that their Conduct would be severely animadverted on, if they would make no Provision for protecting a bleeding Frontier; yet they found a Way to save the Lives of the Enemy and to suffer the Inhabitants to be murdered, while they had the Shelter of a vote of the House. What was this but to load us with unnecessary Taxes when we were already reduced to the most abject Poverty? Does this look like sympathizing with us or assisting us in our Distresses? Had they been in the Interest of the Enemies of his Majesty, what could they have done more for them? Pardon the Expression, they have found Means to do much more for them in the last War. When the Quakers could no longer keep their Seats in the Assembly & thereby prevent any Assistance

being given to us, a Number of their leading Men immediately erected an Association, & collected 5000 pounds, which they have by their own Confession mostly contributed in Presents to the Indians under the Pretense indeed of buying Peace with them. Under this Pretense, they encouraged them to Philadelphia where we are credibly informed, they treated them as Friends, entertained them in their Houses, and loaded them with Presents while they were boasting thro' the town to the Inhabitants about how many White People they had killed, or led into Captivity, in which some of them as have not made their Escape with utmost Danger, or tortured to Death while attempting it, continue till this Day. Nay under a Pretense of holding Treaties with them, they constantly kept Intelligence with them, sent Messages to them, & received a String of Wampum from them as if they had the Power of making Peace and War, & at all Treaties had Commissioners to make their Presents, to furnish them with Arguments, to vindicate their making War with us, & to condemn the Proprietaries as the Occasion of War. And after these Treaties, when the Indians were returning loaded with Presents, they seldom or never failed to murder some of us. Now would any Person believe, that the Quakers would be so liberal to Savages, & at the same Time not contribute a single Farthing as a Society to help our Distress the last Summer (altho' applied to for this purpose) when near a thousand Families of our Frontier Inhabitants were obliged to abandoned our Habitations, when every other religious Society in the city of Philadelphia did? They did Nothing for us. And can any Man believe after this, that we judge wrong when we ascribe a great Share of our Suffering to the Quakers?

If these things are not sufficient to prove an unjustifiable Attachment in the Quakers to the Indians Savages, a fixed Resolution to befriend them & an utter insensibility to human Distresses, let us consider a few more recent Facts. When we found the last Summer that we were likely to get no Assistance from the Government, some Volunteers went out at our own Expense, determined to drive our Enemies from our Borders; & when we came near to the great Island, we understood that a Number of their Warriors had gone out against our Frontiers. Upon this we returned and came up with them and fought with them at the Munfey Hill where we lost some of our Men & killed some of their Warriors & thereby saved our Frontiers from this Story in another Expedition. But no sooner had we destroyed their Provisions on the great Island, & ruined their trade with the good People at Bethlehem, but these very Indians, who were justly suspected of having murdered our Friends in Northampton County, were by the Influence of some Quakers taken under the Protection of the Government to screen them from the Resentments of the Friends and Relations of the Murdered, & to support them thro' the Winter. Many hundred Pounds were readily granted for the Support of about one Hundred & Twenty of these Enemies, when but three hundred Pounds were charitably voted for the Relief of more than four thousand Persons, that were driven from their Habitations and destitute of any Connections of Life, is not this glaring Partiality in Favor of Indian Enemies? When were any Surgeons sent by the Quakers to cure our Wounded on the Frontiers? And did not some of them send a Doctor even to Fort Augusta Frontiers to cure a wounded Indian? Nay when we came down to Germantown to remonstrate against the Government's supporting our Enemies at the public Expense; did not the Quakers openly pull off their Masks & take up Arms to defend them against us, when they suspected that we designed to kill them? These Persons must love the

Indians much, when they would even sacrifice their Religion & Conferences for them, which they would not do for their King and Country.

