

CHAPTER XIII.

ERECTION OF FAYETTE COUNTY—ESTABLISHMENT OF COURTS—COUNTY BUILDINGS.

THE original counties of Pennsylvania were Philadelphia, Chester, and Bucks, of which the western boundaries were indefinite. On the 10th of May, 1729, an act was passed erecting the county of Lancaster, to embrace "all and singular the lands within the province of Pennsylvania lying to the northward of Octoraro Creek, and to the westward of a line of marked trees running from the north branch of the said Octoraro Creek northeasterly to the river Schuylkill; . . . and the said Octoraro Creek, the line of marked trees, and the river Schuylkill aforesaid shall be the boundary line or division between said county and the counties of Chester and Philadelphia." Thus the nominal jurisdiction of Lancaster County extended westward to the western limits of the province, including the territory which now forms the county of Fayette.

In 1749 the inhabitants of the western parts of Lancaster County represented to the Governor and Assembly of the province that they were suffering great hardships by reason of remoteness from the county-seat, the courts of justice, and the public offices, and prayed for the formation of a new county from that part of Lancaster; whereupon, on the 27th of January, 1750, it was by the General Assembly enacted "That all and singular the lands lying within the province of Pennsylvania aforesaid to the westward of Susquehanna, and northward and westward of the county of York,¹ be and are hereby erected into a county named and hereafter to be called Cumberland, bounded northward and westward with the line of the province, eastward partly with the river Susquehanna and partly with the said county of York, and southward in part by the said county of York and part by the line dividing the said province from that of Maryland."

For more than twenty years, a period covering the campaigns of Washington and Braddock and the

planting of the earlier settlements in the valleys of the Youghiogheny and Monongahela, Cumberland continued to include the region west of the Laurel Hill range. On the 9th of March, 1771, that region (embracing the present counties of Fayette, Westmoreland, Washington, Allegheny, and contiguous country) passed to the jurisdiction of Bedford County, which was erected by an act of that date, to include "all and singular the lands lying and being within the boundaries following, that is to say, beginning where the province line crosses the Tuscarora mountain, and running along the summit of that mountain to the Gap near the head of the Path Valley; thence with a north line to the Juniata; thence with the Juniata to the mouth of Shaver's Creek; thence northeast to the line of Berks County; thence along the Berks County line northwestward to the western bounds of the province; thence southward, according to the several courses of the western boundary of the province, to the southwest corner of the province, and from thence eastward with the southern line of the province to the place of beginning."

The territory of Bedford County west of the Laurel Hill became Westmoreland by the passage (Feb. 26, 1773) of an act erecting the last-named county, to embrace "All and singular the lands lying within the province of Pennsylvania, and being within the boundaries following, that is to say, beginning in the province line, where the most westerly branch, commonly called the South, or Great Branch of Youghiogheny River crosses the same; then down the easterly side of the said branch and river to the Laurel Hill; thence along the ridge of the said hill, northeastward, so far as it can be traced, or till it runs into the Allegheny Hill; thence along the ridge dividing the waters of the Susquehanna and the Allegheny Rivers to the purchase line at the head of Susquehanna; thence due west to the limits of the province, and by the same to the place of beginning."

Westmoreland County was divided into townships by the Court of Quarter Sessions, held at Robert Hanna's house, April 6, 1773. "Before William Crawford, Esq., and his associates, justices of the same court, the court proceeded to divide the said county into the following townships, by the limits and descriptions hereafter following, viz." Then follows a description of the boundary lines of the several townships, viz.: Fairfield, Donegal, Huntington, Mount Pleasant, Hempfield, Pitt, Tyrone, Springhill, Menallen, Rostraver, and Armstrong, the descriptions of the five townships embracing the present county of Fayette being as follows:

Tyrone. "Beginning at the mouth of Jacob's Creek, and running up that creek to the line of Fairfield; thence with that line to the Youghiogheny; thence along to the foot of Laurel Hill, to Gist's; thence by Burd's road to where it crosses Redstone Creek; thence down that creek to the mouth; thence with a straight line to the beginning."

¹ York County had been erected a short time previously (Aug. 19, 1749), to embrace "all and singular the lands lying within the province of Pennsylvania to the westward of the river Susquehanna and southward and eastward of the South Mountain, . . . bounded northward and westward by a line to be run from the said river Susquehanna along the ridge of the said South Mountain until it shall intersect the Maryland line, southward by the said Maryland line, and eastward by the said river Susquehanna."

Springhill. "Beginning at the mouth of Redstone Creek, and running thence a due west course to the western boundary of the province; thence with the province line to the southern boundary of the province; then east with that line to where it crosses the Youghiogheny; then with the Youghiogheny to Laurel Hill; then with the line of Tyrone to Gist's, and thence with that line to the beginning."

Menallen. "Beginning at the mouth of Brown's Run, thence due east to the top of Laurel Hill, and . . . westward to the limits of the province."

Rostraver. "Beginning at the mouth of Jacob's Creek, and running down the Youghiogheny to where it joins the Monongahela, then up the Monongahela to the mouth of the Redstone Creek, and thence with a straight line to the beginning."

Donegal. "To begin where the line of Fairfield township intersects the county line, and to run along that line to where the Youghiogheny crosses the same; thence down the north side of the Youghiogheny to the top of Chestnut Ridge; thence along the top of Chestnut Ridge to the line of Armstrong; thence up the Loyal Hanna to the mouth of the Big Roaring Run, and thence up said run to the beginning."

