

INSURRECTION AT FORT LOUDON IN 1765

Rebellion or Preservation of Peace?*

ELEANOR M. WEBSTER

REBELLIONS are easily romanticized. Their fundamental causation, obscured by the passage of years, is glossed over by an aura of idealism and an unwillingness to take cognizance of the fallibility of one's ancestors. The Pennsylvania insurrection which occurred in 1765 on the banks of the western branch of a Cumberland Valley stream, the Conococheague, is an example of this. James Smith and his "Black Boys" have become heroes who refused to submit to the tyrannical British Crown, and their Scotch-Irish descendants still maintain that the Revolutionary War began when Smith and his men attacked a wagon train which was going to Fort Pitt with arms and whisky for the Indian trade. Was this insurrection a demonstration against imperial policy, authority, or was it attributable to more complex causes which resulted from the uniqueness of the frontier? It is the purpose of this monograph to analyze the rebellion and to ascertain what incited it.

The Treaty of Paris, which concluded the French and Indian War, was signed on February 10, 1763. By the terms of the treaty, France ceded Canada and its possessions east of the Mississippi (with the exception of the Island of Orleans) to Great Britain. The acquisition of the territory made it obligatory that the British government recodify its colonial policy. The responsibility for this action rested with the Board of Trade. Its basic tenets were stated in the proclamation of George III on October 7, 1763. (1) The rights and privileges of Englishmen were extended to all Europeans living within the newly

Eleanor M. Webster received her Bachelor of Arts degree in History from Hollins College, Virginia, in June, 1963. She plans to continue her studies in American History this fall.—Ed.

*Neil H. Swanson, in his novel, *The First Rebel* (New York: Farrar & Rinehart, Inc., 1937), propounded the thesis that the insurrection at Fort Loudon was attributable to many of the grievances which later led to the Revolutionary War. In his biographical work about James Smith, he created a hero whose chief objective was to protect the frontier from the Crown, the provincial government, and the traders as well as the Indians. It was my desire to ascertain if Mr. Swanson's position was tenable, or if there were other factors which indicated that there was no connection between the rebellion at Fort Loudon and the events which precipitated the War for Independence a decade later.

acquired territories. (2) A portion of the western lands which had previously belonged to France was to be set aside as an Indian reserve and all other persons living within the area were required to leave it. (3) No individual was permitted to purchase land from the Indians without the consent of the Crown.¹

However, despite the Treaty of Paris and the Proclamation of 1763, attacks on the frontier by the Delaware, Shawnee, Seneca and Huron Indians continued. In May 1763, the Indians, realizing the futility of their position since the surrender of their French allies, made a final attempt to drive the British from the lands which they considered to be their dominions. By June the Pennsylvania frontiersmen felt another Indian war was inevitable; and requested that military supplies be sent to them immediately.² Governor Hamilton yielded to their request early in July and issued an order for the recruitment of seven hundred men.³ In October a law was enacted prohibiting the sale of guns, gunpowder or other weapons to the Indians. Persons engaged in the Indian trade were also obliged to obtain a license from the governor of the province.⁴

The following month John Penn replaced James Hamilton as governor. Upon his arrival in Philadelphia, he was welcomed by two of the most affluent groups in the province, the Quakers and the merchants of Philadelphia. They asked that he seek an immediate cessation of hostilities with the Indians,⁵ and that he encourage the commercial interests upon which the foundations of the colony rested.⁶ Representatives from the back country also met with the new governor, petitioning him to re-establish the scalp bounty and to station troops permanently on the frontier.⁷ Governor Penn took immediate cogni-

1 Proclamation of George III, October 7, 1763, in Samuel Hazard (ed.), *Pennsylvania Colonial Records, 1683-1776: Minutes of the Provincial Council of Pennsylvania from the Organization to the Termination of Proprietary Government*, 16 Volumes (Harrisburg: Thomas Fenn & Co., 1852-3), IX, 80-5, hereinafter cited as Hazard, *Colonial Records*.

2 John Armstrong to Colonel Shippen, June 20, 1763, in Samuel Hazard (ed.), *Pennsylvania Archives. Selected and Arranged from Original Documents in the Office of the Secretary of the Commonwealth, Conformably to Acts of the General Assembly February 15, 1851 and March 1, 1852*, First Series, 12 Volumes (Philadelphia: Joseph Severns & Co., 1852-56), IV, 108-9, hereinafter cited as Hazard, *Pennsylvania Archives*.

3 James Hamilton to John Armstrong, *Ibid.* IV, 115.

4 *Pennsylvania Journal*, November 3, 1763, 2, hereinafter cited as *P.J.*

5 *P.J.*, November 24, 1763, 1.

