

# THE OLD VIRGINIA COURT HOUSE NEAR WASHINGTON PENNSYLVANIA

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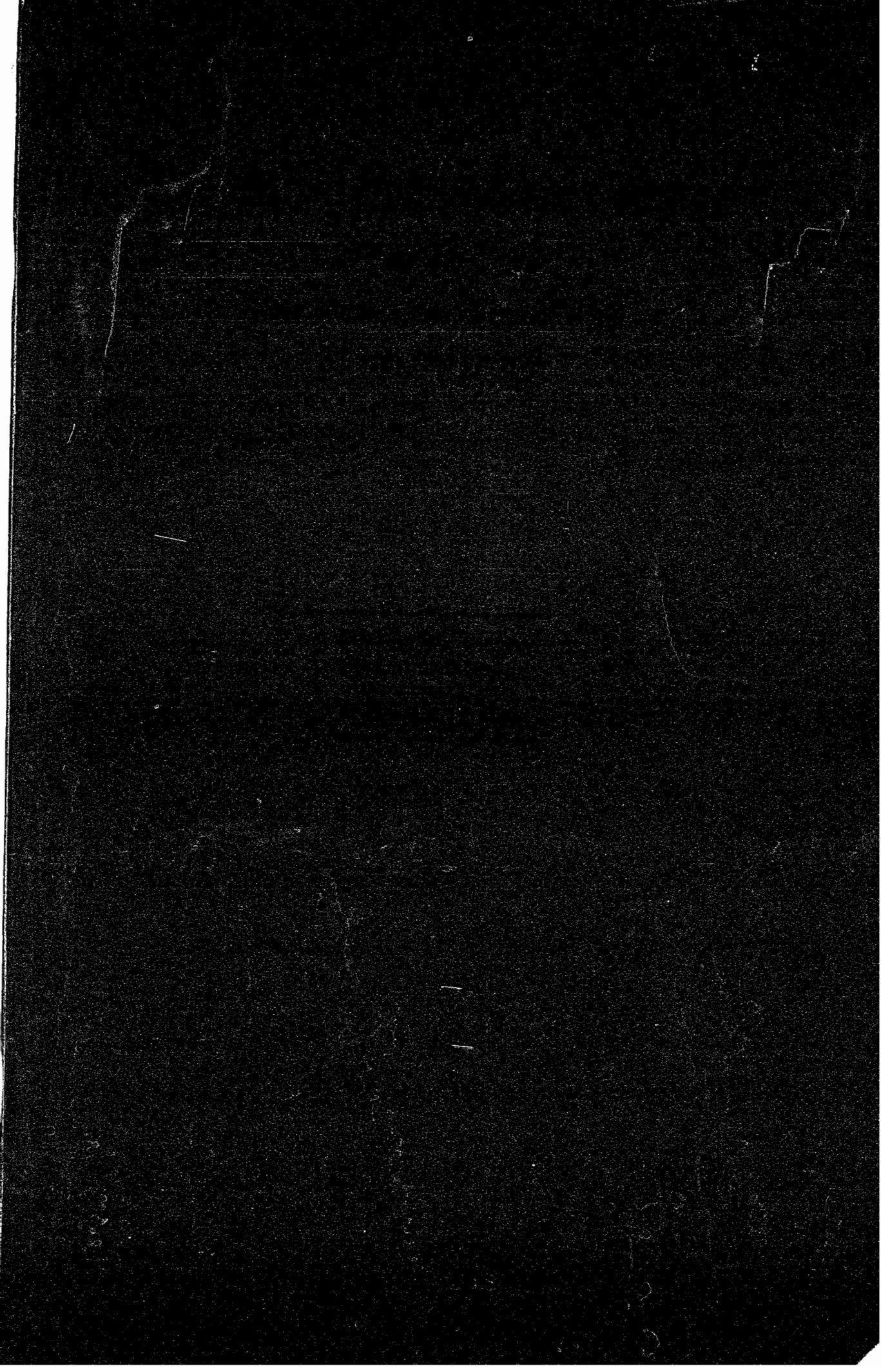


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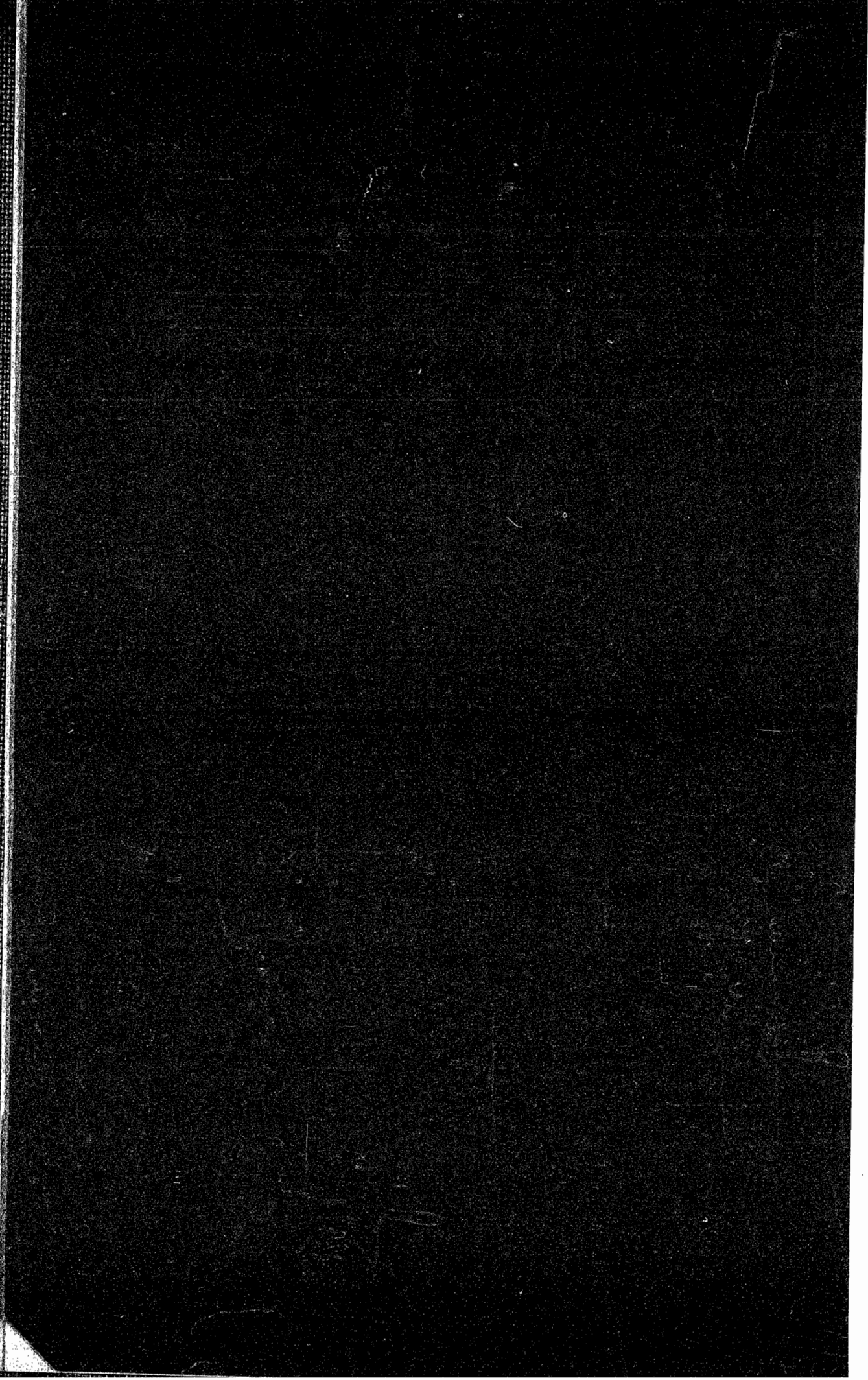
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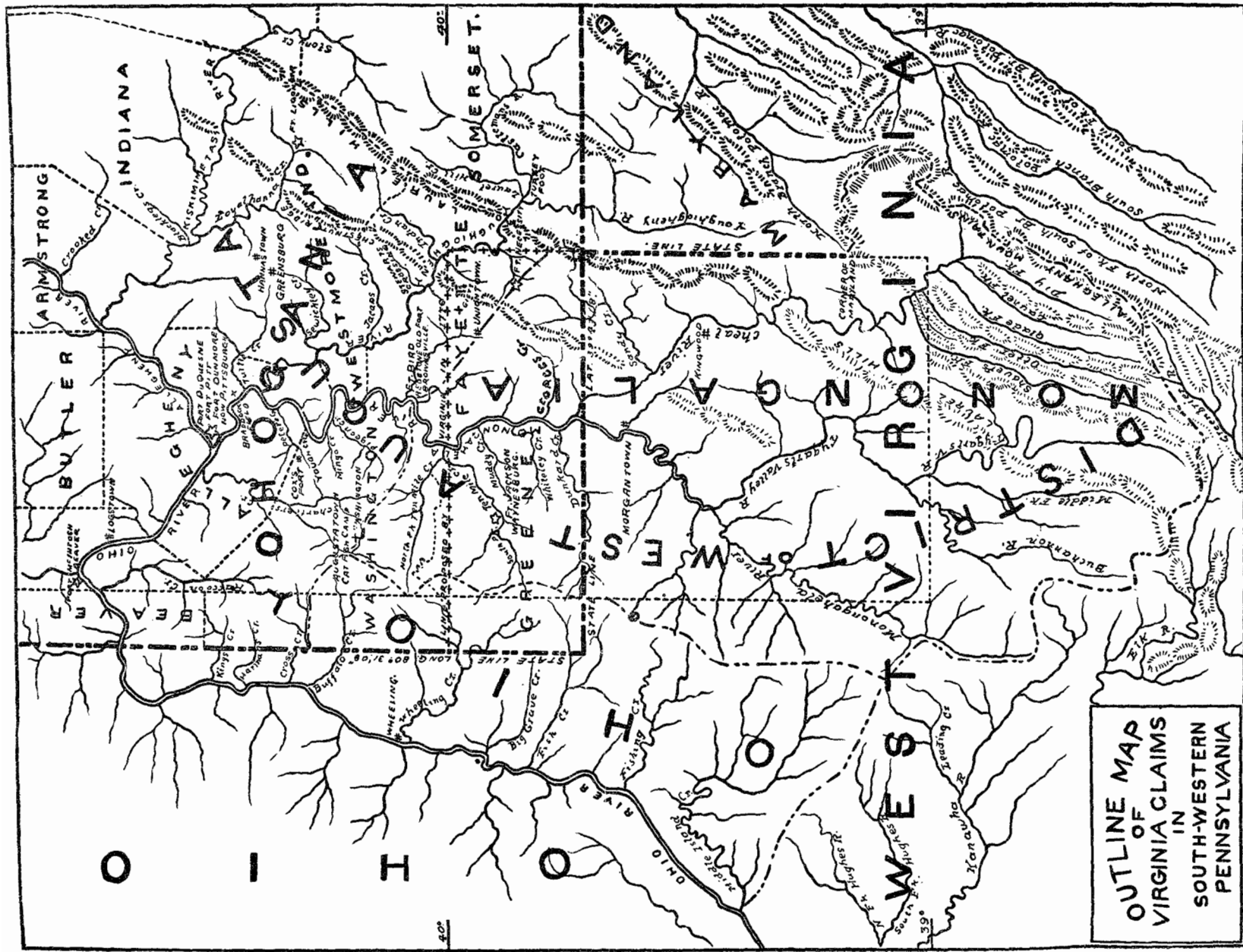












OUTLINE MAP  
OF  
VIRGINIA CLAIMS  
IN  
SOUTH-WESTERN  
PENNSYLVANIA







The County Court  
FOR THE  
District of West Augusta, Virginia,  
HELD AT  
Augusta Town, near Washington, Pennsylvania,  
1776-1777.

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An Historical Sketch by Boyd Crumrine.

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WITH AN ACCOUNT OF THE COUNTY COURTS FOR OHIO,  
YOHOGANIA AND MONONGALIA COUNTIES,  
VIRGINIA, HELD 1777-1780.

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THE COUNTY COURT FOR THE DISTRICT OF  
WEST AUGUSTA, VIRGINIA, HELD AT AU-  
GUSTA TOWN, NEAR WASHINGTON, PENN-  
SYLVANIA, 1776-1777.

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AN HISTORICAL SKETCH BY BOYD CRUMRINE.

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THE WILDERNESS.

On a small field in what has hitherto been known as the Gabby Farm, now owned by John W. Donnan, Esq., and a number of other gentlemen of Washington, Pa., is soon to be placed a monument of polished granite bearing the following inscription:

On This Spot Was Held in 1776

The County Court for the District of West Augusta, Virginia,

The First Court Held by any English-Speaking People

West of the Monongahela River.

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Erected by

The Washington County Historical Society in 1905.