The project to form the county of Fayette from the southern part of Westmoreland was agitated as early as 1781. The old county had in that year been shorn of its territory west of the Monongahela by the erection of Washington County, and now the project to reduce its limits still farther by the formation of Fayette met with strong opposition in the other parts. Among the many remonstrances against it was the following, a letter from Christopher Hays to President Moore,¹ dated Sept. 20, 1782:

" . . . I Have been Informed By Bill Printed for Public Consideration that the County of Westmoreland will or is to be Divided into Two Counties Unless Opposed by the Public. If the New County should take Place Westmoreland County will be Totally Ruined, and in a short Time will Become an Easy Prey to the Enemy,² as the Major Part of what will be Left to this County are at Present in Forts and Blockhouses, scarcely able of supporting themselves, and of Consequence will Readily be Ruined if we rely on the Protection of the Lieutenants of the other County, I Therefore would Beg the Favour of you, to use your Influence & Interest with the Principle Members of the Assembly of this State to have said Bill made Void & of None Effect, and to Move the seat of justice of this County Into some Interior Part of the County, & in so Doing you will Much oblige the Distressed of Westmoreland and your

"Most Obedient Humble servant

"CHRISTO. HAYS."

¹ Pa. Archives, ix. 637.

² The Indians, incited by the British, were at that time constantly threatening the northern settlements in Westmoreland, and only a few weeks before had burned and destroyed Hannastown, the old county-seat.

But the remonstrances failed to effect the purpose for which they were intended, and on the 26th of September, 1783, the General Assembly passed an act, which, after reciting in its preamble that "a great number of the inhabitants of that part of Westmoreland County circumscribed by the rivers Monongahela and Youghiogheny and Mason and Dixon's line have by their petition humbly represented to the Assembly of this State the great inconvenience they labor under by reason of their distance from the seat of judicature in said county," proceeded to enact and declare "That all and singular the lands lying within that part of Westmoreland County bounded as herein-after described: beginning at Monongahela River where Mason and Dixon's line intersects the same; thence down said river to the mouth of Speir's Run; thence by a straight line to the mouth of Jacob's Creek; thence by the Youghiogheny River to the forks of the same; thence up the southwest branch of the said river, by a part of Bedford County, to Mason and Dixon's line; thence by said line to the Monongahela River aforesaid, be and hereby are erected into a county named and hereafter to be called Fayette³ County."

The county of Fayette, as formed and erected by the act of 1783, embraced all that is within the present limits of the county west of the Youghiogheny, but nothing on the other side of the river. On the 17th of February, 1784, an act was passed annexing to Fayette the territory which it now embraces east and northeast of the Youghiogheny, viz.: "All that part of Westmoreland County beginning at the mouth of Jacob's Creek, thence up the main branch of the said creek to Cherry's mill, thence along the road leading to Jones's mill until the same shall intersect the line of Bedford County,⁴ thence southwesterly by the line of Bedford County aforesaid until the same intersects the Youghiogheny River, thence down the said river to the place of beginning."

The act erecting the county provided, in one of its sections, "That all taxes already laid within the bounds of the county of Fayette by virtue of any act of the General Assembly of this State which are not already paid shall be collected by the respective collectors within the bounds aforesaid and paid into the hands of the treasurer of Westmoreland County. . . ." But it appears that this matter of the collection of taxes at that time in Fayette County was a very embarrassing one, that the attempt to make such col-

³ So named in honor of the Marquis de La Fayette, the friend of Washington, and a general in the Continental army during the Revolution.

⁴ The part of the line from Cherry's Mill east to the line of Somerset County being found to be obscure and not well defined, was run out and established by commissioners appointed by the Governor for the purpose, under authority of an act passed March 1, 1806.

The line along the crest of Laurel Hill, between Fayette and Somerset Counties, being indefinite, was established under authority of an act of Assembly passed April 17, 1844, by John Hanna, of Somerset, and John R. Love, of Fayette, commissioners, under whose direction the work was done by H. S. Holbrook, Esq., surveyor.

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lection met with resistance, and that in various parts of the county, as well as in Washington and Westmoreland,¹ outrages and violence were not uncommon. That the new county (particularly Menallen township and the country on Georges Creek) was then in a state of almost anarchy is shown by the tenor of various letters and documents found in the archives of the State, though the occurrences and circumstances to which they refer cannot at the present time be fully understood. Copies of some of the papers mentioned are here given, viz. :

Letter of Secretary Armstrong to Michael Huffnagle, of Westmoreland County.

“PHILADELPHIA, NOV. 15, 1783.

“DEAR SIR,—Your letter of the 16th Ult. has been received. The licentious disposition discovered in Menallen township is not a little alarming, & in the Opinion of Council requires an early and vigorous correction.

“Upon the receipt of this you will therefore assemble the Magistracy of that part of the County, & with them adopt the most efficient measures to investigate the business and enforce the laws.

“J. ARMSTRONG, JR.,
“*Secry.*”

Ephraim Douglass to President Dickinson.

“UNIONTOWN, 2d February, 1784.

“The instructions of Council respecting the opposition to assessment in Menallen township I laid before the Justices as directed, but they have not yet come to any resolution thereon; some of them I find are of opinion that the reviving it at this distant time might be attended with more vexatious consequences than the suffering it to be forgotten will probably produce. For this reason, and in consideration of their since peaceable demeanor, I should incline to agree with them that for the present, until the authority of the Court becomes by degrees and habitude of obedience more firmly established in the general acquiescence of all descriptions of people within the County, and a Goal and other objects of popular terror be erected to impress on their minds an idea of the punishment annexed to a breach of the laws,

¹ The following letter from Christopher Hays to President Moore, dated “Westmoreland County, Sept. 20, 1782,” shows that the assessment and collection of taxes was forcibly resisted before the erection of Fayette, viz. :

“... As our Assessors was taking their Returns According to Law, the Opposers Assembled under arms, Drove them off from their Deauty, Fired Guns at them, and say they will not Pay any Taxes, nor be Obedient to our Laws, being they never took the oath of Fidelity to this State, But means to support a New State. I should think it would not be amiss if the Honourable Council would send a number of Proclamations against all those that is or will be in Opposition of all Laws and Lawfull Proceeding in this State, as there is a Number such in our Territories, & will of Consequence encourage a Number More Unless something Done to Oppose them; the Citizens of these Two Counties [Westmoreland and Washington] Think it Extremely Heard to pay Taxes & be nearely all summer under arms & Receive Neither Pay nor Provisions, as Each Man has to Find mostly their own Provisions while on Deauty.”

