



This is NewsLetter Issue No. Three ~ For the year 2021

The Constitution

When people talk about or refer to the United States Constitution, they are actually talking about the Bill of Rights or the later Amendments to the Bill of Rights.

Patrick Henry was a staunch Anti-Federalist. He argued against ratification of the Constitution unless it contain a “*bill of individual rights.*” As everyone knows, his argument won out and when the Constitution was ratified and published, the Bill of Rights was an integral part of it.

So what was the fundamental crux of the Constitution itself? For the most part, its seven articles do not describe specific rights or privileges of the citizens of the United States of America. The following are summarizations of the Articles.

The First Article states that: *All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.*

So what exactly are ‘legislative powers’? The word ‘legislative’ refers to the making and/or giving of laws.

The Second Article states that: *The executive Power shall be vested in a President of the United States of America.*

So what exactly is ‘executive power’? The word ‘executive’ refers to the serving or doing of a thing.

The Third Article states that: *The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.*

So what exactly is ‘judicial power’? The word ‘judicial’ refers to belonging to a cause, trial or judgement.

In simple terms, the Congress (consisting of both the Senate and House of Representatives together) shall make laws for the functioning and management of the nation; the President, as the governor or overseer, shall manage the nation; and the Supreme Court shall adjudicate if the laws have been made properly and if the President has managed properly.

The Fourth Article consists of four sections. Those four sections describe how individual states shall be formed and how they should conduct judicial proceedings and maintain records.

The Fifth Article describes how Amendments to the Constitution may be proposed and ratified.

The Sixth Article states that the Constitution and the Laws of the United States which shall be made in the enactment and fulfillment of it shall be the supreme law of the land.

The Seventh Article stated (in the context of the original thirteen colonies / states) that the Constitution would be deemed established upon the ratification of it by nine of the states.

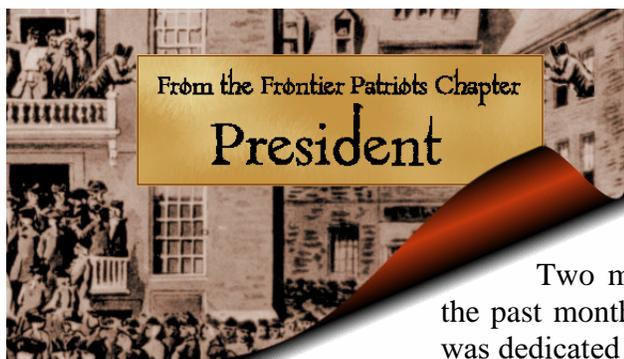
The Constitution itself did not describe many rights and privileges to be granted to the individuals. That came in the *Bill of Rights*, on which Patrick Henry insisted. The Bill of Rights were encompassed in the first ten amendments to the Constitution. And when people invoke certain individual rights, they are most often referring to the first ten amendments. And it is the first ten amendments that many citizens feel are being infringed.

On 21 June 1788, the *Constitution of the United States of America* was officially ratified with New Hampshire becoming the ninth state to ratify it. The *Bill of Rights* was ratified on 15 December 1791.

Subsequently, seventeen amendments have been proposed and ratified, the most recent being Amendment XXVII, ratified on 7 May 1992.

Of special note are the 13th Amendment declaring slavery at an end, the 14th Amendment which states that all persons born or naturalized in the United States are citizens, the 19th Amendment giving women the right to vote, and the 26th Amendment setting the age of eighteen as the age at which a citizen of the United States may vote.

Constitution Day, 2021 falls on the 17th of September.



The next meeting of the Frontier Patriots Chapter of the Sons of the American Revolution will be held at the Hoss's Restaurant at 4308 Business 220, Bedford on Saturday, 18 September 2021 starting at 12 Noon.

Two major commemorative events were undertaken during the past month of July. The Engagement of Frankstown monument was dedicated on Saturday, the 10th. The Phillips Rangers' Massacre Remembrance Ceremony was held on Saturday, the 17th. Both of the events were well attended. The event on the 17th was attended by roughly one hundred and twenty-five, including forty descendants of Captain William Phillips and four descendants of Phillip Skelly. A number of Compatriot members of the Frontier Patriots Chapter attended the events.



The Engagement of Frankstown Monument

I am pleased to report that the monument honoring the Frankstown Engagement was dedicated on 10 July 2021. The following is the article I submitted to the Altoona Mirror.