But this is not all: did they not apply to the Governour to send an Express to the Enemy Indians to let them know, that altho' we came to Philadelphia to destroy their Friends in the Barracks, the Citizens had arrived in their Defense, so that they were still alive and safe? 'Tis time that the Pretense was, lest the Enemy Indians hearing Nothing from their friends at Philadelphia would upon a Supposition that they were killed by the White People, take a severe Revenge upon the Frontiers. But the Governour declared in the most peremptory Terms, that he would do no such thing; judging we suppose, & on very good Grounds, that the most natural Consequence of such an Intelligence would be, to inflame the Enemy Indians with the greater Revenge against the Frontier Inhabitants and occasion their falling upon us with doubled fury. But Notwithstanding, this did not the Quakers send such an Express lately to Indians at War with us? Can any Person believe that the Quakers are so little acquainted with human Nature or so bad Politicians, as not to foresee these fatal Consequences to our back Settlers? To what Cause then can we ascribe this Action of theirs, but to what we have long suffered, a disloyal Attachment to Indian Enemies.

But how comes it to pass, that the Indians, who are confessedly at War with us, should expect any Intelligence from the Indians at Philadelphia? It is said, that before they went to Philadelphia the Enemy Indians told them that if white People would kill them, upon which they promised to send them an Account before an appointed Day if they were still alive, but if they received no Express they might conclude that they were cut off. But why this Agreement between Enemy Indians those that are said to be in the Interest of the White People, if they really were in our interest? Are they to be accounted our Friends, who can hold Correspondence with our Enemies? Are they not of the same Tribe? And is it our hard Fate to be at War with a Tribe, while a Part of it is supported at the Public Expense & furnishing their Brethren with constant Intelligence about the State of Affairs amongst us? Have not we given, in our Remonstrance laid before the Governour as full Proof, as to the Nature of the Affair can admit of, that the Indians now at Philadelphia carried on a secret Correspondence & Trade with our Enemies on the Great Island, & therefore should be treated as Enemies? Has any Quaker even attempted, amongst us all the bitter scurrilous Things that are published against us, to shew that we concluded against these poor Innocents, as they affect to call them, from false or weak Premises? We have no better Evidence that any particular Tribe or Nation of Indians have been at War with us, than that all the Indians that lived amongst us were also our Enemies.

We have long been convinced from sufficient Evidence that if Indians that lived as independent Commonwealths among us or near our Border were our most dangerous Enemies, both in the last and present War, altho' they still pretended to be our Friends. The Wyalusing Indians, who lived on the Susquehanna are confessedly at War with us; & we are certain that Part of them who lived at Bethlehem, carried on Correspondence with our Enemies & furnished them with Implements of War, & are justly suspected or committing Murders in Northampton County; as one of them is proved upon Oath to be the Person that murdered Stinson with his Family. The

Rum-debauched & Trader-corrupted Thieves & Vagabonds that lived on the Susquehanna and Ohio are indisputably unfaithful and perfidious. Scarcely were the most public Treaties concluded with them, when they murdered our Inhabitants; nay in very Time of them , they were forming Schemes how they might destroy us after they had received Blankets, Ammunitions, & other Presents from the White People. The five Nations that have ever retained some Reputation for Honor & Fidelity, have told us that they have reprov'd the Delawares & shook them by the Hair of the Head, as they expressed it, & have lately gone to War against them; and have taken 200 of their Warriors prisoners. The Commonwealths of Indians, admitted contrary to the Maxims of good Policy to live in a Time of War, in our Bound have been our most dangerous Enemies; as they murdered our Inhabitants, lead them into Captivity, were Guides to other Indians, reported our weak & defenseless State to the French together with all our Motions and Depositions against them; & at the same Time while wearing the Cloak of Friendship, they could readily obtain Provisions, Ammunition, & Warlike Implements to convey to our Enemies. Their well known Claim of Freedom & Independency put it in their Power to harbor Spies & give Intelligence. They have even asserted & exercised the Right of making War and Peace as independent Nations, never came under our Laws, nor acknowledged being Subjection to our King and Government, but they always governed themselves by their own Customs, & exercised the Power of Life and Death over their own People. 'Tis true that the little Commonwealth at Conestoga have in one Point stipulated with us that if an Indian killed a White Man, the Indian should be tried by our Laws, which is still consistent with their being a free and independent State. Mournful Experience has convinced us that no Nation could be safe especially in the Time of War, if another State or Part of a State be allowed to live among other free & independent, claiming & exercising within themselves all the Powers of Government, the Powers of making War & Peace, harboring & corresponding with the Enemies of the State wherein they live, receiving their Spies, giving them Intelligence, & furnishing them with the means of Support and Implements of War. No such Privilege has been granted to any Commonwealth in any civilized Nation in the World. But this had been allowed to the Indians amongst us, & we justly complain of it as the Source of many of our Calamities; as they have all proved perfidious.

