The First Courts in Western Pennsylvania*

In entitling this article, "The First Courts in Western Pennsylvania," I refer to the courts held at "the house of Robert Hanna," Hanna's or Hanna's Town, formerly a settlement of possibly thirty log houses at its best, but now only an historic memory in the present Westmoreland County, Pennsylvania. Not only were these courts the first civil courts held in Western Pennsylvania, but they were the first English courts held west of the Allegheny Mountains, or, more properly speaking, the Appalachian mountain system; and yet many of the historians of Allegheny County have either intentionally omitted, or failed to record, the beginnings of their own county as shown in the records of "Old Westmoreland."

The French, by admitted prior exploration and military occupation, laid claim to the whole of the Mississippi Valley including the Ohio and its tributaries; but their government was essentially a military one and there are no records of any civil courts held by them throughout all this vast territory up to the time of their expulsion therefrom by the English. As to the English, their first permanent settlements west of the Alleghenies were in Western Pennsylvania, a fact of which we living here should be extremely proud. Hence came their early courts, for no English settlement ever remained long without administration therein of English jurisdiction in regular civil courts.

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*Paper read before the Historical Society, January 8, 1924.
The history of these first courts must necessarily begin with the territorial limits of the first county whose jurisdiction extended over Western Pennsylvania. This was Cumberland County, the sixth county in the proprietary province of Pennsylvania, chronologically speaking, when erected out of Lancaster County by act of the provincial assembly dated 27 January 1750. (1) It's jurisdiction, however, did not extend into Western Pennsylvania until 5 November 1768, when, by a treaty made at Fort Stanwix, N. Y., near the present town of Rome, with the confederated tribes of Indians known as the "Six Nations," there was conveyed to the proprietaries of the Province of Pennsylvania, a large tract of territory reaching from the north-eastern corner of the province to the south-western corner and including all of south-western Pennsylvania that lies west of Laurel Hill, the westernmost ridge of the Allegheny Mountains. (2) Up to this time, however, the western boundary of Pennsylvania had not been settled by agreement, nor definitely located by survey.

It should be noted here that, though the charter of land in the "New World", made by Charles II of England to William Penn on 4 March 1681 and given the name of Pennsylvania, was both fixed as to boundaries and absolute as to ownership, still the Penns never claimed, nor tried to exercise, final jurisdiction over any part of the province as granted to them until they had first purchased the prior recognized inherent rights of the Indians. Accordingly many such purchases were made, covered by thirty-one treaties of which some were deeds of lands, others releases of rights therein, and still others declarations as to disputed boundaries of earlier purchases. (3)

The treaty made with the "Six Nations" on 5 November 1768 was known as the "New Purchase" and much of the territory covered by it was added to the jurisdiction of Cumberland County including that section of Pennsylvania in which we are peculiarly interested, namely, the south-western. In 1770, we note the names of Arthur St. Clair, William Crawford, Thomas Gist, and Dorsey Pentecost, among the justices of the peace, having been appointed (4) for that part of Cumberland County west of Laurel Hill; but we find
no record of the exercise of their official duties as such justices of the peace, though this office at that time was of a quasi-judicial character and any three justices could hold certain courts. All of these men, however, were later well known as makers of history in Western Pennsylvania and two of them at least, Arthur St. Clair as Major General in the Continental Army and William Crawford as Colonel in expeditions against the Indians, figured nationally.

On 9 March 1771, there was erected out of Cumberland County, a new county named Bedford for Bedford Town, earlier known as Fort Bedford and earlier still as Ray’s Town, which became the new county seat where the first court of “Quarter Sessions of the Peace and Jail Delivery” was held on 16 April 1771. The reasons assigned for the erection of this new county were “the great hardships the inhabitants of the western parts of the county of Cumberland lie under from being so remote from the present seat of judicature and the public offices.” The County seat of Cumberland county at that time was Carlisle having been moved shortly after the organization of the county, but not without much bitter controversy among the early settlers, from Shippensburg, a paltry distance of twenty-two miles; and yet the early settlers at Pittsburgh had to travel the intervening distance over almost roadless mountains to seek redress in a court of justice at Carlisle, one hundred and eighty-eight miles distant.

In accordance with the act of the provincial assembly erecting Bedford county, it extended from the west branch of the Susquehanna and the Cove, or Tuscarora Mountain, westward to the boundary of the province, then recognized as Virginia, and southward to the southern boundary of Pennsylvania, which, after the Maryland dispute had been settled, was the new “Mason and Dixon’s Line.” The lack of any specific declaration as to the western boundary of the province was due to the old claim of Virginia as to ownership of at least southwestern Pennsylvania, a claim which was based on the grant to the London Company made by James I in 1609. Later this dispute became more bitter, resulting in open dissension, riotings and destruction of property, rival courts, seizure and imprisonment of contending parties,
and also loss of life through the Indian uprising that was fostered, at least indirectly, by some of the Virginia adherents, resulting in what is known as "Dunmore's War." (8)

Within two years after the erection of Bedford County, its inhabitants residing west of Laurel Hill were petitioning the proprietaries of the province for the erection of a new county, reciting their needs and the disadvantages they labored under due to lack of adequate roads and their great distance from the county seat, Bedford Town. (9) On the other hand, the authorities of the county had had great difficulty in enforcing, west of Laurel Hill, the orders and decrees of the courts and greater difficulty still in collecting taxes and assessments. (10) As a matter of fact, the frontier settlers of those days objected most strenuously to any abridgment of their civil rights and chief among such abridgments they placed the levying of taxes. On this point, some one has said that the early Scotch-Irish settlers [and they predominated in Western Pennsylvania in those days, I am proud to say] always managed to keep at least one step ahead of the tax collector, moving the frontier forward as the tax collector advanced.

So stood the administration of justice in Western Pennsylvania until in 1773, when, in accordance with an Act of the provincial assembly passed on 26 February, (11) a new county was erected and named Westmoreland for the county of that name adjoining Cumberland in the north of England. It is interesting to note here that Westmoreland was the last county erected under the hereditary proprietors, the Penns, and too, owing to the Declaration of Independence and the first constitution of the state adopted in 1776, the last under English rule, for the Penns, being Tories, lost all their property during the Revolution. It was also the first county, and in fact the only county, west of the Alleghenies, to administer English common law under His Majesty, the King of England.

The new county, Westmoreland, was carved entirely out of Bedford County. Its bounds began where the Youghiogheny River crosses the southern boundary line of the province, thence down said river to Laurel Hill and thence northeast along Laurel Hill to Cherry Tree, a point in present In-
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diana Co., mentioned in the Indian Treaty of 5 November 1768; thence a little north of west along the line set out in said treaty to Kittanning on the Allegheny River and thence down this river and along the Ohio to the western limits of the province, not as yet definitely determined; thence along such unknown western boundary to the southern boundary of the province which had shortly before been agreed upon with Maryland and known, after its survey and location, as "Mason and Dixon's Line." (12) It was all that part of the purchase made by the Penns from the Six Nations in 1768 that lay west of Laurel Hill.