The locality in which this commemorative tablet is to be placed is in its modern dress one of the many beautiful localities of Washington County. The land is now almost all cleared of timber, and lies in restful and well-cultivated fields skirted with woodland around upon the uplands about it. Looking to the north one follows the windings of Chartiers Creek as it flows toward the Ohio River more than thirty miles away; and looking to the south he follows the beautiful valley of the same stream as it approaches from its source near the village of Prosperity. Upon the top of the ridge to the eastward is the distributing reservoir of the Citizens Water Company, and beyond and out of sight

further to the east is the Borough of Washington with at present about 23,000 inhabitants; while toward the west one overlooks directly the valley of the Chartiers and beyond it for a considerable distance habitations of peace and plenty lying in front of the ridge of low-lying and rounded hills that receive the setting sun.

How unlike what one sees to-day was this locality one hundred and twenty-nine years ago! Then, we must remember, all that was within sight of us, had we stood upon the spot to be commemorated, was not only woodland, but more than woodland, a wilderness, except where a field or a roadway had been cleared and a pioneer cabin erected. The woodlands of to-day are cleared of undergrowth, underbrush, weeds and thickets, and we are thus permitted upon pleasure or upon business bent to pass through them at all points at will. But then, save for a short distance around the lonely cabin, out of sight of the nearest settled neighbor, miles away perhaps, the whole country was so covered not only by the original forest timber but by undergrowth and thickets of fallen brush and brambles, especially where gathered and impacted along the darkened streams, that travel at will was impossible except by narrow passage-ways cut out by the axe and leveled by the mattock and spade, or long before by the tramp of Indians passing "single-file." It is a settled fact that in this section of Pennsylvania there were in those days no cleared valleys and plains except here and there along the great rivers whose overflows in the winter and spring kept their borders swept of the younger growth and fallen logs and branches. Yet in this locality and under these conditions was once erected a primitive court-house wherein to hold a court of record for the administration of public justice between man and man.

We propose to show that this ancient court-house stood upon the place which we now will mark for the knowledge of those who may come after us in all the time to come.

It is certainly a matter of great interest to know exactly when and where was set up the first permanent home in a new country for the first time occupied by a civilized people; when and where the first school-house was established; when and where was placed the first church wherein the God of nations and peoples was to be worshiped; and, last but not least, when and where was erected the first court of justice where the civil rights of men and their liberties were to be protected and enforced. These and many other matters that relate to the ancestors of a people are worthy of study and interest; for, as has frequently been

observed, men who take no interest in the facts of the lives of their ancestors are never likely to accomplish themselves any work that is worthy of remembrance. And it is of itself a striking fact that this court-house, the position of which we now perpetuate, was not the court-house of any municipal division of Pennsylvania, but of a people of the neighboring colony of Virginia; and that Virginia had sat down upon the Valleys of the Monongahela and Ohio, and the hill countries adjacent therto, and called them her own, with all that that implied.

#### **Pennsylvania's Boundary Controversies.**

Pennsylvania has had three controversies relating to her boundaries, all of which at times were likely to lead to grave complications; one with Maryland, one with Connecticut, and one with Virginia.

It is not proposed to discuss the facts and merits of these controversies; a large volume might be written of each of them, and the material thereof would be abundant and full of historical interest. Suffice it to state that the controversy with Maryland arose out of a dispute as to where the division line between Pennsylvania and Maryland should be run. In the early stages of the dispute there was bloodshed between the Maryland and Pennsylvania settlers upon the territory along the border line south of Lancaster and York counties. Colonel Thomas Cresap, the father of Captain Michael Cresap, well known in this section in early days, took a prominent part in these disturbances. But, after years of controversy, an agreement in writing between the heirs of Wm. Penn and Lord Baltimore was reached in 1732, and subsequently a bill in equity was filed by the Penns in the High Court of Chancery in England to enforce that agreement. The pleadings and testimony in this cause, with the briefs of counsel on the part of Pennsylvania, fill the whole of Volume XVI. of the Second Series of Pennsylvania Archives, and the decision by Lord Chancellor Hardwicke in favor of Pennsylvania, on May 15, 1750, the lawyer will find reported in *Penn v. Lord Baltimore*, 1 Vesey Sr., 444. The result of that decision was that in 1768 Mason and Dixon, two eminent civil engineers from London, ran a line known by their name as the Pennsylvania and Maryland boundary, from the circle twelve miles distant from New Castle on the Delaware as a center, to the second crossing of Dunkard Creek in the present County of Greene, where they were stopped by the Indians about

thirty-six miles from the point where the line should have terminated. That line, extended subsequently to its full distance, is our southern boundary to-day.

As to the controversy with Connecticut: Beginning in 1753, a company called the Susquehanna Company formed of associators in Connecticut, conceiving that that colony had jurisdiction over certain lands within the limits of Pennsylvania, jumped across both New York and New Jersey, sat down along the North branch of the River Susquehanna, and laid out and named seventeen towns (or what we would call townships), in the most beautiful valleys along that river. These towns were made to contain about twenty-five square miles of territory each, and their boundaries were not coterminous with the boundaries of any of the municipal divisions of Pennsylvania, but, settlers crowding into them under titles granted by the Susquehanna Company, the General Assembly of Connecticut created these townships into a new county called Westmoreland, and attached it to the jurisdiction of Litchfield County, Connecticut. This Connecticut County, wholly inside of Pennsylvania and separated from the parent colony by New York and New Jersey, embraced lands lying in what is now Luzerne, Susquehanna, Wyoming and Bradford counties, Pennsylvania, a large portion of the northeastern part of our State. Then followed between the Pennsylvania settlers and the Connecticut claimants actual war and bloodshed, called the Pennamite and Yankee War, suspended only by the revolution of the American Colonies from the mother country in 1776. After the surrender of Yorktown, on October 19, 1781, the Congress of the then United States at the instance of the contending States of Pennsylvania and Connecticut, established a Court of Commissioners who sat at Trenton, New Jersey, and, after hearing and argument, decided the question of jurisdiction in favor of Pennsylvania; but not until the year 1800 had passed was full provision made for quieting the titles of landholders and the controversy ended. The historical material necessary for a full understanding of the Pennamite and Yankee War, including a discussion from the Pennsylvania point of view by the celebrated Dr. William Smith, Provost of the University of Pennsylvania, make up the entire contents of Volume XVIII. of the Second Series of the Pennsylvania Archives; and an admirable historical account of the controversy, entitled "Brief of a Title in the Seventeen Townships," etc., was published in 1879 from the pen of Hon. Henry M. Hoyt, then Governor of Pennsylvania.

It is in the boundary controversy with Virginia, however, that



we of Southwestern Pennsylvania are most interested, yet only such a notice of this subject may be made as will sufficiently explain the special purpose of this paper. A very full discussion is contained in our History of Washington County, pp. 158-222, published in 1882, and an interesting paper upon the land titles in this section of Pennsylvania, originating in Virginia certificates of entry, is found in the Report of the Pennsylvania Secretary of Internal Affairs for 1895, pp. A. 197-214.

### The Earliest Settlements.

The country west of the Alleghany Mountains was naturally a prize to be coveted by the colonial jurisdictions within reach of it. Look upon a map of it, and see how well it is watered. Then imagine it in its virgin condition, covered with forests of magnificent trees, everywhere except perhaps along the large rivers where the adjacent valleys were swept clear by every freshet or flood. And it was full of game. Thomas Hutchins, an engineer with Bouquet's Expedition in 1764, wrote of it in his Topographical Description of Virginia, Pennsylvania and Maryland, published in London in 1778: "The whole country abounds in Bears, Elks, Buffalos, Deer, Turkeys, etc., an unquestionable proof of the goodness of its Soil." He quotes from Gordon, a still earlier explorer: "This country may, from a proper knowledge, be affirmed to be the most healthy, the most pleasant, the most commodious, and the most fertile spot on earth, known to European people." And Francis Parkman, writing in his Conspiracy of Pontiac, p. 147, of the country west of the Alleghanies as it was in 1760, says: "One vast and continuous forest shadowed the fertile soil, covering the land as the grass covers the garden lawn, sweeping over hill and hollow in endless undulation, burying mountains in verdure, and mantling brooks and rivers from the light of day."

Up to the final treaty of peace between France and England, which terminated the French and Indian War, signed on February 10, 1763, all our country west of the Alleghany Mountains was claimed by France. In the library of Washington and Jefferson College there is a rare and valuable general atlas of the world, published at Paris in 1757. In this atlas, entitled "Atlas Universel, par M. Robert de Vaugondy, Geographe Ordinaire du Roy," etc., there is a map, the ninety-eighth of the series, which shows a part of North America, embracing the Monongahela and Ohio valleys, and purporting to have been based upon the surveys of Joshua

Fry and Peter Jefferson made in 1754, and those upon the surveys of Christopher Gist made in 1751. On the map is represented the boundary line between Pennsylvania and Louisiana as lying along the Alleghany Mountains, and Louisiana, as French territory from the mouth of the Mississippi to the headwaters of all streams emptying into it. And, strange to say, there is laid down upon it Chartiers Creek, as emptying from the south into the Ohio, "ou Splawacippiki," and Pierre Rogue (or Redstone Creek) as flowing from the east into the Monongahela, "ou Mohongalo." On another map of the same period whose author cannot now be recalled by the writer, there is laid down the Wassameking, the small stream passing around the southwest corner of the Borough of Washington, and Wissameking was a name in the tongue of the Delaware Indians meaning "Catfish."

At the time of the publication of this map in 1757 there were no permanent homes west of the mountains; though here and there were to be found adventurers, traders and trappers, and doubtless some of these had blazed out tracts of land which they hoped to hold as their own when protective titles could be obtained. As early as 1745, perhaps, the Eckerlin brothers, Gabriel, Samuel and Israel, had come into the western wilderness from the Ephrata Community near Lancaster, Pennsylvania, and with their few followers built their cabins near the mouth of Dunkard Creek in the present Greene County, Pennsylvania, and these learned and pious Germans must have been the earliest immigrants to come upon the waters of the Monongahela to stay; but in 1757, having then removed their settlement across the Monongahela into a bottom near the mouth of the Cheat River, Dr. Samuel Eckerlin went down into the Shenandoah Valley with peltry to purchase supplies, when a band of Indians led by two Jesuit Priests broke up the settlement, killed and scalped a number of the settlers, and carried off the other two brothers, Gabriel and Israel, with their servant Johann Schilling, as heretical prisoners. On Dr. Samuel's return to the home on the Cheat, finding nothing but ruins and the hoops upon which scalps had been dried, he believed that his two brothers were among the slain, and went back to the German settlements upon the Shenandoah. Yet the two brothers were not slain, but were brought to Fort Duquesne, and then taken to Montreal, thence to Quebec, and thence to France, where they died as heretical prisoners in a monastery. The fate of these brothers was unknown for seven years after their capture; and it is no doubt truthfully said that "this is the only known case of religious persecution by the

Roman Catholic clergy in provincial Pennsylvania:" See *The German Sectarians of Pennsylvania*, by Dr. Julius F. Sachse, Vol. II., pp. 342-351, and *Withers' Chronicles of Border Warfare*, pp. [59], 75. In Withers' account of these first settlers the Christian name of Dr. Eckerlin is erroneously given as Thomas, instead of Samuel.

It will have been observed that the Eckerlins and the other earliest settlers west of the mountains had first gone from Central Pennsylvania down into the Shenandoah Valley of Virginia, and thence across the mountains into the upper Monongahela Valley, as early as 1745. Braddock's Road was not opened to immigrants until 1755, and Forbes' Route from Raystown (now Bedford) to Fort Duquesne, known as the Pennsylvania Road, was not opened until 1758. This will account for the fact that the immigration into our western country began from Virginia, and that settlers from Virginia had the first foot-hold in the valleys of the Monongahela and Ohio. And it is a fact that for a long period Pennsylvania neglected her possessions west of the Alleghanies, and that Virginia thus obtained her ascendancy and held to it quite a long period.

#### The Virginia Occupation.

There shall now be touched upon very briefly the events which led to the establishment of two governments in the territory west of the Alleghany Mountains.

In 1748 Thomas Lee of the King's Council in the then royal colony of Virginia formed the design of effecting settlements on the uninhabited lands west of the mountains, through the agency of a land corporation called the Ohio Company. This company obtained from the English King a grant of five hundred thousand acres of land, to be taken chiefly on the south side of the Ohio, west of the Monongahela. Relatives of George Washington were interested in this scheme. Special inducements were offered to settlers. As neither the southern nor the western boundary lines of Pennsylvania, about its southern corner, had yet been ascertained, it was not known whether or not the Ohio Company's grant interfered with the proprietary grant made to William Penn in 1681. But France, claiming to the headwaters of the Monongahela and Allegheny Rivers and their tributaries, began in 1749 to give notice of actual possession by depositing leaden plates with inscriptions asserting jurisdiction, at the mouths of the large streams, and by erecting a chain of forts from Presqu' Isle (Erie) across the

portage and down French Creek to and along the Allegheny; and in 1753, Dinwiddie sent George Washington to visit the French forces up the Allegheny to learn what the building of these forts meant. On his return and report made, a body of Virginia militia, under command of William Trent with whom was Ensign Edward Ward, were sent early in 1754 to erect a Virginia fort at or near the junction of the Monongahela with the Allegheny. The fort having been commenced, Captain Trent returned to Will's Creek, now Cumberland, leaving Ensign Ward to complete the fort; but on April 17, 1754, a large body of French and Indians came down the Allegheny in boats and compelled the surrender of the fort, but permitted Ward and his small body of men to return across the mountains. This Ensign Edward Ward shall be met with again in our present study.