Knowing that the little Commonwealth of Indians at Conestoga that pretend to be our Friends, have done us much Mischief, & were in Reality our most dangerous Enemies, a Number of Persons living among us, who had seen their Houses in Flames, their Parents & Relatives butchered in the most inhumane Manner, determined to root out this Nest of Perfidious Enemies; & accordingly cut them off. This Action has occasioned much warm Debates & some have maliciously represented it as an unparalleled inhumane Massacre of an innocent & harmless People. But let us consider the Matter impartially, & we hope to give such Evidence as we think will make it appear unreasonable to conclude so severely against us.

We hope that it will not be disputed but that if the Conestoga Indians were in Confederacy with our open Enemies, gave them constant Intelligence on what we were doing, were frequently amongst our Enemies, were trusted and depended upon by the French as their Friends, had gone to War against us & had actually murdered some of us, they were as much our

Enemies as any other Tribe of Indians on the Continent. We trust that it will also be readily granted that their living amongst us put it in their Power to be a more dreadful Enemy than any other Tribe of that consisted of no more Persons & that their aggravated Perfidy justly exposed them to an aggravated Detention. And we hope that if we are able to bring as good Evidence of their being perfidious as the Nature of the Thing can admit, our Adversaries will be satisfied with it. We have been long fully convinced upon the plainest Evidence that they were Enemies; but for the satisfaction of others, we have since collected many Oaths sworn at different Times, before different Magistrates, & by persons of undoubted Probity & Veracity to prove this Point which we shall lay before the impartial World. And any Person that will take the Trouble may collect as many more of the same kind as he pleases.

Lancaster Borough To Wit

Before me the Subscriber Chief Burgess of the Borough aforesaid personally appeared Anne Mary LaRoy of the Borough aforesaid & made on Oath on the Holy Evangelist, that in the year 1755, when her Father John Jacob LaRoy & diverse others were murdered by the Indians at the great Makasai, she this Deposent & her Brother with Others were made Prisoners and taken to the Kittitanmin, an Indian Settlement, & that she remained a Prisoner with the Indians until the Year 1759, in which Year she with three other Prisoners made their Escape.

That during her Captivity with the Indians, the French Officers were furnished with the Pennsylvania Gazette weekly or once in two weeks; so that a frequent Correspondence was carried on: That she saw strange Indian Messengers come with Intelligence; & that the French Officers & Interpreters, with whom she was employed, told her this Deposent that these Messengers were the Conestoga Indians and that the English had not one Indian in their Interest but one, & that was Isaac, & farther added that all the Conestoga Indians were willing to take up the Hatchet against the English when the French requested them.

And this Deposent farther deposeth & saith, that since the Time of her Escape from the Indians, Bill Lock's reputed Mother came to her at Lancaster, and after some Enquiring about the Indian Family she was Prisoner with, she this Deposer enquired whether she the aforesaid Bill Lock's Mother had been out in any of the back Parts, who replied that she never had, but that her Son Bill had been out often & would go out again, & that he was good for Nothing, or Words to that Purpose.