In 1779, the territorial dispute with Virginia was finally settled and Virginia withdrew all claim to any part of the Province Pennsylvania as granted to William Penn. (13) Accordingly "Mason and Dixon's Line", earlier agreed upon as the boundary between Maryland and Pennsylvania, the running of which line had been pushed beyond the western limit of Maryland until stopped by the Indians at Dunkard Creek, present Greene County, on 9 October 1767, (14) was completed by survey to the extent of five degrees of longitude west of the Delaware River and definitely marked. (16) Likewise the western boundary line of the state was surveyed and marked. (16) These surveys finally settled the extent of the territory that came under the jurisdiction of the new Westmoreland. Later the purchase made from the Indians within the original province, in 1784, (17) gave additional territory to the new county. This purchase, made by the new State of Pennsylvania, comprised its north-western section with the exception of the Erie Triangle, and covered almost a third of the state in area.

Of this purchase from the Indians in 1784, all that part west of the Allegheny River was added to the new Westmoreland. As a result, its size was such that out of it, from time to time, there have been erected fifteen counties, either in whole or in part, in addition to the present Westmoreland. The first three counties so erected were: Washington on 28 March 1781, (18) Fayette on 26 September 1783, (19) and Allegheny on 24 September 1788. (20) Petitions for the erection of this last named county were first presented to the Assembly of the new state on 7 March 1785 (21) and at
regular intervals thereafter, but it almost seems as though they played politics in the Pennsylvania Legislature even in those days, for the various petitions and resolutions for this new county, Allegheny, were regularly laid on the table for a period of more than three and a half years. (22)

In addition to other provisions, the Act of the provincial assembly erecting Westmoreland County set the place of holding the first election in the new county as “the house of Robert Hanna” and also provided the same location for holding the courts until a court house and jail should be built. (23) “The house of Robert Hanna” does not seem like a very definite location for the first county seat in all that vast and almost unknown territory west of the Allegheny Mountains. Fortunately, Robert Hanna’s house was well known in those days for he was a man of much force and influence and had been one of the Justices that sat at the first court held in Bedford County on 16 April 1771. (24) As we shall see later, a jail was built at Hanna’s Town but no court house, for the small faction, apparently headed by Robert Hanna, that was able to locate the new county seat at “the house of Robert Hanna”, was also able for twelve years and more to prevent the erection of a court house, fearing doubtless, that, if the project were broached, the opposing faction headed by Arthur St. Clair would thus be able to select another settlement as the county seat. The coming of the Revolution and the conditions existing throughout its length undoubtedly helped to delay any change; but the burning of Hanna’s Town by the Indians in 1782 (25) brought a crisis in the situation. Still as “the house of Robert Hanna” had been saved from destruction, the sessions of the courts were continued there until in January 1787 when the first court was held in the new court house, (26) a small brick building at Greensburg which had been chosen as the new county seat in 1785.

Robert Hanna was a north county Irishman, Scotch-Irish in other words, who had earlier built himself a log house on the old Forbes Road, (27) around which had clustered other settlers with their cabins until, in 1773, Hanna’s or Hanna’s Town, containing about a dozen log houses, was the most important point between Fort Ligonier and Fort
Pitt, or Pittsburgh, being thirty miles east of the latter point and three miles north-east of Greensburg, or New Town, as it was first known.

On the day after the date of the erection of Westmoreland County, the Governor of the province sent to its assembly the names of twenty-six residents of the new county whom he nominated as justices of the county courts and justices of the peace, any three of whom, according to laws of the province, could hold the ordinary common pleas and quarter session courts. (28)

Likewise, "The Honorable Richard Penn, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of Pennsylvania" appointed Arthur St. Clair as "Prothonotary or principal clerk of the County Court of Common Pleas" of the new county. He, by the way, had been the first Prothonotary, Recorder, and Clerk of Courts of Bedford County. (29) His commission as Prothonotary of the new Westmoreland, dated 27 February 1773 and signed by Richard Penn, is happily still among the records of the county at Greensburg.

So, here at "the house of Robert Hanna", in the midst of the almost trackless forest, peopled with hostile Indians and fraught with dangers from wild beasts, was the locale of the first administration of English jurisprudence in America west of the Appalachian Mountains. There stood this house, a log house, (30) not differing probably from the log cabins around it save in size, for, owing to demands of travellers on the Forbes Road, the first highway to the "Great West", Robert Hanna had earlier opened a tavern, furnishing, as the old signs used to read, "Entertainment for Man and Beast." Necessarily the fact of the tavern seems to indicate that "the house of Robert Hanna" was not of ordinary size, undoubtedly having more than one room on the ground floor and in all probability having a second story. However, no Grecian pillared portico, no Gothic windowed spire, nor Romanesque gilded dome marked that early court house. It's only vaulted arches were those of the spreading trees of the virgin forest overhead.
And yet from this primitive house, "the house of Robert Hanna," the court house, the jurisdiction of the new Westmoreland extended, from the year 1773 until after the close of the Revolution, over that vast territory in Western Pennsylvania included in the following present counties: Westmoreland, Washington, Fayette, Allegheny, Greene, Armstrong in part, Beaver, Butler, Crawford, Erie in part, Mercer, Venango in part, Warren in part, Indiana in part, Forest in part, and Lawrence.

This brings us to that memorable first session of court in "Westmoreland of Old" on 6 April 1773, the minutes of which, as held at "the house of Robert Hanna," are fully preserved to us as are those of most of the succeeding sessions. They are now among the treasured archives of the present Westmoreland in its modern, fireproof, granite court house whose dome is gilded anew each day by the first rays of the morning sun, rising o'er Laurel Hill, and tinged with the last rays of the setting sun as it sinks beyond the western foot hills of the Alleghenies.

These minutes, in great part, were recorded for Prothonotary Arthur St. Clair, in a most painstaking manner, by his clerk, James Brison, who later, on the erection of Allegheny County in 1788, was appointed it's first Prothonotary. The penmanship, neatness, and wording of these records make their perusal an extreme delight. The ink, used with a quill pen of course, is black and distinct in most places though many of the pages are yellowed and brittle with age. And now with these settings for the first administration of English jurisprudence west of the Alleghenies, let us see how justice was dispensed and punishment meted out to those poor unfortunates brought before these courts. I quote from

"Session Docket Commencing April 6th, 1773 and Ending April Sessions 1783."

