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TWO INCIDENTS OF REVOLUTIONARY TIME

WILLIAM RENWICK RIDDELL¹

The life of William Dummer Powell, Fifth Chief Justice of Upper Canada, was full of stirring incidents. Born in Boston, Massachusetts, in 1755, educated at that place, in England and Holland, after spending some time in the office of Jonathan Sewell, the last Royal Attorney General of Massachusetts, he took the side of the Crown in the colonial disputes: he was one of the volunteers in the garrison during the siege of Boston by the Continental Army and sailed from Boston to England with General Gage when he gave way to Howe, October, 1775. He entered the Middle Temple as a student-at-law, and kept his twelve terms in attendance on the Courts at Westminster. Without waiting to be called to the Bar in England, he sailed for Canada in 1779. Receiving a licence to practise, he settled in Montreal, where he remained until 1789: in 1789 he was appointed First (and only) Justice of the Court of Common Pleas of the District of Hesse, then still including Detroit.² He was Judge of that Court until it was abolished in 1794, when he became a Justice of the Court of King's Bench; appointed Chief Justice of the Province of Upper Canada in 1815, he resigned 1825 and died at Toronto 1834.

His first case at the Bar, 1779, was the defence of Pierre Du Calvet, a hot-headed Huguenot, for criminal libel upon the Judges of the Court of Common Pleas at Montreal: this defence, successful as it was, brought him into disrepute with the official class. True, he had the support of the merchants, but the official class still stood aloof—the Government circles, the Military, the Judiciary—the last named had indeed been taught a bitter lesson of the estimate in which their partial conduct was held by the respectable people by the verdict of acquittal in the Du Calvet prosecution: and we hear of no further complaint of partiality in the Courts for some time. Impartiality in official position, however, is quite consistent with personal coldness or aversion—and this Powell experienced from the official class. By the end of the year had happened “an incident of a romantic cast” which

¹LL. D., F. R. S. Can., etc., Justice of the Supreme Court of Ontario.

²Although by the Definitive Treaty of 1783 all the territory to the right of the Great Lakes and connecting rivers was given to the United States, Great Britain retained possession in fact of the posts at Michilimackinac, Detroit, Niagara, Oswego, Oswegatchie, Point du Fer and Dutchman's Point until 1796, when they were given up under Jay's Treaty. See note 36, *post*.

he says "secured the good will and respect of the Military"—and this incident is now to be told.

Before Powell tells the story in his own way, some explanation should be given of the *mise en scène*.³

Even before but especially after the Declaration of Independence in 1776, many loyal citizens in Virginia and the Carolinas, some from Pennsylvania and other northern provinces, left their homes to avoid persecution by their rebel countrymen. Canada was not at first the goal of most of those

" who loved
The cause and kept their faith
To England's Crown" :

they for the most part went westward into the wilds of the hinterland. Kentucky—or Kentuck, as it was often called—the "dark and bloody ground," had been explored in the seventh decade of the eighteenth century by the celebrated Daniel Boone and others of the same type:⁴ a few settlers had made their way into this wilderness before 1776. It was in Kentucky and the hinterland of North Carolina that many loyalists determined to seek a refuge and a quiet habitation⁵—they were not alone, for many disloyal were soon to be found scattered throughout this vast territory. This was the Indians' best hunting ground, and the settlements, however few and scattered, disturbed the game—moreover the settlers had continued the inveterate frontier custom of whites in America, and killed "every defenceless Indian they met with."⁶ They lived up to the hideous maxim, "There is no good Indian but a dead Indian," formulated it may be in our time but felt long before.

³What follows is in great part taken from Chapter III of the Life of Chief Justice Powell now in preparation.

⁴John Finley, once well known but now forgotten, and a few companions from North Carolina went to Kentucky in 1767; in 1769, Finley, with Daniel Boone and others, made a further exploration. In 1770, Colonel Knox led a party from Virginia; in 1774, James Harrod built a log cabin at the present Harrodsburg and in 1775 Daniel Boone built his fort at Boonesborough; in 1776, Kentucky became a county of Virginia and in 1779 a law was passed which had the effect of enormously increasing the immigration.

⁵Major Arent S. De Peyster, Commandant at Detroit, writing to Lt-Colonel Mason, Detroit, May 16, 1780, says, "The prisoners daily brought in here are part of the thousand families who are flying from the oppression of Congress, in order to add to the number who are already settled in Kentucky, the finest country for the new settlers in America, but it happens unfortunately for them to be the Indians' best hunting ground, which they will never give up," Can. Arch., B. 100, p. 370.

⁶The language of an official letter by General Thomas Gage to Colonel Henry Bouquet from New York, Feb. 26, 1765 (Can. Arch., A 8, p. 505), when speaking of "The Disposition of the People of the Frontiers."