At dawn on Sunday morning, the 3rd of June 1781, a detachment of forty-three Bedford County Militia Rangers under the command of Captain John Boyd left Fort Fetter and headed north. A report had

been received at Fort Bedford two days before that a party of Indians who had come into the Tuckahoe Valley had then killed a settler and taken his wife captive. Captain Boyd, a Northumberland County resident just recently assigned to the Bedford County Militia, was commissioned to raise a company to go in search of the war party to try to free the captured woman. John Boyd's company was joined by a small

group of local settlers who volunteered to help in the search.

The Rangers and volunteers headed out from Fort Fetter, which stood where the Comfort Inn at Wye Switches stands today. Their plan was to pass follow the Kittanning Path through the Kittanning Gap, where the Horseshoe Curve is located, and head toward the Indian town of Kittanning, all the while scouting for the party of warriors who had taken the woman captive. Marching along the Beaverdam Branch, at a point about two miles north of Fort Fetter and a short distance downstream from the mouth of the Sugar Run, the Bedford County troops were ambushed.

Lieutenant Robert Nelles led a platoon of British soldiers out of Fort Niagara on one of nearly sixty raids that year. A platoon could consist of anywhere between five and twenty soldiers. As the British troops marched south through the Genessee Valley of the New York province, they were joined by a party of nearly eighty Seneca warriors. Following established paths and waterways, the war party arrived in the north end of the Tuckahoe Valley where they attacked a farmstead. The goal of the attack was not to kill a settler and take his wife captive; it was to goad the Bedford County Militia out of any of its fortifications. Once in the open, the militia officers could be captured and used as a bargaining chips for captive British officers.

As the Rangers marched along, the British soldiers and Seneca warriors rose out of the morning fog, let out a war whoop and showered the Bedford County men with arrows and musket fire. A short battle ensued leaving about fifteen men killed, five wounded and seven taken captive. One of the British soldiers were killed and two were wounded and the Indians lost two warriors. Captain John Boyd was one of the Bedford County men taken prisoner. The name 'Engagement of Frankstown' was coined by Blair County historian Floyd G. Hoenstine.

In 1923, the Blair County Historical Society erected a small monument along the Old Sixth Avenue

Road, currently known as Route 764. Although the small monument is near to the site of the engagement, it is too small and too close to the road to be easily and safely visited.

Researching for a new book, Frontier Patriots Chapter, SAR President, Larry D. Smith was struck by how similar the Engagement of Frankstown in 1781 was to the Phillips Rangers' Massacre (in the Woodcock Valley) in 1780. In both instances, a British-led Seneca Indian incursion attacked a local farmstead, killed the men and took the women and children captive. The attacks goaded the Bedford County Militia to come out in the open where the troops were ambushed, resulting in deaths and the captains being taken prisoner to Fort Niagara. Due to the similarities of the incidents, Smith was motivated to encourage the Frontier Patriots Chapter to undertake a project. That project was to erect a monument memorializing the Engagement of Frankstown that would be similar in style and size to the one erected in 1926 on the eastern slope of Tussey Mountain northwest of Saxton.

A bequest to the Frontier Patriots Chapter from the estate of Joseph and Elizabeth Ramsey was used to fund the project. A bronze plaque designed by Mr. Smith was cast by Olde Mill Impressions of Mechanicsburg. The plaque provides a narrative of the engagement along with the names of the forty-four participants. It was set in the stone monument constructed by Stiffler Masonry of Martinsburg on a piece of property donated by Imler's Poultry. The monument is located on the northwest corner of the intersection of Route 764 and Theater Drive.

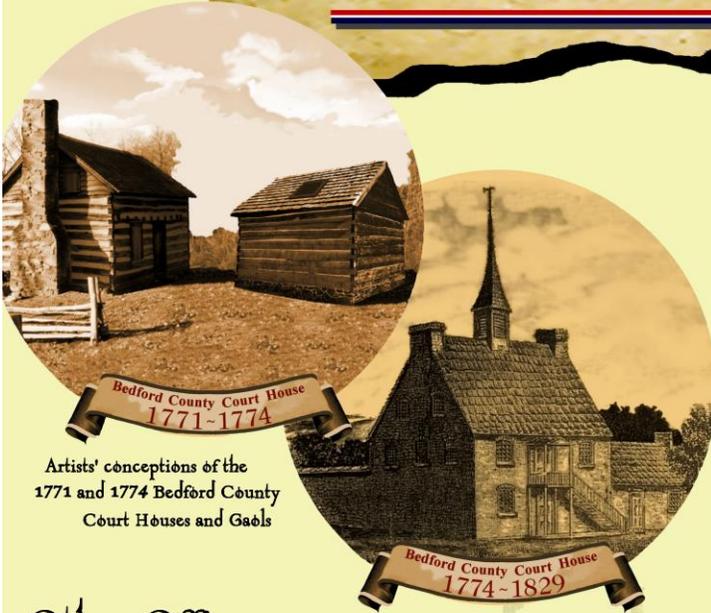
The monument was dedicated in a ceremony held this past 10 July 2021. The ceremony, attended by nearly thirty people included greetings by Fred Imler Jr., comments on the history of the incident by Larry D. Smith, comments on the importance of the monument to the County of Blair by Chairman Commissioner Bruce Erb and comments and a prayer blessing the monument by Pastor David McClanahan of the Smith Corner Church.



