

HISTORY
OF THE
COUNTY OF WESTMORELAND,
PENNSYLVANIA,
WITH
BIOGRAPHICAL SKETCHES
OF MANY OF ITS
PIONEERS AND PROMINENT MEN.

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JUDGE JOHN YOUNG

was born in the city of Glasgow, Scotland, on the 12th of July, 1762. He was a member of an ancient Scottish family, distinguished for its wealth, learning, and high rank, branches of it having been ennobled before the reign of the unhappy Mary, Queen of Scots.

Mr. Young's father and grandfather were both surnamed John. He had three brothers, named Thomas, Douglass, and William, and one sister, named Mary. They were all liberally educated. The father of Judge Young was a wealthy merchant of Glasgow, and lived in a style becoming his station and wealth, and gained a reputation for great liberality and kindness of heart, which qualities his son inherited in an eminent degree.

Through the generous impulses of a nature ever ready to serve his friends and relatives he became financially involved. He bailed his brother William for a large amount, for which debt his property was all sold, and he died in ten days after in consequence of the anxiety of mind which that event caused him.

At the time of his father's death Mr. Young was a student at law, and a clerk in the office of Sir Walter Scott's father. After he had procured places for his younger brothers, he emigrated to this country, and arrived in Philadelphia when about seventeen years of age, with, it is said, but one English shilling in his pocket. Here he attracted the notice and secured the favorable attention of Mr. Duponceau, then a notary public and sworn interpreter of foreign languages. He entered his office as a student-at-law on the 1st of January, 1784. On the 28th of January, 1785, Mr. Duponceau certifies that he derived great and valuable assistance from Mr. Young in his office, both in respect to legal matters and the French language.

Mr. Young afterwards entered the office of Judge Wilson, and studied law under him until his admission to the bar, Jan. 8, 1786, after which he practiced for some time in the Philadelphia and Chester County courts previous to his removal to Westmoreland County.

The high character of the Scotch and Scotch-Irish settlements in the western part of the State and their great prosperity induced Judge Young in 1789 to settle in Westmoreland County. He opened an office in Greensburg, then recently made the county-seat, and soon gained a large practice in this and adjoining counties by reason of his ability as a lawyer and his absolute integrity of character.

His extensive practice frequently called Mr. Young to the cities of Philadelphia and Baltimore. In Philadelphia his predilections for the teachings of Swedenborg often brought him into association with Mr. Francis Bailey and his estimable family. In this family he became acquainted with a Miss Maria Barclay, an orphan girl, to whom he was so drawn by the attraction of congenial tastes that he ultimately made her his wife. He was past twenty-four and she was past twenty-one years of age when they were married in Philadelphia by the Rev. Nicholas Collin, then rector of the Swedish Churches in Pennsylvania, with whom he had become acquainted in his inquiries about Swedenborg, whom Mr. Collin had personally known in Sweden. From the certificate of Mr. Collin it appears that Mr. Young and Miss Barclay were "joined in the banms of holy wedlock" "on the 12th day of November, in the year of Christ 1794." With this lady he lived in the strongest bonds of mutual attachment for many years, having had by her the issue of eight children,—three sons and five daughters. After the decease of this lady, beloved and respected by all, the judge contracted a second marriage with Miss Statira Barclay, a cousin of his former wife, by whom he had two children,—a son and a daughter.

Judge Young in Westmoreland County soon became known as a man of force and discretion. He was chosen in 1791, with Nehemiah Stokely, a survivor of the Revolutionary period, as a delegate to the first meeting at Pittsburgh called to consider the troubles occasioned by the act of Congress of the 3d of March, 1791, which imposed a duty upon spirits distilled within the United States. The revolt against the "excise act," as it was called, has been known ever since as the "Whiskey Insurrection."

Judge Young's participation in the negotiations between the contesting parties added largely to his popularity and materially increased his clientage.

In the years 1792 and 1793, when the Indians were troublesome in the western parts of Pennsylvania, Judge Young served two terms of two months each in a military capacity. He was in some subordinate command, a captaincy it is believed, but not now positively known. He had, however, no passion for military pursuits, and soon and gladly returned to the more congenial walks of civil life in Greensburg.

