

## CHAPTER XII.

## PENNSYLVANIA AND VIRGINIA TERRITORIAL CONTROVERSY—ESTABLISHMENT OF BOUNDARIES—SLAVERY AND SERVITUDE.

THROUGH a period of about thirty years from the time when the first white settlements were made between the Monongahela and Youghiogheny Rivers there existed a controversy (which more than once threatened to break out into open hostility) between Pennsylvania and Virginia as to the ownership of the country lying to the westward of the Laurel Hill, both governments at the same time vigorously asserting their respective rights to jurisdiction over the territory in question. This dispute was partly in regard to the location of the east-and-west line forming the boundary between the two provinces (afterwards States), but chiefly in reference to the establishment of the western boundary of Pennsylvania, which would also be the eastern boundary of Virginia in that latitude.

The royal grant of Pennsylvania to the first proprietary authorized the extension of its western limits a distance of five degrees of longitude west from the Delaware River, and the question of where the end of those five degrees would fall was the principal one at issue in the long and bitter controversy which followed. By the government and partisans of Virginia it was confidently believed that under that grant Pennsylvania's western boundary must be as far east as the Laurel Hill, which would give to their province (or State) all the territory between that mountain range and the Ohio River; while, on the contrary, Pennsylvania insisted that the measurement of the five degrees would extend her limits to a point several miles west of the confluence of the Allegheny and Monongahela Rivers. And it was the realization of the prospective importance of that point, the site of the present city of Pittsburgh, which first opened the contest between the rival claimants of the coveted territory, which embraced this "key to the Ohio Valley," and to the inviting regions of the West.

In the formation, plans, and brief operations of the Ohio Company, which have already been noticed, it is evident that the persons composing that company (most of whom were Virginians) believed that the country about the "forks of the Ohio," and, in fact, all to the westward of the Laurel Hill, was within the

jurisdiction of Virginia, or at least beyond that of Pennsylvania. The first attempt to build a fort where Pittsburgh now stands was made by a company of Virginians, under the Virginian captain, Trent. It was the Virginia Governor, Dinwiddie, who sent Washington on his mission in 1753 to the French posts on the Allegheny, and who sent him again in 1754 to endeavor to take and keep possession of this region by military force; and Virginians, more largely than troops of any of the other provinces, marched with Braddock in 1755 in the unsuccessful attempt to wrest this territory from the power of the French. Thus the Virginians, believing that the trans-Allegheny country belonged to their province, had been forward in all the measures taken for its occupation and defense, while Pennsylvania had, up to that time, done little or nothing in that direction.

But as early as the beginning of the year 1754, Pennsylvania, though making no active effort to hold and defend the bordering country Allegheny and Monongahela Rivers, began to see the value and importance of the point at the head of the Ohio, where Capt. Trent had commenced the erection of a fort for the Ohio Company (afterwards Fort Du Quesne, and later Fort Pitt). The first entry which has been found in the official records of Pennsylvania concerning the matter is as follows: "March 12, 1754, evidence sent to the House that Venango and Logstown, where the French forts are built, are in the province of Pennsylvania." And a little later came Virginia's rejoinder, in a letter written by Governor Dinwiddie to Governor Hamilton, of Pennsylvania, dated March 21, 1754, in which the former said, "I am much misled by our surveyors if the forks of the Monongahela be within the bounds of the province of Pennsylvania." This may be regarded as the beginning of the controversy, but the defeat of Washington and Braddock, which followed soon after, caused the matter to be held in abeyance for a number of years; for neither Pennsylvania nor Virginia thought it worth while to quarrel over their respective claims to a country which was in the full and absolute possession of the French.

After the expulsion of the French power by the military forces under Forbes in 1758, and the consequent occupation of the country by the English, the rival claims of Pennsylvania and Virginia were again revived; but no collisions occurred nor was any very general dissatisfaction apparent until after the formation of the Pennsylvania county of Bedford, to extend across the mountains to the western limit of the province, covering the disputed territory west of Laurel Hill, claimed by Virginia to be within her county of Augusta, which had been laid out thirty-three years earlier. Upon the erection of Bedford (March 9, 1771), the officers of that county were directed to collect taxes from the inhabitants west of the mountains for the establishment of courts and the erection of county buildings at Bedford; and this created a

wide-spread feeling of dissatisfaction, and a determination to resist the collection, which state of affairs is noticed in a letter written by Robert Lettis Hooper, Jr., to his Excellency Governor William Franklin, of New Jersey. The following is an extract from the letter in question, viz.:

"FORT PITT, Sept. 15, 1772.

"SIR,—A few Days ago I was at Redstone, when I had an opportunity of knowing the sentiments of the People of that Part of the Country with Respect to the Western Boundary of Pennsylvania, and find a great Number of them are determined to pay no respect to the Institution of the Court at Bedford. They believe the Western Boundary of Pennsylvania will not extend so far as Redstone Settlement, and say it is an imposition to oblige them to pay taxes for Building Court Houses, &c., in Bedford County when there is the greatest probability of their being out of Pennsylvania, and that they shall be obliged to contribute to publick Uses in the New Colony. These sentiments do not proceed from Licentiousness in the People, nor from a desire to screen themselves from Law as some would represent, but from believing themselves out of Pennsylvania and being burthened with exorbitant Taxes and *Mileage*, which they are unwilling to pay till it is absolutely determined whether they are in Pennsylvania or not.

"The Sheriff of Bedford County told me he had Governor Penn's orders to execute his office as far as the Settlements did extend on the Ohio, and even to the Kenhaways, which the Governor must know is far below the Western Boundary of Pennsylvania; and though he dare not attempt it, yet I think it my Duty to inform your Excellency that the settling of this Country is much hindered by these Disputes, and that many respectable and substantial settlers are prevented from coming into it by these Disputes, and to the great injury of the Gentlemen who have obtained a Grant on the Ohio. . . ."

After the erection of Westmoreland County from the western part of Bedford in 1773, the popular dissatisfaction was less, but by no means wholly allayed; and a considerable portion of the people still remained favorable to the claims of Virginia.

About the beginning of the year 1774, Lord Dunmore, Governor of Virginia, developed his determination to use strong measures for the assertion of the claims of his province to jurisdiction over the disputed territory. To this, it was said, he was incited by Col. George Croghan and his nephew, Dr. John Connolly, an intriguing and ambitious partisan residing at Fort Pitt. Connolly had visited the Governor at Williamsburg, and now returned with a captain's commission, and power and directions from the Governor to take possession of the Monongahela country and the region around Fort Pitt, in the name of the king. Upon this he issued his proclamation to the people in the vicinity of Redstone and Fort Pitt to

meet on the 25th of January in the year named, to be embodied as Virginia militia. Many assembled in accordance with the proclamation; but in the mean time Connolly was arrested by Capt. Arthur St. Clair, as an officer of Westmoreland County, and the militia were for the time dispersed; but after Connolly's release he, with the aid of the militia, took possession of Fort Pitt, which he pretended to name, in honor of his patron, Fort Dunmore. Some of the means which he took to enforce the authority are set forth in the letter addressed to Governor Penn by William Crawford, who was then presiding justice of the courts of Westmoreland, and a resident in that part of the county which afterwards became Fayette. It is proper to state here that he soon afterwards turned against the Pennsylvania interest, and became one of the most active partisans of Virginia, and a civil officer under that government. The letter in question was as follows:

"WESTMORELAND COUNTY, April 18, 1774.

"SIR,—As some very extraordinary occurrences have lately happened in this county, it is necessary to write an account of them to you. That which I now give is at the request and with the approbation of the magistrates that are at present attending the court. A few weeks ago Mr. Connolly went to Staunton [Va.], and was sworn in as a Justice of the peace for Augusta County, in which it is pretended that the country around Pittsburgh is included. He had before this brought from Williamsburg commissions of the peace for several gentlemen in this part of the province, but none of them, I believe, have been accepted of. A number of new militia officers have been lately appointed by Lord Dunmore. Several musters of the militia have been held, and much confusion has been occasioned by them. I am informed that the militia is composed of men without character and without fortune, and who would be equally averse to the regular administration of justice under the colony of Virginia as they are to that under the province of Pennsylvania. The disturbances which they have produced at Pittsburgh have been particularly alarming to the inhabitants. Mr. Connolly is constantly surrounded with a body of armed men. He boasts of the countenance of the Governor of Virginia, and forcibly obstructs the execution of legal process, whether from the court or single magistrates. A deputy sheriff has come from Augusta County, and I am told he has writs in his hands against Capt. St. Clair<sup>1</sup> and the sheriff for the arrest and confinement of Mr. Connolly. The sheriff was last week arrested at Pittsburgh for serving a writ on one of the inhabitants there, but was, after some time, discharged. On Monday last one of Connolly's people grossly insulted Mr. Mackay, and was confined by him, in order to be sent to jail. The rest of the party hearing it, immediately came to

Mr. Mackay's house and proceeded to the most violent outrages. Mrs. Mackay was wounded in the arm with a cutlass. The magistrates and those who came to their assistance were treated with much abuse, and the prisoner was rescued.