The Indians felt deeply the loss of their hunting grounds, upon which they depended in part for food and almost wholly for furs to barter with the Whites. Massacres took place on either side, torture and death or slavery were the lot of the unfortunate prisoner, male or female, infant or adult. The Indians were soon convinced that they could not drive out the intruder by their own efforts and they demanded help from the British posts at Detroit and Michilimackinac. Each of these places had a small garrison of the regular army and a considerable number of fur traders, fearless and adventurous. At first the Commandants or "Lieutenant-Governors" of the Forts turned a deaf ear to the suppliants⁷—they had no desire to take part with the Redman against their own kin, and, moreover, the posts themselves were not too secure and required for their defence all the available military force. A few volunteers joined the Indian expeditions, for such expeditions were at that time looked upon by the semi-civilized, and even by some who believed themselves to be civilized, as an interesting vacation, not unlike our own present hunting trips, and not much more dangerous. But the American became aggressive: the safety of Detroit, Michilimackinac, Niagara, became still more doubtful, the Indians began to be disaffected and threatened to take the side of the rebels; and when Henry Hamilton, Lieutenant-Governor of Detroit,⁸ was captured by "the backwoodsman of Kentucky," Colonel George Rogers Clark, at Vincennes, early in 1779, it was obvious that something must be done to hold the Indians as well as to check the rebels.

Not much was done in that direction in 1779, but in 1780, Captain Henry Bird⁹ of the 8th Foot, who had acted with the Indians in 1779,

⁷The requests of the Indians for help to drive out the intruders are repeated time and again in the letters from the Commandants at Detroit and Michilimackinac to the Governor-General at Quebec—these are to be found in the Haldimand Papers in the Canadian Archives.

⁸Henry Hamilton was Lieutenant-Governor of Detroit (in 1778), he made one expedition to the South and captured Vincennes, but the following winter was himself taken with all his forces and the Post by Col. George Rogers Clark. He was treated with brutality by Jefferson, the Governor of the State, and afterwards President of the United States, but was afterwards paroled and exchanged. He then went to England in 1781, but returned to Canada in 1782 as Lieutenant Governor; he acted as Governor in the absence of Haldimand, 1784-1785; in the latter year he was cashiered, being succeeded by Henry Hope. His conduct as Lieutenant-Governor of Quebec was not wise and his recall was wholly justified.

⁹Henry Bird was at this time a Captain in the 8th; he took part in expeditions with the Indians in 1779 and 1780; on his return to Detroit he was, in September, 1780, appointed acting engineer at that Post, which office he filled with success. He acquired from the Indians in 1784 some land at Amherstburg, which afterwards (1796) was taken by the Government for building Fort Amherstburg to command the mouth of the River Detroit. He established his family on this land, cleared about 200 acres of it and built two or three dwelling

was placed in command of a force of about 150 White soldiers and some Indians by Major Arent S. De Peyster, who had succeeded Hamilton as (acting) Lieutenant Governor of Detroit. Bird was to gather Indians about him and with them attack the Fort at the Falls of the Ohio, i. e., Louisville, which had been built and was garrisoned by the Americans: if successful in this, he was to attack other Forts in Kentucky.

With him went "the three Girtys," Simon, George and James, of "Injun story" fame¹⁰, and at the Miami he was joined by Captain

houses, made a good garden and planted an extensive orchard at an expense of £1200—*Can. Arch.*, Q. 311, 2, p. 411; do. do., Q. 311, 2, p. 398. He left Canada before 1796; he was obliged to go to England by reason of a suit in Chancery involving his whole English property and did not know of the Government expropriation till some time thereafter—he joined his regiment, the 54th, and took part in quelling the Irish Rebellion of 1798; when this rebellion was put down, he embarked for foreign service and died on the expedition of Sir Ralph Abercrombie to Egypt, 1801, having been a soldier for thirty-six years. At the time of his death he was Lieutenant-Colonel of the 54th Foot; he had previously served in the 8th and the 31st Regiments. A Petition was presented to Castle-reagh by his widow, Elizabeth Bird (*Can. Arch.*, Q. 311, pp. 408, sqq), and later in 1818 another to Bathurst by his son, Lieutenant-Colonel Henry Bird of the 87th Foot, asking for compensation from the Government. *Can. Arch.*, Q. 324, 2, pp. 271, 448, sqq. These applications were wholly unsuccessful as Haldimand's consent to the acquisition of the land was expressly conditioned on a certain defined portion being reserved for a Military Port and this reserve included Bird's lot. *Can. Arch.*, Q. 326, p. 48.

¹⁰Simon Girty is called a renegade and other hard names by most of the writers of history or tales of this western country; he had faults, but has received very hard measure—he took the losing side in the Revolutionary struggle. He was the second child, born 1741; James, the third, born 1743, and George, the fourth, born 1745, of Simon Girty, an Irishman, and his wife, Mary Newton, an English girl—they had another son, the eldest, Thomas, but he does not figure with his three brothers. The birthplace of the Girtys was near Harrisburg, Pennsylvania. The mother, after the father's death at the hands of an Indian in a drunken frolic, married John Turner, who had killed the Indian—the family moved westward and took refuge in Fort Granville. The Fort was taken by the Indians, 1756, and Turner, his wife and her children were hurried into the wilderness. Turner, being recognized, was tortured and burnt to death at the stake in the presence of his wife and her five children, the youngest being the son of Turner. She and the youngest son, John Turner, were given to the Delawares; the four Girtys for a time at least to the others. The eldest, Thomas, was recaptured within a few weeks; but Simon, James and George were taken further away and adopted by the Indians, Simon going to the Senecas, James to the Shawnees and George to the Delawares. In 1759 Mrs. Turner and her four boys were delivered up at Pittsburg. The three Girtys had thoroughly learned the Indian languages and had acquired more than a trace of Indian lore, skill and disposition. Simon at first took the side of the Colonials and was looked upon as a zealous Whig, but in 1778 he definitely chose the British cause and left Pittsburg for Detroit with Alexander McKee, Mathew Elliott and others, a party of seven in all. Thereafter until the end of his life he was an indefatigable and invaluable servant of the Crown in negotiating with, leading and taking the field with the Indians. He is said to have been the last to leave Detroit when it was given up to the Americans in 1796 under Jay's Treaty. Thereafter he lived on his farm in the Township of Gosfield in Upper Canada until his death in 1817.