lenient measures might produce as good effects as the most rigorous ones that justice could adopt, were not the wisdom and directions of Council opposed to this opinion. To these reasons for declining the prosecution of offenders if their identity could be made to appear (which I think very doubtful) might be added others that I am distressed to be obliged to take notice of. The Tax not having been assessed till after the division of the County, the authority of the Commissioners of Westmoreland then became justly questionable, and the total want of Commissioners in this County to levy a Tax of any kind, either for the State or to answer the exigencies of the County, and the consequent inability of the Trustees to perform the duties assigned them by the Legislature, may all be subjects of consideration in this case. For, from an unhappy misconception of the law for dividing Westmoreland, this county has not an officer of any kind, except such as were created or continued by the Act or appointed by Council. Denied a separate election of a member in Council and representative in Assembly till the general election of the present year,” they unfortunately concluded that this inability extended to all the other elective officers of the County, and in consequence of this belief voted for them in conjunction with Westmoreland. . . . The Trustees have appointed next Monday to meet on and begin the partition line between this county and Westmoreland on this condition, which Col. MacLean, who is to be executive person, has generously agreed to—to pay all the expence at some future time, when it shall be in their power to call upon the County Commissioners for the money. And necessity has suggested to us the expedient of building a temporary Goal by subscription, which is now on foot.”

*Ephraim Douglass to Secretary Armstrong.*³

“UNIONTOWN, May 29, 1784.

“The County Commissioners are so much counteracted by the rabble of this country that it appears hardly probable the Taxes will ever be collected on the present mode. In the township of Menallen in particular, which includes this place, agreeable to its limits in the Duplicate, the terror of undertaking the duty of Collector has determined several to refuse it under the high penalty annexed. Two only have accepted it, and these have both been robbed by some ruffians unknown, and in the night, of their Duplicates. The inhabitants of the other townships have

² The act erecting the county provided, Section 20, “That this act shall not take effect until the first day of September, which will be in the year of our Lord 1784, so far as the same respects the election of Censors, a Counsellor [Councillor], and Representative for the General Assembly; but the inhabitants of the County of Fayette aforesaid shall, at the ensuing election, elect Censors, a Counsellor, and Representatives in Assembly in conjunction with the inhabitants of Westmoreland County, agreeable to the directions of the constitution and the laws now in force.” And from Mr. Douglass' letter it appears that the people of Fayette had supposed that the same provision applied to the election of all county officers.

³ Pa. Arch., x. 582.

not gone such lengths, but complain so much of the hardships and want of money that I fear very little is to be hoped from them. On the other hand, the banditti from Bucks County, or some others equally bad, or, more probably, both, have established themselves in some part of this country not certainly known, but thought to be in the deserted part of Washington County, whence they make frequent incursions into the settlements under cover of the night, terrify the inhabitants, sometimes beat them unmercifully, and always rob them of such of their property as they think proper, and then retire to their lurking-places. . . . This county, however, and even this town, has suffered by them, though they came in the character of thieves and not of robbers here [that is, to Uniontown]. And yet nothing has been attempted hitherto to punish or bring them to justice, partly, perhaps, because there are not yet a sufficient number provoked by their losses, but principally from the improbability of succeeding in the attempt."

Deposition of James Bell.¹

"Fayette County, ss.:

"The examination of James Bell, of George Township and County aforesaid, taken on oath before me, the subscriber, a Justice of the peace in the forsd County the 5th day of June, 1784: who saith that in the night between the 2^d and 3^d days of this Inst. he being in the Dwelling House of Philip Jenkins, Collector of the Township of Springhill in s^d County and about nine o'Clock of the same night, Came in three men with pistoles Cocked in their hands, who did violently assault & Beat him the s^d Jenkins, and Demanded his Dublicate and money with their Cocked pistols at his Breast, and he got up & went to the Room where his Dublicate was, while one stayed and kept said Deponent on his seat, but he understood They Robbed s^d Jenkins of his Dublicate warrant and money & threatening if Ever he had any Concern with the Business they would burn him & all he had, or if any other persons had any Concern with it they would do so to them; one of a them was a Tall man with a Hunting shirt on, another was of a middle size, had on a Hunting shirt and trowsers, the other was a less sized man with a Hunting shirt & Trowsers on, and all their faces were streaked with Black.

"JAMES BELL.

"Taken made & signed the Day & yeare above written, before me,

"ROBERT RICHEY."

Christopher Hays to President Dickinson.²

"WESTMORELAND COUNTY, 14th June, 1784.

"DEAR SIR:

"My best compliments wait on your Excellency and Family. I take this opportunity to inform your Excellency that a considerable number of Inhabitants (formerly Virginians, and in opposition to the Laws and Government of this State) have now turned out open Robbers, and so notorious that scarce two days pass that some outrage is not committed in one part or other of this Country, tho' Fayette and Washington Counties seem, at present, to be the prin-

cipal seat of Depredation. Last Wednesday the Collector was robbed near Besin's Town, in Fayette County, of about twenty-two pounds in Cash, his Warrant and Duplicate taken from him, and his person grossly abused. Sundry other robberies have been committed lately in Washington and Fayette Counties, mostly on the Property of the most noted defenders of the Country during the late conflict. . . . I would beg the favor of your Excellency to send me the late acts of Assembly by my son-in-law, Captⁿ. Henderson, and the favor shall be gratefully acknowledged by

"Sir, with the highest respect,

"Your Excellency's most obedient

"Humble Servant,

"CHRISTOPHER HAYS.

"His Excellency John Dickinson, Esq."

Memorial from Fayette County, 1784.³

"FAYETTE COUNTY, June 15, 1784.