6 *Ibid.*

7 Hazard, *Pennsylvania Archives*, IV, 136-7; Petition from the Inhabitants of Cumberland County, December 19, 1763, in Gertrude MacKinney (ed.), *Pennsylvania Archives, Votes and Proceedings of the House of Repre-*

zance of the frontier situation and determined to move against the Indians in December 1763.⁸ The General Assembly recruited and financed the outfitting of one thousand men for the use of his Majesty in the defense of the frontier.⁹ A struggle occurred, however, over taxation of proprietary property for the defense of the province. The General Assembly refused to pass any bill providing for the protection of the frontier which excluded the taxation of proprietary property,¹⁰ and Governor Penn would not sign any bill containing such a provision because he felt that it would be against the instructions which he had received from the proprietors.¹¹ A letter to the editor of the *Pennsylvania Journal* blamed the hassle for the duress of the frontier, and said that it was the fracas between the Governor and the General Assembly, not the Quaker-Presbyterian animosity, which was impeding the defense of the frontier and dividing the province into two political camps.¹²

The discontent over the provincial Indian policy was assuaged to a degree by Penn's announcement in July 1764, that it was obligatory for Pennsylvania to declare offensive war upon the Indians if the attacks on the frontier were to be terminated. In conjunction with the announcement, he re-established the scalp bounty.¹³

The Cumberland Valley suffered severe hardships because of the Indians. Formed in 1750, over ninety per cent of its population were Scotch-Irish.¹⁴ Its settlers were depicted as :

. . . . impetuous, brawling, and too much indicted to whiskey. When aroused they were vindictive and brutal in the treatment of their Indian neighbors. They were strong Presbyterians, and among them were many sturdy characters.¹⁵

sentatives of the Province of Pennsylvania, 8 volumes (Harrisburg: I. Paul Linn Co., Eighth Series, 1931-5), VII, 5509, hereinafter referred to as MacKinney, *Votes*.

8 Proclamation of John Penn, *P.J.*, December 24, 1763, 2.

9 Isaac Norris, speaker of the House of Representatives, to John Penn, December 24, 1763, *Pennsylvania Gazette*, December 29, 1763, 2, hereinafter cited as *P.G.*

10 *P.G.*, March 29, 1764, 1.

11 *P.G.*, June 7, 1764, 1.

12 Letter to Mr. Bradford, *P.J.*, September 24, 1764, 3.

13 Proclamation of John Penn, July 7, 1764; *P.J.*, July 12, 1764, 3. The bounties were established as follows: Prisoners: male, Indian over ten, 150 pieces of eight. Male, Indian ten or younger, female Indian over ten, 130 pieces of eight. Scapls: male over ten, 134 pieces of eight. Female, over ten, 50 pieces of eight.

14 Wayland F. Dunaway, *A History of Pennsylvania* (New York: Prentice-Hall, 1955), 86.

15 William Brewster, *The Pennsylvania and New York Frontier* (Philadelphia: George McManus Co., 1954), 41.

They were opposed to the Quaker government, and in the election in the fall of 1764 had unanimously elected William Allen and John Montgomery as their representatives to the General Assembly.¹⁶ Since Braddock's defeat they had been subjected to constant Indian attacks and by 1756 the valley was almost devoid of settlers.¹⁷ After the close of the French and Indian War, people began to return to the frontier, and when hostilities recommenced in 1763, they were determined that they would not again be driven from their homes.¹⁸ Therefore, they organized a company of rangers under the leadership of James Smith to patrol the frontier.¹⁹ Despite their efforts, however, the frequency of Indian attacks and the difficulty of patrolling such an extended frontier forced many persons to move eastward in the spring of 1764.²⁰ Others, believing that the danger would be temporary, took refuge in the stockades along the frontier.²¹ The situation was summarized in a letter published in the *Maryland Gazette*:

. . . . The distresses of the Back Inhabitants are greater than can well be conceived. Two Hundred Miles of an extended Frontier are so exposed to the Incursions of Indians, that no Man can go to sleep with 10 or 15 Miles of the Borders without being in Danger of having his house burnt, and himself and Family scalped or led into captivity, before the next morning.²²

Throughout the summer, the newspapers reported attacks upon settlers living in the vicinity of Conococheague, Shippensburg and Carlisle.

16 *P.G.*, October 11, 1764, 3.

17 Thomas F. Gordon, *A History of Pennsylvania from Its Discovery by Europeans to 1776* (Philadelphia: Carey, Lea and Carey, 1829), 431.

18 James Smith, "Remarkable Occurrences in the Life and Travels of James Smith," *Incidents of Border Life, Illustrative of the Times and Conditions of the First Settlements in Parts of the Middle and Western States, etc.* (Chambersburg: J. Pritts Co., 1839), 60-61.