"Some days before the meeting of the court a report was spread that the militia officers, at the head of their several companies, would come to Mr. Hanna's, use the court ill, and interrupt the administration of justice. On Wednesday, while the court was adjourned, they came to the court-house [at Hannastown, Westmoreland County] and paraded before it. Sentinels were placed at the door, and Mr. Connolly went into the house. One of the magistrates was hindered by the militia from going into it till permission was first obtained from their commander. Mr. Connolly sent a message to the magistrates informing them that he wanted to communicate something to them, and would wait on them for that purpose. They received him in a private room. He read to them the inclosed paper,<sup>2</sup> together with a copy of a letter to you, which Lord Dunmore had transmitted to him, inclosed in a letter to himself, which was written in the same angry and undignified style. The magistrates gave the inclosed answer to what he read, and he soon afterwards departed with his men. Their number was about one hundred and eighty or two hundred. On their return to Pittsburgh some of them seized Mr. Elliott, of the Bullock Pens, and threatened to put him in the stocks for something which they deemed an affront offered to their commander. Since their return a certain Edward Thompson and a young man who keeps store for Mr. Spear have been arrested by them, and Mr. Connolly, who in person seized the young man, would not allow him time even to lock up the store. In other parts of the country, particularly those adjoining the river Monongahela, the magistrates have been frequently insulted in the most indecent and violent manner, and are apprehensive that unless they are speedily and vigorously supported by government it will become both fruitless and dangerous for them to proceed to the execution of their offices. They presume not to point out the measures proper for settling the present disturbances, but beg leave to recommend the fixing of a temporary line with the utmost expedition as one step which in all probability will contribute very much towards producing that effect. For further particulars concerning the situation of the country I refer you to Colonel Wilson, who is kind enough to go on the present occasion to Philadelphia. I am, sir, your very humble servant,

"W. CRAWFORD.

"TO THE HONORABLE JOHN PENN, ESQUIRE."

While at Fort Dunmore (Pitt), in the following September, the Governor of Virginia issued and caused to be published the following:

<sup>1</sup> Afterwards Maj.-Gen. Arthur St. Clair, of Revolutionary fame.

<sup>2</sup> An address by Dr. Connolly to the magistrates of Westmoreland County.

"By his Excellency John, Earl of Dunmore, Lieutenant and Governor-General in and over his Majesty's Colony and Dominion of Virginia, and Vice-Admiral of the same.

"A PROCLAMATION.

"Whereas, the rapid settlement made on the west side of the Allegheny Mountains by his Majesty's subjects within the course of these few years has become an object of real concern to his Majesty's interest in this quarter; And whereas the Province of Pennsylvania have unduly laid claim to a very valuable and extensive quantity of his Majesty's territory, and the executive part of that government, in consequence thereof, has most arbitrarily and unwarrantably proceeded to abuse the laudable advancements in this part of his Majesty's dominions by many oppressive and illegal methods in the discharge of this imaginary authority; And whereas the ancient claim laid to this country by the colony of Virginia, founded in reason, upon pre-occupancy and the general acquiescence of all persons, together with the instructions I have lately received from his Majesty's servants, ordering me to take this country under my administration, and as the evident injustice manifestly offered to his Majesty by the immediate strides taken by the proprietors of Pennsylvania in prosecution of their wild claim to this country demand an immediate remedy, I do hereby in his Majesty's name require and command all his Majesty's subjects west of the Laurel Hill to pay a due respect to this my proclamation, strictly prohibiting the execution of any act of authority on behalf of the province of Pennsylvania at their peril in this country; but, on the contrary, that a due regard and entire obedience to the laws of his Majesty's colony of Virginia under my administration be observed, to the end that regularity may ensue, and a just regard to the interest of his Majesty in this quarter, as well as to the subjects in general, may be the consequence. Given under my hand and seal at Fort Dunmore, Sept. 17, 1774.

"DUNMORE.

"By his Excellency's command,  
"God save the King."

The publication of this proclamation by Dunmore brought out the following from the Governor of Pennsylvania, viz.:

"By the Honorable John Penn, Esquire, Governor and Commander-in-Chief of the province of Pennsylvania and counties of New Castle, Kent, and Sussex, on Delaware.

"A PROCLAMATION.

"Whereas, I have received information that his Excellency, the Earl of Dunmore, governor general in and over his Majesty's colony of Virginia, hath lately issued a very extraordinary proclamation, setting forth [here is recited the substance of Governor Dunmore's proclamation of the 17th of September]; And whereas, although the western limits of the province of Pennsylvania have not been settled by any authority from the Crown, yet it has been sufficiently demonstrated by lines accurately run by the most skillful artists that not only a great tract of country west of the Laurel Hill, but Fort Pitt also are comprehended within the charter bounds of this province, a great part of which country has been actually settled, and is now held under grants from the proprietaries of Pennsylvania, and the jurisdiction of this government has been peaceably exercised in that quarter of the country till the late strange claim set up by the Earl of Dunmore in behalf of his Majesty's colony of Virginia, founded, as his Lordship is above pleased to say, 'in reason, pre-occupancy, and the general acquiescence of all persons;' . . . In justice, therefore, to the proprietaries of the province of Pennsylvania, who are only desirous to secure their

own undoubted property from the encroachment of others, I have thought fit, with the advice of the council, to issue this, my proclamation, hereby requiring all persons west of Laurel Hill to retain their settlements as aforesaid made under this province, and to pay due obedience to the laws of this government; and all magistrates and other officers who hold commissions or offices under this government to proceed as usual in the administration of justice, without paying the least regard to the said recited proclamation. until his Majesty's pleasure shall be known in the premises, at the same time strictly charging and enjoining the said inhabitants and magistrates to use their utmost endeavors to preserve peace and good order. Given under my hand and the great seal of the said province, at Philadelphia, the twelfth day of October, in the year of our Lord one thousand seven hundred and seventy-four, and in the fourteenth year of the reign of our sovereign Lord George the Third, by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, and so forth.

"By his Honor's command.

"JOHN PENN.

"EDWARD SHIPPEN, JR., *Secretary*.

"God save the King."

When Lord Dunmore had finished his campaign against the Indians in 1774, he returned to Virginia by way of Redstone, and made a short stay at Fort Burd (Brownsville). While he was there (November 24th) Connolly sent an officer with a summons to Thomas Scott (who then lived on Dunlap's Creek) to appear before the Governor to answer for several offenses alleged to have been committed while acting under authority from Pennsylvania. Mr. Scott refused to pay any attention to the summons, and on the same day a number of armed men appeared at his house and forcibly carried him to Fort Burd, where he was required either to give bail with two sureties to appear at the next court to be held for the county of Augusta, at Pittsburgh, December 20th next following, or at any future day when the court should be held there, or to be committed to prison. He chose the former and entered into a recognizance for his appearance. The records of the Augusta court,<sup>1</sup> under date of May 18, 1775, show that Mr. Scott, "being bound over to this court for his acting and doing business as a justice under Pennsylvania, in Contempt of the Earl of Dunmore's late Proclamation," was on hearing adjudged guilty, and committed to prison in default of £500 bail. There is nothing found showing how long he remained incarcerated, but Judge Veech says "he was not released until accumulated resentment and the beginning of the war for liberty had burst his prison bonds and set many of Connolly's captives

<sup>1</sup> In the records of the same court under date of Sept. 20, 1775, is found this entry: "George Wilson, gent., being bound over to this court for being confederate with, aiding, advising, and abetting certain disorderly persons, who on the morning of the 22d of June last violently seized and carried away Maj. John Connolly from this place, and also advising others to not aid officers of justice when called upon to apprehend the aforesaid disturbers of the peace, being called, and not appearing, it is ordered that he be prosecuted on his recognizance." This has reference to Col. George Wilson, who lived near New Genoa, Fayette Co., and who died in New Jersey, while in the Continental service, in the spring of 1777.

free." In December following Connolly issued a proclamation, with the object of preventing the collection of taxes by Westmoreland County officers, as follows:

"Whereas I am informed that certain persons, by written instructions directed to different people through this country, under the denomination of collectors, are apparently authorized to break open doors, cupboards, etc., and to commit summary acts of violence in order to extort money from the inhabitants under the appellation of taxes, these are therefore to acquaint all his Majesty's subjects that as there can be no authority legally vested in any persons for any such acts at this juncture, that such attempts to abuse public liberty are unwarrantable, and that all persons have an undoubted natural as well as lawful right to repel such violence; and all his Majesty's subjects are hereby required to apprehend any person whatever who may attempt a seizure of their effects in consequence of such imaginary authority, to be dealt with as the law directs. Given under my hand at Fort Dunmore, this 30th day of December, 1774.