"To his Excellency John Dickinson, Esquire, President of ye Supreme Executive Council.

"Honrd. Sr.—The Inhabitants of Stewart's Crossings beg leave to represent your Excellency; That we were much surpris'd on being presented with ye Copy of a Letter by one of your worthy members, which was sent to your Excellency, informing you that a considerable number of ye Inhabitants (formerly Virginians), in opposition to the Laws and Government of this State, have now turned out open Robbers. We are happy that we have it in our power to present this to your Excellency by the hands of a Gentleman, whom we hope will do us the Honr to state us impartially in our fair character without respect of parties, as this Gentleman is well acquainted with ye circumstance of ye whole matter in doing us the Honour of accompanying us in going in search of those Robbers and suppressing such Burglars. We acknowledge we were brought up under ye Government of Virginia, and were ruled by that Government while the Territorial Disputes subsisted between the two States, But when they thought proper to adjust ye Boundaries, we were willing to submit to ye Laws of Pennsylvania, and hope your Excellency will find us as true Citizens as any belonging to ye State, as we have made it evident on every occasion. We have always been willing to risque our all in the glorious cause we have been so long contending for, which we can make manifest by Sundry Gentlemen who are as fully acquainted with us as the author of that Letter which was sent to your Excellency. And amongst others, Col. McClene who has suffered on fatigue, with those who seem at present to be the objects of such malevolent ridicule without the least reason. We were happy in believing that all party matters were buried in oblivion, but are greatly concerned to find the contrary. Col. Hays has related in another Letter to your Excellency, that those who bore the Burden of ye War must now be ruled over by those who are Enemies in their Hearts to ye State. We would appeal to ye knowledge and Candour of the several officers who have commanded in this Department, whether the people thus stigmatized have been more backward in defense of our common rights than any of our neighbours. We must beg your Excellency's pardon, for making so free, from ye most intolerable character your Excellency had of us, but we shall refer you to that worthy Gentleman Major Douglass, who is

¹ Pa. Arch., x. 594.

² Ibid., x. 279.

³ Ibid., x. 280.

rather better acquainted with us than Col. Hays. So makes bold to subscribe ourselves your Excellency's most obedient and humble servants.

"ROBERT BEALL,	MARCUS STEVENSON,
"ZACH'S. CONNELL,	MOSES SMITH,
"WM. McCORMICK,	JAS. DAVIS,
"JOHN STEVENSON,	WILLIAM CONNELL."

ESTABLISHMENT OF COURTS.

The act by which Fayette County was erected provided and declared "That the Justices of the Peace commissioned at the time of passing this act, and residing within the county of Fayette, or any three of them, shall and may hold courts of General Quarter Sessions of the peace, and General Gaol Delivery, and county courts for holding of Pleas; and shall have all and singular the powers, rights, jurisdictions, and authorities, to all intents and purposes, as other the Justices of Courts of General Quarter Sessions, and Justices of the county courts for holding of Pleas in the other counties, may, can, or ought to have in their respective counties; which said courts shall sit and be held for the county of Fayette on the Tuesday preceding the courts of Quarter Sessions and Common Pleas in Washington County in every year, at the school-house or some fit place in the town of Union, in the said county, until a court-house be built; and when the same is built and erected in the county aforesaid, the said several courts shall then be holden and kept at the said court-house on the days before mentioned."

Under this provision and authority, the first term of the Court of Quarter Sessions and Common Pleas for Fayette County was held in the school-house at Uniontown on the fourth Tuesday in December, 1783, before Philip Rogers, Esq., and his associates, Alexander McClean, Robert Adams, John Allen, Robert Ritchie, and Andrew Rabb, all justices in and for the county of Westmoreland. The Grand Inquest was composed as follows: John Powers, Ebenezer Finley, Henry Swindler, John Beeson, James Ritter, Nathan Springler, Thomas Kendall, David Hogg, William McFarlane, Samuel Lyon, John Patrick, Thomas Gaddis, Jacob Rich, Edward Hatfield, Dennis Springer, Charles Hickman, Nathaniel Breathing, Reuben Camp, and Hugh McCreary.

The first business of the court was the admission of attorneys, viz.: Thomas Scott, Hugh M. Brackenridge, David Bradford, Michael Huffnagle, George Thompson, Robert Galbraith, Samuel Irwin, and David Redick. There were brought before the court five cases of assault and battery, one of assault, and two of bastardy. The court proceeded to fix "tavern rates," to license tavern-keepers, and to subdivide the county into nine townships,¹ viz.: Washington, Franklin, Lu-

zerne, Menallen, Union, German, Georges, Spring Hill, and Wharton. The holding of this first court for Fayette was mentioned by Ephraim Douglass, in a letter to President Dickinson, dated "Uniontown, 2d February, 1784," viz.: "The courts were opened for this County on the 23d of December last; the gathering of people was pretty numerous, and I was not alone in fearing that we should have had frequent proofs of that turbulence of spirit with which they have been so generally, perhaps so justly, stigmatized, but I now take great satisfaction in doing them the justice to say that they behaved to a man with good order and decency; our grand jury was really respectable, equal at least to many I have seen in courts of long standing. Little business was done, other than dividing the County into Townships."²

At the June session of 1784, Richard Merryfield was brought before the court "for prophane swearing and for contemptuous behaviour to John Allen, Esquire, one of the Justices of this Court, now attending Court. And it being proved to the Court that the Deft. swore one prophane oath in these words, 'By G—d,' the Court fine him 10s. therefor, and order that he find surety for his good behaviour till next Court in the sum of £50, and that he be committed till this Judgement be complied with."

The first judge "learned in the law" who presided in the Fayette County courts was the Hon. Alexander Addison, who held his first term at Uniontown on the third Monday in September, 1791, Fayette County then forming part of the Fifth Judicial District. Judge Addison's successor was Samuel Roberts, who first presided in March, 1803, and was commissioned April 30th in the same year.