"At a Court of General Quarter Sessions of the Peace held at Robert Hanna's Esquire for the County of Westmoreland the sixth day of April in the thirteenth 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 &c. And in the year of our Lord
one thousand seven hundred and seventy three, before William Crawford Esquire and his associate Justices of the same Court.

"The Court proceeded to divide the said County into the following Townships by the Limits & descriptions hereafter following viz". This we will pass over, except to say that the following townships were laid out: Fairfield, Donnegal, Huntington, Mount Pleasant, Hempfield, Pitt, Tyrone, Springhill, Manallin, Rosstraver and Armstrong. Some of these townships, as given metes and bounds, embraced two, or three, of our present counties in southwestern Pennsylvania.

There follows the "Grand Inquest," the names of the jurors being given as follows:

1. John Carnachan, Forem'n jr.
2. John Carnachan Junior jur:
3. Hughey Newal jur:
4. Hugh Bays jur:
5. Samuel McKee jur:
6. Wendel Ourey jur:
7. Garret Fickes affd:
8. Samuel Waddle jur:
9. James Carnachan jur:
10. Hugh Brownlee jur:
11. William Teegarden, jur:
12. Garret Thomas jur:
13. John Shields jur:
14. Ezekiel Hickman jur:
15. George McDowel jur:

The first indictment is:

"The King v Garret Pendergrass jr."

Forcible entry, true Bill Deft. being three times solemnly called appears not (process awarded per Curr.) process issd Al Process issed"

And this ends the record of the first case in the first English court held west of the Appalachian Mountains. However, happening to read a deed of early record in the mother county, Bedford, I cannot help speculating relative to this indictment of "Garret Pendergrass jr."
This deed, dated "in the month of February" 1770, is made by the Chiefs of the Six Nations of Indians. After reciting two grants of land previously made by the Chiefs of the Six Nations to Garret Pendergrass Sr., one of land where Bedford now stands and of which he had been dispossessed during the war between the French and the English, and the other of a tract of land called "Long Reach, near the mouth of Youghyagain" and of which he could not get possession owing to previous settlements, this deed grants to Garret Pendegrass, Jr., "full leave and liberty" -- "to settle on a tract of land on the north side of the Aligania River opposite to Fort Pitt, in form of a Cemi Circle, from said landing." Possibly, therefore, he was indicted for trying to get possession of property in Allegheny. At any rate he apparently never appeared to defend the indictment and I do not find his name in the records of the Recorders office of Allegheny County.

The second case is:

"The King v Patrick McGuching, Richard McGuching & Mark McGuching one of the Defts. being arraigned pleads non Cul de hoc atty Genl. Similiter & Issue Removed by Certiorari"

| Clks fee | £2.10.1 |
| Atty genl. | 0.18.0 |
| Shff | 0.15.9 |

The third case is:

"The King v James McQuiston" and fourteen other defendants, the names of many of whom were well known at that time. This also was a case of "forcible entry" and a true bill was found; but, more than seven years later under date of "July Session 1780", we note the following entry:

"On Motion of Mr. Smith, By the Court, This Indictment is quashed."

The fourth case is likewise one of "forcible entry" and is an indictment against twenty-four defendants, many
of whom bore prominent names and eleven of them gave bonds in amounts ranging from £25 to £50. Thus ends the record of this case.

Now, the very fact of the first four cases in these courts being indictments for "forcible entry" indicates most clearly the conditions existing as to land titles. Probably the earliest settlers, here in Western Pennsylvania, claimed by "tomahawk right", that is blazing and often deadening trees to mark a tract of land, others claimed by settlement and improvement, a few by direct grants from the Indians, some by conveyance from the Proprietary Governors, the Penns, and still others by grants from the province of Virginia, which, then, through error as to the extent of the original boundaries of Pennsylvania, laid claim to its southwestern section. Apparently "forcible entry" was therefore the pioneer method of settling disputes as to titles 'ere the coming of the courts made it clear—that might was not necessarily right.

There follow three petitions for the laying out and improvement of roads that would almost non plus even our present courts and county commissioners. The last of these three reads: "Whereas the great Road leading from the Town of Bedford to Fort Pitt is hardly passable for the Swamps and logs across the Road and as the said Road is not laid out by an order of Court the supervisors will not take upon them to mend the said Road therefore we pray your Worships to appoint men to view the said Road from the top of Laurel Hill and to lay out the same by courses and distances the nearest and best way they shall think proper and the least injurious to the Settlements thereabouts."

There then follow the appointments of various constables and their assignments, the appointments of Overseers of the Poor, who were even on the frontier, the two Overseers of Pitt Township being John Ormsby and Jacob Bousman, and the appointments of Supervisors, Henry Small being selected for Pitt Township. As to Pitt Township, let us note its boundaries—"Beginning at the Mouth of Kiskemenitas and running down the Allegheny River to its junction with the Monongahala then down the Ohio to
the western limits of the Province thence up [down] the Western Boundaries to the line of Spring Hill thence with that line to the mouth of Redstone Creek thence down the Monongahala to the mouth of the Youghiogheny thence with the line of Hempfield to the mouth of Brush Run thence with the line of said Township to the Beginning."

And now we come to "License Court"—a term now obsolete, but formerly wont to fill, not only the columns of our daily papers for many days each and every year, but also the pockets of many of our attorneys. In reading the following, I trust there is neither violation of the Volstead Act nor contempt of the orders of the dry Governor of Pennsylvania, for I quote accurately:

"The following persons were Recommended to sell spirituous liquors by small measure till next term:

"Erasmus Bockavus, Joseph Irwin, John Barr, William Elliott, George Kelty."

Now notice what else the "License Court" did. It prescribed [not however as Doctors prescribe now] and again I quote accurately:

"Rates for Tavern keepers of Westmoreland County:

- Whiskey __________ p Gill  4 d
- West Indi Rum________ p do  6 d
- Continent __________ p do  4 d
- Toddy ____________ p do  1 s

A bowl of West India Rum Toddy in which there shall be a half pint with loaf sugar_________1s  6d

A bowl of Continent do____________________1s

Maderia wine p bottle____________________7s  6d

Lisbon wine p do_______________________ 6s

Western Toland wines p do________________5s

Grain p quart__________________________2½d

Hay and stabling p Night or 24 hours____6d

Cyder p Quart___________________________1s

Strong Beer p do_______________________8d"

Apparently breweries were almost as scarce as apple trees in those days; but apple trees are winning out now-a-days. And at the present time, as one reads these rates for "entertainment of man and beast", he is almost inclined to revise an old couplet and say:
'Backward, turn backward, O time in your flight! Make me a-pioneer, just for tonight!' And the Court further ordered: "The Tavern keepers to be furnished by the Clerk of Sessions with a Copy of the above regulation for which they are to pay one shilling and six pence, which copy they are to fix up in some public part of their respective Houses open to the inspection of all persons."