"JOHN CONNOLLY."

A copy of this "proclamation" was laid before the Supreme Executive Council of Pennsylvania by Capt. Arthur St. Clair on the 25th of January, 1775, and in the minutes of the proceedings of the Council on the same day appears the following: "Captain St. Clair appearing at the Board, and representing that William Crawford, Esquire, President of the Court in Westmoreland County, hath lately joined with the government of Virginia in opposing the jurisdiction of Pennsylvania in that county, the board advised the Governor to supersede him in his office as Justice of the Peace and Common Pleas. A supersedeas was accordingly issued." And Edward Cook was appointed his successor.

That Crawford became a pronounced and aggressive partisan of Virginia immediately after his supersedure as presiding justice is shown by the record of the Council on February 25th next following. At the meeting of the Council on that day the Governor laid before them several letters he had received by express from the magistrates of Westmoreland County, complaining of violence committed there in the "breaking open of the jail of that county and discharging the prisoners, and other outrages lately committed by the militia and people of Virginia," and inclosing sundry depositions supporting these complaints. The outrages, as it appeared, had been committed by a party under the leadership of Benjamin Harrison (a resident of that part of Westmoreland which became Fayette), who acted, as he said, under authority of Capt. William Crawford, president of the court. Among the depositions mentioned was that of Charles Foreman, which details the circumstances of the outrage, and is as follows:

"Westmoreland County, ss.:

"Personally appeared before us the subscribers, three of his Majesty's Justices of the Peace for the county aforesaid, Charles Foreman, who being duly sworn upon the Holy Evangelists of Almighty God, doth depose and say that this morning, between twilight, being the 7th day of February, he heard a noise at the jail, and getting out of his bed he saw a number of armed men breaking the door, and charging the prisoners then in jail to go about their business; and he heard John Carnaghan, Esquire, high sheriff of the county aforesaid, ask one Benjamin Harrison, who appeared to be their head man, whether they had any orders for their so doing, upon which he read a paper, and said it was Capt. William Crawford's orders so to do; and the said Charles Foreman further saith that he saw one Samuel Wilson make a push at one Robert Hanna, Esquire, with a gun, and told him not to be so saucy, and a great deal of ill tongue; and further this deponent saith not.

"CHARLES FOREMAN.

"Sworn and subscribed before us this 7th day of February, 1775.

"ROBERT HANNA,  
"WILLIAM LOCHRY,  
"WILLIAM BRACKEN."

The opening of the Revolution soon after the events last mentioned drove Dunmore from power in Virginia, and this of course overthrew his friend Connolly, who fled from the scene of his exploits and took refuge with the British. Virginia, however, did not relinquish her claims in the disputed territory, but, on the contrary, erected new counties upon it, established courts, built court-houses, appointed civil and militia officers, and kept up a show of jurisdiction for many years.

The Virginia county of Augusta was erected in November, 1738, to embrace all the western and north-western parts of that colony, including (as was then supposed by her legislators) an immense territory that is now in Pennsylvania west of the meridian of the western boundary of Maryland. According to the Virginia claim, then, the jurisdiction of Augusta County for about thirty-eight years after its formation extended over all the present county of Fayette, except a strip on its eastern side, and over all the territory between the Monongahela and Ohio Rivers.

In October, 1776, the General Assembly of Virginia enacted<sup>1</sup> that a certain part of the territory of Augusta County, viz.: "Beginning on the Allegheny Mountain, between the heads of Potowmack, Cheat, and Greenbrier Rivers; thence along the ridge of mountains which divides the waters of Cheat River from those of Greenbrier, and that branch of the Mo-

<sup>1</sup> Henning's Statutes at Large, vol. ix. p. 262.

Monongahela River called the Tyger's [Tygart's] Valley River to Monongahela River; thence up the said river and the West Fork thereof to Bingerman's Creek, on the northwest side of said fork; thence up the said creek to the head thereof; thence in a direct line to the head of Middle Island Creek, a branch of the Ohio, and thence to the Ohio, including all the waters of said creek in the aforesaid district of West Augusta, all that territory lying to the northward of said boundary, and to the westward of the States of Pennsylvania and Maryland, shall be deemed, and is hereby declared to be, within the district of West Augusta."

The district so defined was divided into three counties by the same act, which declared "That all that part of said district lying within the following lines, to wit: beginning at the mouth of Cross Creek, thence up the same to the head thereof, thence eastwardly to the nearest part of the ridge which divides the waters of the Ohio from those of the Monongahela, thence along the said ridge to the line which divides the county of Augusta from the said district, thence with the said boundary to the Ohio, thence up the same to the beginning, shall be one district county, and be called and known by the name of Ohio; and all that part of the said district lying to the northward of the following lines, viz.: beginning at the mouth of Cross Creek, and running up its several courses to the head thereof, thence southeastwardly to the nearest part of the aforesaid dividing ridge between the waters of the Monongahela and the Ohio, thence along the said ridge to the head of Ten-Mile Creek, thence east to the road leading from Catfish Camp to Redstone Old Fort, thence along the said road to the Monongahela River, thence, crossing the said river, to the said fort, thence along Dunlap's old road to Braddock's road, and with the same to the meridian<sup>1</sup> of the head fountain of the Potowmack, shall be one other distinct county, and be called and known by the name of Yohogania County; and all that part of the said district lying to the northward of the county of Augusta, to the westward of the meridian of the head fountain of the Potowmack, to the southward of the county of Yohogania, and to the eastward of the county of Ohio, shall be one other distinct county, and shall be called and known by the name of the county of Monongalia."

From the description of the boundaries of the new counties, as recited in the act, it will be seen that Monongalia County embraced the southern and southwestern portion of the present county of Fayette; that the northern and northeastern part was covered by Yohogania County, and that the division line between these two was marked by Braddock's road from the eastern limit as far northwest as the Big Rock on the summit of Laurel Hill, and thence

by "Dunlap's path," or road, passing a little south of Uniontown, to the mouth of Dunlap's Creek. From there the boundary between Yohogania and Monongalia continued westward, nearly along the line of the later National road, about two-thirds the distance across the present county of Washington, to the east boundary of Ohio County. This county extended from the said eastern limits westward to the Ohio River.

Prior to the erection of the new counties, courts had been held at Fort Dunmore for the old county of Augusta, and the records of those courts are still in existence. The first record is of a court held at the place named on the 21st of February, 1775, and the last Nov. 20, 1776. In the mean time a primitive court-house had been built for Augusta County at "Augusta Town," a prospective village about two miles west of the site of the present town of Washington, Pa.

Upon the formation of the three new counties courts were immediately established for them. Of the three Virginia counties, only one—Monongalia—held its courts within the present limits of Fayette. Its court-house was located on land of Theophilus Phillips, near New Geneva. How long the courts were held there is not known, as no records of them can now be found. The court-house of Ohio County was at Black's Cabin, near West Liberty. The records of Yohogania County have been preserved, and are now in possession of a gentleman of Washington, Pa. They show that the first court of that county was held at Fort Dunmore (Pitt) Dec. 23, 1776,<sup>2</sup> and that the courts continued to be held there until Aug. 25, 1777. They were then held at the house of Andrew Heath for about two months, and after that (until 1781) at the new court-house "on the plantation of Andrew Heath." This was on the west side of the Monongahela, a short distance above, and in

<sup>2</sup> The following-named "gentlemen justices" were sworn in by the court on their commissions, viz.:

Joseph Beelor, Joseph Becket, John Campbell, John Canon, Isaac Cox, William Crawford, Zachariah Connell, John Decamp, Thomas Freeman, Benjamin Frye, John Gibson, William Goe, William Harrison, Benjamin Kirkendall, John McDowell, John McDonald, George McCormick, Oliver Miller, Samuel Newell, Dorsey Pentecost, Matthew Ritchie, James Rogers, Thomas Smallman, Andrew Swearingen, John Stevenson, George Vollandigham, Edward Ward, Joshua Wright, and Richard Yeates. The following named held commissions but were not sworn in: Thomas Brown, James Blackiston, John Carmichael, Benjamin Harrison, Jacob Haymaker, Isaac Leet, Sr., James McLean, Isaac Meason, John Neville, Philip Ross, and Joseph Vance.

And the following-named persons were also sworn in as civil and military officers of the county:

Clerk, Dorsey Pentecost; deputy, Ralph Bowker.  
Sheriffs, William Harrison (deputy, Isaac Leet), George McCormick (deputies, Hugh Sterling, Joseph Beelor, Benjamin Vannier, and John Lemon), Matthew Ritchie (deputy, John Sutherland).  
County Lieutenant, Dorsey Pentecost.  
Colonels, John Canon, Isaac Cox, John Stephenson.  
Lieutenant-Colonels, Isaac Cox, Joseph Beelor, George Vollandigham.  
Majors, Gabriel Cox, Henry Taylor, William Harrison.  
Attorneys, George Brent, William Harrison, Samuel Irvin, Philip Pendleton.  
Legislators, John Campbell, William Harrison, Matthew Ritchie.