19 *P.G.*, August 9, 1764, 3. Captured by the Indians when he was helping to construct Braddock's road in 1755, James Smith lived among them for five years. I. Daniel Rupp, *The History and Topography of Dauphin, Cumberland, Franklin, Adams and Perry Counties: Containing a Brief History of the First Settlers, Notices of the Leading Events, Incidents and Interesting Facts, Both General and Local, etc.* (Lancaster: Gilbert Hills, 1846), 75. After his return from captivity, Smith enlisted in the English Provincial Army and served as a lieutenant in Bouquet's expedition in 1764. I. H. M'Cauley, *Historical Sketch of Franklin County, Pennsylvania* (Chambersburg: John M. Pomeroy, 1878), 63. In return for his services he was awarded three hundred acres of land in the southern part of Cumberland County. Lamberton Collection, Historical Society of Pennsylvania, I, 41. He was active in the American Revolution and attained the rank of colonel, later serving in the General Assembly. Frederick A. Godcharles, *Chronicles of Central Pennsylvania*, 4 Vols. (New York: Lewis Historical Publishing Company, 1944), I, 225.

20 Letter from Carlisle, *P.G.*, April 5, 1764, 2.

21 Letter from Fort Loudon, in Hazard, *Pennsylvania Archives*, IV, 175-6.

22 Letter from Fort Loudon, *Maryland Gazette*, April 5, 1764, 2.

In August, Sir William Johnson, Superintendent of Indian Affairs, began negotiations for a cessation of hostilities with the leaders of the Delaware, Shawnee, Seneca and Huron Indians. In the early fall the tentative terms of peace were established. Prisoners were to be released immediately and the Indians were to relinquish all claims to English forts. The British were free to build any posts within the Indian territory which would facilitate trade.²³ That fall people began to return to their homes for the third time. In December hostilities were formally terminated by Governor Penn. The Indians agreed to peace partly because they lacked the powder and ammunition necessary to continue the war.²⁴

The inhabitants of Cumberland County were determined to do everything within their power to preserve the peace so that they could return to their homes with the assurance that the depredations of the frontier by the Indians would cease. In the spring of 1765, when the firm of Baynton, Wharton and Morgan of Philadelphia shipped £30,000 worth of trading goods (which the settlers believed to include guns, ammunition, scalping knives and liquor) westward, the settlers in the southern portion of Cumberland County and in the nearby communities in Maryland and Virginia were united in their determination to prevent the passage of the goods.²⁵ The Indian trade at that time was still subject to the stipulations of the Act of October 1763.²⁶

The goods had been shipped by wagon train, not along the public road which passed in front of Fort Loudon, but through the private roads south of the fort.²⁷ They were to be transferred from the wagons to pack horses at the farm of Henry Pollan on the Conococheague.²⁸ When the wagon train arrived at Pollan's on March 1st, it was met by a number of frontiersmen under the leadership of William Duffield. He asked Robert Callendar who was in charge of the shipment to store the goods until proof that they were Crown property could be obtained.²⁹ The request was refused and several days later the train of pack horses set out for Fort Pitt. As it entered the Great Cove, it was stopped by a group of men who demanded that they be allowed to inspect the goods. Callendar finally consented and permitted

23 MacKinney, *Votes*, VII, 5630-33.

24 Proclamation of Governor Penn, *P.G.*, December 6, 1764, 3.

25 Letter from Carlisle, *P.J.*, March 21, 1765, 3.

26 *Supra*, 1-2.

27 John Penn to Sir William Johnson, March 21, 1765, Gratz Collection, Historical Society of Pennsylvania, Case I, Box 1.

28 Letter from Carlisle, *P.J.*, 3, March 21, 1765.

29 Letter from Carlisle, *P.J.*, March 28, 1765, 2. Smith, 61.

several barrels to be opened and inspected. They contained no ammunition, and the majority of the frontiersmen returned to their homes satisfied.³⁰

However, twenty men from Maryland, Virginia and Conococheague settlement, led by James Smith, followed the pack train. They disguised themselves by blacking their faces and attacked the traders at Sideling Hill. The drivers were given an opportunity to take their private possessions and withdraw to safety before the goods were destroyed.³¹ Blankets, shirts, vermilion, lead, beads, wampum, tomahawks and scalping knives were burned.³² Out of a total of eighty-one loads, eighteen loads of rum and two of match coating were saved. Four or five horses were killed.³³

