

A BRIEF HISTORY OF GREENE COUNTY AND ITS COURTS

“A STRUGGLE FOR POSSESSION”

Long before King Charles II granted William Penn the colony of Pennsylvania on March 4, 1681, the Native Americans had their own claim of title and councils of government upon this land. Indian Sachem of the Six Nations ruled the lands, including Greene County, made the laws, chose the trails, settled their disputes, and determined the battle sites.

Later, due to ambiguities in the Royal Charters, both Pennsylvania and Virginia claimed the land which included what would later become Greene County. The earliest settlers within our boundaries arrived in the later 1750's, after Christopher Gist had scouted the area. Settlers arrived in reasonably large numbers between 1760 and 1770. Due to the Indian peril, the area was characterized by Bates as “A dark and bloody ground.”

The colony of Virginia was divided into sixteen districts of which West Augusta was one, comprising all the territory drained by the Monongahela, Youghiogeny, and Kiskeminitas and the streams falling into the Ohio. In 1776 the Virginia assembly passed an Act, Patrick Henry being Governor at the time, further dividing the limits of West Augusta into three counties: Ohio, Yohogania and Monongalia. Ohio County included all the territory drained by the streams falling into the Ohio River as far north as Cross Creek and included what would be the western one-third of the present Greene County. Monongalia County laid east and south of the other two Counties, embracing all the land drained by the Monongahela River including what is now the eastern two-thirds of Green County. Yohogania, the northern county, did not contain any part of what would eventually become Greene County.

The same Act provided that after the 8th day of November 1776, court shall be held every month by the Justices of the respective counties; the first Monday in Ohio County at Black's Cabin, now West Liberty; the second Monday of the month at the plantation of Theophilus Phillips, near New Geneva in Monongalia County, now Fayette County, and the fourth Monday of the month at the plantation of Andrew Heath for Yohogania County, the northern county.

William Penn claimed in his grant, issued by King Charles II as signed March 4, 1681, “all the lands lying west of a south line to be drawn from Dixon's and Mason's line as it is commonly called at the western most part of the province of Maryland to the beginning of the fortieth degree of north latitude to the extend of five degrees of longitude from the River Delaware.” Under his claim this territory belonged to Pennsylvania. Initially, the hardy settlers who ventured west of the Allegheny Mountains were served under Pennsylvania jurisdiction a great distance away, being successively located as follows: at Lancaster from 1729 to 1750, at Carlisle from 1750 to 1771, at Bedford from 1771 to 1773, at Hannastown (Westmoreland County) from 1773 to 1781, at Washington from 1781 to *February 9, 1796, the date that Greene County was created.*

After moving from Lancaster in 1750, all county business was transacted by the settlers in all the western portion of the province at Carlisle, the present county seat of Cumberland County. On March 9, 1771, Bedford County was erected out of a portion of Cumberland County and included the vast tract of western Pennsylvania, which, of course, included the area comprising Greene County, and for a time, all county business was transacted at Bedford in the new county. The first Court held at Bedford was opened April 16, 1771, over which George Wilson of Georges Creek, Fayette County, presided as Judge for the southwestern portion of the state. In the division of the new County of Bedford into townships, two were created, Pitt and Springhill, the latter including what is now Greene County. IN 1772 the township of Springhill had 308 hand holders, 89 tenants and 48 single freemen.

Therefore, Westmoreland County was formed from the lands west of the Alleghenies on February 26, 1773, and included the area now know as Greene, Washington, Westmoreland, and a part of Allegheny Counties. The courts of this new county were first held at the home of Robert Hanna, at Hannastown near Greensburg. Judge William Crawford, who was land agent for George Washington, presided. Court was last held there in April 1776, being discontinued until January 6, 1778, because of the intervention of the Revolutionary War. By then the Continental Congress was in existence.

A Council of Safety for the territory of Pennsylvania was organized and met in Carpenter Hall in Philadelphia on July 15, 1776, and the free government of the state, divested of crown and propriety control, was launched.