<sup>1</sup> Meaning the western boundary of the State of Maryland.

sight of, the present town of Elizabeth. The statement has frequently been made that the Yohogania court was at one time held at Redstone Old Fort, but this is a mistake, doubtless growing out of the fact that a board of Virginia commissioners sat at that place in the winter of 1779-80 for the purpose of deciding on land claims and issuing certificates to settlers.

Finally, when the long controversy between the two States was settled by the assignment of the disputed territory to Pennsylvania, the counties of Monongalia and Ohio, though greatly reduced in area, still retained their names as counties of Virginia (as they are of West Virginia at the present time); but Yohogania, whose limits were wholly within the territory yielded to Pennsylvania, ceased to exist, and was thenceforward mentioned as Virginia's "lost county."

#### ESTABLISHMENT OF BOUNDARIES.

In the royal grant to William Penn, in 1681, the territory embraced in it was described as "all that tract or part of land in America, with all the islands therein contained, as the same is bounded on the east by Delaware River, from twelve miles northward of New Castletown unto the three and fortieth degree of northern latitude, if the said river doth extend so far northwards; but if the said river shall not extend so far northwards, then by the said river so far as it does extend; and from the head of said river the eastern bounds are to be determined by a meridian line to be drawn from the head of said river unto the said three and fortieth degree; the said lands to extend westward five degrees in longitude, to be computed from the said eastern bounds; and the said land to be bounded north by the beginning of the three and fortieth degree of northern latitude, and then by a straight line westward to the limits of longitude above mentioned." On the south the boundary was to be by the circular line from the river, twelve miles distant from New Castle, "unto the beginning of the fortieth degree of north latitude," and then by a due west line to the extent of five degrees of longitude from the river Delaware.

It was found to be a very difficult task to establish the southern line of Penn's grant against Maryland, which latter province had been granted to Cecilius Calvert, Lord Baltimore, in 1632. A series of bitter disputes and collisions ensued, which during a period of fifty years brought about no progress towards the desired settlement. In 1732 the successors of Penn and Calvert entered into articles of agreement for fixing the boundary, and under this agreement a temporary line was run in 1739 as far west as "the most western of the Kittoctinny Hills" (on the south line of the present county of Franklin, Pa.), and there the matter rested until 1760, when a new agreement was made, and seven commissioners appointed for each proprietary to establish the line.

These commissioners chose four surveyors to execute the work, viz.: John Lukens and Archibald McClean for Pennsylvania, and John F. A. Priggs and John Hall for Maryland. They immediately commenced operations, but by reason of the great natural difficulties to be overcome and the imperfection of their instruments and appliances, their progress was so slow that in 1763 the proprietaries residing in London became impatient, and in August of that year employed Charles Mason and Jeremiah Dixon, "London astronomers and surveyors," to complete the work.

These surveyors came to America at once and commenced operations, but it was nearly two years before they had finished the preliminary work at the eastern end and fairly started on the due east-and-west line which has been since known by their names, Mason and Dixon's line. By the end of that year they had advanced as far west as the end of the temporary line of 1739. In the spring of 1766 they again commenced work, and on the 4th of June had reached the top of Little Allegheny Mountain, but dared not proceed farther for fear of the Indians.

After that no progress was made until June, 1767, when the surveying-party again took up the work, being then escorted by a party of warriors of the Six Nations to hold the threatening Shawanese and Delawares in check. The point where Braddock's road crosses from Maryland into Somerset County, Pa., was reached on the 24th of August, and there the Iroquois escort left them; but they pushed on, crossing the Youghiogheny and Monongahela Rivers, and in October came to the Indian trail known as the Warrior Branch, near the second crossing of Dunkard Creek. The Delawares and Shawanese had been growing more and more threatening since the departure of the Six Nations warriors, and they now positively forbade any advance by the surveyors west of the crossing of the trail. The party could not proceed in defiance of this prohibition, and consequently the line stopped at this point, beyond which it was not extended until about fifteen years later.

The running of Mason and Dixon's line was the final establishment of the boundary between Pennsylvania and Maryland, but it established nothing with regard to the line between the former State and Virginia. The latitude of Mason and Dixon's line is  $39^{\circ} 43' 26''$  north, and neither contestant was willing to accept it as the correct boundary. The proprietaries of Pennsylvania claimed under the royal grant a territory three degrees of latitude in width,—that is, from "the beginning of the fortieth degree of north latitude" to "the beginning of the three and fortieth degree of north latitude." They contended that the beginning of the first degree of north latitude is the equator, and the beginning of the second degree is at the end of the first degree, or latitude  $1^{\circ}$  north, therefore that the "beginning of the fortieth degree is at the ending of the thirty-ninth



degree, or latitude 39° north. They therefore claimed as their boundary against Virginia the parallel of 39° north, which would have given to Pennsylvania a strip 43' 26" in width south of Mason and Dixon's line, in that part west of the western boundary of Maryland. But, on the contrary, Virginia claimed (as will hereafter be more fully mentioned) that the boundary between the two States should be the parallel of 40° north latitude. This would have given to Virginia a strip 16' 34" wide north of the present State boundary, along the southern borders of Greene and Fayette Counties, as far east as the west line of Maryland.

But it was the establishment of the west line of Pennsylvania that was regarded by each party as of the greatest importance, for each was anxious to secure Pittsburgh and the Monongahela country. On the 21st of April, 1774, the Pennsylvania Council appointed James Tilghman and Andrew Allen commissioners to confer with the Governor of Virginia with a view to promote a settlement of the boundary. The Governor asked them to submit a proposition in writing, which they did, viz., that surveyors be appointed by the two States, and that they proceed to survey the courses of the Delaware from the intersection of Mason and Dixon's line northward "to that part of the river that lies in the latitude of Fort Pitt, and as much farther as may be needful for the present purpose;" then that Mason and Dixon's line be extended to five degrees of longitude from the Delaware, and that from the termination of the said five degrees a line or lines corresponding to the courses of the Delaware be run to the Ohio, "as nearly as may be at the distance of five degrees from said river in every part," and that the lines so run be the boundary and line of jurisdiction until the boundary could be run by royal authority. Dunmore objected to so inconvenient a line for the west (east) boundary, and he recommended a meridian line to be run from Mason and Dixon's at the distance of five degrees of longitude, but he said that unless the commissioners would agree to a plan as favorable to Virginia as to Pennsylvania there could be nothing agreed on prior to the king's decision. The commissioners replied that for the purpose of producing harmony and peace "we shall be willing to recede from our charter bounds so far as to make the river Monongahela from the line of Mason and Dixon the western boundary of jurisdiction, which would at once settle our present dispute without the great trouble and expense of running lines, or the inconvenience of keeping the jurisdiction in suspense." But Dunmore made final reply that under no circumstances would he consent to yield Fort Pitt; and this the commissioners regarded as a close of the negotiations.

The plan submitted by the commissioners at the above-mentioned conference was based on a proposition contained in a letter previously written by Governor Penn to Dunmore, viz.: that from the north-

western extremity of Maryland the boundary of Pennsylvania should run due south to the 39th parallel (this being "the beginning of the 40th degree of northern latitude"), and from there run due west along that parallel to the end of five degrees of longitude from the Delaware, and that from that point the western boundary should be run north in a serpentine course, corresponding with the meanders of the Delaware, and so as to be five degrees of longitude distant from that river at every point.

Dunmore, in reply, ridiculed the idea of the serpentine line, but proposed that the west line of Pennsylvania should be run due south from the north boundary of Penn's grant, at a point five degrees of longitude west from the Delaware on that parallel, and he gave a rather plausible reason for the proposition, viz.: "Because the grant directs that the survey shall begin at a point on the south part of the boundary and proceed northward; . . . it being usual always in like cases to *proceed* and extend the five degrees of longitude, and not to *return* to the south point, and draw it from thence." He thought this would be much more favorable for Virginia, for he said, "If my construction be the true one, then Fort Pitt (by reason of the Delaware River running very much eastwardly towards your northern bounds) will probably be at least fifty miles without your limits." His idea (which was not very clearly expressed) was that the Delaware River is many miles farther east at the forty-third than at the fortieth degree of latitude, and that a corresponding gain to Virginia would be made by extending the five degrees of longitude from the former latitude instead of from the latter.