He has been charged with cruelty and he was cruel as were most of the backwoodsmen of his time; but he was not wantonly cruel. Many instances are

Alexander McKee, then the Deputy Indian Agent at Detroit.¹¹ The expedition was at first successful—Fort Liberty or Ruddle's Station fell, then Martin's Fort or Martin's Station followed, and Louisville was next to be attacked. But he ran out of provisions, because of the wanton destruction of cattle by the Indians;¹² his prisoners were in danger of starving; the Indians were getting wholly beyond control—they had captured a few small forts or stockades of settlers and had

recorded of his saving prisoners from torture and death, more he would have saved if he could. Of his devotion to the Loyalist side I have no reason to doubt. Henry Bird, who knew him well and at whose side he had stood in times of stress and extreme danger, said of him to Lieutenant-Colonel Bolton: "Girty, I assure you, Sir, is one of the most useful, disinterested friends in his Department, Government has"—Letter from Upper Sandusky (1779). *Can. Arch.*, B. 100, p. 158.

James Girty was persuaded by Simon to espouse the cause of the Crown and he arrived at Detroit in August, 1778, about a month after his more distinguished brother. He is said to have excelled Simon in savagery, but his ferocity is much over-rated. He became a merchant at St. Marys in Ohio, married a Shawnee woman, and at length removed to Detroit and to Essex County in Upper Canada. He died in the Township of Gosfield in 1817: unlike Simon and George he was very temperate in his habits, and if he indulged in the orgies of cruelty with which he is charged, he had not the excuse of drunkenness.

George Girty became a Senior Lieutenant in the Continental Army, but only to save himself from being sent a prisoner to the mines; he enlisted hoping to be able to make his escape to Detroit, which he effected in August, 1779; he, like his brothers, was a fearless fighter and thoroughly skilled in woodcraft. He was also employed by the Crown, but afterwards went back to the Delawares, married among them and had several children. He died at a trading post on the Maumee, about two miles below Fort Wayne, Indiana.

Those interested in the members of this extraordinary family will find an accurate and (generally speaking) impartial account in Butterfield's *History of the Girty's*, Cincinnati, 1890—the book is rare and out of print, but a copy turns up now and then in the second-hand shops.

¹¹Alexander McKee, whose descendants are still living at Windsor and its vicinity, was one of the most useful and devoted of the officers of the King at Detroit. He, a native of Pennsylvania, had been, from 1772 on, Deputy Agent of Indian Affairs at Fort Pitt (Pittsburg) and was undoubtedly enthusiastically loyal to the Crown. He was a J. P. and carried on a large and lucrative business before the outbreak of hostilities between the Colonies and Motherland—imprisoned by General Hand in 1777, he was released on parole—being threatened with imprisonment in the following year, he made his escape to Detroit with Simon Girty and others. Thereafter he took a most active part on the loyalist side and was made a Colonel. He went into business in Detroit and was appointed Deputy-Superintendent of Indian Affairs, afterwards in 1794 Superintendent General. He was appointed in 1789 a member of the Land Board of Hesse and was granted land—he died in 1799.

We shall see that he was appointed a Judge of the Court of Common Pleas for the District of Hesse in 1788, but made way for Powell. See note 36, *post*.

¹²Haldimand, writing to Major Arent S. De Peyster from Quebec, August 10, 1780, after receiving Bird's report of the conduct of the Indians on this expedition, says:

"Their conduct with Captain Bird is highly reprehensible. They have incessantly reproached the Commanding officer for not sending Troops to assist them in preventing the Incursion of the Rebels and when with great Expenses and at a very inconvenient Time you fitted out one Expedition for that purpose they grew refractory and instead of complying with and supporting the measures of their conductor by which success must have been ensured, they aban-

slain at will and constantly hankered after the delights of the torture-stake—nothing was open to the perplexed Captain but to return as quickly as possible to Detroit with his prisoners and the remains of his force.

As was the case in many former raids, negro slaves were taken;¹³ they were divided among the Indians and the whites and some were sold. Of the white prisoners taken, some were put to hard labour in

done him, followed their wild schemes and by wantonly contrary to their engagement killing the Cattle rendered it impossible for him to prosecute the Intention of his taking the field"—Can. Arch., B. 121, p. 56.

Captain Bird's report to Major De Peyster from Ohio, opposite Licking Creek, July 1, 1780, reads:

"When they saw the Six Pounder moving across the Field, they immediately surrendered, they thought the Three Pounder a Swivel the Indians and their Department had got with them—The conditions granted That their Lives should be saved, and themselves taken to Detroit, I forewarn'd them that the Savages would adopt some of their children. The Indians gave in Council the Cattle for Food for our People & the Prisoners and were not to enter till the next day—But whilst Capt. McKee and myself were in the Fort settling these matters with the poor People, they rush'd in, tore the poor children from their mothers' Breasts, killed a wounded man and every one of the cattle, leaving the whole to stink. We had brought no Pork with us and were now reduced to great distress and the poor Prisoners in danger of being starved.