Not only did Pennsylvania have to contend with Virginia for title to the lands lying in the western reaches of its colony, but also with the claim of title by the Indians. In a grand concave of Indians, who had their own governmental structure, held at Fort Stanwix, near Rome, New York, with Governors John Penn of Pennsylvania and William Franklin of New Jersey, as well as representative of Virginia and New York, the chiefs of the Six Nations (Seneca, Delaware, Shawnee, Miami, Wyandot and Mingo) signed the Treaty of Fort Stanwix in 1778. Two of the Six Nations did not sign, the Shawnee and the Delaware. The treaty gave title of a large tract of land including Washington, Greene, and Fayette County to Pennsylvania so far as Indian control was concerned. On the question of Indian title to land, Chief Justice John Marshall of the United States Supreme Court said later "the Indian title to the soil is not of such a character of validity as to interfere with the possession in fee, and disposal of the land as the State may see fit."

After the treaty with the Indians, the settlers were called upon for taxes. The settlers, being largely natives of Virginia and not relishing the support of a court so far distant, petitioned the colony of Pennsylvania for closer county organizations. This precipitated the long standing quarrel between Virginia and Pennsylvania over which should possess and govern this land. Governor Dunmore, having been appointed in 1773 was insistent, and became almost militant in establishing Virginia's claim, directing Captain John Connolly, of the Militia of Pittsburg, to organize the territory and to form a militia for this purpose. Justice Arthur St. Clair of the Westmoreland Court at

Hannastown had Connolly arrested but later released. Connolly returned, as he had promised he would when released, not for trial, but with a militia force and marched away to Pittsburgh. When the Westmoreland Court adjourned for the term, three of the justices, MacKay, Smith and McFarlane, returned to their homes in Pittsburgh and were arrested on King's Warrants and imprisoned at Staunton, Virginia. Governor Dunmore, after a personal interview with Justice MacKay, granted them leave to go back home. By order of Governor Dunmore, the Augusta County Court at Staunton adjourned for its next term on February 21, 1775, to Pittsburgh, Augusta County. Upon doing so, they ordered the arrest of Robert Hanna and James Caveat who were jailed in the Fort Dunmore Jail at Pittsburgh, until forcibly released by a posse which also arrested John Connolly.

The Revolutionary War had diverted the attention of both provinces from their land quarrel. Following the successful military campaigns by the colonists, commissioners were appointed by the governors of both states in 1779 to resolve the land dispute. They met at Baltimore and agreed to "extend the Mason and Dixon's line due west five degrees of longitude to be computed from the River Delaware, from the southern boundary of Pennsylvania; and that a meridian drawn from the western extremity thereof to the northern limit of the state be the western boundary of Pennsylvania forever." The Assembly of Pennsylvania adopted the report of the commissioners November 19, 1779, and the Virginia General Assembly, after the matter was presented to the attention of the Continental Congress, ratified the report on June 23, 1780, on certain conditions, one of which was that the inhabitants of the area not be subject to Pennsylvania tax for that year or any taxes then in arrears. John Lukins and Archibald McLean for Pennsylvania, and James Madison and Robert Andrews for Virginia were designated to make the surveys. Finally, on March 26, 1783, with Benjamin Harrison as Governor of Pennsylvania, the southern boundary line was finally settled, determined by sixty observations from the Wilmington observatory of the eclipses on Jupiter's satellites. The western line of the state was completed on August 23, 1785.

Even before the lines had been finally run, on March 28, 1781, an Act was passed in Pennsylvania erecting Washington County, which included all the territory comprising what are now Washington, Greene, and parts of Allegheny and Beaver Counties. Provisions were made to transfer the authority of the courts from Westmoreland to Washington County. Henry Taylor, the first commissioned justice, was president of the courts, followed by the appointment of Alexander Addison, under the first Pennsylvania Constitution of 1790.