Thus was begun the war known as the French and Indian War, between England on the one hand and France with the Indians as their allies on the other, terminated by the treaty of peace of February 10, 1763, by which France left to the English all her possessions east of the Mississippi, including Canada, and excepting New Orleans. But the building of the fort at the Forks of the Ohio by the Virginians awakened Pennsylvania to an assertion of her rights to the lands west of the Alleghanies, and to a dispute with Virginia as to her western boundary that was not terminated and the line agreed upon until 1780.

As heretofore stated, the full story of this controversy cannot be here written (See Crumrine's History, pp. 158-222), but remembering that a large majority of the settlers west of the Alleghanies came across the mountains by way of Braddock's Road, opened in 1755, and other passes to the south of it, and was afterwards followed by a minority from Eastern and Middle Pennsylvania by way of Forbes' Route, opened in 1758, suffice it to state that at least from 1773 until 1780, two governments, one of the proprietary province of Pennsylvania, and the other of the crown colony of Virginia, exercised jurisdiction over all the settled territory lying between the mountains to the east of us, and the western boundary of Pennsylvania wherever it actually was, for that boundary had not yet been run upon the ground; thus at the same time, each of the two governments having its own full equipment of courts, judges, juries, magistrates and constables, as well as militia organizations, and both subjected to the raids and ravages of Indian enemies.

It was a striking condition of public affairs. The Pennsylvania

## OLD COURT-HOUSE FOR WEST AUGUSTA, VIRGINIA. 11

adherents and the Virginia adherents including the Maryland immigrants who generally affiliated with the Virginians, would seem from the records preserved to have been as strangers to each other. The partisans of one jurisdiction seem to have kept out of the courts, superior and inferior, of the other; and they were in all things opposed to each other, except when confronted by a common foe.

### Organization of Pennsylvania Counties.

Cumberland County, Pennsylvania, with its county seat first at Shippensburg, subsequently at Carlisle where it is to-day, was formed by an act of assembly passed January 27, 1750, just about the time when the earliest settlers reached the valley of the Monongahela. That county embraced all the lands west of the North Branch of the Susquehanna, and north and west of the County of York, extending by a shading of inhabitants growing lighter and lighter with the approach to this western wilderness: (See Scull's Map of Pennsylvania, 1770, or Sayer & Bennett's Map, 1775.) At the time of its organization the Eckerlins and their companions were in the present Greene County near the mouth of Dunkard Creek; and in 1770, Thomas Gist, settled at Mount Braddock, and Captain William Crawford, afterwards burned at the stake by the Indians at Sandusky, Ohio, the former from Maryland, the latter from Virginia, were made justices of the peace and members of the courts of Cumberland County. Virginia had not yet extended the jurisdiction of her courts beyond the Alleghanies. Before this occurred, however, perhaps as early as 1767, settlements had begun to the west of the Monongahela, at the mouths of all the larger streams flowing into that river from the west, ready to move up those streams towards the head waters thereof; and, beginning as soon as the proprietary land office was opened on April 3, 1769, there was such a rush of pioneers into this region that in a year or two it may safely be said that there was no portion of what was afterwards erected into Washington County, then extending from the Ohio River at Pittsburg and the mouth of the Beaver, thence south to the southern boundary of Greene County, that was not to a more or less extent occupied by settlers.

The situation made necessary a new county, and on March 9, 1771, Bedford County was erected. By this time there is no doubt that all portions of the splendid country west of the Monongahela, and south and east of the Ohio River was well occupied by persons



seeking permanent homes. On May 7, 1774, on the breaking out of Dunmore's Indian War, brought about by the slaughter of Logan's relatives on Yellow Creek, erroneously blamed upon Michael Cresap, Valentine Crawford, the brother of Captain William Crawford, writing from Jacob's Creek on the Youghiogheny to George Washington, described the alarm of the settlers. "This alarm," said he, "caused the people to move from over the Monongahela, off Charters and Raccoon (Creek), as fast as ever you saw them in the year 1756 or 1757, down in Frederick County, Virginia. There were more than one thousand people crossed the Monongahela in one day at three ferries that are not one mile apart." Washington-Crawford Letters, 87. This indicates the extent of the settlements in what was afterwards Washington County, in the spring of 1774, shown more certainly by official records.

Bedford County, formed on March 9, 1771, from the western part of Cumberland County, extended to the western boundary of the state including all the country west of the Alleghany mountains, with the exact location of the western boundary still undetermined. Two of the townships in the list formed by the Court of Quarter Sessions of that county on April 16, 1771, were Pitt Township and Springhill Township. The division line between them was a line drawn due west by the mouth of Redstone Creek. North of that line to the Kiskeminitas River was Pitt Township, and south of that line to the southern limit of the state was Springhill Township, embracing the whole of the present Greene County. Both townships eastward embraced what are now parts of Westmoreland and Fayette counties. The tax-rolls for Bedford County for the year 1772, (an official copy made in 1774 being in the writer's possession), shows that as taxables for 1772 Pitt Township had fifty-two landholders, twenty tenants, and thirteen single freemen; and Springhill Township had three hundred and eight landholders, eighty-nine tenants, and fifty-eight single freemen; indicating conclusively that the great majority of the first settlers in this section had sat down in the region south of Washington, Pa., coming most probably from Virginia and Maryland.

The county seat of Bedford County was at Bedford about one hundred miles east from Pittsburg, where its first court was held on April 16, 1771, and George Wilson living near the mouth of George's Creek in what is now southern Fayette County; Captain William Crawford, living on the Youghiogheny opposite what is now Connellsville; Thomas Gist, living at Mount Braddock, near Uniontown; and Dorsey Pentecost, then living on his tract called

## OLD COURT-HOUSE FOR WEST AUGUSTA, VIRGINIA. 113

"Greenaway" in the "Forks of the Yough," but in 1777, removing to the East Branch of Chartiers Creek, were justices of the peace and judges of the county courts. Virginia at this date had not yet extended the jurisdiction of her courts over Western Pennsylvania.

But the officials of the Province of Pennsylvania, seeing the extent to which her territory west of the Alleghanies was filling up with settlers chiefly from Virginia and Maryland, and not being unadvised, perhaps, of the future intention of Virginia to extend her jurisdiction over the valleys of the Monongahela and Ohio, having been in correspondence with the Virginia officials upon the subject from 1754, now came to the conclusion to pay more attention to her own rights in these valleys, and on February 26, 1773, an act was passed by the provincial assembly creating the County of Westmoreland out of the western part of Bedford County, and extending westward to the boundary line of the province, still undetermined. This new county thus included all of Allegheny County east of the Allegheny River and south of the Monongahela; all of Beaver south of the Monongahela; all of Indiana and that part of Armstrong east of the Allegheny; all of Washington and Greene, and all of Fayette, making a county of magnificent proportions.

The first county seat of Westmoreland County was at Hannastown, a hamlet about three miles northeast of Greensburg, to which it was subsequently removed. The first justices and officers of its courts were commissioned in the name of His Majesty George III., the commissions purporting to have been granted by "Richard Penn, Esq., Lieutenant Governor and Commander in Chief of the Province of Pennsylvania and Counties of New Castle, Kent and Sussex, on the Delaware."

Of the original townships of the new County of Westmoreland, two were Pitt and Springhill, with limits somewhat if not wholly the same as the limits of the townships of those names of Bedford County. But, as these townships, in which were all the lands of Pennsylvania west of the Monongahela River, were already so well settled, it is not necessary to particularize here the persons who took part in the business of the courts of the county, either as judges, officers, juries, attorneys, or suitors. Suffice it to state that among the justices were, Capt. William Crawford, heretofore mentioned; Arthur St. Clair, afterwards a major-general in the American Revolution; Alexander McKee, of McKee's Rocks, afterwards with Simon Girty a deserter to the British-Indians; George Wilson, of George's Creek, now Fayette County; Robert

Hanna, of Hannastown; James Caveat of near Pittsburgh, and subsequently Van Swearingen, the first Sheriff of Washington County, and Andrew McFarland and Oliver Miller, both of the Mingo Creek settlement, Washington County; and Henry Taylor, occupying lands just northeast of Washington, the great-grandfather of Hon J. F. Taylor, one of the present Judges of Washington County, was indicted for assault and battery, doubtless arising out of disputes concerning his boundary lines.

The townships of Westmoreland County any part of which lay west of the Monongahela River were Pitt and Springhill, with boundaries the same as those two townships of Bedford County created two years before. As already indicated, the division line between them was a line due west by the mouth of Redstone Creek (Brownsville) to the western boundary of the state, thus passing rather centrally through our present townships of East Bethlehem West Bethlehem, Amwell, Morris, East Finley and West Finley, Washington County townships bordering on the present Greene County. All of Washington County north of that line, was in Pitt Township, and all south of that line, as well as all of Greene County, was in Springhill Township, Westmoreland County.

The territory of Westmoreland County out of which Washington County was afterwards erected, must have been very much of a wilderness in 1773, although at that date settlers had seated themselves in many parts of it; for, at the October Term, 1773, of the Court of Quarter Sessions of that County, "upon the Petition of Divers Inhabitants of the township of Pitt" viewers were appointed to lay out "a Public Road leading from the South-West side of the Monongahela River opposite the town of Pittsburg, by Dr. Edward Hand's land on the Chartiers, to the Settlement up said creek supposed to be at or near the western Boundary of the Province of Pennsylvania." There are reasons for believing that the settlement here referred to was the settlement in the neighborhood of the present Canonsburg, or on the East Branch of Chartiers. At all events this was the first attempt to lay out by judicial proceedings a public road in any part of what is now Washington County.

#### Boundary Controversy With Virginia.

The courts for Westmoreland County were not in existence for a year until the boundary controversy with Virginia broke out with virulence. Two years before the organization of Westmoreland

County out of Bedford County, troubles between the Pennsylvania and Virginia adherents had occurred, and the situation at that time is well illustrated by a quaint letter to Arthur St. Clair written by George Wilson, dated Springhill Township, August 4, 1771. Both St. Clair and Wilson were then Justices of the Bedford County court. Wilson had come into Pennsylvania from Virginia, in 1768 or 1769, and had settled on George's Creek, near New Geneva in the present Fayette County, and though from Virginia he became and remained an ardent adherent of Pennsylvania. He was the great-grandfather of Hon. W. G. Hawkins, now the President Judge of the Orphans' Court for Allegheny County. A portion of his letter was as follows:

"I am sorry that the first letter that I ever undertook to write you should contain a Detail of a Grievance so Disagreeable to me; Wars of any Cind are not agreeable to any Person Possessed of ye proper feelings of Humanity, but more especially intestin Broyls. I no sooner Returned Home from Court than I Found papers containing the Resolves, as they Called them, of ye inhabitants to ye Westward of ye Laurel hills, was handing fast about amongst ye people, in which amongst ye rest Was one that the Ware Resolved to oppose Every of Pens Laws as they Called them, Except Felonious actions, at ye risque of Life, & under ye penalty of fifty pounds, to be Recovered or Leveyed By themselves off ye Estates of ye failure. The first of them I found hardey anugh to offer it in public I emediately ordered in Custoty, on which a large number Ware assembled as Was seposed to Resque the Prisonar. I indavoured, by all ye Reason I was Capable of to convince them of ye ill consequences that would of Consequence attend such a Rebellion, & Hapily Gained on the people to Consent to relinquish their Resolves & to Burn the Paper they signed—when ther Forman saw that the Arms of his centry, that as hee said He had thrown himself into, would not Resque him By force, hee catched up his Rifle, Which Was Well Loaded, Jumped out of Dors & swore if any man Cam nigh him he Would put what Was in his throo them; the Person that Had him in Custody Called for assistance in ye King's name, and in particular commanded my self. I told him I was a Subject & was not fit to command if not willing to obey, on which I watched his eye until I saw a chance, Sprang in on him & Seized the Rifle by ye Muzzle and held him So as he Could not Shoot me, untill more help Gott in to my assistance, on which I Disarmed him & Broke his Rifle to peses. I Res'd a Sore Bruse on one of my arms By a punch

of ye Gun in ye Struggle—Then put him under a Strong Guard, Told them ye Laws of their Countrie was stronger than the Hardist Ruffin amongst them. I found it necessary on their Compliance & altering their Resolves, and his promising to give himself no more trouble in ye affair, as hee found that the people Ware not as hardey as hee Expected them to be, to Relece him on his promise of Good Behavior:" I. St. Clair Papers, 257.