Judge Young continued the practice of the law with eminent success till the year 1805. In that year a vacancy occurred in the president-judgeship of the Tenth Judicial District of Pennsylvania, then composed of the counties of Somerset, Cambria, Indiana, Armstrong, and Westmoreland. At that period Thomas McKean was Governor of the State. There were many applicants for the office, and among them lawyers of the first eminence at the Greensburg bar. Letters of solicitation were forwarded by the friends of Mr. Young, and it was currently reported that the Governor said he would appoint him, because he knew

him to be qualified by his firmness, integrity, and great legal acquirements to preside over that talented though turbulent bar, but *he did not like his religion!*

Mr. Young was in fact appointed president judge of said district, his commission bearing date at Lancaster, the 1st of March, 1806, and held that office until the latter part of 1837, a period of thirty-one years, when, admonished by bodily infirmities, he resigned official station, and retired to private life to enjoy the repose appropriate to advanced age, and sweetened by the retrospections of a long and successful career of distinguished activity and usefulness.

When Mr. Young was appointed judge he was realizing from his legal engagements and his agencies an annual income of about five thousand dollars. This income he was reluctant to relinquish, and accepted the judgeship only on the earnest solicitations of his friends. He was generally employed in all the larger cases in the civil courts of this and the adjoining counties where titles to land were the subjects of legal adjudication. His proficiency in this branch of the law and his habits as a lawyer were notably displayed in one celebrated case. When the right to the land upon which the Roman Catholic Church and Monastery near Beatty Station now stands was in dispute between the secular and the regular clergy, Mr. Young was employed on one side, and H. H. Brackenridge, Esq., the father of Judge H. M. Brackenridge, of Tarentum, and himself afterwards a judge of the Supreme Court of the State, was employed on the other. Brackenridge had been educated for the ministry, and on the trial there was a great display of ecclesiastical law and learning. The bulls of Popes and the decrees of Councils were read in the original Latin, and explained in this case with ease and accuracy, and the exact extent to which canon law was acknowledged by the common and statute law.

Judge Young was at this time considered the best special pleader at the Western bar. His anxiety to sustain this nice though intricate practice in law brought him into collision with some of the members of the bar at an early day of his judicial career, which was one of the causes of an impeachment that was then gotten up against him, but which was not sustained by the Legislature. It was an abortive attempt to degrade a man whose integrity, benevolence, and general excellence of character wrung approving testimony from even his most active political opponents.

The person who preferred the charges in the articles of impeachment, and who was mainly instrumental in giving them currency and in preparing the way for their introduction, was one of the leading lawyers of the Westmoreland bar, Maj. John B. Alexander.

Judge Young showed his magnanimity of character in his courteous treatment of his accuser in their intercourse after the failure to impeach. As a judge he was noted for the clearness of his charges and instructions. His exposition of the law was so sound

that in nearly all his cases his decisions were affirmed by the Supreme Court.

As a criminal judge, he invariably leaned to the side of mercy, and that the prisoner might have a fair and impartial trial he always manifested the utmost patience and anxiety to have the very words of the witness, which oftentimes produced collisions between him and the bar. And in all cases he tempered justice with every allowable lenience. He has been known to decide causes against persons who afterwards treated him with gross disrespect, and yet, when his decision had been affirmed in the Supreme Court on writ of error, to advance moneys to the very individuals who had showered upon him indecent reproaches and abuse to relieve them from the difficulties occasioned by the decision. He was ever the warm friend and devoted advocate of women in distress, and especially of widows and orphans. A case occurred in Cambria County in the year 1831. A man by the name of Fitzgibbons, a Catholic in religion, poor, but honest and industrious, had bought a piece of land and paid for it. But afterwards it appeared that a mortgage had been recorded against the land, of which he was not aware when he made the purchase. On that mortgage the land was advertised to be sold. The judge, when going into court one day, had his attention arrested by a woman crying, with two or three young children about her. He inquired the cause, and learning from her that her husband's land was to be sold on the mortgage, besides making himself acquainted with the facts in other quarters, he directed a Mr. McCabe to buy it in his own name with money which he advanced to him. Her husband, who was then lying at home sick, was told to meet him at the next court, at which time he gave him a lease at a low rate, and contracted to reconvey to him his land for the amount he gave the sheriff at the sale, on long payments, without interest, although he had been repeatedly offered a considerable advance on what he had paid for the land, on account of its value being increased by the proximity of the State improvements to it.