One historian says that, as drink was sold by measure, 'it was not the custom of those imbibing to treat one another' but rather each sat with his own drink, sipping it and sipping it and sipping it. We should remember, too, that most of the early settlers were Scotch.

Coming to the July Sessions of the Court of 1773, we find that again William Crawford presided together with the associate Justices. This William Crawford was the Colonel Crawford who later, on the failure of the expedition under his command against the Indians at Sandusky, was burned at the stake on 10 June 1782, after most frightful tortures at the hands of the Indians, urged on by the notorious renegade' Simon Girty.

At this session, the "Grand Inquest", of which James Kincaid was Foreman, was kept busy as there were numerous cases of assault and battery, riot, forcible entry, and other felonious charges. One of its indictments was against a William Rammage for keeping a "Tipling House", which turns out to be a rather enticing way of expressing "selling liquor without license", which never has been considered much of a crime, not even at the present day, if—the quality of the article sold is all right.

As the licenses granted at the first term of Court were only "till next term", we read:

"The following persons were Recommended to sell spirituous liquors by small measure for the ensuing year:

Samuel Sample
John Ormsby
William Christy pd
Jacob Sinnett pd
William Cross pd
William Elliott pd

Thomas Brown pd
Cornelius Linch pd
Erasmus Bockias pd
Jean Campble
George Kelty
John Barr pd, Mr. St. Clair
Jean Camble was, therefore, the first woman to keep a tavern, at least legally, in the new county. The travelling public, apparently increasing and spreading out over a wider area, needed more taverns. However, there was another reason for the tavern in those days. Practically all business was by barter and trade save that of the tavern. It got the cash.

The term "indentured servant" is one that has passed out of our life and almost out of our ken; but note how the master was protected as to time of service of his indentured servant at that period. In the July Sessions of 1773, we find this record:

"On motion of Mr. Wilson in behalf of John Campble setting forth that his Servant Man Michael Heaney had been committed to Gaol on Suspicion of Felony and that he had been at sundry expences about the same to the amount of £2-17-1 & likewise his loss of time—and praying the Court would adjudge the said Michael Heany to serve him a reasonable time for the same—It is adjudged by the Court that the said Michael Heany do serve his said Master John Campble four months and a half over and above the time mentioned in his Indentures."

And then again: "On motion of Mr. Wilson in behalf of George Paul to the Court setting forth that Margaret Butler his Servant Girl had a Mullatoe Bastard Child Born during her Servitude And Praying the Court would adjudge her the said Margaret Butler to serve him a reasonable time, for her loss of time and lying in charges. It is adjudged by the Court that the said Margaret Butler do serve her said Master George Paul one year and six months over and above the time mentioned in her Indentures."

And there is no record to show that the woman did not pay.

But let us see what happened if some one sold you a worthless servant:

"On motion of Mr. Robert Galbraith to the Court in behalf of Andrew Gutchell setting forth that Joseph Quillen his Servant not doing his duty as a Servant & praying
The Court would grant him such relief as to them would seem meet it is ordered by the Court that Joseph Quillen is to be under their custody until the next Sessions & likewise that Summons's be issued against—Robert Meek, Alexander Bowling, and William Beashers to be and appear at the next Sessions to give sufficient reasons to the Court why they sold the said Joseph Quillen as a Servant.”

Doubtless many a good house wife at the present day wishes that the Courts would take cognizance of recommendations given by so-called “Intelligence Offices” and punish accordingly.

The “October Sessions” of the Court “at Robert Hanna’s Esquire” were presided over by “Thomas Gist Esquire and his associate Justices of the same Court.’ Thomas Gist was, I would state, Thomas Gist, son of “Bold” Christopher Gist, the intrepid guide of the young surveyor and Virginia Major, George Washington, in 1753 on his memorable mission from Governor Dinwiddie of Virginia to the Commandant of French forces on the Ohio, a name then given to the Allegheny also.

There were numerous indictments at these October Session and a few cases of much interest. The first of these was a charge against Edmund Rice, “For diverting an Antient Water course”; but this bill was ignored by the “Grand Inquest.” Another case was “The King vs Simon Girty,” for “Misdemeanor”. A “true bill’ was found and “Process awarded” and “Issued” and that ends the record. This was the notorious renegade, Simon Girty, of whom we have spoken before.

But note this record:

“The King
v
James Brigland

Felony (true Bill)
Defendant being arranged pleads
Guilty and Submits to the Court.

Judgment that the said James Brigland be taken to Morrow Morning (being the 7th Instant) between the hours of eight & ten to the Public Whipping Post & there to receive 10 Lashes on his Bare Back well laid on that he pay a fine of twenty shillings to his Honour the Governor, make Restitution of the Goods stolen to the
The owner & pay the costs of prosecution and stand committed till complied with."

The new county was advancing, for, soon after the first session of Court was held in "the house of Robert Hanna", a jail had been built of rough unhewn logs, one story in height and of one room. Now we find the "Whipping Post", which was made of a large sapling firmly set in the ground and with a cross piece at such a height that the victim's arms bound together at the wrists could be fastened at their length above his head.

But the record of the next day of this Session, that is October 7th, 1773, gives us food for reflection, for on that day the order of the lash made the whipping post famous. The first case is against James Brigland who, as one writer says, "received an appetizer of ten lashes the day before."

"The King

v

James Brigland

Felony True Bill.

Defendant being arraigned pleads Guilty and submits to the Court.

Judgment that the said James Brigland be taken the eighth Instant between the hours of eight & ten in the Morning to the Public Whipping Post and there to receive 20 lashes on his Bare Back well laid on that he pay a fine of six shillings to his Honour the Governor that (he) make Restitution of the Goods stolen to the owner & pay the costs of prosecution & stand committed till complied with."

The second case:

"The King

v

Luke Picket

Felony (true bill) Defendant being arraigned pleads non Cul de hoc

Atty Genl Simileter & issue.

And now a Jury being called came to wit, James Kindcde, William Lyon, John Armstrong, Henry Martin, William Linn, Robert Meeks, James Carnaughan, Joseph McDowel, Lewis Davison, William Davison, John Wright & Alexander Dugless who being duly impannelled, returned, elected tried chosen sworn and upon their respective Oaths do say that Luke Picket is Guilty of the Felony whereof he stands Indicted.

"Judgment that the said Luke Picket be taken to Morrow Morning (being the 8th Instant) between the hours of eight & ten to the Public Whipping Post and there to receive
21 Lashes on his Bare Back well laid on, that he pay a fine of £32-1-0 to his Honour the Governor that he make Restitution of the Goods stolen to the Owner, pay the Costs of Prosecution and stand committed till complied with."