Frontier Patriots Chapter website: <https://frontierpatriots.com>

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The Frontier Court



Artists' conceptions of the 1771 and 1774 Bedford County Court Houses and Gaols

The First Court House and Gaol

Bedford County was erected out of Cumberland County on 09 March 1771. A log Court House and Gaol (pronounced 'jail') were constructed on Lot #6, according to John Lukens' 1766 Survey of Bedford Town. Early historians noted that the gaol was a separate log structure which had no windows or doors. Criminals were placed in the building through a trap door in the roof, using a removable ladder.

Some historians have claimed that the first courts were held in the local taverns because no court house was available for use. They obviously don't realize that prior to 1771, when the county was created, there would not have been any court to be held in this region. Courts are not held just anywhere. Anything that need adjudication would have been heard at Carlisle, the county seat of Cumberland County, which this region was until 1771.

Other Offices

The first two Bedford County Court Houses had only a limited amount of space, and that was needed for Court of Quarter Sessions and Court of Oyer & Terminer cases, so some court officials, such as the Prothonotary, had their offices in buildings other than the Court House. Arthur St. Clair, Prothonotary and Clerk of Courts between 1771 and 1773, maintained an office in the cellar of Thomas Smith's house (later owned by David Espy). It is no doubt that that is why some historians assumed that the courts were also held in buildings other than the actual Court House.

Justices Of The Peace

There were no 'judges' until the year 1790. Until that time, cases were heard and adjudicated, or judged, by a group of Justices of the Peace. The Justices of the Peace, usually three of those appointed by the King of England, met four times during the year. When they did meet, they functioned in what were known officially as Courts of General Quarter Sessions of the Peace. Any case other than a criminal case would have been considered during the Quarter Sessions. Criminal cases were heard and judged by the Courts of Oyer and Terminer and General Gaol and Delivery which were conducted as necessary by the Pennsylvania Supreme Court.

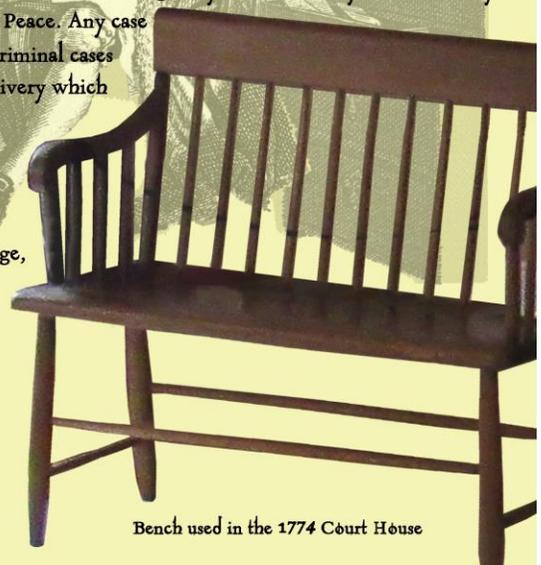
Justices of the Peace, therefore, were essentially the first lawmakers in the county. They formed townships, approved licenses for taverns and directed the cutting of new roads through the forests. The first Justices of the Peace for Bedford County included: John Fraser, Barnard Dougherty, Arthur St. Clair, William Proctor Jr., Robert Cluggage, Robert Hanna, George Wilson, George Woods, William Lochry, William Crawford, Dorsey Pentecost, William McConnell, Thomas Gist, James Milligan and Alexander McKee ~ all commissioned on 12 March 1771.

The Circuit Judge & Circuit Courts

Despite folklore, there never existed a judge and court that traveled through the wilderness regions of Bedford County to hold 'circuit courts' in taverns away from the Court House in Bedford Town. The idea makes for interesting folk tales, but it never actually took place in this region.

The Second Court House

The Second Court House was built of stone. It stood on the northwest corner of the town square. The Court was held on the second floor, accessed by a stairway on the outside of the building. A gaol, or jail, occupied the first floor. This stone building was used until 1829.



Bench used in the 1774 Court House