Judge Young survived his resignation a little over three years, dying Oct. 6, 1840. His remains were buried in the Greensburg burying-ground, which is now called the St. Clair Cemetery. Judge Young was in many respects a remarkable man, and might be called eccentric in some of his habits, an evidence, however, of his originality. He was a man of deep and varied learning in fields outside of his profession. He was master of seven languages, one of which he acquired after he was seventy years of age.

He was well versed in mathematics, moral and political philosophy, and polite literature. He was a brilliant Latin scholar, speaking the language fluently. He occasionally visited the Greensburg Academy when Thomas Will was the master, and the two learned men would frequently converse in the Latin tongue. He also spoke French with fluency. When

James Johns, who had been educated at St. Omers, in France, was preceptor in the academy, Judge Young frequently visited him, and the two conversed with equal readiness in French and English. When Victor Noel, a Frenchman, was arrested and imprisoned in the Somerset County jail for the murder on the Allegheny Mountains of Mr. Pollock of Lig-onier Valley, Judge Young presided at the trial, because his knowledge of the French language would secure the prisoner a fair trial. He explained the indictment and other forms of the trial to the prisoner in French, who had the satisfaction to be sentenced to be hanged in the polished language of his native land. Judge Young was remarkably well informed on church history and denominational beliefs, and with the best thought in the metaphysical world. In addition to his extensive law library, he left a large collection of miscellaneous books, magazines, and pamphlets, the best kind of evidence of scholarly tastes.

The religious opinions of Judge Young were in consonance with the teachings of that wonderful man, Emanuel Swedenborg. In common with many who have studied the teachings of Swedenborg, he saw in him a great teacher. When one reads what Emerson, one of the greatest philosophers of this age, has said of him, it will not be surprising why Judge Young, with his lofty ideal of justice and right living, embraced the tenets of the great Swede. Emerson says, "By force of intellect and in effect he is the last father in the church, and is not likely to have a successor. No wonder that his depth of ethical wisdom should give him influence as a teacher. To the withered traditional church yielding dry catechisms he let in nature again, and the worshiper, escaping from the vestry of verbs and texts, is surprised to find himself a party to the whole of his religion. His religion thinks for him and is of universal application. He turns it on every side, it fits every part of life, interprets and dignifies every circumstance. . . . The moral insight of Swedenborg, the correction of popular errors, the announcement of ethical laws take him out of comparison with any other modern writer, and entitle him to a place vacant for some ages among the law-givers of mankind."

Judge Young, though he became devotedly attached to his adopted country, still retained a strong affection for the mother-country. *The Albion*, a handsome paper published in New York, was edited by a man named John Young, and it was intended to defend the interests and express the sentiments of British subjects resident in the United States. Its heading was adorned with a handsome engraving of the "rose, shamrock, and thistle," and its motto was expressed in the following Latin words: "*Caelum, non animum, mutant, qui trans mare currunt*" ("They change their sky, not their affections, who cross the sea"). Of this paper Judge Young was a patron, admirer, and reader.

By the failure of heirs in the direct line to the estate of Easter Culmore, in the county of Stirling, Scotland, Judge Young became Laird of Forrester, being next of kin in collateral degree. He was thus an American judge and Scottish laird at the same time.

A romantic interest is attached to the story of this inheritance, uniting as it does in the same individual the republican simplicity of a new world and the ancestral pride of the old, which compelled him to assume the name of Forrester in addition to that of Young.

The revenues of this Scotch estate amounted during the first half of the century to about three hundred pounds sterling, or fifteen hundred dollars yearly. When Judge Young emigrated to this country money was very scarce and lands very cheap. He made judicious investments, accepting land for fees, and in the course of a long life acquired a large amount of landed property in this country, besides holding stock in a number of corporations. His children were left wealthy.