### The Virginia Courts.

The organization of the Westmoreland County Court at Hannastown, within thirty-five miles of Pittsburg, stirred the Virginians into action. The county was scarcely organized, when John Murray, the fourth Earl of Dunmore, one of the Scottish Peers, then the royal Governor of the colony of Virginia, made a visit to Fort Pitt (Pittsburg), and on his way stopped with Captain Crawford on the Youghiogheny. George Washington was to have come with him, but was prevented by the death of his step-daughter, Miss Nellie Custis. At Fort Pitt Dunmore met Dr. John Connolly, who soon became his representative in the valley of the Monongahela. On January 1, 1774, Dr. Connolly posted a proclamation about Pittsburgh, announcing, under the authority of Lord Dunmore his appointment as Captain and Commandant of the militia of Pittsburgh and its dependencies, and the intention of Dunmore to move the House of Burgesses of Virginia to erect a new county, to include Pittsburgh, "for the redress of your Complaints, and to take every other Step that may attend to affording you that justice for which you Solicit," commanding all persons in the dependency of Pittsburgh to assemble themselves there as a militia on the 25th instant, at which time he should communicate other matters for the promotion of public utility.

This proclamation by Dr. Connolly led to his arrest by the Westmoreland County officials, and his detention in the county jail at Hannastown for a few days, when he was released on his promise to appear before the court at its next sessions in April. Connolly did report at the April term of the court, but it was with a body-guard of nearly two hundred men, and soon had made his own terms with the Westmoreland County officials; and on his way back to Pittsburgh he made several arrests of Pennsylvania adherents, and held them to trial or committed them to prison.

In the following summer (1774) occurred the Indian outbreak following the alleged slaughter by Michael Cresap of the Indians

along the Ohio, and the war known as Dunmore's War, which frightened the settlers from the Chartiers and Raccoon settlements. This was strictly a war between the Virginians and Indians; Pennsylvania taking no part in it. Dunmore was with his army in person, and after peace was made there began a series of proclamations and counter proclamations between the two governors, relating to their respective claims in the disputed territory, and on his way home, in November, Lord Dunmore had Thomas Scott, living on Dunlaps Creek (near Brownsville), the first prothonotary of Washington County soon to be erected, arrested and brought before him at Redstone Old Fort, for the offence of exercising the office of a Pennsylvania magistrate.

#### The County Court for the District of West Augusta.

On his return to Williamsburgh, Va., Lord Dunmore, having obtained the action of the House of Burgesses creating the District of West Augusta as an appendage of old Augusta County, issued a writ, tested in the name of his British Majesty, for a new commission of the peace, embracing, with the names of the old justices of the parent county, the names of such of the Virginia adherents in the Monongahela valley as were regarded as proper persons to serve as Virginia magistrates for the new district. Old Augusta County, Virginia, was a large county across the mountains from us in the Shenandoah Valley, with its county seat at Staunton; the new District of West Augusta embraced all the settled country west of the mountains down to Middle Island Run, emptying into the Ohio above the Little Kanawha, and northward including the present Pennsylvania counties of Westmoreland, Allegheny, part of Beaver, and all of Washington, Fayette and Greene.

The first sessions of the County Court, held by these last named Justices or some of them, was held at Fort Dunmore, on February 21, 1775; and from this date there were, west of the Alleghanies, not only two different sets of magistrates, with their subordinate officers, constables, assessors, and organized companies of militia, over the same people in the Monongahela valley, but within a few miles of each other had been established two different courts regularly (or irregularly) administering justice under the laws of two different governments.

These conditions, with these Virginia Courts exercising judicial powers in the same territory with the courts of Pennsylvania, continued until August 28, 1780, after which no Virginia court was ever

held within the limits of Pennsylvania, the general assembly of Pennsylvania having ratified on September 23, 1780, the Baltimore agreement as to where the boundary lines between the two states should be run, as they were finally run and marked on the ground in 1784 and 1785.

As the Virginia adherents were no doubt largely in the majority, the Westmoreland County Court seems to have done much the smaller amount of business than did the Virginia courts, during the concurrent existence of both; indeed, there was a period of two years, from April Term 1776 to April Term 1778, during which there were no sessions at all of the Court of Common Pleas for Westmoreland County, while the Virginia courts were in session regularly. Hereafter our attention will be confined to the Virginia courts, and chiefly to the Court for the District of West Augusta.

The new justices embraced in the commission of the peace for the District of West Augusta, as held at the first day's session of that court on February 21, 1775, were, in the order in which their names were given, as follows: George Croghan, the deputy Indian agent at Pittsburgh; John Campbell, of Pittsburgh, or near thereto, owning a mill-seat at the mouth of Campbell's Run (so known to this day) just below the railroad station at Carnegie; John Connolly of Pittsburgh, the principal representative of Lord Dunmore in this country; Edward Ward, who had surrendered to the French and Indians the Virginia fort building at the Forks of the Ohio on April 17, 1754; Thomas Smallman, of Pittsburgh; Dorsey Pentecost, lately removed from the Forks of the Youghiogheny to the East Branch of Chartiers Creek; John Gibson, of Pittsburgh, brother of George Gibson who was afterward the father of Chief Justice Gibson of the Supreme Court of Pennsylvania; Captain William Crawford, afterwards burned at the stake by the Indians at Sandusky, Ohio, in 1782; John Stephenson, one of the half-brothers of Crawford; John McColloch, of now West Liberty, Ohio County, Virginia, the father of Major Sam. McColloch, who made the famous leap on horseback from the Wheeling hill; John Canon who laid out the town of Canonsburg; George Vallandigham, of the Noblestown neighborhood, the grandfather of the notorious Clement L. Vallandigham of Ohio; Silas Hedge and David Shepherd, both of what is now Elm Grove in Ohio County, Virginia, near Wheeling; and William Goe, from what is now Fayette County, north of Brownsville, an ancestor of the Bateman Goe family of Pittsburgh.

The records of all these Virginia Courts, beginning with those of the County Court for the District of West Augusta, held at first in Fort Pitt, built by General Stanwix in 1759, nearly on the site of old Fort Duquesne at the Point in the City of Pittsburgh, baptized by Dr. Connolly Fort Dunmore, have lately been published in the Annals of the Carnegie Museum, with explanatory introductions. These records are full of authentic history relating to our early pioneers, and from the records of the old court first established at Fort Dunmore, a very few notes shall here be made.

Its first day's business was transacted on February 21, 1775, two months before the preliminary Revolutionary skirmishes at Lexington and Concord. On that date, viewers were appointed to view a proposed road from the road from Thomas Gist's (Mt. Braddock, beyond Uniontown) to Fort Dunmore, thence to Paul Froman's (on the East Branch of Chartiers Creek), by way of James Devore's Ferry (now Monongahela City). The same day, William Elliott, a Pennsylvania adherent, living at or near Pittsburgh, having been arrested 'for disturbing the minds of his Majesties Good people of this County, by demanding in an arbitrary and Illegal Manner of sundry Persons what Personal Estate they are possessed of, that the same may be tax'd according to the Laws of Pennsylvania," on hearing it was ordered that he be committed to jail, until he enter into bail in 100 pounds for his good behavior for one month. This is but one of many like entries of proceedings in this court against officers exercising powers under the jurisdiction of Pennsylvania.

On the second day's session, to-wit, February 22, 1775, John Canon (of Canonsburg) "one of the Gent in the Commission of the peace, took the Usual Oaths to his Majesties person and Govmnt, Subscribed the Abjuration Oath and Test, and then took the Oath of a justice of the peace, and of Justice of the County Court in Chancery, and of J. of Oyer and Terminer." The same day viewers were appointed, among whom were Henry Taylor, the first presiding judge of Washington County, and Van Swearingen, the first sheriff, to view a proposed road from Providence Mounce's Mill (east of the Monongahela), by Ausberger's Ferry, "and from thence to Catfish Camp." Wendle Ourey, Robert Hannah, James Caveat and James Smith, all Pennsylvania officials, were brought up and held to bail in large recognizances, for their good behavior and their desisting from acting as officials in the "Colony of Virginia by any authority from the Province of Pennsylvania." And on the same day the following order was entered:



**"Ord. that the Sheriff Imploy a Workman to build a Ducking Stool at the Confluence of the Ohio with the Monongahela, and that the person Employed bring in his Charge at the Laying of the Levy."**

At a session on May 17, 1775, viewers were appointed, among whom were Abraham and William Teagarden at the mouth of Ten Mile Creek, and Rezin Virgin, near Washington, to view a road "from the foot of Laurel Hill by Wm. Teagarden's Ferry (Millsboro), to the Mouth of Wheeling." On September 27, 1775, this road was ordered to be established, overseers appointed, and the "tithables" within five miles on each side ordered to work thereon.

Where was this old Virginia court held? It appears that in 1772, or 1773 Captain Charles Edmondstone, commanding the King's forces at Fort Pitt, then to be demolished, had sold the fort to Alexander Ross and William Thompson; and that in 1774, Dr. Connolly had taken possession of what was left of it and called it Fort Dunmore. Alexander Ross had erected several houses out of part of the ruins, in some one of which, possibly, the court referred to was held: II. Olden Time, 95. But the fort was not wholly unused; for, on February 22, 1775, the second day's session of the court, it was ordered "that the sheriff make use of the Room in the Fort now used as a guard room as a Goal for this part of the County, and also that John Campbell and Dorsey Pentecost, Gent., with the Shff. lay off Prison Bounds for the same, Including the Ally of the fort and two rods wide to the town."

On September 19, 1775, the quarters for the court must have been changed, for on that day it was ordered that "the Sheriff contract with a workman to repair this house ag'st to-morrow, with a barr & seat for the Clk & Justices." Then, on September 23, 1775, it was.

**"Ord. Thos. Smallman, John Cannon, John Gibson, or any 2 of them, to provide a House at the Pub Expense for the use of Holding the Court, and that the Sheriff Contract with Workmen to put the same in repair ag't the 3d Tuesday in Jan'y next.**

**"Ord that the sheriff, with the Consent of Thos. Smallman, John Canon, and John Gibson, or any 2 of them, Contract for a house for Safe keeping of his prisoners, and make a return of the whole to the next Court, at the County Expence."**

The court was evidently in an unsettled condition with respect to public buildings at Pittsburgh, for reasons now unknown; at all events, on July 4, 1776, the summer following, were the Declaration of Independence and the War of the Revolution, and on August

20, 1776, "at a Court held at Pittsburgh," the following order was entered:

"David Shepherd (Elm Grove) and John Canon (Canonsburg), Gent, are appointed to Contract with some person or persons to build a house, 24 by 14, with a petition in the middle, to be Used for a Goal at Catfish Camp Augusta Town." Here the words "Catfish Camp" were erased and the words "Augusta Town" substituted with the same ink. And at the close of the day's proceedings this entry was made: "Ord that the Court be adjourned until the Third Tuesday in September next to Catfish Camp Augusta Town." But observe that here again, in the original record the words "Catfish Camp" were erased and the words "Augusta Town" substituted for them.

Where was this "Catfish Camp," and where "Augusta Town?" This query will be answered hereafter. But, observe that when these orders were entered the County Court for the District of West Augusta, Virginia, that made them was sitting at Pittsburgh, now no longer called Fort Dunmore, for the American Revolution was begun, and Dunmore was the name of the late English governor of the late Crown Colony of Virginia, now a State of the Federal Union, and on June 8, 1775, after the fights at Lexington and Concord, he had followed his family on board the "Fowey," a British Man of War in the Chesapeake, and thereafter was an alien enemy of his late subjects.

The next records of the proceedings of this ancient Court begin: "At a Court at Augusta Town for the district of West Augusta [September] the 17th, 1776, Pres't Edward Ward, Dorsey Pentecost, John Cannon, David Shepherd," followed by three entries only:

"Pat McElroy, deputy Sheriff, protested against the Insuff. of the Goal, & on his Motion Ord to be certified.

"Ord. the Sheriff Summon 24 Freeholders to serve as a Grand Jury of this Court in November next.

"Ord that the Court be adjourned until to-Morrow Morning 6 o'clock.

"EDW'D WARD."

As noted before, this Edward Ward, the presiding Judge who signed his name to the record of the first days session of this court at Augusta Town, was the Ensign Edward Ward who on April 17, 1754, surrendered the fort then building at the Forks of Ohio to the French and Indians who completed it and called it Fort Duquesne; and at the date of this entry Edward Ward

lived at Pittsburgh; Colonel Dorsey Pentecost had lately moved from the Forks of the Youghiogheny to the East Branch of Chartiers Creek in our present North Strabane Township; Colonel John Canon for three or four years had lived where he afterwards laid out his town of Canonsburg; and Colonel David Shepherd for five or six years had lived at Elm Grove, a few miles this side of Wheeling.

It is indicated by one of the last orders entered, quoted above, that the "Goal" which on August 20, 1776, less than a month before, Shepherd and Canon had been ordered to have erected, was not yet completed so as to safely hold the prisoners committed to it, or that, although the jail which, as usual at the time, occupied the first floor of the 24 by 14 feet building, with a "petition" in the middle, might have been sufficient for its intended use, yet the room in the second story where the court was held, with the stairway approach on the outside, was not yet ready for business; for, after ordering a venire for a grand jury for the next November term, the court adjourned until the next morning at 6 o'clock! Six o'clock in the morning would be an early hour in these days for the holding of court.