I have found myself wondering what became of Luke Picket and whether he ever raised that £32-1-0 for his Honour the Governor. The record does not show.

And the third case this day:

"The King (true Bill) Defendant being arraigned non Cul de Patrick John Masterson) hoc Atty Genl. Similiter & issue."

The same jury was summoned as in the case of Luke Picket and the verdict was likewise—"Guilty." The judgment, too, was the same save that Patrick John Masterson got off with "15 lashes on his Bare Back well laid on" and a fine of only £5-10.

What a gala day old Hanna's Town must have had that crisp October morning—twenty lashes for James Brigland, twenty-one for Luke Picket and fifteen for Patrick John Masterson, all "well laid on"! How the leaves of the forest around "the house of Robert Hanna," the "Themple of Justice", must have quivered with the cracks of the lash and the shrieks of its victims!

The late learned, but eccentric, Doctor Frank Cowan of Greensburg, touched upon some of these sentences in what he designates as "Poems", which, however, are valuable more for their historical interest than for their poetical measures. From one of these, I quote in part:

And behold! there appeared a felon, bared,
   As a babe at birth, to the waist,
Who, with iron bands about his hands,
  To the whipping-post was braced!

And at his back a man of might
With an uplifted lash,
That, with the word that was spoken and heard,
Descended like a falsh!
Great God! to hear the felon's shriek
That echoed in the wood;
And to see the gash in the quivering flesh
That overflowed with blood!

Again and again the lash came down,
  Till the clerk told one and a score—
Till the shriek decreased until it ceased,
  And the back ran red with gore!

When the reeking wretch from the post was unbound
  And led back to his cell;
His God hence the Devil, the spirit of evil,
  And his future forever, hell!

When lo! the guard with another appeared,
  And bound him to the stake;
And five and ten lashes and five and ten gashes
  Another demon make.

And still a third at the stake was bared,
  And the lash came down again;
Till, gashed in gore, a horrid score
  Have cut out the soul of a man!

The while a throng of old and young
  Applauded with cheers the toast—
Hell, after death, is an empty breath,
  Give us the whipping-post!

What a night that must have been in that one room log jail

At this same term we find reference to the first election:
"Westmorel'd—Before me Arthur St. Clair Esqr: one of his Majestys Justices for the County of Westmoreland Personally appeared Joseph Beelor and James Cavet who by the Indentures of John Proctor Esquire and the Election held
for the County of Westmoreland the first day of October 1773, were elected and returned two of the Commissioners for said County and took the following Oath prescribed by the Act of Assembly for Commissioners viz;" [Note it carefully.]

"Thou shalt well & truly cause the County debts to be speedily adjusted and the Rates & Sums of Money by virtue of an Act entitled an act for raising of County Rates and levys imposed to be duly & equally assessed and levied according to the best of thy skill and knowledge and herein thou shall spare no person for favour or affection nor Grieve any for hatred or Ill Will".

Joseph Beelor
James (Cavet)

The next quarterly session was in January 1774, William Crawford, Esquire, again presiding. The "Grand Inquest," of which Samuel Moorehead was Foreman, had a number of cases to hear. Six of these were for keeping a "Tipling House." True bills were found in four cases and the charges ignored in the other two. One of the Justices of the Courts had a true bill found against him; but there is no record of any fine, though the one defendant who plead guilty had to pay a fine of £5.

This "Grand Inquest" later found a "True Bill" for Felony aganist one William Howard who, on being arraigned, plead guilty and submitted to the court. We read:

"Judgment that the said William Howard be taken to Morrow Morning between the hours of 10 & 12 in the forenoon to the Public Whipping Post & there to receive 39 Lashes on his Bare Back well laid on and then to be taken to the Common Pillory and there to stand one Hour that he make Restitution of the Goods stolen & pay a fine of £20 to his Honour the Governor & that he pay the costs of Prosecution & stand committed to jail till complied with."

Sometimes I wonder what his sentence would have been if he had been tried and found guilty, instead of pleading guilty.

However, you will note that Justice was advancing in its refinement of punishment. The Pillory had been added and, under the old common law, every person passing a pris-
oner in the Pillory was permitted to throw one stone at him.
Let us quote again from Dr. Frank Cowan:

"Come one and all! the children bawl,
And put the case in brief—
Come to the court and see the sport
With Billy Howard, the thief!

*   *   *

"And what a sight for the boys and girls,
The lashes well laid on,
Till thirty and nine their gashing combine
To open the flesh to the bone.

"When, from the post to the pillory,
The felon, red with gore,
Is dragged, amid cheers and ribald jeers,
And forced to stand an hour!

*   *   *

"Yes, one and all, come, children, come—
Come to the village school,
Where you must learn to teach in turn
Your children how to rule!"

As a bit of diversion, let us read a letter (31) from Arthur St. Clair, Prothonotary of "Old Westmoreland," to Joseph Shippen, President of the Council of the Province of Pennsylvania, as this bears upon the early Courts. It is dated at Ligonier January 15th, 1774:

"Sir,—This will be delivered by Mr. Hanna, one of the trustees of Westmoreland County. To some manoeuvres of his, I believe, the opposition to fixing the County Town at Pittsburgh is chiefly owing, as it is his interest that it should continue where the law has fixed the court pro tempore; he lives there, used to keep a public house there and has now on that Expectation rented his house at an extravagant price, and Erwin, another Trustee, adjoins, and is also public-house keeper. A third trustee (Sloan) lives in the neighborhood, which always makes a majority for continuing the courts at the present place. A passage in the law for erecting the county is that Courts shall be held at the foregoing
Place (the house of Hanna) till a Court House and Gaol are built; this puts it in their power to continue them as long as they please, for a little Management might prevent a Court House and Gaol being built these twenty years. I beg you will excuse inaccuracies, as I write in the greatest hurry, Mr. Hanna holding the horse while I write. I will see you early in the Spring."

Let us hope that this letter was properly sealed against the possible inquisitive inspection of the party by whose "kindness" it was delivered in Philadelphia. Apparently St. Clair knew Hanna and, doubtless, Hanna knew St. Clair, but did not care a "continental" for St. Clair's opinion, knowing as he did that he controlled the Trustees of the new county.

In the minutes of these January Sessions of 1774 is the following: "It appearing to the court that John Barr one of the Tavern Keepers of this Country (is) keeping a disorderly House. It is ordered by the Court that the said John Barr is not to sell any Spirituous Liquors for the future in the Township of Mount Pleasant & that he pay a fine of forty shillings."