The Fourteenth Judicial District, including Fayette County, was established by act of Assembly in 1818, and in July of the same year Thomas H. Baird was commissioned president judge of said district. His successor was the Hon. Nathaniel Ewing, appointed Feb. 15, 1838, to fill a vacancy, and continued in the office for ten years.

Samuel A. Gilmore was appointed and commissioned president judge of the Fourteenth District Feb. 25, 1848. In October, 1851, he was elected, under the constitutional amendment making the office elective. He was commissioned Nov. 6, 1851, and served more than ten years. James Lindsey was elected in October, 1861, and held his first term as president judge in December of that year. He died Sept. 1, 1864. His successor was John K. Ewing, appointed and commissioned president judge in November, 1864. He presided at the terms of Decem-

¹ Additional townships of Fayette County have been erected as follows: Tyrone, March, 1784; Bullskin, March, 1784, Redstone, December, 1797; Salt Lick, December, 1797; Dunbar, December, 1798; Bridgeport, November, 1815; Brownsville, November, 1817; Connellsville, Oct. 31, 1822;

Henry Clay, June 9, 1824; Perry, June 7, 1839; Jefferson, June, 1840; Nicholson, Dec. 19, 1845; Yonghioghenny, Dec. 11, 1847; Springfield, March 10, 1849; North Union and South Union, March 11, 1851; Stewart, March, 1855, at which time the township of Yonghioghenny ceased to exist, a part of its territory being included in Stewart, and the remainder annexed to Springfield. In September, 1877, Tyrone township was divided and formed into the townships of Upper and Lower Tyrone.

² Penna. Arch., x. 553.

ber, 1864, and March, June, and September, 1865. Samuel A. Gilmore was elected in the fall of 1865, and served on the bench till his death, which occurred in May, 1873.

Judge Edward Campbell was appointed to fill the vacancy occasioned by the death of Gilmore, and presided at the terms of June and September, 1873. The Hon. Alpheus E. Willson was elected in October, 1873, held his first term at Uniontown in December of that year, and is still president judge of the Fourteenth Judicial District, comprising the counties of Fayette and Greene.

Orphans' Courts were established in Pennsylvania by an act passed in 1713, which provided and declared "that the justices of the Court of General Quarter Sessions of the Peace in each county of this province, or so many of them as are or shall be from time to time enabled to hold these courts, shall have full power and are hereby empowered, in the same week that they are or shall be by law directed to hold the same courts, or at such other times as they shall see occasion, to hold and keep a court of record in each of the said counties, which shall be styled 'The Orphans' Court.'"

By act of the 13th of April, 1791, for establishing courts of justice in conformity to the constitution, provision was made for the holding of Orphans' Courts "at such stated times as the judges of said courts in their respective counties shall for each year ordain and establish."

The first record of the Orphans' Court of Fayette County is dated Dec. 24, 1783, at which time a term of the court was held by Justices Alexander McClean, Philip Rogers, Robert Adams, John Allen, Robert Ritchie, and Andrew Rabb. The business done was the appointment of guardians over the three minor children of John Moore, deceased, viz.: George Cott for Philip Moore, Thomas Kendall for Henry Moore, and Michael Moore, Jr., for George Moore.

The old constitution of Pennsylvania provided that Orphans' Courts should be held quarterly in each city and county of the State. The present constitution declares that "judges of the Courts of Common Pleas, learned in the law, shall be judges of the Courts of Oyer and Terminer, Quarter Sessions of the Peace and General Jail Delivery, and of the Orphans' Court."

COUNTY BUILDINGS.

The courts of Fayette County were first held in the school-house in Uniontown, as provided and directed in the act erecting the county. In February, 1784, Ephraim Douglass, the first prothonotary of Fayette, who had then recently removed to Uniontown to assume the duties of his office, wrote a letter to Gen. Irvine, in which he described the appearance of the new county-seat, and said, "We have a court-house

and school-house in one." How long the school-house continued to serve the double purpose is not known, for nothing is found in the records having reference to the erection of the first court-house.

The act erecting the county declared, "That it shall and may be lawful to and for Edward Cook, Robert Adams, Theophilus Phillips, James Dougherty, and Thomas Rodgers, all of the aforesaid county, or any three of them, to purchase and take assurance to them and their heirs of a piece of land situated in Uniontown in trust, and for the use of the inhabitants of said county, and thereon to erect and build a court-house and prison sufficient to accommodate the public service of said county." The cost of the land and buildings was restricted by the act to one thousand pounds current money of the State; and the commissioners and assessors of the county were authorized and required to assess and levy taxes to that amount (or such less amount as the trustees might deem sufficient), "for purchasing the said land and finishing the said court-house and prison."

Under the authority so conferred on them, the trustees purchased a site for the public buildings from Henry Beeson, proprietor of Uniontown, who on the 16th day of March, 1784, "for and in consideration of the love which he bears to the inhabitants of the county of Fayette, and for the further consideration of sixpence to him in hand well and truly paid," conveyed by deed to the said trustees for the county the following described lot of ground, situate in the town of Union, and at that part thereof known in the general plan of the town by the name of the Centre Public Ground, containing in breadth eastward and westward on the street called Elbow Street ninety-nine feet, bounded westward by lott No. 36, one hundred and fifty feet, thence in the same direction forty feet across Peters Street; thence by the school-house lott north sixty-four degrees and three-quarters, east two hundred feet to Redstone Creek; thence by the said creek seventy-seven feet, then by lott No. 20, two hundred and forty-two feet, to the place of beginning, containing one hundred and forty-six perches."

The ground then conveyed to the trustees was the lot on which stand the present public buildings (court-house, jail, and sheriff's residence) of the county. On this lot was built the first court-house of the county, but (as before stated) nothing is known of the date of its erection, its size or style of construction. The only reference to this old building is found in an entry in the commissioners' records, dated Jan. 7, 1796, which shows that on that day the board resolved to sell the old court-house; and it was accordingly advertised to be sold at public auction on Tuesday, the 26th of that month. The sale took place accordingly, and the building was purchased by Dennis Springer for £15 12s. 6d., to be removed from the public grounds.