The residence of Judge Young was on Main Street, opposite the present Methodist church building. It was a plain, unpretentious structure, weather-boarded and painted white. He dispensed a liberal hospitality; as a host was fond of entertaining company, and was especially partial to the society of learned men and travelers. His character and disposition were of the most amiable kind. His kindness to the poor and destitute was proverbial. During a time of great scarcity he sent a wagon-load of flour to the poor in one of the counties in which he presided as judge. He never permitted a poor man to leave his house without giving him something. He silenced all suggestions that he might possibly be giving to unworthy objects by fearing lest some one who was really needy might be turned away unaided. In short, so benevolent and kind-hearted was the judge to all who came within his sphere that all who knew him loved him, and so marked was he by integrity, truth, and uprightness that all respected him, despite of what many regarded as the eccentricities of his character and the errors of his religion. So, in closing an obituary notice of him in a Greensburg newspaper a neighbor of his said, "The affluence with which providence blessed the labors of Judge Young enabled him to gratify those kindly feelings for the wants of others which it was well known formed a prominent trait in his character. No one ever went from his door who sought charity without having reason to invoke the blessings of heaven upon the kindness of his heart. No juror ever sat in judgment upon a culprit without being reminded by the judge that it was better to let ninety-nine guilty ones go unpunished than that one innocent person should suffer. He was as remarkable for his politeness and courtesy as he was distinguished for the extent of his literary acquirements. Profound as a jurist, courteous as a citizen, affectionate as a

father, upright as a judge, he discharged all those duties to his kindred, his country, and society, which will make him long remembered as a Christian, a philanthropist, and a patriot."

For the last few months that immediately preceded the close of his life on earth, he gave evident tokens that these qualities of his heart and life had eminently fitted him to die the death of the Christian.

Judge Young was at one time the owner of several slaves, but freed them before the time required by law. With their liberty he gave them also enough of money to start them in the world.

Judge H. M. Brackenridge, in his "Recollections," in recalling the days when he opened an office in Somerset, says that he spent a week in Greensburg at Judge Young's. "Here I enjoyed the society of the judge, and of my friend, Walter Forward, and the kind attentions of the best of women, Mrs. Young."

The sweet little villa, "Skara Glen," as the country residence of the judge was called, became the subject of one of the elder Brackenridge's poetic effusions. "Skara Glen" is now in the possession of his grandson, Frank Y. Clopper, Esq.

Judge Young was about six feet in height, of delicate mould, and of a dignified bearing, stooping slightly in his walk, occasioned by his contemplative habits. He usually dressed in plain black, with the conventional swallow-tailed coat and ruffled shirt worn by the English gentry of his time. He retained the fashion of wearing his hair in a cue. His face was well formed, the nose long and straight, his color "the pale cast of thought," and his expression always grave and thoughtful. His forehead was high and smooth, and his manner cool and impressive. Although he would sometimes unbend to smile, yet he was seldom known to laugh outright. In company he was very quiet—was a good listener rather than a fluent talker.

There are persons still living who saw the justices of the Supreme Court of the United States, and of the Supreme Court of Pennsylvania, of that day, with Roger B. Taney as the chief of the one, and John Bannister Gibson as the chief of the other, and they all invariably bear testimony to the fact that no one of them inspired more respect, by personal appearance or deportment, than the Hon. John Young. An excellent portrait of him was painted by the celebrated artist Gilbert Stuart, the painter of the famous portrait of Washington known as the Stuart picture. This portrait of Judge Young corroborates all that has been said of his personal appearance. It is now the property of his grandson, Frank Y. Clopper, Esq., who has also one of his grandmother's, the wife of Judge Young, also painted by Stuart. They are both fine examples of Stuart's best work, and are with justice highly prized by their fortunate possessor.¹

¹ Judge Young retired from the bench at the end of November term, 1836. On that occasion he delivered a valedictory address to the grand jury. Alexander Johnston, Esq., was the foreman of the jury, and at

his request the valedictory was furnished to the public. It has never till now appeared in any book. It is a fair sample of the judge's style, and we insert it in behalf of those who still venerate his memory.

Mr. Johnston replied in the following remarks:

"The grand jury have unanimously called upon me, as their foreman, to express their high estimation of your services, impartiality, and integrity, and to say that you have their warm wishes, that peace and happiness may attend your retirement from public life, and also that a copy of your excellent valedictory address be furnished for publication.

"For myself, who have been long acquainted with you in private life, and intimately connected with the court in several ministerial capacities, I cordially unite with my fellow grand jurors in their feelings and wishes, and heartily join in their solicitation.