I talked hardly to them of their breach of Promise—but however we marched to the next fort, which surrendered without firing a gun. The same Promises were made & broke in the same manner, not one pound of meat and near 300 Prisoners—Indians breaking into the Forts after the Treaties were concluded. The Rebels ran from the next Fort and the Indians burn't it. They then heard the news of Col. Clark's coming against them & proposed returning—which indeed had they not proposed I must have insisted on, as I had then fasted some time & the Prisoners in danger of starving incessant rains rotted our People's feet the Indians almost all left us within a day's march of the Enemy. It was with difficulty I procured a guide thro' the woods—I marched the poor women & children 20 miles in one day over very high mountains, frightening them with frequent alarms to push them forward, in short, Sir, by water & land we came with all our cannon &c 90 miles in 4 days, one day out of which we lay by entirely, rowing 50 miles the last day—we have no meat & must subsist on Flour if there is nothing for us at Lorimiers. I am out of hope of getting any Indians to hunt, or accompany us, however George Girty I detain to assist me—I could, Sir, by all accounts have gone through the whole country without any opposition had the Indians preserved the cattle."—Can. Arch., B. 100, p. 410.

¹³In the reports from Detroit and Michilimackinac about this time there are many references to blacks, slaves, being brought in as prisoners. E. g., in Lieutenant-Governor Patrick Sinclair's report to Lieutenant-Colonel Bolton, Michilimackinac, June 8, 1780, he says that "the Indians & Volunteers on the attack against the Illinois . . . brought off forty-three scalps, thirty-four prisoners Black and White and killed about 70 persons. Can. Arch., B. 100, p. 430.

Lieutenant John Campbell writing to Captain Robert Matthews from Montreal August 10, 1780, enclosed a "Return of the Negroes brought in by the Indians and sold to the Inhabitants of Montreal and others" to lay before the Governor General. Can. Arch., B. 111, p. 176.

There were many negro slaves at this time throughout Canada—the Indians themselves had many—and their value as an article of trade was well known. On several occasions the Indians killed the whites whom they could not sell, but kept the blacks whom they could—it was rare although not entirely unknown that they tortured or slew a negro. In addition to negro slaves there were also Indian slaves generally known as Panis, i. e. Pawnees, from their being gen-

retaliation for the cruelty practised on Hamilton. Some, including several of those who claimed to be loyal, were sent east by way of Niagara to Montreal¹⁴ and some of these to Quebec.

Now we shall allow Powell to tell his story in his own words:

THE TRAGEDY OF THE LA FORCE FAMILY¹⁵

"The Story so much resembles romance that if some documents did not support it there might be ridicule in the relation.

"Meeting in the Street of Montreal an armed Party escorting to the Provost Guard several female prisoners and Children, curiosity was excited and upon engaging the Non-Commissioned Officer commanding the Escort Mr. P. was informed that they were Prisoners of war, taken in the Kentucky Country and brought into Detroit by a Detachment from the Garrison and now arrived from thence. Further Enquiry, after procuring necessary relief to the first wants of the party, drew from Mrs. Agnes La Force the following Narrative:—

"That her husband was a loyal Subject in the Province of North Carolina,¹⁶ having a good Plantation well stocked and a numerous family. That his political Sentiments exposed him to so much Annoy-

erally of the Pawnee tribe. See my Article on Slavery in Upper Canada read before the Royal Society of Canada, May, 1919, in the Journal of Negro History, Washington, October, 1919. There are a few instances of Indians selling whites for slaves—one of these we shall meet in the life of Powell—and very many of their enslaving white prisoners for their own service.

¹⁴Bird's return to Detroit is notified by De Peyster to Lt.-Colonel Bolton. Writing from Detroit, August 4, 1780, he says: "Captain Bird arrived here this morning with about One hundred and fifty Prisoners . . . the remainder coming in for in spite of all his endeavours to prevent it the Indians broke into their Forts and seized many—the whole will amount to about three hundred and fifty . . . the Prisoners are greatly fatigued with travelling so far, some sick and some wounded. I shall defer sending them down least it should be attended with bad consequences" . . .

Apparently the party in which Mrs. La Force was arrived at Niagara in November, as Brig.-Genl. Powell states in his letter to Haldimand, November 10, 1780, "I shall send by this opportunity fourteen Prisoners to Montreal—they are most of them women and children." Can. Arch., B. 96, 2, p. 629. And they probably arrived at Montreal, December 2, Can. Arch., B. 129, p. 190, although that is not certain; it is reasonably certain that it was late in the year. Mrs. La Force's petition reached the Governor-General, January 8, 1781, and Powell was not the man to let the grass grow under his feet in a case of this kind (see note post).

¹⁵I have copied the MSS exactly in spelling and punctuation; the use of a capital letter with nouns (still the practice in German) continued in English till well within the last century; some who had received their education in the eighteenth or the early part of the nineteenth century kept up the custom till death; it was not unusual to capitalize also the important words other than nouns—verbs were seldom so written. The universal capitalization of gentile adjectives such as French, Indian, is equally modern—hence Powell writes "british" "Mr. P" is of course Mr. Powell.

¹⁶In the Petition referred to *post*, Mrs. La Force states that her husband was "late of Virginia."

ance from the governing Party that he determined to retire into the wilderness, that he accordingly mustered his whole family, consisting of several sons and their Wives and Children, and Sons-in-law with their Wives and Children, a numerous band of select and valuable Slaves Male and female, and a large Stock of Cattle, with which they proceeded westward, intending to retire into Kentucky.