After the "Black Boys" had destroyed the goods, Ralph Nailor, who had taken charge of the pack train after it had left the Great Cove, went to Fort Loudon to get assistance from the 42nd Highland Regiment (the Black Watch) which was stationed there. Lieutenant Charles Grant, the officer in command of the post, dispatched Sergeant McGlashan and twelve soldiers to Sideling Hill to bring back any salvable goods and to capture any suspects whom they might find. The soldiers reached Sideling Hill on the morning of March 7th with two prisoners whom they had captured after they left the fort the previous evening. While collecting the goods which had not been destroyed, they were surrounded by fifty men who threatened to attack the Highlanders if the prisoners were not released. When the frontiersmen realized that Sergeant McGlashan would resort to force rather than relinquish his prisoners, they dispersed. McGlashan, however, arrested two more of the settlers before returning to the fort.³⁴

On March 9th, Smith and a group of armed men appeared before Fort Loudon. They informed Lieutenant Grant that if an attempt were made to transfer the prisoners to Carlisle, they would fire upon the King's troops in order to free them. They asked that the men be released and the weapons which had been confiscated returned.³⁵ While awaiting Grant's reply, they captured any British soldiers coming to

30 Letter from Carlisle, *P.J.*, March 28, 1765, 2.

31 John Penn to Sir William Johnson, March 21, 1765. Gratz Collection, Case I, Box 1.

32 Smith, 62.

33 Letter from Carlisle, *P.J.*, March 21, 1765, 3.

34 Deposition of Sergeant McGlashan, August 20, 1765, in Hazard, *Pennsylvania Archives*, IV, 234-6.

35 Deposition of Lieutenant Charles Grant, in Hazard, *Pennsylvania Archives*, IV, 220.

or going from the fort. Grant was finally forced to agree to release the frontiersmen in order to obtain the release of his own men.³⁶ However, he refused to return their weapons.

On the same day that this occurred at Fort Loudon, another group of men opened seventy hogsheads of trading goods at Mr. Maxwell's farm several miles south of the fort and destroyed seven barrels of powder.³⁷ It was common knowledge on the frontier that persons concerned with the Indian trade would be stopped and their possessions inspected.³⁸

The reaction of the government to the destruction of the goods was, on the whole, favorable to the settlers. Penn wrote his uncle that had the settlers applied to him, he would have stopped the goods. In his opinion :

The whole affair is justly Chargeable to Messrs. John Baynton and Samuel Wharton, merchants in this town, and Mr. Croghan, agent for Indian Affairs in the Western Department under Mr. Johnson.³⁹

He told Sir William Johnson that the traders had definitely been engaged in illicit trade. They had neither applied to him for a license, nor had they received any orders from General Bouquet to send supplies west. In order to learn more about the situation, however, Penn decided to go to the frontier personally.⁴⁰

Meanwhile, Baynton and Wharton hastened to Johnson Hall, New York, to confer with Sir William Johnson. They told him that General Bouquet had promised them a monopoly of the Indian trade at Fort Pitt, and had given them permission to store goods there until the trade had been reopened. Johnson had given Callendar a pass to take certain goods to Croghan and they had assumed that their goods could also be shipped. According to Wharton, Croghan had no knowledge that the wagon train had been sent.⁴¹ However, when Wharton had visited General Gage earlier in March, he told him that the goods had been contracted by Croghan. Gage, however, pointed out to Penn

36 Smith, 62-3.

37 William Trent to Joseph Shippen, Jr., March 13, 1765, Shippen Papers, Historical Society of Pennsylvania, VI, 119.

38 Josiah Davenport to the Commission for Indian Affairs, March 27, 1765, Gratz Collection, Case XIV, Box 10.

39 John Penn to Thomas Penn, March 16, 1765, Official Correspondence, Penn MSS., Historical Society of Pennsylvania, Case X, Box 5.

40 John Penn to Sir William Johnson, March 21, 1765, Gratz Collection, Case I, Box 1.

41 Sir William Johnson to John Penn, June 7, 1765, in Hazard, *Pennsylvania Archives*, IV, 226-7.

that all of the articles for Croghan had been contracted with Smallman and Field.⁴²

On May 7th, about thirty frontiersmen attacked the horses belonging to the trader Joseph Spears, as they grazed near Fort Loudon. Lieutenant Grant immediately dispatched a contingent of Highlanders to trail the rebels, who fired upon the soldiers when they discovered they were being followed.⁴³ The soldiers returned the fire, and one of the rioters, James Brown, was wounded in the skirmish which took place at a farm a few miles northwest of the fort which was owned by the Widow Barr.⁴⁴ A few days later, Magistrate William Smith, brother of James, swore out a warrant for the arrest of Sergeant McGlashan for having shot a civilian.⁴⁵ There is no evidence, though, that he was prosecuted.