At the April Sessions, 1774, William Crawford again presided, together with his "associate Justices of the same Court"; but neither then, nor at any other time, were the names of the "associate Justices" noted in these minutes. For the first time at this term, the names of witnesses were entered in the records, either "Pro Rege" [For the King] or "Pro Defendant". One Defendant, Huens West, was unlucky enough to be convicted twice at this session. His first sentence was 15 lashes with the usual accompaniments, to be administered "tomorrow morning"; and the second sentence was likewise 15 lashes &c "to be well laid on" on the "morning of Saturday the ninth." This probably gave him a chance to be thankful for what he had received and also for what he was about to receive. Four indictments for keeping a "Tipling House" were brought against as many defendants, one of whom John Barr had been ordered by the Court at the "January Sessions," not to sell any Spirituous Liquors in Mt. Pleasant township on account of keeping a "disorderly house."

At the July Session of 1774, presided over by Robert Hanna, Esquire, the lash became busy again to carry out the
judgment pronounced upon two defendants, Patrick Leonard and Peter Payne, jointly indicted. The former received 21 lashes and the latter 16, while the two together had to give up to his "Honour the Governor" only seven pounds.

Two licenses for taverns were granted this term, one to Jean Hanna and the other to Philip Freeman. Whether Jean Hanna was of Robert Hanna's family, is not known. Possibly so, for the law of the province forbade the granting of a license to a Justice. Apparently it was desired to keep the bench and the bar separate.

No minutes are on record for January 1775. This absence was probably due to the Virginia controversy which came to a head just at this time. At any rate "His Majesties writ for adorning the County Court of Augusta from the Town of Staunton to Fort Dunmore [Fort Pitt], and with a new Commission of the Peace and Dedimus and a Commission of Oyer and Termener and Dedimus from under the hand of John, Earl of Dunmore, his Majesties Lieutenant and Governor in Chief," was dated the sixth day of December one thousand seven hundred and seventy-four. (32) Accordingly the first session of this Court was held on February 21st, 1775, at Fort Pitt, renamed Fort Dunmore in honor of the Earl of Dunmore, Governor of Virginia.

The April Sessions were presided over by William Lochry, Esquire, who was but the fourth out of the original twenty-six Justices, to preside at a court session. The splitting up of townships began at this session and Derry was the first new township formed. The usual number of cases of "forcible entry" were brought up. Apparently this session was held contrary to orders of John Connolly, agent of the Earl of Dunmore, Governor of Virginia, for later, after the session had closed, several of the "associate Justices" were arrested and taken to Staunton, Virginia. (33) This controversy was kept up for five years and more; but nothing daunted, the Justices of Westmoreland continued the sessions at "the house of Robert Hanna", and he presided at the next, the July Sessions. There was little of interest at this time, except a number of "forcible entry" cases, the title to lands being the all important question.
Reading on into these records, we come to October Sessions of 1775. Robert Hanna sat as Judge at this term and note particularly that Jas. Kinkaid was Foreman of the "Grand Inquest." Among the cases that came before it was:

"The King v Defendant being arraigned pleads
Elizabeth Smith Guilty and submits to the Court.

Judgment that the said Elizabeth Smith be taken this afternoon (being the eleventh instant) between the hours of three & five & there to receive fifteen lashes on her Bare Back well laid on ['twas ever thus with the lash!] that she pay a fine of eighteen shillings & five pence to his Honour the Governor that she make restitution of the Goods stolen that she pay the Costs of prosecution & stand committed until complied with.”

Written after this is one word—"Judgment,” while on the margin are the following notations—“Shff received his fee & fine. Clks fees & Attys fees paid.”

On the afternoon of the same day, presumably after the judgment of the Court had been carried out, the following is of record:

“At a Private Sessions held at the House of Charles Foreman in the County of Westmoreland on the eleventh day of October Anno Domini one thousand seven hundred & Seventy-five before Robert Hanna, William Lochry, James Cavet & Samuel Sloan Esquires Justices of the same Court.” [You will recall that any three of the Justice of the Courts or Justices of the Peace could hold court.] “Upon the application of James Kinkaid [Foreman of the “Grand Inquest”] to this Court setting forth that his Servant Elizabeth Smith had been confined in Gaol for Felony a considerable time from his service, whereby he was put to great Charges & expences and lost the labour and Service of the said Servant for a considerable time and Praying the Court to adjudge the said Servant to Serve him & his assigns such reasonable time in consideration of the premises as to the Court should seem meet. It is considered by the Court and ordered that the said Servant Elizabeth Smith do serve her said Master James Kinkaid and his assigns for the space &
time of two years from and immediately after the expiration of her time by Indenture, in full satisfaction and recompense of the Charges, expenses and loss of time aforesaid."

How the Master, James Kinkaid, must have rejoiced in the majesty of the law and the justice of its courts; but still we are not through with the case of Elizabeth Smith. After the minutes of the "Private Sessions" is the following record:

"Westmorel'd County SS

We the Grand Inquest for the Body of this County Being Called upon by the Sheriff of the County to view the Gaol of this County and upon Examination we find the said Gaol is not fit nor sufficient to confine any Person in without Endangering the life of any Person so confined.

Joseph Beelor, Foreman."

Elizabeth Smith had been confined therein "a considerable time" and had two years, "a reasonable time," added to her period of servitude. But let us see what the eminent Dr. Frank Cowan had to say about her case. His words are few, only four lines, but mighty forceful:

"For a thousand years, the crimes of woman Should be forgiven forthwith, To balance the wrong, and treatment inhuman, Meted out to Elizabeth Smith."

After the minutes of the "October Sessions" 1775, there are a number of blank pages in the record and the next session recorded is that of April 1776. Then for the last time, we read:

"At a Court of General Quarter Sessions of the Peace held at the house of Robert Hanna Esquire for the County of Westmoreland the Second Tuesday of April in the Sixteenth 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 &c before Robert Hanna Esquire and his associate Justices of the same Court."

This session was of little importance, showing only a few criminal cases, but many road petitions. Following the minutes is a break and there are a number of blank pages. Then we read:
"At a Court of General Quarter Sessions of the Peace held at Hanna's Town [not "the house of Robert Hanna"] for the County of Westmoreland in the Commonwealth of Pennsylvania the 6th day of January in the year of our Lord One thousand Seven hundred and Seventy Eight, Before Edward Cooke, Esq., Precedent and his Associate Justices of the same court."

The Revolution had come. The King was dead. Long live the Commonwealth!

Edward Cook was not one of the original Justices of Westmoreland under his Majesty, King George III; but the General Assembly of the new commonwealth appointed him a Justice of the Peace for Westmoreland on June 11, 1777 and gave him additional power on the same day under a "Dedimus Potestatem."

Only two cases were recorded at this term, one being for "Misprision of Felony." In this case, the three defendants were bound for appearance at the next term of court in amounts so large as to indicate the beginning of the depreciation of Continental currency.