"That after they had passed the inhabited Country, they pre-posed to rest a few days; and having formed their camp, towards Evening a fat beeve was selected and two of his Sons undertook to kill him; one fired and the ox fell, when the other laid down his Rifle near the Tent and ran in to assist in flaying and dressing the Carcase. In the meantime the old Gentleman, fatigued with the day's march retired to his Bed in his Tent and was asleep when upon the loud report of a Gun, she found he was wounded mortally as he lay by her side. Her unhappy Son, when retiring to rest, recollected his rifle, and in feeling round in the dark among the Tent Cords, it went off and killed his father. This melancholy Event did not however arrest their Progress more than one day; but pursuing their Route to the westward, they made a Pitch in the wilderness considered to be five hundred miles from any civil Establishment. Here they surrounded a Piece of Ground with Pickets as a Defence against the Indians and built their hutts for themselves with their Slaves within it. With the strength they possessed in their own party, the wilderness soon changed its appearance, and promised amply to repay their Labours; but after a residence of three years without communication with the world, a Party of regular Troops and Indians from the british Garrison at Detroit appeared in the Plain and summoned them to surrender.¹⁷ Relying upon british faith, they open'd their Gate on condition of Protection to their Persons and Property from the Indians; but they had no sooner surrendered and receive that promise than her

¹⁷This was not one of the two large Forts which Bird took in his 1780 expedition Fort Liberty and Martin's Station, but a smaller Fortification; that there were several small forts is certain; that some of the prisoners brought to Detroit were from the small forts and that they (or some of them) were not rebels appears from the letter from De Peyster of August 4, 1780, already referred to (Can. Arch., B. 100, p. 441): "In a former letter to the Commander in Chief I observed that it would be dangerous having so many Prisoners here but I then thought those small Forts were occupied by a different set of people."

Bird in his report to De Peyster, Ohio River, June 10, 1780, speaking of the irritating conduct of the Indians says:

"I hope, Sir, my next will inform you of success in our undertakings, tho' their attack on the little Forts their number being so great is mean of them." Can. Arch., B. 100, p. 407.

Captain Alexander McKee reporting to De Peyster on the same expedition writing from Shawanese Village, July 8, 1780, tells of the capture of the two large Forts and says "the great propensity for Plunder again occasioned dis-

sons and sons-in-law had to resort to arms to resist the Insults of the Indians to their wives and Slaves.¹⁸ Several lives were lost and the whole surviving Party was marched into Detroit, about six hundred Miles, where the Slaves were distributed among the Captors and the rest marched or boated eight hundred miles further to Montreal and driven into the Provot Prison as Cattle into a Pound.

"This relation will be credited with difficulty but accident some time after put into the Hands of Mr. P. a document of undeniable credit, which, however, was unnecessary; for on Mr. P.'s representation of the Case to Sir F. Haldiman the most peremptory orders to the Commandant at Detroit to find out the Slaves of Mrs. Le Force in whose ever possession they might be and transmit them to their Mistress at Montreal; but Detroit was too far distant from Headquarters and Interests prompting to disobedience of such an order too prevalent for it to produce any effect; and the Commandant acknowledged in answer to a reiterated order that the Slaves could not be produced;

content amongst them and several parties set out towards the adjacent Forts to plunder Horses." Can. Arch., B. 100, p. 413.

Haldimand writing to Sir Henry Clinton from Quebec in 1780 (Can. Arch., B. 147, p. 283) says:

"A Detachment from Detroit . . . has destroyed three Forts . . . the Fickle and Perverse conduct of the Indians prevented something great being effected"—but that the La Force fortification was not one of the three is obvious from Bird's Report (note 12 ante). Can. Arch., B. 100, p. 410.

¹⁸This conduct of the Indians was duplicated on very many occasions. The shocking massacre by Montcalm's Indian allies of the British soldiers, their women and children after the surrender of Ticonderoga in 1757 is too well known to be narrated here—Kingsford's History of Canada, Vol. IV, pp. 65-69, contains a sufficiently extended and accurate account of the horrible tragedy—a disgrace to French Arms—it may be noted that this was one of the occasions when the Indians killed negroes.

Bird has himself been disgusted with the brutality of some of his allies in the preceding year 1779—the Wyandottes were determined to torture a prisoner to death; Bird did his best, offering the savages \$400 and at length \$1,000 for him all in vain; he then advised the captive to defend himself with a gun as long as he could, but the unfortunate man was "taken away and murdered at a great rate." Captain Bird took the body and buried it, the Wyandottes dug it up and put the head on a pole; Bird buried it again and lashed out at them all "You damned rascals, if it was in my power as it is in the power of the Americans, not one of you should live. Nothing would please me more than to see such devils as you are all killed. You cowards, is that all you can do to kill a poor innocent prisoner? You dare not show your faces where an Army is: but here you are busy when you have nothing to fear. Get away from me never will I have anything to do with you." Butterfield's History of the Girty's, pp. 93, 94; 7 Pennsylvania Archives, O. S., pp. 524, 525.