That some Time during the Deposent's Captivity aforesaid an Indian named Jo Compass appeared at the Kittitamann aforesaid having two Children of one Peter Leek's Prisoners, & told her that he had killed both their Father & Mother; & this Deposent farther deposeth, that she knew the aforesaid Peter & his wife before they were killed, & knew their Children aforesaid before they were made Prisoners; & that the aforesaid Jo Compass frequently went out to War from the same Kittatamin whilst she was Prisoner there, & was said to be sent out against Twatarrah, Taulpahahin, Canegogig, and other South Branch; & that she saw the same Indian Jo Compass at the last Indian Treaty held at Lancaster.

From before me at Lancaster aforesaid
This 25th Day of February 1764

James Bickham

Anne Marie La Roy

Lancaster Bor.

Before me the Subscriber chief Burgess of the Borough aforesaid personally came Thomas Moore, and made Oath on the holy Evangelist, that during his six Years Slavery with the Indians at Salt Lake, & other Places there were repeated words from the Inhabitants of Pennsylvania brought by strange Messenger Indians, & that the Indians, with whom he was Prisoner told him this Deposent, that those Carryers, who brought the News, were the Indians' that lived among the White People, who pretended to be their Friends, sometimes from Bethlehem & divers other Places—& that there were frequent Dispatches brought there relating to the Motions of the Army of this Province. were the Indians that lived amongst the white People, who pretended to be their Friends, sometimes from Bethlehem and diverse other Places and that these were frequent Dispatches brought there relating to the Motions of the Army of this Province.

Sworn & subscribed before me
at Lancaster, February 27, 1764
J. Bickham

by Thomas Moore

Lancaster County

Personally appeared before me one of his Majesty's Justices of the Peace for the aforesaid County, Alexander Stephens, & being qualified as the Law directs, saith that an Indian Woman named Canayah Sally told him this aforesaid Deposeth, since the last War, that the Conestoga Indians killed Jegoeb an Indian Man, because he would not go to War with the aforesaid Conestoga Indians against the English; & that James Cattis told the aforesaid Deposent that since the last War, that he was one of the three that killed old James(or William) Hamilton on Sherman Creek the Beginning of the last War. And farther, the Deposent saith, that after the late War aforesaid James Lottis demanded of aforesaid Deposent a Canoe, which he had found, or pay in Lieu thereof, which Canoe of aforesaid Murderers had left, as Cottis said, at the Time aforesaid Murder was committed: and farther saith not.

Sworn & subscribed before
Tho. Foster

by Alexander Stephens

Lancaster County

Personally appeared before me one of his Majesty's Justices of the Peace for the County aforesaid, Charles Cunningham, & being qualified as the Law directs, saith that the aforesaid Deposent heard an Indian named Joshua James say since the last War that he never killed a White Man in his Life, but six Such Men that he killed in the Mississippi, & farther saith not.

Sworn and subscribed before
Thos. Foster

by Charles Cunningham

Lancaster County

Personally appeared before me one of his Majesty's Justices of the Peace for aforesaid County, Robert Armstrong, & being qualified as the Law directs saith as follows; viz: an Indian named Sahaes with several others lived near my House in the year 1762; some of them were so impudent as to say, that they had been at War with the White People & would soon be at War again, particularly one Isaac, who called Sahaes his Uncle. In the Year of 1762 As the Indians were coming down to the Treaty, they happened to stay at my House in Halifax; a Man whose Name as near as I can remember was William Philips & his Wife being both Prisoners, told me they would be qualified, that the Indians held two Councils, & agreed that they would go to Philadelphia & get what they could, & so return & cut off the back Settlements. On their return the aforesaid Indians stayed four days about my Place & proved very insolent, took about six Acres of Corn, killed several Hogs, & took the Fruit of about 150 bearing Trees, & father saith not

Sworn before Thos. Foster & Signed by Robert Armstrong
NB: Seahaes & Isaac were Conestoga Indians