The record of the next day's business shows that "At a Court Continued and held at Augusta Town, for the District of West Augusta, September the 18th, 1776;" present the same "Gentlemen Justices" as on the day preceding; but to their number was added "John McColloch, Gent," who "took the Oath appointed by Order of Convention as a Justice." This John McColloch resided at what is now West Liberty, Ohio County, West Virginia, and was the father of John McColloch and Major Sam. McColloch, the latter mentioned before in respect of his famous horse-back leap over Wheeling Hill.

Among other business transacted was a recommendation of **Richard Yeates** and others as proper persons for the appointment of coroners; and an order appointing Dorsey Pentecost Clerk of the County Court, and an order upon John Madison, Jr., the then deputy Clerk, to turn over the records of the court then in his custody on October 25th next.

There were no sessions of the court in October, 1776, doubtless because of new legislation anticipated, but two brief sessions were held at "Augusta Town" on November 19 and 20, 1776, at which but little business was done, for an important change had occurred in jurisdictional conditions.

**Ohio, Yohogania and Monongalia Counties.**

It will be remembered that the District of West Augusta, as established by Virginia in 1774-5, was but an annex to old Augusta County created in 1745, and embraced the lands of Pennsylvania west of the Laurel Hill range of the Alleghanies and all the lands south of the Kiskeminitas, east of the Allegheny and Ohio Rivers, and extended southward to Middle Island Creek, emptying into the Ohio at or near the present St. Marys, Pleasants County, West Virginia. But the general assembly of Virginia, at its sessions in October, 1776, cut up the District of West Augusta into three new Virginia counties, Ohio, Yohogania, and Monongalia.

These were indeed immense counties. They all came together, either at Chartiers Creek, directly west of Washington, or on the ridge beyond the creek. Standing where is placed the distributing reservoir of the Citizens Water Company, in sight of the Borough of Washington, Ohio County lay from the Chartiers or the ridge beyond it to the west and southwest, extending from the mouth of Cross Creek to the mouth of Middle Island Creek. Yohogania County lay to the northeast, and extended from the mouth of Cross Creek to the mouth of Beaver, thence up the Ohio to Pittsburgh, up the Allegheny to the mouth of the Kiskeminitas, thence across to the Alleghany mountains, and southwest with the mountains to about where the Cumberland Road crossed, thence by the route of that road, substantially, to Chartiers Creek or to the ridge beyond it, and thence by the head lands of the streams to the mouth of Cross Creek. To the southeast lay Monongalia County, extending from the dividing ridge between the waters which flow eastward into the Monongahela and those which flow westward into the Ohio, down to Middle Island Creek, thence southeast to the headwaters of the Greenbrier River, thence with the Alleghany Mountains to line of Yohogania. These lines will give an idea of the positions of those counties in a general way. For more exact details see Crumrine's History of Washington County, 183.

Under the provisions of the organic act, an election was to be held by the landholders of the respective counties on December 8, 1776, to determine at what places the respective courts of justice were to be held. The day of this election fell on Sunday, which was unsatisfactory to our Scotch-Irish pioneers, and complications occurred, but they resulted in establishing the seat of justice for Ohio County at Black's Cabin on Short Creek, about twelve miles northeast from the present Wheeling; for Yohogania County at the plantation of Andrew Heath on the west

side of the Monongahela, in sight of old Elizabeth Town and a mile or so from West Elizabeth and near the boundary line between our Washington and Allegheny counties; whilst that for Monongalia County was fixed for the plantation of Theophilus Phillips, east of the Monongahela River, and about two miles above the mouth of George's Creek, in the present Fayette County.

#### County Court for Yohogania County.

The District of West Augusta having been superseded by the three new Virginia counties of Ohio, Yohogania and Monongalia, of course the County Court for that district was superseded also, Augusta Town, where it was held, falling into Yohogania County.

The first day's session of the Yohogania Court was held on December 23, 1776, the place not being noted in the record. The record begins:

"Yohogania County, Dec. 23, 1776.

"In consequence of an Act of the General Assembly of Virginia putting off all that part of the District of West Augusta Northward of the following bounds or lines, (viz):

"Beginning at the mouth of Cross Creek, running up the several courses thereof to the head; Thence South-Easterly to the nearest part of the dividing ridge Between the Ohio and Monongahela Rivers; Thence along the said Dividing Ridge to the head of Ten Mile Creek; Thence east to the road leading from Catfish camp to Redstone Old Fort; thence with the said road to the Monongahela River; thence across the said River to the said Fort; Thence along Dunlap's old Road to Braddock's Road; and with said road to the meridian of Potowmac River.

"And a Commisison of the Peace and a Commission of Oyer and Terminer, Directed to

"John Campbell,	Edward Ward,	Thomas Smallman,
Dorsey Pentecost	John Gibson,	William Crawford,
John Stephenson,	John Cannon,	George Vallandingham,
William Goe,	John Neaville	Isaac Cox,
John McDowell,	Richard Yeates	John McDaniel,
George McCormick,	Philip Ross,	Benjamin Kirkindall,
William Harrison.	Samuel Newell,	Thomas Brown,
Thomas Freeman,	John DeCompt,	Joshua Wright,
Oliver Miller,	Benjamin Frye,	Matthew Richie,
Andrew Swearingen,	Jacob Haymaker,	Benjamin Harrison,

and Zachariah Connell;" thirty-one in all.

All these justices of the peace lived within the limits of Yohogania County, and nearly all can at this day be identified by the writer. All could have sat as justices of the county court, but only a few appeared this first day to be sworn in, to-wit:

Richard Yeates,	George McCormick,	Benjamin Kirkindall,
Samuel Newell,	William Goe,	Isaac Cox,
Thomas Freeman,	Joshua Wright,	Oliver Miller,
Benjamin Frye,	Matthew Richie,	Andrew Swearingen,
John Cannon,	Dorsey Pentecost.	

Dorsey Pentecost was appointed the Clerk of the Court, and ordered to take charge of the records. The court then demanded the "Records and Papers from John Madison, Jr., Deputy Clerk of East Augusta, in whose custody they are, Which he Peremptorily refused, Notwithstanding he had seen an Act of assembly directing him so to do." Subsequently the same day process was ordered to enforce compliance with the demand.

An interesting entry must be copied here:

"Edward Ward, gentleman, came into court and prayed that the court would receive his reasons for refusing to act as Sheriff of this county, which was granted and was as follows:—That he cannot think of acting as Sheriff, or appointing any under Sheriffs until the line between the States of Virginia and Pennsylvania are fixed or limited, for on the North Eastern bounds of this County [Westmoreland County] there is still a Door open for Dispute and Contintion, which has been heretofore the cause of Disturbing the Peace of the People Settled and Claiming alternately The Jurisdiction of each Government; and before he can think of acting or any Person under him, he proposes praying the General Assembly to have a Temporary line fixed between them, or the limits of Pennsylvania run, or the Government of Virginia Peremptorily running the same, until which is done he cannot think of acting in any state or Government to Infringe on the reserved rights of his fellow subjects; he further assures that when Government has this done, he is ready to act with Cheerfulness, and if this Cannot be done he begs that the Court will Recommend some other gentleman to his Excellency to serve as sheriff,—and hopes the Court will acquiesce in Prompting and having the above bounds ascertained; and further offers to qualify into the Commission of the Peace."

Edward Ward, the ensign who surrendered to the French and Indians in 1754 the fort he was building at the mouth of the Monongahela, was unwilling to assume the greater personal respon-

sibility of the duties of a sheriff, in the unsettled conditions as to the actual boundary line between Pennsylvania and Virginia, but was willing to accept the responsibilities of a Virginia judge upon the bench, and, his reasons being considered as sufficient, he was relieved from his duties of the Sheriff's office, and was sworn in as one of the "gentlemen justices" of the new County of Yohogania, Virginia, took his seat as the presiding judge, and signed his name as such to the record of each day's proceedings so long as the court continued.

Joshua Wright, the great-grandfather of Joshua Wright, late of Washington, Pennsylvania, was then recommended to his Excellency, Patrick Henry, the Governor of Virginia, for appointment as sheriff, but the appointment he subsequently refused; and among other matters transacted in the first day's business of the new county was the recommendation to the governor of Dorsey Pentecost, the great-grandfather of T. M. Pentecost, the present sheriff of Washington County, Pennsylvania, as County Lieutenant of the "Melitia" of Yohogania County; of John Canon, the founder of Canonsburg as "Colonel of said Melitia," Isaac Cox as Lieutenant Colonel, and Henry Taylor, the great-grandfather of J. Frank Taylor, one of the present judges of our County of Washington, as "Major of said Melitia."

It will have been noted that when this court removed from Fort Dunmore at Pittsburgh, to Augusta Town, wherever that was, and this will be discussed hereafter, it was still the County Court for the District of West Augusta, Virginia; and that in pursuance of the act of the Virginia Assembly of October, 1776, creating out of that District the three new counties of Ohio, Yohogania and Monongahela, an election by the people of each county was held on December 8, 1776, to determine the places for holding the county courts, and that on that day the election by the people of Yohogania County was held at the house of Andrew Heath, which was west of the Monongahela River near the line between Washington and Allegheny counties, and that that election determined the plantation of Andrew Heath as the place of holding the county court. The proceedings of the first term of that court, held on December 23rd, fifteen days after that election, must have been held at Augusta Town, no change to the new county seat having yet been made; this, for the reason no doubt that no official ratification of the election had as yet been received from the State Government at Williamsburg. Moreover, there was another reason in the fact that the present county seat was altogether unsatis-

factory, which appears in an order entered on the record of this first day's session of the court for the new county, as follows:

"Ordered that the Clerk forward a letter to his Excellency & Council, notifying the general dissatisfaction of the people of this County against the late election being held on the Sabath Day, the short notice of the said election, and of the Inconveniency of the Bounds Circumscribing the said County."

Evidently, the selection of the plantation of Andrew Heath on the Monongahela as the county seat, was not acceptable to the majority of the "gentlemen justices," but whether from religious scruples as to an election held on the "Sabath Day," or from a disappointment on the part of Dorsey Pentecost or John Canon, or others, as to the place selected, cannot now be determined; at all events, before the selection of the county seat was finally acquiesced in, many monthly sessions of the court were held at Augusta Town, and much business of an important and varied nature, interesting to us chiefly on account of the political conditions then existing, was transacted.

This varied business cannot now be noted in detail, but it is felt to be necessary to give the names of some of the early settlers appearing upon these records, other than those already mentioned. We find the names of:

Brice Virgin; William Gaston; John Johnston; Andrew Dye; William Harrison; James Innis, Zachariah Connell (the founder of Connellsville); William Lee; John Maloney (McLoney?) Samson Beavers; Joseph Ross; Jacob Lamb (Pigeon Creek); James Johnston (fined for swearing nine profane oaths); Isaac Leet; and Captain Reason Virgin, living a mile or two southwest of Washington, Pennsylvania.

After December 23, 1776, the court omitted some of the regular sessions, probably because whether it should be removed to the house of Andrew Heath was not yet settled, and next met on April 28, 1777, when after a short session it adjourned to meet the next morning at 7 o'clock, and then met accordingly! On the next day it met at 8 o'clock, on which day the term ended.

The next term began on May 26, 1777, Isaac Cox presiding justice, and after an important session on May 27, 1777, at which districts were laid off for the assessment and collection of taxes, court was adjourned to the next day, when the term ended.

The next term began on June 25, 1777, and the first entry upon the records was the following:



"Ordered—that the sheriff cause to be Erected a pair of Stocks, and a Whiping post in the Court-House yard by next Court." And after the appointment of Richard Yeates and Isaac Leet to meet persons appointed from the other counties, to adjust the boundary lines between Yohogania and Ohio and Yohogania and Monongalia counties, the court adjourned to the next "Court in Course."

This "Court in Course" was held on August 25, 1777, and the only order entered was the following:

"Ordered: That for Convenience of Seting and Expediting Business, That the Court be adjourned to the House now occupied by Andrew Heath." The Court then adjourned, Isaac Cox presiding. On the same day, according to the record, "At the House of Andrew Heath, Court met according to adjournment," John Campbell presiding.

Had the Court hitherto been held at Augusta Town? Most likely. For, from the session held on December 23, 1776, no juries had been summoned, and no trials held, and the only business transacted related to the public officials, affairs of the militia, county lines, making up lists of tithables, etc., and some matters of criminal jurisdiction. Most probably the order made on August 25th, adjourning to the house of Andrew Heath, was made at Andrew Heath's house, as though it had been made at Augusta Town, merely to show a record for the change. No court-house had yet been erected on the Heath plantation, as soon afterward there was, and if the stocks and whipping post ordered on June 25th had been erected at the court-house at Augusta Town, it would not have been difficult to remove them to the new county seat. And moreover, if the court had met at Augusta Town on August 25th, and there made the order to adjourn to the house of Andrew Heath, it would not have been an impossibility for the entire court to meet the next day on the Monongahela River. In the olden time it was a common thing for judges and lawyers (and why not parties?) to travel in one day thirty or forty miles to appear in court in another county the next day.