Notwithstanding all that has been said and written on either side, it is plain that (speaking generally) those in authority on both sides in the Revolutionary Wars deprecated the use of Indian Allies. It is true that at all times some and in times of great stress some gave way to temptation—*necessitas non habet legem*—but all knew the danger and most avoided it as much as possible. Each side accused and continues to accuse the other, both with some justice but both with exaggeration.

although their names and those of their new masters were correctly ascertained and a list transmitted with the order, and is as follows:

"List of Slaves formerly the property of Mrs. Agnes le Force now in possession of:

Negro Scipio,	in possession of	Simon Girty
" Tim,	" "	" Mr. Le Duc ¹⁹
" Ishener,	" "	" do do.
" Stephen,	" "	" Capt. Graham ²⁰
" Joseph,	" "	" Capt. Elliot ²¹

¹⁹Le Duc, probably Philip Le Duc, a French Canadian who cheerfully accepted British citizenship on the conquest in 1760; like most of his compatriots he preferred Royal rule to Republicanism, and he proved a useful subject. He joined Bird's party as an artificer and was well thought of by his Commander. Bird writes to De Peyster, Ohio River, June 11, 1750, "Mons. Le Duc has behaved extremely well in every respect and has been very serviceable in making shafts and repairing carriages in which matters he offered his services. You seemed, Sir, to have an inclination to serve him on our leaving Detroit; I don't doubt but you will on his return find him worthy your notice"—*Can. Arch.*, B. 100, p. 407.

He was one of the many inhabitants of Detroit who in 1769 protested against the giving of Hog Island—now Belle Isle, the beautiful Park of Detroit—to Lieutenant George McDougall of the 60th Foot; they had been accustomed to pasture their cattle upon the island as a common given to the public by de la Motte the first Commandant of the Post.

The claim of Lieutenant McDougall gave rise to the first case tried by Powell when he became Judge at Detroit in 1789. The story has been told in outline in my address before the Michigan Bar Association at Lansing, June, 1915—"The First Judge of Detroit and His Court."

²⁰Captain Duncan Graham, an officer in the Indian Department, who was afterward stationed at Michilimackinac, *Can. Arch.*, B. 123, p. 427; do. do. C. 678, p. 160; do. do. M. G., 11, p. 525, sqq. He had taken part with Bird in his campaign with the Indians in 1779—Bird writes from St. Duski (Sandusky) to Lieutenant Lernout, Acting Commandant at Detroit, a letter received April 17, 1779, and says: "Capt. Graham has been so anxious to return ever since the day of his arrival that it's with the utmost difficulty I have prevailed with him to remain."

²¹Matthew Elliott was an Irishman who emigrated to Pennsylvania before the Revolution and engaged in the Indian trade, with headquarters at Fort Pitt (Pittsburg). Trading with the Indians he was in October, 1776, captured by a party of Wyandottes and his goods taken from him. With his servant, Michael Herbert, he made his way to Detroit where in March, 1777, he was arrested as a spy by Hamilton and sent by him to Quebec. Next year he was released on parole and went back to Pittsburg via New York; in March, 1778, he escaped from Pittsburg with McKee, Simon Girty and others and with them went to Detroit. An American writer (Butterfield, *History of the Girtys*, p. 57) says, "There were not to be found . . . three persons so well fitted collectively to work upon the minds of the Western Indians for evil to the patriot cause as Simon Girty, Matthew Elliott and Alexander McKee." The subsequent efforts and success of these three fully justify this statement; they generally acted together and showed determination and consummate skill. Elliott became a Captain in the Indian service and took part in most of the campaigns carried on against the Americans. He acquired considerable property near Fort Malden where he lived for the later years of his life; his property there was laid waste by the American invader in the War of 1812. He was one of the Members of the House of Assembly of Upper Canada for Essex in the Third Parliament, 1800-1804, the Fourth, 1804-1808, and the Fifth, 1808-1812. An account of his

Negro Keggy, in possession of Capt. Elliot.²¹
 " Job, " " " Mr. Baby²²
 " Hannah, " " " Mr. Fisher²³
 " Candis, " " " Capt. McKee
 " Bess, Grace, Rachel—and Patrick—Indians

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13

"Many years after on a Question of Property the singular Document of which follows a Copy was produced to Mr. P. and recognized as an original.

Copy.

Detroit, May 14, 1784.

I, Henry Bird do declare that the wench Esther became my property in Consequence of an article of Capitulation of Martin's Fort, whereby the Inhabitants and Defenders agreed to deliver up their Blacks, Moveables and Arms to the Indians as their property, on Condition that their Persons should be safely conducted to Detroit; which article was punctuly complied with and fulfilled by the Captors. The said Esther became my property by Consent and permission of the Indian Chiefs.²⁴

(Signed)

H. BIRD,
Captain.

activities would take a volume; suffice it to say, that he was one of the most active and successful of all the many active and successful servants of the Crown at Detroit.

²²Probably Duperon Baby, who was of an old French-Canadian family; born in 1738, he became a prominent citizen of Detroit and a trader of great enterprise. He also was appointed a member of the Hesse Land Board and rendered valuable services in interpreting. He died at Sandwich in 1796. He was one of the three Judges of the Court of Common Pleas at Detroit who (as will be explained *post*, note 36) made way for Powell.