The propositions above mentioned were about the last of the negotiations between Penn and Dunmore, for both were soon after driven from power by the Revolution. The next proposition for a settlement of the boundary is found in certain resolutions passed by the Virginia Legislature on the 18th of December, 1776, one of which authorized the Virginia delegates in the Continental Congress to propose the following plan:

"That the meridian line drawn from the head of the Potomac to the northwest angle of Maryland be extended due north until it intersects the latitude of forty degrees, and from thence the southern boundary shall be extended on the said fortieth degree of latitude until the distance of five degrees of longitude from the Delaware shall be accomplished thereon, and from the said point five degrees, either in every point, according to the meanderings of the Delaware, or (which is perhaps easier and better for both) from proper points or angles on the Delaware, with intermediate straight lines." This was identical with the plan before mentioned, by which Pennsylvania would lose a strip of considerable width north of Mason and Dixon's line, along the southern borders of the present counties of Greene and Fayette, and it embraced



also nearly the same proposition as that which had been made by Governor Penn for a serpentine line, corresponding to the courses of the Delaware, as a western boundary.

The first practical official action towards a definite and final settlement was taken in 1779 by the appointment of George Bryan, John Ewing, and David Rittenhouse, on the part of Pennsylvania, and Dr. James Madison and Robert Andrews, on the part of Virginia, as commissioners to meet in conference and determine the boundary. These commissioners met Aug. 31, 1779, at Baltimore, Md., where they made and subscribed to the following agreement:

"We, [naming the commissioners] do hereby mutually, in behalf of our respective States, ratify and confirm the following agreement, viz.: To extend Mason and Dixon's line due west five degrees of longitude, to be computed from the river Delaware, for the southern boundary of Pennsylvania, and that a meridian drawn from the western extremity thereof to the northern limit of said State be the western boundary of said State forever."

This agreement of the commissioners was confirmed (upon certain conditions as to land titles) by the Virginia Legislature June 23, 1780, and by the General Assembly of Pennsylvania on the 23d of September in the same year. This ended the long controversy so far as agreement on the location of the boundary was concerned, but the work of running the line still remained, and this was found to be a task much more difficult and troublesome than had been expected.

In running their line Mason and Dixon had computed a degree of longitude on that parallel to be 53 miles  $167\frac{1}{10}$  perches, and consequently that the line, from where it was left at the Warrior Branch trail, would have to be extended about twenty-three miles westward to complete the five degrees of longitude from the Delaware. But as some doubts had arisen as to the accuracy of this computation, it was determined to establish the western limit by astronomical observations, and, as considerable preparation was necessary for the execution of the work by this method, it was thought necessary in the mean time to run a temporary line, and in the spring of 1781 the President and Council of Pennsylvania, under authority from the Assembly, appointed Alexander McClean (the renowned surveyor, who lived in Fayette County for many years) to meet one to be appointed by Virginia and execute the work. Reference to this matter is found in a letter dated July 23, 1781, addressed by President Reed to Col. James Marshal, lieutenant of Washington County, from which the following is an extract:

"... It was much our Wish and equally our Intention to run the Line this Spring, but the State of

Virginia being invaded and the Affairs of the Government in great Confusion there has not been the time or Opp'y for that Purpose which was necessary. Besides that, upon Inquiry we found the Season was too far advanced for those astronomical Observations which were necessary to run the Line with Exactness. We have therefore postponed the grand Operation to next Spring. But, as we know it was highly necessary to have a Partition of Territory and Jurisdiction, we proposed to Virginia to run a temporary Line, beginning at the End of Masons & Dixons, and measuring 23 miles, what is by Computation the five Degrees of Longitude called for in the Charter of King Charles the 2d. This has been agreed to, & the State of Virginia has sent Orders to the Surveyor of Yeoghegany County to join with one to be appointed by us to that Service. We have appointed Alexander McClean, Esq., & this Express carries up his Commission and Instructions for this Purpose. Should he have Occasion for a Guard, or any other Assistance from you, we make no Doubt he will receive it. As soon as they have run the Line & reported their Proceedings we shall send up Proclamations calling upon all those who shall fall into this State to conform to its Laws and Government, and hope you will soon be relieved from the Anarchy and Confusion which has reigned so long in your Country from this unhappy Dispute."

On the 27th of August President Reed addressed Thomas Scott on the same subject, as follows:

"... We regret as much as any of the inhabitants of the County can do the Delay of running the Line, but the season was too far advanced before we got the Answer from Virginia to admit of the astronomical Observations which are necessary for an exact & accurate Performance of this important Post. The Month of May is agreed by our Men of Science to be the only proper Period, and there are divers Instruments necessary which it will take some Time to prepare. However, being sensible of the Importance & Necessity of some Boundary, as soon as we found it impracticable to execute the Business this Spring we proposed to the State of Virginia a temporary Line, extending Mason & Dixon's to the Ohio, or 23 miles. They accepted the latter, & about a Month ago we sent off a Commission to Alex<sup>r</sup> McClean, Esq<sup>r</sup>, appointing him our Agent for this Purpose. We hope that by this Time he has engaged in the Service, as we learn from Col. Marshal that the Gov. of Virginia had appointed their Agent. I have been thus particular as well to obviate any Mistakes on this Subject as to show you how anxious we have been to run the Line, and that the Delays have been unavoidable."

In a letter dated Sept. 13, 1781, addressed to President Reed by Alexander McClean, he mentions that Mr. Madison (the commissioner appointed by Virginia to act with him in running the temporary line)

had only arrived on the last of August from the Kanawha, and proceeds :

"I have since conferred with him, and he appears outwardly willingly to Co-operate with me in the performance of the trust, yet appears warmly attached to the other State. Inasmuch as I am yet doubtful whether the matter will be ended this Season. However it may be, I am determined this day to wrisk it, this being the day appointed for Rendezvous. We have been much distressed in our preparations by Reason of sudden Excursions of the Enemy ; Washington County being more immediately invested with the external as well as Internal Enemies of this State. Your Excellency's Instructions Requiring the Lieuts. of that County to furnish the Guard prevented me from making application elsewhere, which has occasioned at least a disappointment of ten days, as I have attended the appointments already twice, & the Guard or Madison not in Readiness."

So many delays occurred (intentional as was believed on the part of Virginia) that nothing was accomplished in 1781 towards running the temporary line. On the 2d of March, 1782, Council received and adopted the following report from a committee appointed to consider the question of running the line, viz. :

"That Council and your Committee are unanimous in Opinion, from the great expences necessarily attending the compleating the Line between this State and Virginia, it would be most prudent to defer it for the present, and that a temporary Line during the Continuance of the present War, or till times are more settled on the Frontiers, may be made and agreed on at a small expence, which will answer every purpose expected, and to effect which Council will take the necessary measures."

The work was ordered to proceed, and the first part of June set for the commencement. At the time named Col. McClean repaired to the rendezvous, but neither Commissioner Madison nor the Virginia surveyor, Joseph Neville, appeared, and an armed party of Virginians who had collected there prevented him from proceeding with the work. The circumstances attending this occurrence, with some other matters pertaining to the boundary, are set forth in the following letter<sup>1</sup> from McClean to President Moore, of the Council, viz. :

"COLL<sup>o</sup> COOK'S, ON MY WAY FROM PITTSBURGH, 27th JUNE, 1782.

"SIR,—To my great Mortification, I am lead to inform you that after every effort which prudence might dictate, I am again prevented from Running the Line. The Circumstances I presume you will be anxious to know,—they are as follows, Viz. : Shortly after my Return from Philadelphia, an expedition was formed against Sandusky by the Volunteers of both Counties, which drew off a great Number of the Militia and Arms. The Situation of Washington

County was very distressing to appearance. I thought it not prudent to call any part of the Guard from thence altho' Impowered so to do. The Lieut. of the County of Westmoreland furnished me with a guard of one hundred and upward, but had not Arms sufficient to supply them ; about Seventy were armed. We proceeded to the Mouth of Dunkard Creek, where our Stores were laid in, on the tenth day of June, and were preparing to Cross the River that Night, when a party of about thirty horsemen, Armed, appeared on the opposite side of the River, Damning us to come over, and threatening us to a great Degree ; and several more were seen by our Bullock Guard, which we had sent over the river, one of which asked them if they would Surrender to be taken as prisoners, with other Language of menacing ; and hearing of a great Number more who were on their way to their assistance, We held a Council, the Result of which was to appoint a Committee to confer with them on the Causes of their opposition ; the result of said Conference you will see enclosed. This Mob or Banditti of Villains are greatly increased since the supply Bill has been published amongst them. . . . In short the Cry against Taxes in Specie is general, and in any Mode, by a Number of those who formerly adhered to Virginia, and they think the Running of the Line will be a prelude to and increase the power of Collecting them ; Together with the Idea of a New State, which is artfully and industriously conveyed (under Coverture) by some of the Friends of that State, as the only expedient to prevent the Running of the Line. I have also to inform you that I have the most finished assurance that they have not the least Desire to Settle the Line in any equitable manner, for the Instructions of their Commissioners (if they have appointed any) will doubtless direct them to begin at the end of Maryland, which is not yet ascertained, neither can it be without the concurrence of that State, which I am fully persuaded was thrown in as a barrier to keep the Evil day the further off, as I fell into Company with a person of great Consequence in that State on my Way from Philadelphia, who was big with the propriety of it, and Quoted a Gentleman of this Country as the Author of it. Yet it would be out of Character to say that the Executive of Virginia, who are so tender of Duplicity on any occasion, should Wrap their Councils in Darkened Language. I think it would be much to their honour and the Interest of this State, as well as those United, if their Actions could be brought to Correspond with their Declarations.