Three days later, James Smith, three justices of the peace and approximately one hundred fifty to two hundred rioters again gathered in front of the fort. They demanded that the magistrates be permitted to inspect Spears' goods which were stored within in accordance with the provincial law. Lieutenant Grant refused their demands, saying that he had received instructions from General Bouquet to allow the goods to be sent to Fort Pitt. The prescribed inventory by a civil magistrate could be made only after the crowd had dispersed. Justice Smith replied that he was not responsible to General Bouquet and that all military passes concerning trading goods were subject to the approval of the civilian authorities. Consequently he felt that he should be permitted to inspect the supplies.⁴⁶ He and his colleagues acted on this premise throughout the spring. They inspected all goods which passed by Fort Loudon and issued a writ of free passage for all shipments which met with their approval.⁴⁷

42 Thomas Gage to John Penn, *Ibid.*, 215.

43 Colonel James Reid to General Gage, June 4, 1765, in Hazard, *Colonial Records*, IX, 269-270.

44 Deposition of John Shelby, in Hazard, *Pennsylvania Archives*, IV, 222-3.

45 Warrant for the Arrest of Sergeant Leonard McGlashan, *Ibid.*, 224.

46 Colonel Reid to General Thomas Gage, June 4, 1765, in Hazard, *Colonial Records*, IX, 269-270; Deposition of Lieutenant Charles Grant, in Hazard, *Pennsylvania Archives*, IV, 220-2.

47 *Ibid.*, 219-220. Copies of passes given by William and James Smith, 1765: Cumberland County, s.s.

By William Smith, Esq., one of his Majesty's Justices of the Peace of Said County.

Permit the Bearer, Thos. M'Camis, to pass to Fort Bedford, with nine Kegs of Rum, Eight Kegs of Wine, One Keg of Spirits, one Keg of Mollasses, Three Kegs of Brown Sugar, Four Kegs packed with Loaf Sugar and Coffee and Chocolate, in all Twenty-Six Kegs, and one bag of Shoes, provided always that this Permit shall not extend to Carry any

James Smith and five of his companions kidnapped Lieutenant Grant when he was riding near the fort on May 28th. They took him into the woods and told him that he must return the weapons he had taken from the settlers imprisoned in March. When the men realized that Grant had no intention of returning the guns, they threatened to go to Carolina and take him with them. After a night in the woods, the men started southward in the morning. When Grant saw that the men intended to carry through their threat, he consented to return the rifles to their owners within five weeks.⁴⁸

The uprising assumed its most rebellious character during the period between the surrounding of Fort Loudon on May 10th and Lieutenant Grant's May 29th agreement to return the weapons. At this time an advertisement was circulated among the settlers. It read:

These are to give notice to all our Loyal Volunteers, to those that has not yet enlisted, you are to come to our Town and come to our Tavern and fill your Bellys with Liquor and your Mouth full of swearing and you will have your pass, but if not your back must be wipt and your mouth be gagged; you need not discouraged at our last disappointment, for our Justice has wrote to the Governor and everything clear on our side and we will have Grant the officer whip'd or Hang'd, and then we will have orders for the goods so we need not stop, what we have a mind and will do, for the Governor will pardon our crimes, and the Clergy will give us absolution and the country will stand by us, so we may do what we please for we have Law and Government in our hands and we have a large sum of money raised for our support, but we must take care that it will be spent in our Town, for our Justice gives us, and that have a mind to join us, free toleration for drinking, swearing, Sabbath breaking and any outrage which we have a mind to do, to let those strangers know their place — It was first Posses (Black's Town) and we now move it to Squire Smith's Town, and now I think I have a right to call it and will remain till our pleasure, and we call it Hell's Town in Cumberland County the 25th of May, 1765.

Your Scripture says that the Devil is the Father of sins, but I assure you this is the plain truth what I say.

God bless our brave and Loyal Volunteers and success to Hellstown.⁴⁹

Warlike Stores or any Article not herein mentioned.

Given under my Hand & Seal, 15 May, 1765,
(signed) William Smith.

As the Sidling Hill Volunteers have already inspected these goods, and as they are all private property, it is Expected that none of these brave fellows will molest them upon the Road, as there is no Indian Supplies amongst them.

Given under my Hand, May 15th, 1765.
(signed) James Smith.

Cumberland County, s.s.

Permit the Bearers, Alex M'Kiney and Lachlan M'Kinnon to pass unmolested to and from Antietam, they behaving themselves Soberly and inoffensively as becomes loyal subjects, they being Soldiers carrying a Letter to Daniel M'Cay, and as they is going to purchase two cows.

Given under my Hand this 20th of May, 1765,
(signed) William Smith.