On the same day on which the commissioners resolved to sell the old building (Jan. 7, 1796) they



COURT-HOUSE,
UNIONTOWN, FAYETTE CO., PA.

contracted with Dennis Springer "to procure two stoves for the use of the New Court House, and to set them up in complete order." This shows that a new court-house was then in process of construction and well advanced towards completion. On the 30th of March, 1796, a bill of ten dollars was allowed "for Sconces for the use of Court House."

June 28, 1796, John Smilie and Ephraim Douglass, Esq., were appointed by the board of commissioners to proceed, with Dennis Springer, contractor for the new court-house building, "to judge the extra work of said building and determine the value thereof, and the sum said Springer shall receive over the sum contracted for." On the 14th of December following, Messrs. Smilie and Douglass reported "that the work done by Den. Springer more than his agreement is worth £121 17s. 9d., equal to \$325.03," for which sum he then obtained an order on the treasurer. He had previously received an order on the treasurer for \$1037.50; total, \$1362.53.

Ephraim Douglass, Alexander McClean, and Joseph Huston having been selected by the trustees and Springer, the contractor for the new court-house "to view the said building and Judge of its Sufficiency," reported, Jan. 16, 1797, to the commissioners "that the work is sufficiently done according to Contract, as per report filed." On the 25th of April, 1801, Col. Alexander McClean was instructed and empowered by the commissioners "to level the Court House yard, and wall the same at the south Extremity of the Offices, and erect stone steps to ascend from the street, or rather the public ground upon the walk or yard, and to gravel the said Court House yard to the door of the Court House and each of the office doors, erect stone steps, prepare and set up the necessary gates on the Avenues, &c., and to be allowed a reasonable compensation therefor." On the 17th of September, 1802, John Miller rendered a bill "for a Bell for the use of the Court House, with the necessary Smith and carpenter work, \$219.03." Feb. 1, 1812, the commissioners contracted with John Miller, of Uniontown, "for roofing the Court House and public building, at \$7 per square."

March 27, 1838, "Commissioners, with Carpenter, engaged in adopting a plan for improvement of Court House." Whether the contemplated improvement was carried out or not does not appear from the records.

On the 4th of February, 1845, the court-house was destroyed by fire, which broke out while the court was in session. The circumstances of the occurrence are narrated in the commissioners' records as follows:

"COMMISSIONERS OFFICE, Feby. 4, 1845.

"Board met. present	{ Thomas Duncan, Robert Bleakley, P. F. Gibbons.
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"The Commissioners are in session on account of the Special Court. The court having met this day at

nine o'clock, was not in session more than an hour when the court house was discovered to be on fire, supposed to have caught from one of the stove pipes or chimneys, and notwithstanding the exertions of a great number of people, together with the aid of the two fire companies of the borough of Uniontown with their engines, the progress of the flames was not arrested until the roof and second story were entirely destroyed. The offices at the east and west ends of the Court House were saved from the fire, though the roof over the Commissioners', Sheriff's and Treasurer's Offices was considerably injured by the falling of the gable end of the Court House. The fire having been arrested and the fire companies dispersed, the Commissioners employed John Mustard to procure hands and clear off the ashes and rubbish which had fallen on the 2nd floor, when it was discovered necessary to take up considerable part of the floor, on account of fire between the floor and ceiling. Mr. Patrick McDonald was employed to keep watch from 11 o'clock at night until daylight.

"Adjourned."

Feb. 5, 1845.—"The special court is sitting in the upper room of John Dawson's Brick Building." On the 25th of February "the Commissioners agreed with the trustees of the Presbyterian Church in Uniontown for the use of said church to hold the courts of the County in, at the rate of \$40 per quarter."

Sept. 22, 1845.—"Commissioners in session to answer to a writ of Mandamus issued by the court against them on the 13th inst., commanding them to erect a new court-house where the old one stands, on as economical a plan as possible, or shew cause, etc. The commissioners, with their counsel, T. R. Davidson and R. P. Flenikin, appeared before the court at the commencement of the afternoon session, and the case being brought up by Mr. Flenikin, the Court stated that they were mistaken in the law,—a mandamus would not lie against the county commissioners, and ordered the mandamus and rule discharged, which was done accordingly."

June 25, 1846.—"Commissioners engaged in preparing the warrants and duplicates for militia fines; also examining the specifications for the new Court-House preparatory to having them printed for general circulation."

Aug. 4, 1846.—"Commissioners in session for the purpose of receiving plans and proposals for the construction and erection of a new Court-House and county offices on the site where the old ones now stand, public notice having been given four times or more in the *Genius of Liberty*, *Brownsville Free Press*, and *Washington Examiner*." On the 12th of August the commissioners agreed to contract with Samuel Bryan, Jr., of Harrisburg, for the erection of a new court-house, to be eighty-five by fifty-eight feet in dimensions, two stories high, with county offices in the first story, and court- and jury-rooms on the second

floor, agreeably to plans and specifications. Contract price, \$16,000. The articles of agreement and specifications were signed and filed on the 2d of September following, and the site fixed for the new court-house, which, by the terms of the contract, was to be completed on or before the 1st of December, 1847. The old court-house and offices were purchased by the contractor, Bryan, at \$400.

The court-house (the same which is still occupied by the courts of Fayette County) was not completed at the time specified in the contract, but was finished during the succeeding winter, and the court occupied the new building at the March term of 1847. The bell and fixtures were purchased on the 12th of July following, for the sum of \$373.60. On the 14th of October in the same year the commissioners contracted with Samuel Bryan, Jr., for casing four fire-proof vaults in the new court-house, for building a wall on the south and west sides of the grounds, grading, paving, and erecting outbuildings, at \$2700 for the entire work.