At the "July Sessions" of 1778, Edward Cooke, Esq. presided. The only point of interest at this session was the amounts of bonds required in cases of "Misprision of Treason". There were Tories even on the frontier and the Courts apparently took no chances on their leaving.

At the "October Sessions," of 1778, Edward Cooke, Esquire, "Precedent," the "Grand Inquest," William Waddel, Foreman, made the following return:

"Commonwealth v. William Mitchell

Misprision of Treason (true Bill) Defendant being arraigned pleads non cul de hoc Atty Genl Simileter & Issue.

And now a Jury being called came to wit [names not entered] who being duly Impannelled, returned, Elected tried chosen and Sworn—upon their Respective Oaths doth say that the said William Mitchell is Guilty of the Treason whereof he stands Indicted."

"Judgment that the one half of his Goods and Chattels are Forfeited to this Commonwealth and himself be Imprisoned during the present War."
The January Sessions" of 1779, Charles Foreman, "Precedent", were memorable for the record of the first admission of an attorney. "On motion of David Sample Esqr. for the admition of Michael Huffnagle Esq. as an attorney of this Court. The Court after due consideration admit the said Michael Huffnagle accordingly he having taken the Oath prescribed by Law."

The "April Sessions" of 1779, Edward Cooke, Esquire, presiding, marked a high point in business, there being numerous indictments for "Misprision of Treason"; but there is one interesting case, entitled "Respublica v Cornelius Woodruff" and marked "On a Judgment of Felony", though the record of the original indictment could not be found. However, we read:

"On motion of Mr. Irwin it appeared to the Court that soon after Judgment was given in this Case and before the time ordered for the Corporal Punishment, by the oath of Daniel Cain and other Evidence that the Defendant was not guilty of the charge whereof he was then convicted whereupon the Sheriff did not cause the Corporal Punishment to be inflicted."

"The Court do as far as the power lies acquit the said Defendant of the charge whereof he was Convicted, and do recommend him to the Honorable the executive Council for the remission of his fine."

Another case at this term was as follows:

"Respublica \{\}
Frederick Merchant tent in £40
v
Frederick Merchant \{\}
John Perry Esqr. 20

Conditioned for the appearance of the said Frederick Merchant at the next Court of General Quarter Sessions of the peace to be held at Hannastown to answer to such matters and things as shall be objected against him in behalf of the Commonwealth." Such powers fully exercised at the present time might cause a bit of excitement, to say the least.

The July Sessions of 1779, before Joseph McGarrah, Esqr., "Precedent," have one interesting item:

"William Shaw late Overseer for Hempfield gives information of the following strays viz one Young Mare in the
possession of Robert Hanna—a Bay horse five years old in the possession of John Jackson—a Mare in the possession of James Blair and a Creature in the possession of Robert Taylor.”

Passing over the October Sessions of 1779, Charles Foreman presiding, we come to January Sessions, 1780, Charles Foreman, again presiding, and read:

“On the petition of William Jack and Michael Huffnagle Esqr. setting forth the necessity and advantage of Wood Rangers being appointed in this County agreeable to Act of Assembly and praying to be appointed for that duty. The Court do approve of the said Petition and the said William Jack and Michael Huffnagle are accordingly appointed Rangers for the County agreeable to Law.”

At the April Sessions of this year, Edward Cooke, Esquire, presiding, Frederick Merchant was indicted for Felony, found guilty and sentenced as follows:

“That he restore the Goods stolen or value thereof to the owner if not already done—that he pay a fine to his Excellency the President of Sixty seven pounds—that he pay the Costs of Prosecution and that on the first Tuesday in July next [that is, three months ahead] to be taken to the Public Whipping Post and there receive ten lashes on his bare back well laid on and until this Judgment is complied with to stand committed.”

Also at this session, Charles Stewart was sentenced to undergo ten lashes, &c, on the 7th of April and pay a fine of £45-10 shillings. Doubtless he paid the penalty; but as to Frederick Merchant, before the July Sessions came, Edward Cooke, presiding, a pardon awaited Merchant. Looks a bit like modern politics, doesn’t it?

Continental currency apparently had depreciated to such a degree by the time of the October Sessions in 1780, that in three cases where charges of “Misprision of Treason” were made, bonds were demanded and furnished, in the amount of £40,000 each, to guarantee the appearance of the defendants at the next term of court. Some of the witnesses were required to give bonds in the amount of £15,000 each.

January Sessions, 1781 Edward Cooke, Esquire, presiding—this session was rich in Treason cases and marked
by more bonds in large amounts. Even Robert Hanna, one of the Justices, had to give bond for his appearance at the next term of court, as a witness.

Both the April and July Sessions of this year were presided over by Edward Cooke, Esquire. At the latter session, "David Rankin was recommended to keep a Public House of Entertainment for the Ensuing year." At the October Sessions, Edward Cook, presiding, an indictment was brought by "Respublica" against John Southwick for "Grand Larceny," and a "true bill" was found. Later on trial, the Jury found him "guilty". Note the sentence—Restore the goods stolen or value thereof to Catharine Rule, pay a fine of equal value to that of goods stolen to the Commonwealth, pay costs of prosecution, be whipped at common whipping post with ten lashes well laid on and stand committed till complied with.

At the January Sessions of 1782, Michael Huffnagle took the oath required, after the reading of the commission appointing him Prothonotary, Clerk of General Quarter Sessions of the Peace, Clerk of Orphans Court and Justice of the Court of Common Pleas for Westmoreland County. When Arthur St. Clair entered the Continental Army in 1776, Michael Huffnagle had been appointed to take his place; but he later entered the service of the Colonies as a Captain. He refused to give up the court records for a time, taking them out of the county. However, President Wharton of the province laid the matter before General Washington in a letter that was brief and to the point, referring to Huffnagle's action as "a most audacious Insult Offer'd to the State." (34) The letter had the desired result and the records were quickly returned; but Huffnagle's action was not an isolated case as Prothonotaries frequently claimed the records as personal possessions, just as are the dockets of Justices of the Peace.

For a time during the Revolution, these records were poorly and carelessly kept by clerks. So that when Capt. Michael Huffnagle returned from service on being wounded, all was apparently forgiven and once more he became Prothonotary &c.

The April Sessions 1782, Edward Cooke, presiding, give the record of an interesting case. Henry Scott was indicted
for Felony. Later the Jury was sworn and the case heard. There were three witnesses “Pro Respública”, as follows: Edward Cooke Esquire, [the presiding Judge], Michael Huf- nagle, [Prothonotary &c as well as a Judge], and Robert Purdy, while the witnesses “Pro Defendant,” were William Stewart and James McClellan. It does not look as though the Defendant had much chance; and apparently he did not, for note the verdict of the Jury: “Henry Scott is Guilty of the Felony whereof he stands Indicted in the following man- ner and form to wit—We the said Jurors upon the indict- ment preferred by the Commonwealth against Henry Scott for Stealing a Mare and colt, Though we do not find from the Testimony that the said Mare and colt or either of them is positively proven to be the Property of Thomas McMullen, Yet we do find the said Henry Scott Guilty of Stealing the said Mare and colt.”