⁴⁸ Deposition of Lieutenant Charles Grant, *Ibid.*, 220-222.

⁴⁹ Hazard, *Colonial Records*, IX, 270-272.

While the document is not anti-government, its appearance did a great deal to change the government's sympathetic attitude toward the rioters. What had begun as an effort to curtail illegitimate trade was becoming as illegal as the practices which it had been intended to stop. It was feared that the peace would be endangered if the rebelliousness continued.⁵⁰ The conduct of the frontiersmen was particularly disturbing to the provincial authorities because the Indians were anxious that trade be reopened, and there was danger that they would recommence trade with the French inhabitants if the British did not supply their needs.⁵¹

The Indian trade was formally reopened on June 6, 1765, to any British subject who procured a license from the governor of the province in which he resided. The closing paragraph of Governor Penn's proclamation stated that the interruption of the shipment of goods westward must cease.⁵² If the rioting continued, he warned the magistrates of Cumberland County, he would be obligated to request troops from the King to quell the rebellion.⁵³ In a letter to General Gage, he expressed the futility of the situation which faced the government in trying to deal with the culprits. None of the suspects for whom warrants had been issued had been arrested, and the Grand Jury which had met in Carlisle the beginning of June had failed to indict anyone because of the lack of positive evidence.⁵⁴ The entire frontier supported the rioters, making it virtually impossible for the provincial government to take any action.⁵⁵

William Allen, Chief Justice of the province, made no effort to bring the insurrectionists to trial. In two instances he sided with them. He refused to consider any of the depositions of the drivers of the pack trains because they had engaged in illegal trade.⁵⁶ He warned Lieutenant Grant that if he appeared in Philadelphia, he would be arrested for the proceedings which had taken place at Fort Loudon.⁵⁷ Grant had not turned Sergeant McGlashan over to civil authorities for trial when he shot James Brown;⁵⁸ would not permit the rioters to

50 Thomas Gage to John Penn, June 2, 1765, *Ibid.*, 266-7.

51 John Penn to Thomas Gage, *Ibid.*, 267-8.

52 *P.G.*, June 6, 1765, 2-3.

53 John Penn to John Armstrong and Associates, June 27, 1765, in Philip B. Wallace Photograph Collection, Historical Society of Pennsylvania.

54 John Penn to Thomas Gage, June 28, 1765, in Hazard, *Colonial Records*, IX, 275-277.

55 Sir William Johnson to John Penn, June 7, 1765, in Hazard, *Pennsylvania Archives*, IV, 226-8.

56 Deposition of Ralph Nailer, June 2, 1765, *Ibid.*, 225.

57 Charles Grant to Thomas Gage, August 24, 1765, *Ibid.*, 231-3.

58 *Ibid.*

enter the fort in order to testify at the inquiry which Governor Penn held there; and had permitted the soldiers to accept money for having helped salvage the goods of Robert Callendar.⁵⁹

With the legal resumption of trade, Smith and his men discontinued their inspection of shipments of trading goods. There is no evidence that any persons were stopped and interrogated after trade could be legally carried on. However, the frontiersmen still resented Lieutenant Grant's failure to return the weapons as he had promised to do. Consequently, in November, Smith and approximately one hundred men surrounded Fort Loudon for a third time. They demanded that Lieutenant Grant turn Sergeant McGlashan and the guns over to them. When he refused to do so, they fired upon the fort.⁶⁰ On November 16th, unable to defend the fort because he had no ammunition, Lieutenant Grant agreed to turn over the weapons to William McDowell, a Justice of the Peace. He was to keep them until he received instructions from Governor Penn regarding their disposal.⁶¹ James Smith and Samuel Owens signed a statement promising that they would not interfere with the passage of persons to or from the fort in the future.⁶² The following day the British garrison at Fort Loudon was transferred to Fort Bedford.⁶³

The withdrawal of the 42nd Highland Regiment concluded the rioting in 1765. The attack on them by the settlers in November had aroused the wrath of General Gage, who wrote to Governor Penn demanding that William Smith be removed as Justice of the Peace and that James Smith be brought to trial.⁶⁴ Governor Penn replied that he was surprised that the attack on the fort had occurred and that he had already issued a supercedas for William Smith and a warrant for the arrest of James Smith.⁶⁵

This action infuriated the frontiersmen. Robert Callendar wrote Penn that he feared that the goods which Baynton, Wharton and Morgan had stored in the Conococheague settlement would be destroyed by the inhabitants of the area in retribution.⁶⁶ Immediately