"Coll<sup>o</sup> Hayes, who was present on Committee, was Zealous to proceed against all opposition, but all to no purpose, other than to enrage the Mob Still more ; they proceeded to dare us to trial of their Resolution and intention. I have just now been with General Irwin, who is well disposed to render every Service in his power, but as a Continental Officer he cannot interfere without instructions for that purpose. In

<sup>1</sup> Pa. Arch., ix. 564.

short, every measure has been taken that might be thought prudent, but to no purpose; their obstinacy is such that they never will Submit until destruction overtakes them.

"I have therefore to request you will devise some mode that it may be accomplished speedily, as the Enemies of this State are daily encreasing, and I find it is out of my power, unless a Commissioner from Virginia should appear, to proceed without open War, which, if you are determined upon, you'll please to give me instructions agreeably, together with the Necessary Powers. I am just now informed that a meeting of some of the former Subjects of Virginia has been lately Requested to choose Officers to Resume the Government in this place, the Result of which I am not able to inform you."

With the above letter was transmitted to President Moore the following minutes<sup>1</sup> of a conference between the boundary commissioners of Pennsylvania and a committee appointed for the purpose by the partisans of Virginia, viz.:

"MOUTH OF DUNKARD CREEK, June 10th, 1782.

"At a meeting of the Commissioners on the Part of Pennsylvania, the 10th Day of June, one Thousand Seven Hundred and Eighty-Two.

"Present Alexander McClean, Esq<sup>r</sup> } Commissioners  
& Samuel McClean Ass<sup>t</sup> Surveyor } for Running the Line.

"With the Several Drafts of the Militia of the 3<sup>d</sup> & 4<sup>th</sup> Battalions of Westmoreland County, under the Command of Col. Benjamin Davis, &c.

"When a number of the Inhabitants of Washington County, holding themselves yet under the Jurisdiction of the State of Virginia, appeared in Opposition to us, under Arms. And as the meeting of Parties in such cases Intraged with Passion are frequently attended [with ?] Evil Consequences, it was thought Proper to appoint a Committee to Confer on the Causes or Reasons of said Opposition; on which Henry Vanmeter, Jesse Pigman, and George Newland, of the Opposite Partie, were appointed a Committee to Confer with us; and Christopher Hayes, Henry Beason, and Alexander McClean a Committee on behalf of Pennsylvania: After Producing the Several Papers and Instructions, Together with Corresponding Letters of the Council of Virginia, The said Committee on the Part of Virginia Refuse to Concur with the Committee of Pennsylvania in the Measure, untill finally Determined or Proclaimed to be agreeable to the State of Virginia, other than through forceable or Dangerous Measures, Which might be attended with Consequences truly Evil.

"In Witness that it is the full Intention of the Party we represent, We, as a Committee, do Sign our Names for them the Day and year aforesaid.

"HENRY VANMETER,  
"JESSE PIGMAN,  
"GEORGE NEWLAND.

"True Coppy,  
"E. COOK."

In the mean time, however, the Legislature of Virginia had given its formal assent to the running of the line, and thereupon President Moore sent to Col. McClean his instructions to proceed, viz.:

"IN COUNCIL, PHILADELPHIA, July 20, 1782.

"Enclosed you have a copy of a resolution of the Legislature of Virginia respecting the line between that State and ours, dated June 1, and copy of Governor Harrison's letter accompanying it, dated June 29, and also the order of Council of the 19<sup>th</sup> inst., directing you to attend at the west end of Mason and Dixon's line on Monday, the 4<sup>th</sup> of November next. You are then, in conjunction with the Surveyor to be appointed on the part of Virginia, to proceed in running the line agreeable to your former direction. It will be advisable to call out the militia for guards from among those who live at some distance from the line, and we hope Virginia will take the same precautions, to prevent heats and needless controversy. . . . Colonel Hayes will continue his assistance under the former instructions."

Under this arrangement and these instructions, Col. McClean, with Joseph Neville on the part of Virginia, ran the temporary line in the fall of 1782. The boundary thus run was an extension of Mason and Dixon's line from the point where it was left in 1767 twenty-three miles, and from that point (which was afterwards proved to be about one and a half miles too far west) due north to the Ohio River. On the 23<sup>d</sup> of February, 1783, McClean reported the completion of the work to the Council of Pennsylvania.

The permanent boundary line was run and established from the Maryland line westward to the southwest corner of the State of Pennsylvania in 1784, under the direction of James Madison, Robert Andrews, John Page, Andrew Ellicott, John Ewing, David Rittenhouse, Thomas Hutchins, and John Lukens; the first four of whom were appointed by Virginia, and the others by Pennsylvania, commissioners "to determine by astronomical observations the extent of five degrees of longitude west from the river Delaware, in the latitude of Mason and Dixon's line, and to run and mark the boundaries which are common to both States, according to an agreement entered into by commissioners from the said two States at Baltimore in 1779, and afterwards ratified by their respective Assemblies." About the beginning of June Commissioners Ewing and Hutchins set out for the southwest corner of the State, as marked by the temporary line of 1782, where they met Madison and Ellicott. Rittenhouse and Lukens proceeded to Wilmington, Del., where they were afterwards joined by Page and Andrews. At each of these points an observatory was erected, where the respective parties, by many weeks of careful astronomical observations, carefully adjusted their chronometers to the true time.

"The astronomical observations being completed, on the 20<sup>th</sup> of September the Eastern Astronomers set out to meet the other commissioners in the west in order to compare them together. Messrs. Rittenhouse and Andrews carried with them the observations made at Wilmington, while Messrs. Lukens and Page returned home, not being able to endure the fatigues of so long a journey, nor the subsequent labor of running and marking the Boundary line.

<sup>1</sup> Pa. Arch., vol. ix. p. 566.

Mr. Madison continued with the Western Astronomers till the arrival of Messrs. Rittenhouse and Andrews, when the affairs of his family and publick station obliged him to relinquish the business at this stage and return home, after concurring with the other commissioners as to the principles on which the matter was finally determined."<sup>1</sup>

The difference in time between points five degrees of longitude distant from each other is twenty minutes, but on comparing chronometers it was found that the two observatories were twenty minutes one and one-eighth seconds apart. The observatory at Wilmington was also 114 chains 13 links west of the intersection of Mason and Dixon's line with the Delaware River. This showed that the western observatory was 134 chains 9 links west of the end of the five degrees of longitude. That distance was thereupon measured back eastward on the line, the line corrected, and the permanent southwest corner of the State marked by a substantial post. In the joint report of the commissioners, dated Nov. 18, 1784, they say, "The underwritten commissioners have continued Mason and Dixon's line to the termination of the said five degrees of longitude, by which work the southern boundary of Pennsylvania is completed. The continuation we have marked by opening vistas over the most remarkable heights which lie in its course, and by planting on many of these heights, in the parallel of latitude, the true boundary, posts marked with the letters P and V, each letter facing the State of which it is the initial. At the extremity of this line, which is the southwest corner of Pennsylvania, we have planted a squared, unlettered white-oak post, around whose base we have raised a pile of stones. The corner is in the last vista we cut, on the east side of an hill, one hundred and thirty-four chains and nine links east of the meridian of the Western Observatory, and two chains and fifty-four links west of a deep narrow valley through which the said last vista is cut. . . . The advanced season of the year and the inclemency of the weather have obliged us to suspend our operations, but we have agreed to meet again at the southwest corner of Pennsylvania on the 16th day of next May to complete the object of our commission." In accordance with this agreement they met in the following year, ran and established the west line of Pennsylvania due north from the southwest corner of the Ohio River, and made a report of the same on the 23d of August. In 1786, Col. Alexander McClean and Col. Porter ran and completed the State line northward from the Ohio River to the lake.

#### SLAVERY AND SERVITUDE.

Of the people who emigrated from the east to settle west of the Laurel Hill prior to 1780, a large proportion were from Virginia and Maryland, and

many of them who had held slaves east of the mountains brought those slaves with them to their new homes in the West, for at that time the laws of Pennsylvania recognized and tolerated the "peculiar institution" as fully as did those of Virginia. Among these were the Crawfords, Stevensons, Harrisons, McCormicks, Vance, Wilson, and others. A most distinguished (though non-resident) holder of bondmen in Fayette County was George Washington, whose improvements on his large tract of land in the present township of Perry were made principally by their labor. Frequent allusions to these "servants" are found in letters addressed to Col. Washington in 1774 and 1775 by Valentine Crawford, who resided on Jacob's Creek, and acted as general agent in charge of Washington's lands and affairs of improvement in this region. A few extracts from those letters are given below, viz.:

"JACOB'S CREEK, May 7, 1774.