The court on August 25th, 1777, was adjourned "until to-morrow morning at 6 o'clock!" The next day, August 26th, business was begun in earnest, and among other important matters, certain gentlemen were appointed to make a tour of the different districts of the very large county of Yohogania to "Tender the Oath of Allegiance and Fidelity to the Commonwealth of Virginia to all free Male Inhabitants; agreeable to an Act of Assembly entitled an

act to oblige all free Male Inhabitants, above a certain age, to give assurance of allegiance to this State, and for other purposes Therein Mentioned:" See 9 Henning's Statutes, 281. These gentlemen were Matthew Ritchie (the ancestor of the A. S. Ritchie family of Washington); Samuel Newell; John McDaniel; Andrew Swearingen; Isaac Cox; Benjamin Kuykendall; William Goe; Thomas Freeman; Zachariah Connell; Benjamin Frye; Richard Yeates; and John McDowell. And on this day was made the following order:

"Ordered: That Isaac Cox, Oliver Miller and Benjamin Kirkendall, be appointed, or any two of them, to Contract with proper person or persons, to build a Goal and court house in the following manner, and at the following place, Vizt: The Goal and Court House are to be Included in one whole and Intire Building, of sound round Oak, to go Twenty four feet Long and Sixteen feet wide; two Story high; The lower Story to be eight feet high, Petitioned in the Middle; with Squeared hewed Logs with Locks, and bears (bars) to the door and Windows, according to law, which shall be the Goal. The upper story to be five feet high in the Sides, with a good Cabbin Roof, with Convenient seats for the Court & Bar, and a Clark's Table, to remain in one room, with a pair of stairs on the outside to Assend up to said Room, which shall be the place for holding Court; with two floors to be laid with strong hewed logs; the whole to be Compleat and finished in one month from the date hereof. The said Building to be Erected on the plantation of Andrew Heath at Such Convenient place as the said Isaac Cox, Oliver Miller and Benjamin Kirkendall, Gentlemen, or any two of them shall think Proper."

The place where this court-house was erected has lately been well identified for the writer by Mr. R. T. Wiley of the Elizabeth Herald, Elizabeth, Pa., and by Mr. Samuel W. Stewart, of Highland Station, E. E., Pittsburgh, as upon the farm now of George Gilmore, Jefferson Township, Allegheny County, Pa., a short quarter of a mile back from the west side of the Monongahela River, on the brow of the first terrace back of the bottom lands; about one mile from the boundary line of West Elizabeth, in plain view of East Elizabeth and Lock No. 3; about one hundred yards south of Mr. Gilmore's house, and near the upper corner of what is known as Lobb's old graveyard. The title to the land upon which it stood can be traced back from George Gilmore through his father, Benjamin Gilmore, McNutt heirs, Jacob Guest, John Pennell, and Richard Heath, to Captain Henry Heath, one of whose five sons was Andrew Heath, occupying the land, though not under a known

record title. Mr. Samuel J. Heath, a lineal descendant of Andrew Heath, living on another part of the Heath plantation, places the court-house, not on the Gilmore farm, but at the same corner of the old Lobb graveyard, and nearer thereto.

Thus we see that the court-house of Yohogania County on the Andrew Heath farm was of the same length of that erected at Augusta Town for the District of West Augusta, and two feet wider. The order for the erection of the court-house at Augusta Town does not specify that there should be a court-room above the jail, but this must be taken as implied, for all the first court-houses erected in the wilderness were of this construction, having the jail on the first floor, with a "petition" in the middle, and the court room on the second floor, with an outside stairway by which to "assend" to it.

On October 30, 1777, the cold weather approaching, an order was made for a sufficient stone chimney to be carried up in the middle of the new court-house building on the Andrew Heath farm, with three fire places, one in each room of the jail and one in the court room, which was to be chunked and plastered, with a window in each "glebe" (gable?) "and four pains of Glass of ten Inches by eight, and the Goal rooms to be plastered."

This court also had its whipping post and stocks, so that it was unnecessary that these instrumentalities should be removed from the court-house yard at Augusta Town. For on June 26, 1780, a short time before all these Virginia Courts ceased finally to exercise jurisdiction within the limits of Pennsylvania, the boundary line between Pennsylvania and Virginia having been finally established though not yet marked out on the ground, an order was made and entered as follows:

"Ordered, that Paul Mathews be allowed Two thousand dollars for erecting a Whipping Post, stocks and Pillory.

"Gentlemen deposited:

"William Goe, One hundred and fifty Dollars.

"Oliver Miller, Do. Do.

"Joseph Becket, One hundred.

"Dorsey Pentecost, One hundred.

"Samuel Newell, One hundred.

"to be deducted out of the money when levied by the Sheriff."

This allowance and these contributions to pay it were not so extravagant, for at this time the Continental currency was so much depreciated that eighty dollars in paper were worth but one Spanish dollar in silver, so that the allowance for the service was

but twenty-five dollars, and Dorsey Pentecost's large advance was but one dollar and a quarter, although Justices Goe and Miller were able to contribute each one dollar, eighty-seven and one-half cents: See III. Adams' Writings of Albert Gallatin, 261.

From the foregoing we may be safely assured that the County Court for the District of West Augusta, Virginia, had its court-house from September 17, 1776, to December 23, 1776, at Augusta Town, and that when the County of Yohogania was formed, the court-house of that county was at the same Augusta Town from December 23, 1776, to August 25, 1777.

Where was this Augusta Town, where were held these Virginia County Courts for almost one full year in 1776-1777?

#### County Court for Ohio County.

Before this question is answered, a few words about the county court for Ohio County, Virginia.

The records of the County Court for Ohio County, Virginia, have also been published in full, from their beginning on January 6, 1777, to September 4, 1780, by which time the last Virginia Court for Yohogania County had been held. The facts disclosed by these records of the Ohio County Court are intensely interesting, for, during the period referred to, the people of that county, living along the Ohio River, were on the frontier line between our pioneer settlements and savagery beyond that river.

It appears from these records, that, although the act of assembly of Virginia of October, 1776, had directed that the land-holders of all three of the new counties should hold an election on the "8th day of December next" (which was Sunday) to choose the place of holding the courts for their respective counties,—the electors of Ohio County to meet at the house of Ezekiel Dewit on Buffalo Creek,—yet the election for that county was not held until December 27, 1776,—why, is not now known, and that at that election, "a Majority determined in favour of a place known by the name of Black's Cabbin, on the waters of Short Creek, to be the place of holding Courts in future."

Black's Cabin was where the town of West Liberty now stands, about eleven or twelve miles northeast of Wheeling, West Virginia, about eight miles northwest of West Alexander, Washington County, Pennsylvania, and perhaps about twenty miles west of Washington, Pennsylvania. Here the county court was

held until 1797, when it was removed to Wheeling, where it continues to this day.

The first day's session was on January 6, 1777, when David Shepherd (of the present Elm Grove), Silas Hedge, William Scott, James Caldwell, Zachariah Sprigg, Thomas Waller and Daniel McClain were sworn as justices, and "being duly qualified took their seats on the Bench accordingly." John McColloch, residing near Black's Cabin, and the father of John McColloch and Samuel McColloch, both celebrated in Indian warfare, was made the sheriff, and James McMechen the Clerk of the County Court. David Shepherd was recommended to Patrick Henry, the governor, as county lieutenant, Silas Hedge as colonel, David McClure as lieutenant colonel, and Samuel McColloch as major of the militia.

These officers of the militia, with the corresponding officers from the other two counties, together with the captains of companies all met at Catfish Camp on January 28, 1777, in a council of war called by Patrick Henry, governor of Virginia, to prepare for the threatened attack to be made upon the settlements by the Indians in the coming spring. The minutes of this council of war are published in Crumrine's History of Washington County, p. 185. Among other things done at this council of war, it was:

**"Resolved,** For the Purpose of Repairing Guns, Making Tommehocks, Sculpting Knives, &c., that proper persons ought to be Employed in each County at the Public Expense, and that Thomas and William Parkeson be appointed in the County of Yohogania, and that they Immediately Open Shop at their house on the Monongahela River for the above purpose, and that they make with all possible Expedition all the Rifle Guns they can, and a Sufficient number of Tommehacks, Sculpting knives, &c., and that the County Lieut. Reseeve them, or Direct the Distribution thereof."

At the next day's session of the court, January 7, 1777, it was ordered as follows:

"Forasmuch as the tract of land agreed upon for holding courts at in future doth of right appertain unto Abraham Vanmetre, of Opechan Creek in the County of Bartley (Berkley?), order'd, therefore, that Zacharia Sprigg, Silas Hedge, Esq., be appointed to Contract & Covenant with sd Vanmetre for not less than Two acres of sd Tract including the Cabbin and Spring,—In behalf of this County, for the purpose of erecting & Building thereon a Court house, Prison and other necessary public Buildings, for any sum not exceeding Twenty pounds, & Report make of their proceedings therein as soon as may be, to this Court."

The court, with Black's Cabin as a court-house, proceeded to business, much of it relative to military affairs, and the care of the families of soldiers in the wars; but on April 8, 1777,

"The Court taking into Consideration the Expediency of having a Court house erected, ordered that a house for that purpose be constructed of the following Dimentions and Conveniences, viz:

"A Dimond Cornered house of Dimentions Twenty Two by eighteen feet in the clear; one Story & one half high; a floor above & below of hewed or sawn plank; Ten joice in the upper floor, nine or ten feet high; in the Lower Story a Court's Bentsh & Clark's Table; Two windows of eight lights each eight by ten inches; a pair of stairs & Cabbin Roof; a plain Door & hinges of Iron; likewise plain window shutters, with Iron hinges.

"A jail Twenty by sixteen feet on the outside, the Loggs of the walls to be round & Close laid; the loft floor & partition to be of loggs squarid to eight inches thick; Two rounds of Loggs above the Loft; Cabbin Roof'd; Doors & windows agreeable; A Stone Chimney with Iron grates, the doors done with nails; Lock Sufficient; the Loft & Floor to have each a Large Summer Supporting them in the middle.

"& for the purpose of having the aforementioned Buildings Completed as soon as possible, agreeable to the aforesaid Dimentions, ordered that Jno. McColloch, high sheriff, be ordered to put the same up at public auction to the lowest undertaker."

Thus was provision made for a "Court-house & Goal" for the future, in Ohio County.

Afterward, although the law required monthly terms, no court was held until June 2, 1777, and the next term after that date was held on April 6, 1778, when a term was held lasting for three days. These were times of trouble, and inter armes leges silent. The new court-house and jail had not yet been erected, for at the session on June 1, 1778, it was "ordered that the court be adjourned till to-morrow at eight of the clock at the house of Andrew Ramsey;" and on the next day it was

"Ordered that the sheriff apply to Mr. Richard Yeates for premission to make use of the District jail, to Imprison delinquents during these difficult times of danger & want of jail at the Court-house seat of this County, upon the most Reasonable Terms possible.

"Ordered that David Sheepherd, sheriff of this County [John McColloch having died], advertise to the lowest undertaker the

Building of the public Buildings for this County, agreeable to the Dimentions therein contained."

The "District Jail," for permission to use which application was to be made to Richard Yeates, must have meant the jail for the District of West Augusta, at Augusta Town, about twenty miles away. For the County Court for the District of West Augusta, for which the court-house and jail at Augusta Town was erected, had ended, and the County Court for Yohogania County was occupying them until, on August 25, 1777, that court removed to the plantation of Andrew Heath on the Monongahela River, and the District Jail, with the court room above it, and the whipping post in the court-house yard, remained on the farm of Richard Yeates. And that the application to Mr. Yeates for permission to use the old District Jail was successful, is evidenced by an entry made by the Ohio County Court on November 3, 1778, as follows:

"Ordered that the sheriff of this County pay Richard Yeates Six pounds, it being this County's proportion of the District Goal, out of the Money by him collected of the Tithables in this County."

#### Where Was Augusta Town?

We are now back again to the locality of the old court-house and jail for the District of West Augusta. Where was it?

We have seen that on August 20, 1776, David Shepherd, of the present Elm Grove, West Virginia, and John Canon, of the present Canonsburg, Pennsylvania, two of the "gentlemen justices" of the County Court for the District of West Augusta, Virginia, holden at Fort Dunmore, in Pittsburg, were appointed to contract for the building of a house, 24 by 14 feet, "with a petition in the middle," to be used for a jail (with a court-room above it) at "Catfish Camp," changed by an erasure to "Augusta Town," and that it was ordered that the court be adjourned" until the third Tuesday of September next to "Catfish Camp," again changed by an erasure to "Augusta Town." And further that on September 17, 1776, and thereafter until November 20, 1776, the court for the District of West Augusta was held at the same place, and that from the organization of the County Court for Yohogania County on December 23, 1776, until August 25, 1777, that court also was held at Augusta Town.

It has also been seen that on September 18, 1776, the second day's session of the court at Augusta Town, Richard Yeates, with

quite a number of names of early residents about Washington, Pennsylvania, was recommended as a proper person to be appointed to the office of coroner; and that thereafter in the history of that court, as well as in the history of the County court for Ohio County, his name frequently appears, especially in the order directing application to be made to him for the use of the jail for the confinement of Ohio County delinquents.