59 Charles Grant to Thomas Gage, September 16, 1765, *Ibid.*, 240-1.

60 Charles Grant to Colonel James Reid at Fort Pitt, November 22, 1765, *Ibid.*, 246-7.

61 Receipt for the guns captured, *Ibid.*, 245.

62 Statement of James Smith and Samuel Owens, *Ibid.*, 245.

63 Captain William Grant to Colonel John Reid, November 25, 1765, *Ibid.*, 247-8.

64 Thomas Gage to John Penn, December 13, 1765, in Hazard, *Colonial Records*, IX, 292.

65 John Penn to Thomas Gage, *Ibid.*, 292.

66 Robert Callendar to Messrs. Baynton, Wharton and Morgan, March 2, 1766, *Ibid.*, 302.

after he received Callendar's letter, Governor Penn wrote General Gage requesting military assistance if it should become necessary to prevent the destruction of the goods.⁶⁷ The Justices of the Peace in Cumberland County were given implicit instructions that measures had to be taken to assure the safety of the consignment which was being shipped to Fort Pitt.⁶⁸ General Gage promised the needed military assistance,⁶⁹ but there is no evidence that any attempt was made to destroy the goods in the spring of 1766. Cumberland County had returned to more pacific pursuits.

The insurrection at the Conococheague settlement ended almost as quickly as it had begun. From March until May, the actions of the rioters were directed against the shipment of Indian trade goods westward in violation of Governor Hamilton's Proclamation of October 1763; from May to November their activities were manifested by a seething hatred of the 42nd Highland Regiment which they felt had condoned the shipment of illegal goods for personal amelioration. They believed that the soldiers had transgressed the limits of military authority and that someone should curtail their activities.⁷⁰ The animosity of the frontiersmen toward the Highlanders was so great that after they had been withdrawn from Fort Loudon, General Gage commented that if it were ever necessary for the Regiment to pass through the Pennsylvania frontier, special protection for them would be essential.⁷¹

The antagonism toward the Regiment by the Conococheague settlers was a direct consequence of its protection of Baynton, Wharton and Morgan's shipment in March. There is evidence that the soldiers were paid by Robert Callendar for having gone to Sideling Hill to protect the traders after the goods had been destroyed.⁷² Neither the civil authorities nor the settlers approved of such a practice. Lieutenant Grant justified the acceptance of remuneration from Callendar for services by his men upon the grounds that they had risked their lives in order to protect the goods.⁷³ The

67 John Penn to Thomas Gage, March 6, 1766, in Hazard, *Pennsylvania Archives*, IV, 313-314.

68 John Penn to the Justices of the Peace of Cumberland County, March 6, 1766, *Ibid.*, 314-315.

69 Thomas Gage to John Penn, March 10, 1766, in Hazard, *Colonial Records*, IX, 307.

70 Deposition of John Shelby in Hazard, *Pennsylvania Archives*, IV, 222-223.

71 Thomas Gage to John Penn, February 17, 1766, in Hazard, *Colonial Records*, IX, 301.

72 Charles Grant to Thomas Gage, September 16, 1765, in Hazard, *Pennsylvania Archives*, IV, 240-241.

73 *Ibid.*

settlers, who were afraid of further Indian attacks if the Indians received ammunition, could not find Lieutenant Grant's explanation plausible. Their ire was aroused further when Grant refused to honor his promise to return the weapons which he had taken from them upon the grounds that a promise made under duress was not binding.⁷⁴

The rebellion was not politically oriented nor were its leaders interested in achieving political goals. Although the frontier counties sought increased representation in the General Assembly throughout the 1760's, the question did not arise in conjunction with the insurrection. Cumberland County at that time was over-represented in the General Assembly, and if representatives had been allotted upon the basis of taxable population, they would have sent one and a half instead of two representatives to Philadelphia.⁷⁵ Also, in the election of October, 1764, the Proprietary Party, which Cumberland County supported unanimously, had gained strength throughout the province.⁷⁶ The party's increased representation, although it was not a majority, made the Quakers more receptive toward its demands.

The last petition of the residents of Cumberland County to the General Assembly for a redress of grievances had been presented in March 1764, and had been an appeal (1) for the strengthening of the frontier defenses, (2) a return of all captives before the Indian trade was resumed, and (3) financial remuneration for persons who had volunteered to protect the frontier, or who had suffered loss of family and property because of the wars. It also asked (4) that a circuit court be established and (5) that the County's representation in the General Assembly be increased.⁷⁷ The peace treaty in December had provided for the return of prisoners, and steps were being taken to provide for the establishment of a circuit court.⁷⁸ (The circuit court was established in the spring of 1767.) The political demands of 1764 were being met by the changing constituency of the General Assembly, and the political goals of the frontiersmen were becoming more conceivable. Politics were not a cause for rebellion as they had been in December 1763.