²³Probably Frederick Fisher, an Indian Interpreter, certified by Alexander McKee as "a Man of Truth and confidence" (Can. Arch., Q. 299, p. 273) and afterwards much trusted by Colonel William Claus, Deputy Superintendent of Indian Affairs at Amherstburg, (Can. Arch., M. p. 119); he was stationed for a time at Swan Creek (Can. Arch., Q. 57, 2, p. 432) and at Chenail Ecarté (Can. Arch., C. 250, p. 296; do. do. Q. 299, p. 292). He died November 12, 1810, "owing to the effects of a violent cold"—Letter from Matthew Elliott, Superintendent Indian Affairs, to Colonel William Claus, Dept. Supt. General and Dept. Inspector General, Indian Affairs at Fort George (near Niagara on the Lake)—the letter is from Amherstburg, November 18, 1810 (Can. Arch., Q. 114, p. 74). The Indians gave "a Condolence of 111 Strings White Wampum for the death of Frederick Fisher"—Can. Arch., Q. 114, p. 77.

²⁴It is to be noted that the slave mentioned by Captain Bird in this certificate, i. e., Esther, is not one of the slaves claimed by Mrs. La Force.

Present and Witness }
to the Capitulation }

(Signed) A. McKee, D. A. } I do hereby make over and give my
Indian Affairs } Right and Property in the said Wench
and her male Child to William Lee in consideration of having cleared
for me sixteen acres of Land.

(Signed)

H. BIRD,
Captain."

The Petition of Mrs. La Force is Extant in the Haldimand Papers and is as follows:²⁵

"To His Excellency Frederick Haldimand Esqr Captain General & Commander in Chief of His Majesty's Forces of the same, and the Frontiers thereof Vice Admiral &c.&c.&c.

"The humble Petition of Agnes La Force, Widow of René La Force, late of Virginia, now a prisoner in Montreal.

"Your Petitioner most humbly sheweth—

"That your Petitioner about three years past had the affliction of losing her said husband and was left a widow with five children: That her late husband together with his Family: and thirteen negro slaves had been obliged to remove two hundred miles into the inner uninhabited part of the country; to be out of the way of all Troubles; That her said husband always had been a very loyal subject of His Majesty, on which account he was at different times greatly distressed by heavy fines, which were Layed on him, and at last obliged him to remove from his habitation where he and his Family lived at their ease. That on the 25th of June last past your Petitioner together with her five children and said thirteen negro slaves belonging to her the Petitioner were disturbed in their (as they thought) safe retirement by a party of Soldiers and Indians of His Majesty, and were by them taken Prisoners and carried to detroit where on their arrival said negro slaves were sold & disposed of without your Petitioners consent or receiving any benefit thereby to her very great Detriment said slaves being her only resource she had and only property left in this country, and now your Petitioner and Family being in the utmost distress and considered her Farr advanced age not being able to do anything towards the support of her Fatherless children in a strange country destitute of everything she the Petitioner most humbly has resource to Your Excellency,

²⁵The petition is dated January, 1780, but it is quite clear that the date should be 1781—this kind of error is very common in the early part of the year

and prays that your Excellency with a paternal eye will look on her very great affliction and take her case into consideration and give her said Petitioner Liberty to reclaim the above mentioned her negro slaves or to order the purchasers of them to pay unto her your Petitioner whatever sum or sums of money as your Excellency will think in Justice and equity to be due to her the Petitioner as being the sole proprietor of said slaves: And your Petitioner as in Duty bound will every pray.

AGNES LAFORCE."

In the following year occurred an incident creditable to Powell's humanity; it is significant of the times and requires no explanation—this will be told in his own words:²⁶

Montreal, 22 August,
1782.

Sir

I should make an Apology for the Liberty I take but that I consider it a public Duty.

When you were here some time since, I am informed that mention was made to you of a young female slave bought of the Indians by a Mr. Campbell, a Publican of this Town, and that when you learned that she was the Daughter of a decent family in Pennsylvania,²⁷ captured by the Indians at 10 years of age, your Humanity opposed itself to the barbarous Claim of her Master and you Promised that she should be returned to her Parents by the first Flag with Prisoners.²⁸

In Consequence of such a Promise the Child had been taught to expect a speedy release from her Bondage, and, finding that her Name was in the List permitted by his Excellency to cross the Lines with a flag from St. Johns, she imagined that there could be no Obstacle to her Return; but, being informed that Mr. Campbell had threatened to

²⁶I copy from MS. of Powell's; which I have checked with photostat copies of the originals in the Canadian Archives.

²⁷The western part of Pennsylvania is meant which was seething with conflicts on a small scale between the Loyalists and the Republicans, the Indians for the most part took the side of the former, "our savages" as Powell calls them.

²⁸In 1780 Germain instructed Haldimand that "all prisoners from revolted Provinces are committed as guilty of high treason not as prisoners of war"—Can. Arch., B. 59, p. 54, but a change soon took place and after some intermediate stages, Shelburne, the Home Secretary, in April, 1782, instructed Haldimand that all American prisoners were to be held for exchange. Can. Arch., B. 50, p. 164. (The short lived Secretaryship for the Colonies instituted in 1768 had only four incumbents, the notorious Lord George Germain being the third—after Welbore Ellis had filled the place for a very short time it was abolished in 1782 by 22 George III, c. 82, and the Home Secretary was charged with its duties.)

give her back to the Indians, she eloped last Evening, and took refuge in my House from whence a female Prisoner, (sometime a nurse to my children) was to sett off this Morning for the Neighborhood of the Child's Parents. Upon Application from Mr. Campbell to Brigadr. Genl. De Speht²⁹, setting forth that He had furnished her with money, an order was obtained for the delivery of the Child to her Master and there was no time for any other Accommodation³⁰ than an undertaking on my part to reimburse Mr. Campbell the Price he paid for her to the Indians. This I am to do on his producing a Certificate from some Military Gentleman, whom he says was present at the Sale.³¹ I have no objection to an Act of Charity of this Nature, but *all Political Considerations aside* I am of opinion that the national Honor is interested, that this Redemption should not be the Act of an Individual. As Commissary of Prisoners I have stated the Case to you, Sir, that you may determine upon the propriety of reimbursing me, or not, the sum I may be obliged to pay on this occasion.