Lancaster County

Before me the Subscriber one of his Majesty's Justices of the Peace in and for the County of Lancaster, personally appeared John Hambright of the Township of Lancaster, who being duly sworn on the holy Evangelist both depose & say that about August in the year 1757, he this

Deposent in the Pay and Service of the Province of Pennsylvania was sent with a Party from Fort Augusta to Hunters for Provisions for that Garrison, that on his way down he halted under Cover of the Bank of the River Susquehanna, to rest & refresh his Men at Mckees old Place, having a Sentry fixed on the Bank behind a Tree to prevent a Surprise; that the Sentry informed after some Time behind a Tree in questioned that there were Indians coming up the Road, upon which this Deposent climbed up the Bank, & discovered two Indians, one of whom he knew to be Bill Lock. one of the Indians lately killed at Lancaster that he suffered the Indians to come pretty near, & then discovering himself called to Bill Lock to come to him, imagining he was going as usual to Fort Augusta, where he had often seen him among the Indians—that the Indians then immediately halted, & after coming about a minute ran off with their greatest Speed which at that Time much surprised this Deposent, as the aforesaid Lock has always pretended Friendship & no Violence or Threats were then offered to them, neither this Deposent nor any of his Party had any Intention to injure them: That upon this Deposent proceeding down to Hunters, he was informed that a Man had been killed in that Neighborhood the day before; and as no other Mischief was done at the Time in those Parts, nor no Account of any other Indians being seen or heard of on that day at that Time, the aforesaid Bill Lock & his companion a strange Indian were suspected and believed to be the Perpetrators of that Murder.—That he this Deposent had before this Time had frequently seen Bill Lock with his Brothers & others of the Conestoga Indians at Fort Augusta, & often met them on the Communication carrying up Keggs of Whiskey and other things to trade with their other Indians there, but after this murder the aforesaid Bill Lock did not appear at that Garrison near four Months, & then came there with a Number of other Indians from up the River above the Fort, at which Time he behaved in a different Manner than usual, not coming into the Fort nor being so familiar as formerly. And further this Deposent saith not.

Sworn & subscribed
the 28th of Feb. 1764
before me Robert Thompson

John Hambright

It would be endless, & we apprehend unnecessary to transcribe Oaths upon this Head. We have it in our power to prove upon the Oath of a Person of unquestionable Veracity who was present at & heard a Conversation between George Lock, a Conestoga Indian, and another strange Indian who came down to the Treaty at Lancaster, that when the aforesaid Indian approached Lock that he was no man & had no Business at the Treaty, said Lock replied that altho' he had taken no Prisoners, yet he had during the Couple of the War killed six White Men; upon which the other Indian rose up took him by the Hand & greeted him as a Brother. It can also be proved that Canay Sam called the aforesaid Lock a Thief, for that he living among the White People, has stolen six Scalps, & had brought them to the Indian Town where P.Sam was at

the Time. And it is a Thing notorious that strange Indians were frequently seen among the Conestoga Indians at their Manor, would tarry some Time, have a War Dance, & then depart.

From the Evidence that we have laid before the World, it appears that not only the Conestoga Indians, but also those that lived at Bethlehem, and in other Parts of the Province were all perfidious,— were in the French Interest & in Combination with our open Enemies— furnished the Indians with our public Papers every Week or Fortnight—gave them Intelligence of all the Motion & Dispositions of the Province Army against them —were frequently with the French & Indians at their Forts & Towns—supplied them with Provisions & Warlike [hoses?]—entertained strange Indian Spies,—joined with them in their War Dances, & in their Parties that made Incursions on our Frontiers, —were ready to take up the Hatchet against the English, when the French requested it,— murdered and scalped our Brethren,— insolently boasted of the horrid Murders they had committed, when they saw that our Blood was lamely covered at the last Treaty, & themselves loaded with Presents,—confessed they had been at War with us, & would soon be at War with us again,—& even went so far, as to put one of their old Warrior to Death when he refused to go to War against us. This is but a small Part of the Evidence upon which we proceeded, who our neighbors cut off that perfidious Remnant of a Tribe at Lancaster & Conestoga Manor; & when we came to Germantown to petition the Governour for the Removal of he Bethlehem Indians now in Philadelphia out of the Providence. And what Evidence can we expect to be sufficient to prove any Indian Commonwealth our Enemies, if this is not? What then means all the malicious Clamour against us, as if we had murdered our innocent Friends? Are we not as justifiable in putting off this Tribe of Enemies as any other? Can their living amongst us, justify their Perfidy, or entitle them to commit Ravages upon his Majesty's loyal Subjects with Immunity?