" . . . Your servants are all in very good health, and if you should incline selling them, I believe I could sell them for cash out here to different people. My brother, William Crawford, wants two of them, and I would take two myself. . . ."

"GIST'S, May 13, 1774.

"I write to let you know that all your servants are well, and that none have run away."<sup>2</sup> . . ."

"JACOB'S CREEK, June 8, 1774.

" . . . I will go to Simpson's [Washington's estate in the present township of Perry] to-morrow morning and consult him farther on the affair, and do everything in my power for your interest. The thoughts of selling your servants alarmed them very much, for they do not want to be sold. The whole of them have had some short spells of sickness, and some of them cut themselves with an axe, causing them to lay by for some time. One of the best of Stephens' [Washington's millwright] men cut himself with an adze the worst I ever saw anybody cut in my life. He has not been able to do one stroke for near a month. This happened in digging out the canoes. . . ."

"JACOB'S CREEK, July 27, 1774.

"DEAR COLONEL,—On Sunday evening or Monday morning, William Orr, one of the most orderly men I thought I had, ran away, and has taken a horse and other things. I have sent you an advertisement<sup>3</sup> of

<sup>2</sup> At the time when these letters were written there was a general panic among the servants as well as the settlers on account of the commencement of the Indian hostilities known as "Dunmore's war." This panic caused a suspension of work on Washington's improvements on his tracts in the neighborhood of the present village of Perryopolis, and this, together with the fact that the servants through dread of Indian incursions and massacre were inclined to run away, was the cause of the proposition to sell them.

<sup>3</sup> Following is a copy of the advertisement referred to:

"FIVE POUNDS REWARD.

"Run away from the subscriber, living on Jacob's Creek, near Stewart's Crossing, in Westmoreland County, Pennsylvania, on Sunday night, the 24th instant, a convict servant man named William Orr, the property of Col. George Washington. He is a well-made man, about five feet

<sup>1</sup> Report of the Pennsylvania Commissioners.

him. I am convinced he will make for some ship in Potomac River. I have sent two men after him, and furnished them with horses and money. I have also written to my brother, Richard Stevenson [a half-brother of Crawford's], in Berkeley, and James McCormick to escort the men I sent, and to forward this letter and advertisement to you. . . . I have sold all the men but two, and I believe I should have sold them but the man who is run away had a very sore foot, which was cut with an axe and was not long well, and John Smith was not well of the old disorder he had when he left your house. I sold Peter Miller and John Wood to one Mr. Edward Cook for £45, the money to be applied to the use of building your mill. I sold Thomas McPherson and his wife and James Lowe to Maj. John McCulloch and Jones Ennis for £65, payable in six months from the date of sale. To my brother I sold William Luke, Thomas White, and the boy, John Knight. He is either to pay you for them or he loses them in case you can prosecute your designs down the river [the opening of a plantation on the Virginia side of the Ohio, between Wheeling and the Little Kanawha]. I took John Smith and William Orr on the same terms; so that, in justice, I am accountable to you for the man if he is never got. I should have sold the whole of the servants, agreeable to your letter, if I could have got cash or good pay, but the confusion of the times put it out of my power. . . . I only went down to Fort Pitt a day or two, and two of my own servants and two militiamen ran away. I followed them and caught them all down at Bedford, and brought them back. While I was gone two of your men, John Wood and Peter Miller, stole a quantity of bacon and bread, and were to have started that very night I got home, but a man of mine discovered their design. I sold them immediately, and would have sold the whole if I could, or delivered them to Mr. Simpson, but he would not be concerned with them at any rate."

ten inches high, and about twenty-four years of age. He was born in Scotland, and speaks that dialect pretty much. He is of a red complexion and very full-faced, with short, sandy-colored hair, and very remarkable thumbs, they both being crooked. He had on and took with him an old felt hat bound with black binding, one white cotton coat and jacket with black horn buttons, one old brown jacket, one pair of snuff-colored breeches, one pair of trowsers made in sailor's fashion, and they are made of sail-duck, and have not been washed, a pair of red leggins and shoes tied with strings, two Osnaberg shirts and one Holland shirt marked 'V. C,' which he stole, and a blanket.

"He stole likewise a black horse, about fourteen hands high, branded on the near shoulder and buttock 'R. W.', and shod before. He had neither bridle nor saddle that we know of. I expect he will make to some seaport town, as he has been much used to the seas. Whoever takes up said servant and secures him, so that he and horse may be had again, shall receive the above reward, or three pounds for the man alone and reasonable charges if brought home paid by me.

"VAL. CRAWFORD,

"FOR COL. GEORGE WASHINGTON.

"July 25, 1774.

"N. B.—All masters of vessels are forbid taking him out of the country on their peril.

"V. C."

"JACOB'S CREEK, June 24, 1775.

"I am very sorry to inform you I received a letter from Mr. Cleveland of the 7th June, wherein he seems to be in a good deal of distress. Five of the servants have run away and plagued him much. They got to the Indian towns, but by the exertions of one Mr. Duncan, a trader, he has got them again. He has sent three of them up by a man he had hired with a letter to my brother William or myself to sell them for you, but the man sold them himself somewhere about Wheeling on his way up, and never brought them to us. He got £20 Pennsylvania currency for them, and gave one year's credit. This was very low, and he did not receive one shilling. This was contrary to Cleveland's orders, as the latter wanted to raise some cash by the sale to purchase provisions."

It is noticeable that Crawford, in the correspondence above quoted, never uses the word "slave," but always "servant." Among the people employed on Washington's improvements in Fayette County there were a few African slaves (some of whom lived until within the memory of people now living), but they were principally white bondmen, such as, until the opening of the Revolution, were continually sent to America from Great Britain for crime or other causes and sold into servitude on their arrival by the masters of the vessels which brought them over. The following advertisement of such a sale is from the *Virginia Gazette* of March 3, 1768:

"Just arrived, The *Neptune*, Capt. Arbuckle, with one hundred and ten healthy servants, men, women, and boys; among whom are many valuable tradesmen, viz.: tailors, weavers, barbers, blacksmiths, carpenters and joiners, shoemakers, a stay-maker, cooper, cabinet-maker, bakers, silversmiths, a gold and silver refiner, and many others. The sale will commence at Leedstown, on the Rappahannoc, on Wednesday, the 9th of this (March). A reasonable credit will be allowed on giving approved security to

"THOMAS HODGE."

On the 1st of March, 1780, the General Assembly of Pennsylvania passed "An Act for the gradual Abolition of Slavery," which provided and declared "That all persons, as well Negroes and Mulattoes as others, who shall be born within this State from and after the passing of this act shall not be deemed and considered as servants for life or slaves; and that all servitude for life or slavery of children in consequence of the slavery of their mothers, in the case of all children born within this state from and after the passing of this act as aforesaid, shall be and hereby is utterly taken away, extinguished, and forever abolished. Provided always, and be it further enacted, That every Negro and Mulatto child born within this State after the passing of this act as aforesaid (who would in case this act had not been made have been born a servant for years, or life, or a slave) shall be deemed to be, and shall be by virtue of this act, the servant of such person, or his or her assigns, who would in such case have been entitled to the service

of such child, until such child shall attain unto the age of twenty-eight years, in the manner and on the conditions whereon servants bound by indenture for four years are or may be retained and holden. . . ."

The law required that, in order to distinguish slaves from all other persons, each and every owner of slaves at the passage of the act should, on or before the 1st of November, 1780, register in the office of the court of the county his or her name and surname and occupation or profession, with the name, age, and sex of his or her slaves or "servants for life or till the age of thirty-one years;" and it further enacted, "That no man or woman of any nation or colour, except the Negroes or Mulattoes who shall be registered as aforesaid, shall at any time hereafter be deemed adjudged or holden within the territories of this commonwealth as slaves or servants for life, but as free men and free women," except in the cases of slaves attending on delegates in Congress from other States, foreign ministers and consuls, or non-resident travelers in or through this State, and also in the cases of slaves employed as seamen on vessels owned by persons not residents in this State. In October, 1781, was passed "An Act to give relief to certain persons taking refuge in this State with respect to their slaves," which provided that such refugees might hold their slaves notwithstanding the act of March 1, 1780, but the operation of the law of 1781 was to cease at the end of six months after the termination of the war of the Revolution.