That all may be fairly stated I should observe that the Child was never returned a Prisoner, nor has drawn Provisions as such—although

²⁹The name of Brigadier General De Speth (Spèht Powell calls him and he is sometimes even officially called "Speth" e. g. by Haldimand, Can. Arch., B. 131, p. 155) originally was Ernst Ludwig Wilhelm von Speth, but he gallicized it to De Speth (just as in the last few years the German Ochs, Gruenwald, &c, have become Oakes, Greenwood, &c). He is not to be confused with Colonel Johann Frederick Specht of Specht's Regiment, also for a time in the British service, who was a Brunswicker and died June 24, 1787, at Brunswick.

De Speth took part in the Lake Champlain operations in 1776 and 1777; he was taken prisoner in Burgoyne's disastrous Campaign, but was exchanged and afterwards stationed at Sorel and Montreal. He became a Major General and died at Wolfenbüttel, October 27, 1800.

He took command at Montreal in October, 1781, Can. Arch., B. 131, p. 128, do. do., B. 129, p. 261, and until November, 1782, he carried on an active correspondence with Haldimand in French; Can. Arch., B. 129, B. 130, B. 131; he was followed by St. Leger.

³⁰A cartel set out August 22, 1782, with prisoners for exchange. De Speth reports to Haldimand and sends a list of prisoners on that day. Can. Arch., B. 130, pp. 33, 34.

³¹The purchase or other acquisition of white girls from their Indian captors was common at all times—I mention only two instances out of many appearing in the reports about that time. Owen Bowen, who had been a clerk at Niagara Falls, married a female white prisoner with three children, he complained to Haldimand from Montreal, November 20, 1783, that his two step daughters Mary and Anne West had been taken prisoners by a war party of Delaware Indians in 1779 and taken by them to Detroit, when Colonel De Peyster obtained possession of them by interceding with the Indians. The girls had lived with De Peyster for more than four years and when the stepfather wrote—as he did several times—to De Peyster to send them to Niagara the answer was returned "That the Girls could not be spared." Col. Johnson's influence had been invoked by Bowen and that of Sir John Johnson in vain. Haldimand at once ordered De Peyster to send the girls down to Montreal. (Can. Arch., B. 75, 1, pp. 239, 254.)

De Peyster writing from Detroit, May 15, 1782, to Brig. Gen. Powell tells of the Delawares delivering up five prisoners for 300 barrels of flour. (Can. Arch., B. 102, p. 43.)

there can be no doubt of her political character, having been captured by our Savages.

Richard Murray, Esquire,
Commissary of Prisoners,
Quebec.

Signed
WM. DUMMER POWELL."³²

The answer reads thus:—

"Sir, Quebec, 26 Augt. 1782.

I am favored with your's by Saturday's post and have since layed it before His Excellency the Commander in Chief, and I have the Pleasure to inform you that he approves much of your Conduct and feels himself obliged for your very humane Interposition to rescue the poor unfortunate Sarah Cole³³ from the Clutches of the miscreant Campbell; and I am further to inform you that your letter has been transmitted by his Secretary to the Judges at Montreal, not only to make Campbell forfeit the money he says he paid for the Girl, but if possible to punish and make him an example to prevent such inhuman conduct for the Future; but in any Event you shall be indemnified for the very generous Engagement you entered into.

(Signed) RICH. MURRAY."³⁴

"Mr. Powell had redeemed his word the day it was given and paid Mr. Campbell Twelve Guineas³⁵ on production of a string of Wampum which a witness said he saw delivered by the Indians with the Girl and the Money paid by Campbell."³⁶

³²This is endorsed in Powell's well known later handwriting "To —Murray Esq., Affair of Sarah Cole, Indian Prisoner."

³³Originally written "Mary Cole," but the word Mary is cancelled and the word Sarah interlined.

³⁴This is endorsed in Powell's handwriting, "Richard Murray Esq., relating to Sarah Cole."

³⁵By the Ordinance of March 29, 1777, 17 George III, c. 9, the Guinea was declared equivalent to £1.3.4 Quebec Currency; this would make the price of the girl \$42.60.

It is to be presumed that Powell was repaid; he nowhere complains that he was not as he certainly would have done if he had cause.

³⁶When in 1788 Lord Dorchester divided the territory which lay west of the present Province of Quebec into four Districts, each of the four Districts, Lunenburg, Mecklenburg, Nassau and Hesse was given a court of full civil jurisdiction, called the Court of Common Pleas; to each of these courts Dorchester appointed three laymen as judges—there were no lawyers in the land until later. To the court for the District of Hesse (all the territory west of Long Point, Lake Erie, and including Detroit and Michilimackinac) three Detroit merchants were appointed, two English speaking, Alexander McKee (see note 11) and another, and one French speaking, Duperou Baby. The inhabitants of Detroit, including the three judges themselves, petitioned for a lawyer judge, and William Dummer Powell was, 1789, appointed First (and only) Judge with all the powers of three judges.