COUNTY PRISONS.

The erection of the first prison for the use of Fayette County was referred to in a letter of Ephraim Douglass to President Dickinson, dated Feb. 2, 1784. "Necessity," he says, "has suggested to us the expedient of building a temporary Gaol by subscription, which is now on foot." The temporary prison (a log building) was erected soon afterwards, on the lot now occupied by the residence of the Hon. Daniel Kaine, at Uniontown. This continued in use until 1787, when a stone jail was built on the court-house ground. The following reference to it is found in the minutes of the Court of Quarter Sessions:

"June 26, 1787.—The Grand Inquest for the body of the County of Fayette upon their oaths respectively present that the new Stone Gaol by them this day examined at the request of the Court is sufficient.

"June 29, 1787.—On representation of the prisoners in the new Gaol complaining that their health is injured by the dampness of it, the Court, upon consideration thereof, order that they be removed back to the old gaol for fourteen days."

On the 26th of June, 1799, the county commissioners requested the opinion of the court "with respects to the building an addition to the Gaol." Upon which the court recommended postponement of the matter, which the commissioners concurred in.

The proposal to build an addition to the jail was again brought up in the fall of 1801, and early in the following January the plan was prepared and the necessary estimates made. On the 6th of February the contract for building the addition was awarded to John Fally, of Union township, at \$1149.

In April, 1812, the commissioners decided to collect and prepare materials during the succeeding summer for the erection of a new jail. On the 2d of May the board "received proposals for furnishing stone for

building a new jail on the public ground near the old jail," but nothing was done until June 18th, when the board contracted with James Campbell for stone, at \$4.50 per perch, "delivered on the public ground near the old jail." A contract for lime was made with William Jeffries, of Union township, and on the 26th of October, 1813, the board "contracted with Morris Morris, late commissioner, to superintend the building of the new Jail this fall."

Jan. 7, 1814, "a bill of work done at the new jail to the amount of \$2400.75½ being settled for with Thomas Hadden, late treasurer, but not entered in minutes, no order has been issued until the settlement." It appears evident that up to this time the work had been done by the day, but on the 22d of March following the board received proposals "for completing the new jail, etc."

On the 30th of July, 1814, the commissioners held a meeting, "occasioned by the burning of the jail, and to provide for materials to repair the same," and an order was issued to Robert McLean for \$2.25 "for whiskey furnished the men while extinguishing the fire in the jail."

In 1820 (September 21) "the Commissioners agreed with Edward Jones to raise the jail wall for \$3 per perch, as follows, to wit: On the South side to be raised up even with the eaves of the roof of the Jail, to be dressed inside and outside in the same manner that the front of the Jail is, and to extend about six feet beyond the southwest corner; the East Side to be raised as above, in the same manner that the underpart of the same has been built."

At the March term in 1827 the grand jury recommended "that the Western and Northern walls of the Jail be raised on a level with the southern and Eastern walls, and that they be covered with shingles, the roof to project about three feet over the yard, supported by braces, and that the whole inner surface be plastered." The work was accordingly done as recommended.

March 10, 1845, Absalom White and William Doran, of Union township, contracted with the commissioners "to repair the upper floor and put on a new roof on the County Jail, which was damaged by fire on the 4th inst., for the sum of \$135." The fire referred to as having damaged the jail was the same, that broke out in the court-house, and so nearly destroyed it that the present court-house was built in its place. Less than a month after that fire (viz., April 1st) "the stable on the public ground, occupied by the Sheriff, was destroyed by fire about one o'clock A.M., supposed to be the work of an incendiary, with the intention of destroying the county buildings by fire."

The building and construction of the present jail was awarded by contract on the 10th of April, 1854, to John P. Huskins for \$15,973, "for building county jail as per plans and specifications." The building, comprising jail and sheriff's residence, was completed

in 1855. On the 13th of July, 1870, the construction of the iron cells in the jail was let by contract to R. C. Chapman for \$6900.26, and other work to be done on the building was awarded by contract to D. S. Walker.

COUNTY OFFICES.

In March, 1796, the Court of Quarter Sessions of Fayette County approved a plan submitted by the commissioners for the building of offices for the use of county officers and the safe-keeping of the county records. The work was advertised to be let by contract to the lowest bidder at Uniontown on the 16th of May following, but at that time the best bid received was from Dennis Springer, at \$2475, which the commissioners regarded as too high, and the "sale" was postponed to the following day, when no bids were offered, and another postponement was made to the 24th. Again there was an absence of bids and an adjournment to the 25th, when the commissioners were compelled to accept the first bid of Dennis Springer, to whom the contract was accordingly awarded. In the following March the commissioners "enlarged the plan of offices, the former one not allowed large enough;" and on the 21st of June, 1797, the commissioners "met at the Court-house to agree on the place for building the offices and lay off the ground for the foundation, which was done agreeably to the enlarged plan."

The records do not show when the offices were completed, but it appears that on the 16th of November, 1798, the commissioners "proceeded to business, removed the chest of papers from Jonathan Miller's to the new public offices, and filed the papers that lay promiscuously in it in the respective boxes, agreeable to their dates." And Dec. 26, 1798, the board "issued an order in favor of Dennis Springer for \$362.50, being the last payment in full for building the public offices." On the 27th, by recommendation of the court, the board issued another order in favor of Springer for \$267.67, in addition to the original contract.

In 1834 the offices were repaired and enlarged. They were located at the east and west ends of the court-house, and were badly damaged, though not destroyed, in the fire of Feb. 4, 1845. In the erection of the new court-house after that event, the offices (which had been kept at various places¹ after the fire) were provided for in the lower story of the main building. They were removed to the court-house in February, 1848, and have since remained there to the present time.