74 Deposition of Charles Grant, *Ibid.*, 220-222.

75 Charles Henry Lincoln, *The Revolutionary Movement in Pennsylvania, 1760-1776* (Philadelphia: University of Pennsylvania Press, 1901), 47.

76 Theodore Thayer, *Pennsylvania Politics and the Growth of Democracy, 1740-70* (Harrisburg: Pennsylvania Historical and Museum Commission), 103.

77 Petition of the Citizens of Cumberland County, March 4, 1764, in MacKinney, *Votes*, VII, 5580-5583.

78 Proclamation of John Penn, *P.G.*, December 6, 1764, 3.

Except for a few brief statements in March and April, the newspapers ignored the insurrection at Fort Loudon. No mention whatsoever was made about the attacks upon the fort in May and November. The Maryland government also ignored the rebels. There is no evidence that the rioters, among whom were citizens of Maryland as well as of Pennsylvania, appealed to that province for assistance in keeping the traders from passing; or that the civil authorities of Maryland or Pennsylvania petitioned the Maryland General Assembly for assistance in controlling the rebellion. It was a local affair which did not create a great deal of interest except to those who were directly involved.

James Smith and his "Black Boys" were not rebelling against either the provincial or the royal governments. Their efforts to curtail the sale of weapons to the Indians was a reaffirmation of the Proclamation of 1763,⁷⁹ and of the Board of Trade's Plan for the Management of Indian Affairs in 1764. According to this plan, all traders had to be licensed and bonded annually in the province in which they would trade. All goods were to be inspected by civil authorities at Crown forts before the goods were sold to the Indians.⁸⁰ Baynton, Wharton and Morgan had violated both acts. They were not licensed so that even when the Indian trade had been reopened, they were not able to participate legitimately in that trade. The settlers permitted traders who were not carrying weapons and had the prescribed license, to trade freely. They were not interested in curtailing all Indian trade, but simply in making sure that the Indians could not obtain weapons with which they would be able to attack the frontier until there was some assurance of a permanent peace treaty.

There is no evidence of any animosity between the frontiersmen and either government in the correspondence concerning the rebellion. Any dissension mentioned is specifically concerned with the carrying on of illicit trade with the Indians by the traders, or with the antagonism which was felt toward the garrison at Fort Loudon. Past experience had shown the Conococheague settlers the bitter consequences of permitting the Indians to obtain weapons, and they were determined not to allow them to do so until there was some assurance that the provisions of the treaty would be kept. They were aware of the illegality of their attacking the pack train, but looked upon what they had done as the lesser of two evils. It was better to interfere with the illegal trade than become the victims of the profits of that trade, and

⁷⁹ *P.J.*, November 3, 1763, 6.

⁸⁰ Hazard, *Pennsylvania Archives*, IV, 182-189.

their actions were condoned to a degree by the provincial government.⁸¹

No one was more aware of the illegal nature of his actions than James Smith. Speaking of the destruction of personal property and the disrespect for the royal troops which was so evident in May, he wrote:

. . . . The King's troops and our party had now got entirely out of the channel of the civil law, and many unjustifiable things were done by both parties. This convinced me more than ever I had been before, of the absolute necessity of civil law, in order to govern mankind.⁸²

The rebellion at Fort Loudon in 1765 cannot be justified legally. The persons who participated in it were in the wrong. They defied the royal and provincial governments by taking the powers of government into their own hands; and yet by taking action, they were supporting the policies of the authorities. It was a paradoxical situation which can be understood only by realizing the settlers' great fear of the Indians. In their opinion, Baynton, Wharton and Morgan and the 42nd Highland Regiment were endangering the welfare of the entire community. It was obligatory, therefore, that they seek to eliminate this danger. In doing so, they violated provincial law; but they were motivated by a strong sense of right and wrong; and as soon as peace was definite, and trade could be legitimately carried on, they did not interfere with the shipment of Indian goods. A rebellion begun in support of existing regulations, the Fort Loudon uprising got out of hand when leaders on both sides permitted personal antagonisms between the soldiers and settlers to become more important than the control of illicit trade.

Faced with continual chance of Indian attack, the frontiersmen were bound together by their own local law, adapted to the rigors of frontier life. It was the key to their survival, and disobedience to the law was subject to immediate recrimination. The rebellion is attributable to these factors. The actions of Baynton, Wharton and Morgan were interpreted as endangering survival, and it was the fear of what might happen which incited rebellion.

81 John Penn to his uncle, March 16, 1765, Penn Papers, Official Correspondence, Historical Society of Pennsylvania, Case X, Box 5.

82 J. Smith, 62.