It is now proposed to establish that Augusta Town, where this Virginia court was held from September 17, 1776, to August 25, 1777, was on land then owned by Richard Yeates a little southwest of Washington, Pennsylvania, lately known as the Gabby farm, and on the spot where shall be erected a granite marker and tablet by the Washington County Historical Society.

Up until lately there has been great uncertainty as to the exact location of the court-house in question, and when our society undertakes to mark it with a memorial tablet, its position should be reasonably well ascertained, if possible. But no trace of that public building now appears anywhere, one hundred and twenty-nine years having elapsed since its erection in the then wilderness. Quite a number of historical writers have attempted to locate it, but none of them had the advantage of an examination of the printed records of these old Virginia Courts.

The earliest written account giving a definite location to any old Virginia court held near Washington, Pennsylvania, is found in Jacob's Life and Times of Patrick Gass, published at Wellsburg in 1859, in which it is said: "Virginia had two Court-houses south of the Monongahela, and one north, at Redstone, now Brownsville. She at one time fixed a seat of Justice at Razortown, two miles west of what is now Washington." This was incorrect. There never was a Virginia court-house at Redstone, now Brownsville. The Virginia Commissioners appointed to settle and adjust the claims of Virginia settlers to lands settled upon by them, held some of their sessions at Redstone in 1779-1780, but there never was a court of justice held there, although there was a Virginia Court held at Fort Dunmore, which was north of the Monongahela, during 1775 and part of 1776, as heretofore shown. And, as also shown, two courts, one at Augusta Town and one at Black's Cabin (now West Liberty), were held south of the Monongahela, but neither of them was at Razortown.

Razortown was on the old William Wylie farm, less than two



miles northwest of old Washington, on the Washington and Wellsburg Road, and consisted of a black-smith shop, and several dwellings. There must have been a tavern among the latter, for, at the March Term, 1816, of the Court of Quarter Sessions for Washington County, Pennsylvania, a license to sell liquors was granted to one Hugh Barr, of "Razertown." That town is now another of the few lost towns of Washington County.

Mr. Jacobs had evidently copied from Albach's *Annals of the West*, published at Pittsburg in 1856, in which it is said, p. 13: "Accordingly, Dunmore established three courts, two South of the Monongahela, and one at Redstone, all within the limits of Pennsylvania," but without designating their localities.

Both Albach and Jacobs may have relied upon Dr. Joseph Smith's "Old Redstone," printed at Philadelphia in 1854, a work that was full of historical errors, excusable, however, as it was a pioneer on the subject. That work, after referring to the settlements by Virginians upon lands in Southwestern Pennsylvania, prior to the Revolution, says, p. 32: "The land being the property of the king, was at the disposal of the governor [Lord Dunmore], who also procured a court of Virginia to be extended to the Ohio; and in a short time two county courts were held South of the Monongahela, and one North of it, at Redstone Old Fort (Erownsville); all of them within the territory since ascertained to belong to Pennsylvania." And, in his chapter of "Statements about the Redstone Presbytery," Dr. Smith says, p. 129: "But the vacancies to which supplies were furnished in 1782 and 1783 (there were none appointed at their first meeting in 1781,) were all in the bounds of the present Redstone, except one, the Ohio Court-house, a place that stood some miles west of the present town of Washington, and that vanished and appears no more in the subsequent lists of supplies." See, also, note on p. 318. But, observe: The Minutes of the Presbytery of Redstone, published in 1878, under the editorial supervision of Dr. S. S. Gilson, Rev. Dr. John M. Barnett, and Hon. John K. Ewing, show very conclusively, p. 5, that this "Ohio Court-house" was the court-house of Ohio County, Virginia, at Black's Cabin on Short Creek, and near the Ohio River. Moreover, after August 28, 1780, no Virginia Court was ever held within the present limits of Pennsylvania, and after October 2, 1781, the courts of Washington County, Pennsylvania, were in full jurisdiction and continuous operation until the present day. And see note to the Washington County Centennial, 1881, p. 39.

Dr. Alfred Creigh, in his *History of Washington County*, pub-

lished in 1870, was the first to furnish to the public information leading to a definite location for the Virginia court-house at Augusta Town. On page 137 of his pioneer history of our county, a little misled by Dr. Smith's Old Redstone, he says that the court-house "of Ohio County was on the farm of William Gabby, two miles west of this place [Washington]. Mr. William Gabby assures me that the logs of the court-house were used by his father in the erection of a kitchen, and that the court-house stood between the brick-house (now occupied by his son James) and the barn, near the spring." Dr. Creigh, however, did not have the advantage of printed records of these old Virginia courts, to inform him that the court-house on the Gabby farm was not the court-house of Ohio County, Virginia, but the court-house of the County Court for the District of West Augusta, Virginia, then embracing all the lands west of the Alleghany Mountains and east of the Ohio River.

We have seen from the records of the old Virginia Court for the District of West Augusta, held at Pittsburg, that on August 20, 1776, an order was made for the building of a jail, including a court-room "at Catfish Camp;" that the same day the court was adjourned "until the third Tuesday in September next to Catfish Camp," and that both orders were changed by erasing "Catfish Camp" and substituting therefor "Augusta Town." And we have further seen that on September 17, 1776, that court was held at Augusta Town.

#### Where Was Catfish Camp?

It has already been noted that in the Atlas Universel by M. Robert, published at Paris in 1757, there is a Map of this section of Western Pennsylvania as a part of Louisiana, then embracing all the lands watered by the Mississippi and its tributaries as claimed and then occupied by France. On this map, No. 98 of the series, is laid down Pierre Rouge, (or Redstone) Creek; Chartiers Creek, so named from Peter Chartiers, a half-breed Indian trader; and a small stream entering into Chartiers Creek, well up toward the source of the latter, is named upon another old map of that period, "Wissameking." This is the stream which flows from the East and around the southwest corner of the present borough of Washington. The name Wissameking is one of the Indian names in the Delaware tongue for Catfish. The French map referred to purports to have been based upon surveys made by Joshua Fry and

Peter Jefferson, of "The most Inhabited Parts of Virginia," published in 1754, which map of Fry and Jefferson was constructed from surveys made by Christopher Gist in 1751, as before mentioned. Thus we have "Catfish Run" known as such to the world as early as 1751.

On June 19, 1769, eighteen years afterwards, warrants for surveys were obtained from the Penn land office, for three tracts of land, which were surveyed and returned on November 11, 1769, to Abraham Hunter, Joseph Hunter and Martha Hunter, respectively, each containing over 330 acres, and described as lying on Catfish Run, a small tributary of Chartiers Creek. Each tract was a parallelogram; all being 390 perches long, and those surveyed to Abraham Hunter and Joseph Hunter being each 144 perches wide, and that surveyed to Martha Hunter 145 perches wide. They were laid side by side the long way, Abraham Hunter's called Catfish Camp, being to the south; Joseph Hunter's, called Grand Cairo, adjoining on the north, and Martha Hunter's, called Martha's Bottom, adjoining the latter on the north. The line made by the short ends of each tract when put together ran north 62 degrees west; and the south line of the Abraham Hunter, the most southern of them, ran south 28 degrees west. The southwestern corner of the Abraham Hunter was at a hickory which stood near where the road to the LeMoyne Crematory leaves Dewey Avenue, in the Fifth Ward of the present Washington Borough.

No information has been obtained of these Hunters, but on April 26, 1771, they sold their several tracts to David Hoge, of Cumberland County, Pennsylvania. As to David Hoge, who never came to Washington County to settle, the following information has lately been obtained from Mr. J. Zeamer, a director of the Hamilton Library Association, at Carlisle, Pennsylvania:

"A William Hoge came to America from Scotland in 1682, when a young man. On the vessel with him was a Hume family, father, mother and daughter. The father James Hume was a brother of David Hume. On the voyage both parents died, and William Hoge took charge of the daughter, and afterwards married her. Her name was Barbara. They settled at Perth Amboy, New Jersey, and their first child was John Hoge. He married Gwentholeen Bowen Davis, and about 1730 settled where now is Hogestown, Cumberland County, Pennsylvania. He had four sons: John, David, Jonathan and Benjamin. Benjamin died young; John became a Presbyterian preacher, and was a member of the first class that graduated from Princeton. David and Jonathan lived

and died at Hogestown, and were long prominent and influential in the political, business and social life of that section. David was sheriff of Cumberland County from 1768 to 1771, and was succeeded by Ephraim Baline. Ephraim Blaine's eldest son James married David Hoge's daughter Jane, who died about a year afterwards. David Hoge died December 5, 1804; his brother Jonathan had died in 1800."

This Ephraim Blaine was the Colonel Ephraim Blaine of the Revolution; he was the father of James, who was the father of Ephraim L. Blaine, the father of our James G. Blaine.

So much for David Hoge, who on October 13, 1781, laid out the town of Washington, Pennsylvania, incorporated into a borough on February 12, 1810. The town of Washington as laid out on the date mentioned formed a square, the southwestern corner being at the corner of the present West Maiden Street and Ruple's Alley. Its eastern and western boundaries ran north  $12\frac{1}{2}$  degrees west. Much the greater part of the town as first laid out lay on the Abraham Hunter survey, "Catfish Camp," and the smaller part, north of a line running from near Gay (now West Wheeling) Street and Ruple's Alley, to a point a little east of Walnut street and Monongahela (now Main) Street, lay on the Joseph Hunter survey, "Grand Cairo."

Why the names Catfish Run and Catfish Camp?

From the best information obtainable there were no settlements or homes of Indian tribes within the present limits of Washington County, but the lands between the Monongahela and the Ohio seem to have been preserved by the Indians as their hunting grounds. The many remains all over the county called Indian mounds and burial grounds indicate permanent dwelling-places of another and earlier race of people called the Mound-Builders, for want of a better name for the unknown.

Among the Indian hunters frequenting this region in the hunting season, was a chief of the Delaware tribe of Indians having their home at Kuskuskie, beyond the Ohio, who was called Tingooqua, another Indian name for Catfish. He was a leading man in his tribe and made a very fine speech before the Supreme Executive Council in the State-House at Philadelphia, on December 4, 1759: VIII. Col. Rec. 417. This old Indian gave his name not only to our Catfish Run, but to another small stream in what is now Snowden Township, Allegheny County, which rises in the southern part of Bethel Township, and empties into Peters Creek in Snowden Township, about two miles southeast from the village

of Library. Old Catfish had more than one hunting camp in this region.

It is said that Tingooqua had his camp when in the neighborhood of the present Washington at different points, which is altogether probable. But his camp as fixed when the town of Washington was first laid out is easily determined, if any reliance may be placed upon the plan of the town as made on October 13, 1781, known to be accurate when indicating fixed natural points. Lot No. 1 on the original plan is the lot on the eastern corner of West Maiden Street and Ruple's Alley, and lot No. 2 adjoins No. 1 on the east. Extend the line between these two lots southwardly across Catfish Run and you strike a point marked on the plan with three tents and the words "Catfish Camp" and this line carries you to a point near the large spring on the present Trinity Hall grounds. At that point must have been Catfish's Camp as known at that time, and it should be marked permanently.

But where was Augusta Town to which the removal of the county court for the District of West Augusta was changed from Catfish Camp in August or September, 1776?

Most likely that court, intending to remove its seat of justice to Catfish Camp, found that the tract of land or place known by that name had been surveyed under a Pennsylvania warrant and was then held by a citizen of Cumberland County, and therefore, under a kind of application of the doctrine of *cy pres*, endeavored to get as near to the place intended as possible, and instead of establishing the court on Catfish Run, set it up just beyond the hill to the west on land held by an adherent of the Virginia jurisdiction, but a few rods from the tracts called Catfish Camp and Grand Cairo.

Richard Yeates had made or acquired settlement rights under the laws of Virginia to several tracts of land, all lying about the Hunter surveys heretofore mentioned. One of these tracts, containing 284 acres, lay a little to the southwest of the present Washington, reached toward the town nearly to the top of the ridge upon which stands the distributing reservoir of the Citizens Water Works Company, and extended westward across Chartiers Creek, including the present dam at the water-works pump station. The old Graves Creek Road from Catfish Camp passed up across what is known to us as "Kalorama," or the old Stockton quarries,

north of the water works distributing reservoir on the hill, thence to the crossing of Chartiers Creek a little to the south of said pump station, thence on to Graves Creek on the Ohio River below the present Wheeling.

On June 5, 1784, Daniel Leet and wife by deed of that date (in D. B. "A," vol. 1, p. 304) conveyed to John Gabby of Washington County, Maryland, a tract on "Shirtee Creek," containing by estimate 120 acres. This tract lay to the south of the Richard Yeates tract above mentioned. And on June 8, 1784, Richard Yeates (no wife joining) by deed of that date (in D. B. "A," vol. 1, p. 306) conveyed to John Gabby of Washington County, Maryland, a tract on "Shirtees Creek" adjoining other land of Richard Yeates and containing 160 acres. This land was the southern part of the Richard Yeates land first above mentioned and embraced the Graves Creek Road and crossing of the Chartiers at the present pump station.