In connection with the history of the public buildings at Uniontown, it would be hardly proper to omit a mention of William Stamford, familiarly known as "Crazy Billy," who is now between eighty-five and

ninety years of age, and has passed full half a century of his life in and about the jail and court-house of Fayette County. He is a native of Warwickshire, England, and in 1826 or 1827 sailed from London for America in the ship "Superior," Capt. Nesbit, landing in New York. He says he drove coach in that city, in Philadelphia, and in Baltimore. Afterwards he went to Cumberland, Md., and worked on the Chesapeake and Ohio Canal. From there he made his way to Wheeling, Va., and, as he says, "took to the hills." The next known of him is that in 1831 he broke into the house of Alexander Crow, in Spring Hill township, Fayette County, while the family were at church. On their return he held the house against their entrance, but aid was obtained, and he was captured and lodged in the jail at Uniontown. He was taken before Judge Baird, who adjudged him insane and remanded him to jail. While he was there John Updegraff was brought to the prison in a state of intoxication. Stamford was chained to the floor, but his irons allowed him considerable liberty to move, and in a fit of unaccountable and uncontrollable frenzy seized a billet of wood, rushed upon Updegraff, and gave him repeated blows over the head which caused his death. After that time for eighteen years he was kept in confinement, but during Sheriff Snyder's term he was allowed his liberty and put to work in the stable and about the court-house and jail. Since that time he has suffered no confinement, and is allowed to move about Uniontown at will, but passes nearly all his time in and about the court-house grounds, having become greatly attached to the public buildings which have sheltered him for so many years. He says he was thirty-two years of age when he came to this country, and now in his lucid moments he relates many things which show a clear recollection of the land of his birth, the rites and ceremonies of the Episcopal Church, and the olden time poetry which was popular in the days of his youth.

POOR-HOUSE AND FARM.

The earliest reference to a county poor-house found in the records of Fayette is in a notice by the commissioners, dated Oct. 14, 1822, of which the following is a copy, viz.:

"To Daniel Lynch, Esq., High Sheriff of the County of Fayette: Sir,—Agreeably to the provisions of an Act of Assembly to provide for the erection of a house for the employment and support of the Poor in the County of Fayette, we hereby notify you that the returns of the Judges of the Election held in the several districts of the County of Fayette, on the 8th inst. [it being the second Tuesday in October, A.D. 1822] have certified to us that at the said election there was given for a Poor-House one thousand and twenty-five votes, whereby it appears that there is a majority in favour of the establishment of a poor-house of four hundred and eleven votes. You will therefore take such order therein as is provided by

¹ The register's and recorder's offices were temporarily removed to John Keffer's building, and afterwards to "Dr. Hugh Campbell's shop." The sheriff's and prothonotary's offices were kept in the Ludington house, and the commissioners' office in John Dawson's building.

the law aforesaid." Nothing is found showing the action taken by the sheriff in pursuance of the notification.

On the 12th of December, 1823, "The Poor-House Directors met to estimate the expense of erecting the Poor-House, and of keeping the Poor for one year," and on the 7th of January next following, the directors purchased from Peter McCann a tract of land for a poor-farm. The tract contained one hundred and thirteen acres and ninety-nine perches, situated on the National road, northwest of Uniontown, in Union township, near its western boundary. On the 26th of April following, an order for one thousand dollars was issued in favor of William Livingston, Frederick Shearer, and Isaac Core, directors of the poor, to be by them applied to the erection of a house upon the poor-farm. August 14th in the same year another order of the same amount was issued by the commissioners to the directors of the poor, "to be appropriated in paying for the poor-house tract and building the poor-house thereon." A further sum of six hundred dollars was appropriated for the same purpose in 1825, and three thousand five hundred dollars was appropriated in 1826 "for repairs and additions."

On the 2d of June, 1834, the poor-farm was enlarged by the purchase from Alexander Turner for eight hundred and eighteen dollars of sixteen acres and sixty perches of land adjoining the original tract.

The following exhibit of the expenses of the poor-house and farm for the first two years is from the auditor's book of minutes, viz.:

"A statement of the accounts of the poor-house from its commencement in 1823 until Dec. 31, 1825, inclusive:

"Dr.

To cash received out of county treasury in the year 1824.....	\$2764.21
To cash received out of county treasury in the year 1825.....	4103.45½
	\$6867.66½

"Cr.

By cash paid Jno. C. Marsh for building poor-house.	\$1942.90
" " for carpenter-work.....	1101.51½
" " for rebuilding, etc., in part.....	1580.28½
" " first payment on poor-house farm, etc.	934.63
" " keeping paupers from April 12th to Dec. 15, 1825.....	357.79½
" " provisions.....	165.19
" " directors for services.....	147.92½
" " purchasers of poor-house farm.....	131.00
" " stock on farm.....	162.12½
" " furniture.....	99.84½
" " labor on farm, coal-bank, etc.....	77.00½
" " treasurer's salary in 1824.....	56.25
" " " " 1825.....	40.00
" " taxes.....	21.43
" " stationery.....	.75
" " removing paupers to farm.....	10.37½
" " directors' services in 1825.....	38.64½
	\$6867.66½

"E. DOUGLAS, JR.,

"SAMUEL CLEAVINGER, Auditors."

The total expenditure for the poor of the county for the year 1872 was \$7597.14; for 1873, \$15,739.25; for 1874, \$19,260.10; for 1876, \$21,338.11; for 1877,

\$19,487.69; for 1878, \$29,854.35; for 1879, \$25,164.74; and for 1880, \$16,484; viz.: for almshouse, \$13,722.90, and for poor outside the almshouse, \$2761.10. The productions of the poor-farm and garden for the same year were 624 bushels wheat, 85 bushels onions, 2500 bushels corn (ears), 4500 heads of cabbage, 1400 bushels potatoes, 25 bushels beets, 100 bushels turnips, 20 bushels beans and peas, 300 bushels apples, 8 barrels sauer-kraut, 10 barrels apple butter, 21 barrels cider, 10,000 pounds pork, 5000 pounds beef, 16 tons hay.