We know it has been said by their Friends; if there was sufficient Evidence to convict any of the Conestoga or Bethlehem Indians of being Enemies, why were not the particular Persons named & Actions brought against them, so they might have the Benefit of a fair Trial; especially as they have publicly stipulated to be tried in our Courts of Justice, if any of them should be accused of killing any of his Majesties' Subject

These could never be understood as a Stipulation to take Place when the Tribe became Enemies to his Majesty, but only to provide for the Trial of Murderers in a Time of Peace. In this Respect it was absolutely necessary, as they were an independent Commonwealth in the Heart of the Province, but it would be absurd when they are at War with us. When they gave up this Power to us, they notwithstanding retained their Claim to Freedom & Independency, & exercised all the Powers of a free State, the Power of Making War & Peace, of overseeing criminal Jurisdiction. And can any Person so little acquainted with the Law of Nature as to suppose that their giving up this simple Article to us would secure to every Individual of them the Benefit of a Trial by our Laws, when they were Enemies or tie up our Hands so that we could not chastise them, when they broke their Treaties with us, in the same Manner that we chastise our other Enemies. With as much Reason might it be demanded of us, not to move beyond our own Borders after our Enemies, but patiently suffer ourselves to be murdered & scalped until we could take some of our Murderers alive and bring them to Trial in our Courts of Justice. For most of our Ravages on our Frontiers have been committed by Tribes of Indians that have made the same Agreement with us in a Time of Peace. But who does not see the Absurdity of such a

Demand in Favor of a Tribe either openly or secretly at War with us? And lastly, what Nation under the Sun ever dealt with Individuals of another Nation at War with them & not with the whole Body or the Nation? *And here we cannot but observe with...

But to aggravate the Matter & to involve us in the unjust Charge of Disloyalty to our gracious King, whom we have faithfully served with Success during the late and present Indian Wars; we understand that it was said, that the Conestoga Indians were under the Protection of the Government; & therefore it was flying in the Face of lawful Authority to kill these Indians, especially some of them as were in the Work-House in Lancaster.