John Gabby, thus acquiring about 280 acres, and residing near the present Hagerstown, Washington County, Maryland, never came to Washington County, Pennsylvania. He had a brother James, however, who did come thither and settled upon the land sooner or later after its purchase, having acquired an undivided one-half interest therein by an assignment or transfer not yet discovered. At all events, John Gabby removed to Letterkenny Township, Franklin County, Pennsylvania, where he died, and on August 17, 1812, William and Joseph Gabby, the executors of his will, by deed of that date (in D. B. "X," vol. 1, Part 1, p. 128) acknowledged before a judge of the Court of Common Pleas of Franklin County, conveyed to James Gabby of Washington County, Pennsylvania, "the one undivided half part of a tract on Chartiers Creek, containing in the whole 284 acres, strict measure, which tract was granted by patent to the said John Gabby by the Commonwealth of Pennsylvania, December 10, 1786."

This James Gabby was the father of William Gabby, who was born on this land in 1803 and died on May 21, 1883, and was the William Gabby mentioned by Dr. Creigh in his account of the old Virginia court-house, heretofore referred to. He was the father of James F. Gabby and a number of other sons and daughters, who on March 11, 1884, joined in conveying to William A. Gabby, another son, by deed of that date (in D. B. 240, p. 219), 97 acres and 75 perches out of the Richard Yeates tract; and on April 1, 1902, William A. Gabby and wife, by deed of that date (in D. B. 276, p. 23) conveyed 79.725 acres of the last mentioned tract to

Jonathan Allison and John W. Donnan, and the record title thereof is in Mr. Donnan and the grantees of Mr. Allison to-day.

Thus is traced the title to that part of the Richard Yeates' land upon which stood the old Virginia court-house erected in the summer of 1776, the year of the Declaration of Independence. Mr. James F. Gabby and Mr. William A. Gabby have pointed out the spot where their father William Gabby often told them the old court-house stood, and they remember well the frequent conversations with their father upon the subject, and the appearances of the soil when plowed over, indicative of the existence long ago of a building of some kind upon the place pointed out. The place is on the upper side and near the cross-road from the Cumberland Road to the Upper Ten Mile Plank Road, and near to the point of land overlooking the Graves Creek Road as it passed over to the creek-crossing a little to the south of the Citizens Water Company's Pump Station. This location is perhaps superior for a town to that of Washington placed five years afterward upon "Catfish Camp" and "Grand Cairo," but Augusta Town never materialized, and may also be called a lost town.

And thus has been sketched something of the celebrated Boundary Controversy between Pennsylvania and Virginia, in the days which tried men's souls, and when all around us was a wilderness in comparison with what it is to-day; the courts of justice held by Virginia, within the limits of Pennsylvania, when she held such control that it seemed likely to be permanent; and especially the old court-house of the County Court for the District of West Augusta, of the Colony of Virginia, within less than one mile by a direct line from the present magnificent Temple of Justice of Washington County, Pennsylvania. To mark the place where this old court-house stood, for the information of the people to come after us, we now place the granite memorial tablet with the inscription quoted at the beginning of this paper.

May 10, 1905.

**MEMORANDA.**

The erection of the memorial tablet for the purposes discussed in the foregoing pages was brought about finally by the following correspondence:

**The Washington County Historical Society,  
Washington, Pa., February 22, 1905.**

To John W. Donnan, Esq.,  
and others, owners of  
the W. A. Gabby Farm,  
Washington, Pa.:

Dear Sirs:—

The Washington County Historical Society desires to erect a commemorative tablet upon the spot on the Wm. A. Gabby Farm where in 1776, before the western boundary of Pennsylvania was ascertained and established, was held the County Court for the District of West Augusta, Virginia, the first court of justice ever held by any English-speaking people west of the Monongahela River; the tablet to be three feet long, two feet high above a light base, and two feet thick, made of the best granite, with an appropriate inscription, and at a cost to the society of Fifty (50) Dollars, finished ready for placing in position.

Will you kindly express to the society whether or not you are willing to permit the tablet to be erected and maintained upon said farm, for the purpose stated?

Very Respectfully,

**Boyd Crumrine,  
President.**

**Washington, Pa., February 22, 1905.**

To the President of

**The Washington County Historical Society.**

Dear Sir:—

In reply to your letter of this date, with reference to the erection of a tablet commemorative of the County Court held by the State of Virginia, in 1776, on what is now known as the Wm. A. Gabby Farm, we would state that, as the owners of said farm,



we willingly grant permission to your society to erect such tablet on the spot where that court was held; and, in further aid and approval of the purpose of your society, we will provide for maintaining the tablet and its reasonable care and protection in the future, and, moreover, we will pay the cost of its construction to the amount of Fifty (50) Dollars, as stated in your communication.

We are, Yours very Truly, etc.,

John W. Donnan,  
D. M. Donehoo,  
A. M. Brown,  
John Slater,  
Ernest F. Acheson,  
Alex. M. Templeton,  
J. V. Clark,  
Rob't L. McCarrell,  
Edw. M. Behen.

The sincere thanks of the society were at once returned to the gentlemen according the permission desired, and the memorial tablet was soon constructed and has now been placed in position. It was placed to stand due north and south in its length, facing on the side of the inscription due west, but it is not exactly parallel with the public highway in front of it. The highway may be changed in time, but it is hoped that the granite marker, weighing 2800 pounds, may remain undisturbed for generations yet unborn.

A word as to the illustrative maps. The map in front of the title-page represents the Virginia Occupation of Southwestern Pennsylvania from the time of the earliest settlements therein, say in 1767, until Washington County, Pennsylvania, was erected in 1781, although the southwestern corner of that State was not established and the western boundary laid down due north to Lake Erie until 1784-1785. The old District of West Augusta, Virginia, created in December, 1774, and embracing the Virginia counties carved out of it in October, 1776, is clearly shown; and as well are shown the present counties of Pennsylvania within the territory then occupied by Virginia. Augusta Town, the county seat of the Old District of West Augusta, is indicated by the cross-mark at Washington, Pa. Short Creek, on which was Black's Cabin, the first county seat of Ohio County, Virginia, is not shown on the map, but it emptied into the Ohio from the east south of Buffalo Creek. The county seat of Yohogania County, Virginia, is indicated by "Yough. C. H.,"

on the Monongahela River between the mouths of Mingo Creek and Peters Creek. The county seat of Monongalia County was on Georges Creek in the present Fayette County, opposite the mouth of Whiteley Creek in the present Greene County, Pennsylvania. This map was copied from the map drawn by J. Sutton Wall, Esq., and published in the Annual Report of the Secretary of Internal Affairs of Pennsylvania, for 1895, p. A. 197; and that map followed for the most part an original map of the same subject, drawn for Crumrine's History of Washington County, page 182, by John G. Ruple, C. E., of Washington, Pa.

For the map entitled "Catfish Camp—Augusta Town" at the end of the paper the writer is indebted to the kindness of Mr. J. B. Vaughan and Mr. John G. Ruple, C. E., both of Washington, Pa., and it may be relied upon in all its details, unless it be that the position given to the Citizens Water Company's Reservoir on the line A B should be a little farther towards A, perhaps at the point where the line from the south strikes that line. The position of the lines of the Hunter surveys, the first in the territory, are correctly laid down by courses and distances; but, it is not known now that any of the four corners A B C and D, remain permanently marked. The corner A, however, is known to have been at or very near the point where the road to the LeMoyne Crematory leaves Dewey Avenue in the present Fifth Ward of Washington, and it is also known that the narrow alley east of the Washington Electric Light and Power Company, and west of Wade Avenue in East Washington, is a part of the line A D, the corner D being at or near the residence at this date of James M. McBurney, Esq. The original plan of the town of Washington, with the first and the present names of its streets and alleys, is carefully located, Monongahela (now Main) street, and the other streets and alleys parallel with it, being laid down north twelve and one-half degrees west.

The tracts shown to the south of the Hunter tracts represent the lines of some of the adjoining original surveys. That in the name of "Richard Yates" was held by him by a settlement right under the laws of Virginia from some time prior to 1776; and, after the final agreement between the Pennsylvania and Virginia commissioners as to where the western boundary of Pennsylvania should be run on the ground, the Virginia commissioners, holding sessions at Redstone Old Fort (now Brownsville) and at Cox's Fort on the Monongahela south of the mouth of Mingo Creek,

granted Mr. Yeates a Certificate of Entry of Date December 16, 1779, for 284 acres, upon the southern end of which in 1776 had been established the County Court for the District of West Augusta, at a contemplated county seat to be called Augusta Town, represented by E. In 1784, Richard Yeates conveyed to John Gabby 160 acres along the southwestern boundary of this tract, including the site of the old court-house.

This last mentioned map, except as to the location of the town of Washington, was made, not from actual surveys, but followed a connecting draft made and certified from the office of the Surveyor General of Pennsylvania, of date March 23, 1821, now in the possession of the writer.

The original manuscript volumes containing the records of all the old Virginia Courts referred to in the foregoing sketch, are in the Library and Museum of the Washington County Historical Society; but they have been published in full, with introductory sketches by the writer, in the Annals of the Carnegie Museum, Schenley Park, Pittsburg, Pa., where may be found the records of the county courts For the District of West Augusta, in Vol. I., No. 4, pp. 505-568. For the County of Yohogania, in Vol. II., No.1, pp. 71-140, continued in Vol. II., No. 2, pp. 205-429. For the County of Ohio, in Vol. III., No. 1, pp. 5-78. And Deed Book, for the District of West Augusta, in Vol. III., No. 2, pp. 237-327.

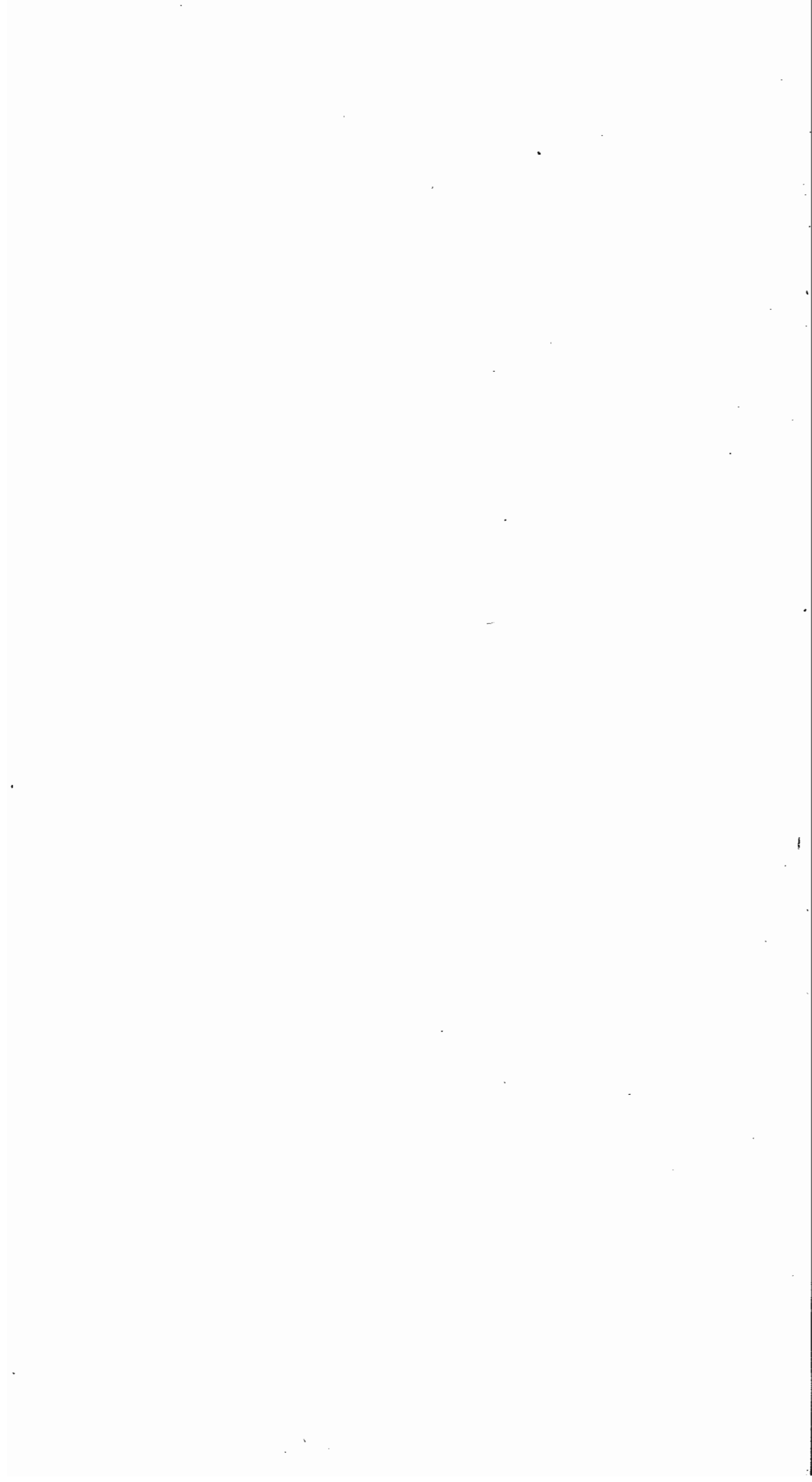






















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