In other words—we don’t know when you got the mare and colt, nor where, nor how, nor whose they were; but we think you stole them.

And now we come to the “July Sessions” of 1782, which convened on the second Tuesday, the ninth, and at which Edward Cooke, Esquire, presided. This was an unusually busy session; but how long it lasted, we cannot tell, as each days record was at no time listed separately. However, Saturday, the thirteenth of July, 1782, became memorable as on that day without any preliminary warning, Hanna’s Town was attacked and burned by the Indians and a certain number of “Renegade Whites,” in all probability led by Simon Girty, of whom one writer has said: “No other country or age ever produced, perhaps, so brutal, depraved and wicked a wretch as Simon Girty”. Only two houses, one being “the house of Robert Hanna,” the then “Temple of Justice,” were saved from destruction, due to their being covered by the stockade fort. Likewise the minutes of the Courts were hastily taken to the stockade and thus fortu- nately preserved for our interest, information and enlighten- ment. (35)

As stated, this was a busy session. Many bonds were entered of record, in various, and in some cases large, amounts, conditioned for the appearance of defendants and
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witnesses at the next term of court. Tavern keepers, to the number of twelve, were “Recommended to sell spirituous liquors in small measure,” among the number being five women. This fact in itself scarcely indicates any anxiety on the part of those pioneers as to danger of an Indian uprising.

There was one indictment for “Felony” at this term, being “Respublica vs Patrick Butler”. He was found guilty and ordered—“To be taken to the Public Whipping Post between the Hours of eight & twelve of the clock tomorrow morning and there to receive thirty one lashes on his bare back well laid on” &c. Whether this judgment was ever carried out is not known, for it was to be “tomorrow morning.” Possibly the attack of the Indians and renegade Tories gave this victim his release for in the annals of the burning of Hanna’s Town, it is recorded that “the door of the round logged jail was opened, and the prisoners confined were allowed to go at large.” (36)

As to the record of this session, there is a change in both the handwriting and the ink, before it closes with three petitions for the opening of roads, one of which was to extend from Hannastown, south to Bovelars (?) Ferry (Youghiogheny River) and so on to Beeson’s Town, now Uniontown.

Notwithstanding the burning of the county seat in July and the murders, outrages, destruction of property, and taking of captives, there and in the vicinity, the October Sessions of court were held as usual, Edward Cooke, presiding; and remember also, that the Sandusky expedition, with its deplorable results, had taken place in June. And this was a busy session with the usual routine of appointments and reports of constables, many indictments and also many bonds, some in large amounts. No jury, however, was listed. Nor did the burning of Hannastown faze John Ormsby, who apparently was an optimist, for we read that he was “Recommended to keep a Public House of Entertainment in Pittsburgh.” This is the first record of the location for a tavern license. It is interesting to note of John Ormsby that he had come with General Forbes in 1758 on the expedition against Fort Duquesne as “Commissary of Provisions.” (37)
January Sessions 1783, John Moore, Esquire, presiding, and James Guthrie, Foreman of the “Grand Inquest”, was a busy session. Many bonds for appearance were filed and numerous petitions for roads as well as returns of viewers and confirmation of reports. Four rules for admission of attorneys were laid down.

And now we come to the April Sessions of 1783 the last session in the record we have been quoting. Charles Foreman presided at what was a very busy session made up mostly of criminal cases. As a finish to this record of the first English court held west of the Alleghenies, I wish to quote the minutes of one case at these April Sessions 1783, as follows:

“Commonwealth v John Smith Felony

John Smith, the prisoner at the Bar, being arraigned pleads guilty and submits to the Court. Judgment; that the said John Smith, the prisoner at the Bar, be taken tomorrow morning, between the hours of ten and twelve in the forenoon, to the Public Whipping Post, and there to receive thirty-nine lashes on his Bare Back, well laid on; that his Ears be cutt off and nailed to the Common Pillory, that he stand one hour in the Pillory; that he make restitution of the Goods stolen; that he pay a fine of twenty pounds for the use of the commonwealth, and that he stand committed until this sentence is complied with”.

It seems to me that there was but one thing to add—“And may God have mercy on your soul”.

And now, having given a resume of the minutes of the first courts in Westmoreland County, the first civil courts in “Western Pennsylvania”, the first English courts west of the Allegheny Mountains, I desire to say that I hope that no one will think that there was any animosity on my part in giving, as recorded, the names of many of those unfortunate figuring in these minutes. Remember that conditions have changed and so have ideas. Many of those early pioneers, who labored, fought, and, maybe, committed larceny in the struggle for existence in those days, lived through their frightful experiences to become honored and
respected citizens, whose descendants rightly revere their memories.

Nor would I have you think that the "Lash" figured alone at Hanna's Town in "Western Pennsylvania". On the contrary, at the Virginia Courts held at Fort Dunmore [Fort Pitt] on the 23 February 1775, one defendant, after being found guilty, was sentenced to receive "five hundred lashes with a cat-o-nine tails on his bare back, well laid on", "at such times and in such number as not to endanger life or member."

In closing, let us consider the conditions surrounding the making of these records at "the house of Robert Hanna" in the midst of the wilds of western Pennsylvania and on the first great highway to the West which, though unimproved, was traveled by the ubiquitous Indian trader of those days and by the brave and hardy pioneer seeking a home and fortune on the unsettled and dangerous frontier; and then let us think of these records, now carefully treasured in the modern court house at Greensburg, on the improved "Lincoln Highway" whose traffic probably surpasses that of the whole continent in colonial days and whose pleasure-loving throngs honk their loudest of a Sunday as they cross Main St., unmindful of the past and, in too many cases, thoughtless of the future.

Pittsburgh, Pa.

Alexander S. Guffey

REFERENCES

3. Compiled from Colonial Records and Pennsylvania Archives.
6. Ibid., p. 361.
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9. Ibid., p. 51.
12. Name given to Boundary Lines as surveyed between the Provinces of Pennsylvania, on the North, and Delaware and Maryland (Later also Virginia) on the South, by Charles Mason and Jeremiah Dixon under original direction of King George III, of England. See *Report of Secretary of Internal Affairs on the Boundaries of the Commonwealth, Pennsylvania*, 1887.
13. Ibid., pp.291 and 327-328.
27. Ibid., p. 61.
28. Ibid., p. 52.
31. *Pennsylvania Archives*, IV, 471
34. Ibid, pp. 55,56.
35. Ibid., p. 139.
36. Ibid., p. 139.