We are of a very different Opinion in this Particular, & believe that altho' the Indians were by the Consent of the Magistrates of Lancaster in the Work House there, they were not, could not be under the Protection of the Government. For there is never Power in any Government to protect its Enemies; that is, to ruin itself. 'Tis time that the Governour, for the Time being, is vested, in the 16th Article of the Royal Charter & with the Power & Office of a Captain General, to levy muster & train all sort of Men, of what Condition soever, or wheresoever born, in the Providence, to make War & to pursue all Enemies, Robbers and as well by Sea as by Land even without the limits of the Providence, & by God's Assistance to vanquish & take them, & when taken to put them to Death by the Law of War, or to save them at Pleasure. But no Justices of Peace have nor can have this Power; The Legislative, Executive, and Federative Power of the Government are distinct in themselves & belong to different Officers; & a Commission to exercise one of these Branches of Power can, never authorize any Person to exercise another. The Legislative and Executive Powers (Power of making & exercising Laws) respect only the Subjects of the Government, the Business of those that are vested with them by proper Commissions, is only to determine Matters that concern the Members of the Community. But the Federative Powers of Government, which respect foreign independent States, & which include the Power of sending Embassadors, making War and Peace, treating with Nations, or punishing Enemies, giving military Commissions, constituting Court martial,—which belong only to the Governor as Captain General.—And Every other inhabitant of the Province is prohibited in the 15 Sect: of the aforesaid Charter from maintaining Correspondence with any other King, Prince, or State, or with any of their Subjects that shall be at War with his Majesty. From whence we conclude that it is absolutely repugnant to the Laws of Nations, to the British Constitution and to the royal Charter granted to our Proprietors, for any Person, however vested with the Legislative or Executive powers of Government to interfere at Treaties with foreign independent States or Commonwealths of Enemies, or carry on a Correspondence with them in Time of War; nor have anything to do with them but as private Persons in Time of Peace. Therefore whether the civil Magistrates at Lancaster looked upon that free State of Indians that lived in their Neighborhood as Friends or Enemies, they neither had nor could have a Power by Virtue of their Commissions, to protect these Enemies of his Majesty against the Resentments of his injured Subjects. And it appears to us that they were sensible that their Commissions did not authorize them to protect these Indians for they never attempted to defend them. Indeed the very Attempt would argue either Ignorance of their Office or Rebellion against his Majesty, neither of which can be justly laid to their Charge. So that we conclude that we insulted no lawful Authority, nor flew in the Face of Government, but acted as loyal Subjects of his Majesty when we cut off these his Enemies.

But let us suppose that the Magistrates were mistaken about the Extent of their Powers (for all Men are fallible) and that they thought that they had the Power, and it was their Duty to protect the Indians. Would it therefore be right to defend his Majesties Enemies merely because they thought they should do it, or did not know that they were Enemies? “By no means,” you will say, “but it’s wrong to resist the civil Magistrate when he happens to be mistaken.” ‘Tis readily granted that we should not resist him when he happens to be mistaken in the Execution of his Office or in deterring any Matter that lies within his proper Sphere: but his Commission as a civil Officer cannot warrant him to do any thing that lies out of his Province or entitle to a same Submission from the Persons, that might suffer from such Usurpation. Would it not be right to resist a Constable, that would plead his Commission, as giving him a Right to sit on the Bench with the Magistrates? Would it not be right to resist a Member of the Assembly, who would plead that his being a Representative of the free Men of the Providence entitled & authorized him usurp the federated Powers of Government, & interfere at publick Treaties with Enemies? And would it not be right to resist a Justice of the Peace, if he would plead his Commission as giving him a Power of making Laws, striking Money, proclaiming War, making Peace, trying Enemies & hanging Malefactors? And can it be wrong to resist a civil Magistrate, if he would presume upon his Commission to protect his Majesty’s most dangerous Enemies? Would not the Attempt argue Disloyalty to his Majesty and Disaffection to his Government? And can it be wrong to oppose what arises from so dangerous a Principle? Can it be wrong to oppose, what must necessarily terminate in the Subversion of all Order & Government?

But we understand that the Manner of our coming down to Germantown has been severely condemned as illegal & subversive of Government. We need not say much upon this Head. We injured no Man on the Road, used no Violence to any; paid for every thing that we had, & were guilty of no Irregularities. We came down to demonstrate & petition his honour the Governour & the honorable Assembly of the Providence, for a Redress of the many Grievances under which we groan. We had the Satisfaction to find, that the Attorney General of the Province, the Mayor of the City with some Members of the Assembly & other Gentlemen whom the Governour condescended to send out to converse with us at Germantown, declared in the plainest Manner that we had hitherto done Nothing inconsistent with our Duty to the best of Kings with our Privileges as British Subjects & Duty of Government, or the Character of good Subjects. And we can assure the Publick that the same was proclaimed in the most public Manner by Appointment the next day in the City of Philadelphia. And when the Gentlemen whom we had the Honour to converse with in Germantown promised us a Redress of our Grievances we immediately dispersed & returned in Quietness to our Respective Places of Abode.