On the 13th of April, 1782, the General Assembly passed "An Act to redress certain Grievances within the counties of Westmoreland and Washington." This act was designed for the relief of certain persons living within the so-called counties of Yohogania, Monongalia, and Ohio, who had taken the oath of allegiance to Virginia, and had, at the time of the passage of the act for the gradual abolition of slavery in this State, and for a considerable time thereafter, supposed that their places of residence were outside the limits of the State of Pennsylvania, and had on that account neglected or been prevented from registering their slaves within the time required by the provisions of the act. All such persons, inhabitants of the counties of Westmoreland and Washington, who could produce proof of their having taken the oath of allegiance to Virginia before the establishment of the boundary line between the two States was agreed to, and whose names should be found in the records of the above-mentioned Virginia counties, were, by the act of 1782, "declared to be to all intents and purposes free citizens of this State;" and it was further enacted,—

"That it shall and may be lawful for all such inhabitants of the said counties who were on the 23d day of September, 1780, possessed of negro or mulatto slaves or servants until the age of thirty-one years to register such slaves or servants, agreeable to the directions of the act aforesaid for the gradual abolition

of slavery, on or before the 1st day of January next, and the said master or masters, owner or owners of such slaves or servants shall be entitled to his or their service as by the said act is directed, and the said slaves and servants shall be entitled to all benefits and immunities in the said act contained and expressed." And the clerks of the Orphans' Courts, registers of the probate of wills, and recorders of deeds for Westmoreland and Washington Counties were empowered to call on the late clerks of the Virginia counties of Yohogania, Monongalia, and Ohio for the papers and records in their custody relating to the taking of oaths of allegiance, probates of wills, granting of letters of administration, and recording of deeds; and the said ex-clerks of the Virginia counties were required to deliver up such records and documents *entire* and *undefaced*, under penalty of a fine of five hundred pounds for refusal or neglect to do so, and such records and documents were then to become a part of the records of Westmoreland and Washington Counties.

The passage of the law for the gradual abolition of slavery in Pennsylvania was very offensive to most of those who had come into this region with their servants from the other side of Mason and Dixon's line. It has been said (but with how much of truth is not known) that Gen. Washington was greatly displeased by the enactment, and the story even goes so far as to assert that he regarded it as a personal affront, and that this was the cause of his disposing of his real and personal property in Fayette County. However this may have been, it is certain that a large proportion of the Virginians and Marylanders who had settled with their slaves west of the Laurel Hill became so incensed at the adoption of this measure, and the establishment at about the same time of the boundary line, by which, to their surprise, they found themselves in Pennsylvania and not within the bounds of Virginia, as they had supposed, that they sold out their possessions in the Monongahela country and removed with their slaves to the Southwest. This was one of the principal causes for the commencement of the very extensive emigration from this section of country to Kentucky,<sup>1</sup> which set in about 1780, and

<sup>1</sup> Judge Veech says, concerning this matter, "The passage of this law and its becoming a 'fixed fact' about the same time that this was [found to be] Pennsylvania territory combined to induce many of our early settlers to sell out and migrate to Kentucky, which about this date had opened her charms to adventure, settlement, and slavery. Fayette gave to that glorious State many of her best pioneer settlers, among whom were her Popes, her Rowans, her Metcalfes, her Hardins, and others. The flight to Kentucky started from the mouth of Redstone, in Kentucky boats, which landed at Limestone (Maysville). The current was kept up during the decade of 1780-90, and to some extent afterwards, but now it began to blend with another current which ran into the cheap and tempting plains of Ohio. . . . These early removals to Kentucky brought to our county overpowering numbers of settlers from Eastern Pennsylvania and New Jersey, who availed themselves of the opportunity to buy out the improvements of the settlers upon easy terms. Of this class of new settlers were the Friends, who settled about Brown-

continued during a succeeding period of ten or fifteen years.

Among the number of residents of Fayette County who registered slaves under the requirement of the law of 1780 are found the following-named persons:

Edward Cook, registered Oct. 12, 1780, seven slaves, viz.: James, aged 45; Sall, 35; Davy, 24; Joshua, 22; Esther, 17; Nelly, 16; and Sue, 1 year.

Zachariah Connell, Oct. 28, 1780, two slaves, viz.: Tom, aged 32, and Luce, 40.

Thomas Brown, Dec. 27, 1782, six slaves.

William McCormick, Dec. 30, 1782, five slaves.

James Finley, 1781 and 1782, eight slaves.

Van Swearingen, 1780, nine slaves, and in 1781 four more.

William Goe, 1782, ten slaves.

Robert Beall, 18 slaves; Walter Brisco, 9; Margaret Hutton, 9; Isaac Meason, 8; James Cross, 8; Andrew Linn, 7; Sarah Hardin, 7; Nancy Brashears, 12; Richard Noble, 7; Benjamin Stevens, 6; James Dearth, 6; John Stevenson, 5; Samuel Kincaid, 5; Peter Laughlin, 5; John McKibben, 5; Edmund Freeman, 4; James Blackiston, 4; Isaac Pierce, 4; Augustine Moore, 4; Hugh Laughlin, 4; Benjamin Davis, 4; James Hammond, 4. Each of the following-named registered three slaves, viz.: Providence Mounts, John Minter, Margaret Vance, William Harrison, Dennis Springer, Thomas Moore, Joseph Grable, Robert Harrison, Isaac Newman, John Wells. Among those registering two slaves each were Richard Stevenson, John Hardin, Mark Hardin, Robert Ross, Philip Shute, John Mason, John Laughlin, Otho Brashears, Jonathan Arnold, and Rezin Virgin.

An act supplementary and amendatory to the act for the gradual abolition of slavery in Pennsylvania was passed on the 29th of March, 1788. Among the several provisions of this act was one declaring that all persons owners of children born after March 1, 1780, who would, under the act of that date, be liable to serve till twenty-eight years of age, must, in order to hold such children to servitude, cause them to be registered on or before April 1, 1789, or within six months after their birth.

In addition to the owners of slaves already mentioned, there are found the following names of persons registering slaves in Fayette County in and prior to the year 1803, viz.:

#### *Menallen Township.*

John Moore, wheelwright. Sarah Brown, single woman.  
Ann Brown, widow. man.  
Bazil Brown, farmer. Nancy Workman, widow.

ville, and the Scotch-Irish Presbyterians generally."—*Monongahela of Old.*

Col. Israel Shreve, the purchaser of Gen. Washington's lands in Perry township, Fayette Co., in a letter dated Dec. 26, 1789, and addressed to his brother in New Jersey, said,—

"Land does not rise much in this place, owing to the great emigration down the river. It seems as if people were crazy to get afloat on the Ohio. Many leave very good livings, set out for they know not where, but too often find their mistake."

#### *Bullskin Township.*

Betsey Beall, widow. William Boyd, Esq.  
Elizabeth Stephenson, single woman. Presley Carr Lane, Esq.

#### *Spring Hill Township.*

Mary Moore, widow. Thomas Tobin, farmer.  
John Wilson, farmer. Thomas Clare, "  
Catharine Swearingen. Joshua Brown, "  
John McFarland, major militia.

#### *Georges Township.*

George Tobin, farmer. Hugh Cunningham, farmer.

#### *Brownsville.*

John McCluer Hazlip, William Crawford, merchant.  
Joseph Thornton, merchant.

#### *German Township.*

John Huston, hatter and Andrew Rabb, miller.  
merchant. Thomas Graham, merchant, Geneva.  
Ephraim Walter, farmer. chant,  
Robert McLean, "

#### *Dunbar Township.*

John Canon, farmer. John Rogers, farmer and inn-keeper.  
James Paull, "  
Joseph Torrance, farmer. Jacob Murphy, farmer.

#### *Washington Township.*

Hezekiah McGruder, farmer. John Patterson, Esq.  
mer. James Lynch, farmer.  
Daniel Canon, farmer. Heirs of Samuel Culbertson.  
Samuel Burns, farmer. son.  
John Goe, farmer.

#### *Franklin Township.*

Benjamin Stephens, farmer. James Paull, Esq.  
mer. John Patterson, farmer.  
Hannah Crawford, widow. Samuel Work, farmer.  
John McClelland, farmer. Agnes Canon, widow.  
Benoni Dawson, farmer. John Byers, farmer.

#### *Union Township.*

Ephraim Douglass, Esq. John Wood, saddler and merchant.  
Alexander McClean, surveyor. Joseph Huston, iron-master.  
John Jackson, miller. ter.  
Ann Murphy, widow.

#### *Luzerne Township.*

Nathaniel Breeding, Esq. James Hammond, farmer.  
Andrew Frazer, farmer. John Hyatt, farmer.

#### *Tyrone Township.*

Alexander Long, farmer.



## ERECTION OF FAYETTE COUNTY.

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Under the law of March 29, 1788, registries of children liable to servitude continued in Fayette for more than half a century, and three hundred and fifty-four such registries were made in the county during the period from Feb. 5, 1789, to Jan. 12, 1839, after which latter date none have been found in the records.

<sup>1</sup> 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."