"To the Hon. JOHN YOUNG, president of the Tenth Judicial District: "The grand jury, whom you have made the medium of addressing your fellow-citizens of Westmoreland County for the last time, among whom you have been long respected and beloved, and over whom you have presided in your official capacity for more than thirty years with impartiality and dignity, respectfully request a copy of your excellent address for publication.

"A. JOHNSTON, Foreman.

"GREENSBURG, NOV. 23, 1836."

ADDRESS.

"GENTLEMEN:

"Before I conclude, permit me to take this opportunity of announcing my intention to retire from public life on the rising of the present court. During thirty years as president of the Tenth Judicial District of Pennsylvania, which for about the half of that period comprehended Somerset, together with the four counties of Westmoreland, Armstrong, Indiana, and Cambria, it has been my study to discharge the duties of my office according to the best of my judgment without respect of either persons or parties. Neither ambition nor emolument could have induced me to accept of it. No efforts were used on my part to attain one attended with so much labor as well as responsibility as it was and has been. It was committed to me by the then Governor (McKean), whose character for independence of mind and high legal talents is justly entitled to respectful commemoration.

"That in various instances I have erred I am well aware. Such is the frailty of human nature, and of all civil institutions and laws, opening a wide field for construction, with the uncertainty and occasionally the conflict of evidence, every human tribunal cannot but be more or less fallible. From the very scope of the duties incumbent on me to afford satisfaction to every person was impracticable. Nor have I ever attempted to please any, or to court what is usually called popularity, which in the administration of justice would have been contrary to Sacred Writ, as well as sound reason. By this course I have lost nothing in the good opinion of the intelligent and impartial portion of the public, although it may have occasionally excited umbrage. Protected, as I gratefully acknowledge to have been, by the Divine Providence, the ebullitions of calumny (to which all holding public trusts are liable) have done me no real harm. I cheerfully take this occasion to declare that I cherish the Christian duty of forgiving all that may have intended any. I shall always remember the general favor of my fellow citizens for little short of half a century since my abode among them. My best wishes for their individual welfare and that of the community at large shall never be wanting.

"Let us, gentlemen, ever bear in mind that we must sooner or later be accountable for the due exercise of all our faculties. Liberty has been bestowed for beneficial ends. When abused it becomes a mere cloak to licentiousness, and is generally accompanied by the contempt of piety and virtue. This abuse leads to anarchy, the worst species of tyranny, followed by the overthrow of all genuine liberty. It ought, therefore, to be under the guidance of sound reason, and regulated by Divine Revelation, the fountains of all wisdom and intelligence,—'the light and the life of men.'

"I conclude with the best wishes for all my fellow-creatures, independent of external distinctions. We are all the children of one common Father, who causes the sun of His love and the rays of His wisdom to shine upon all."

HON. JOHN YOUNG, OTHERWISE HON. JOHN YOUNG FORRESTER.—Elsewhere in this chapter may be found an extended biographical sketch of the Hon. John Young, in which his birth and early life in Scotland and his career in America, especially upon the bench, are narrated. His scholarly accomplishments and other matters of interest concerning him are there also dwelt upon. This gentleman became the hereditary Laird of Forrester, entitling him to the entailed estate of Easter Culmore, in the county of Stirling, Scotland, and, according to laws and customs of that land, used thereafter, in his correspondence and dealings with his relatives and citizens of his native country, the adnomen "Forrester," as required.

Judge Young was born in the city of Glasgow, Scotland, July 12, 1762, and came to America in 1779, and on arrival in Philadelphia entered as a student the law-office of Mr. Duponceau, and afterwards that of Judge Wilson, a man of eminence in his day. Being admitted to practice in that city, Judge Young

eventually settled as a lawyer in Westmoreland County in 1789. In 1794 he married Miss Maria Barclay. By her he had eight children:

First. Hetty Barclay, intermarried with Edward N. Clopper, Esq., and who became the mother of six children: 1. Mary Young, wife of R. W. Burgess, of Washington, D. C.; 2. Elizabeth Forrester, married to William M. Stewart, Esq., now of Philadelphia; 3. Edward D. (deceased); 4. Margaret Jane; 5. Col. John Young Clopper, now of Colorado; 6. Frank Young Clopper, Esq., of Greensburg.

Second. Frank B. Young, who, after being liberally educated in this country, was sent to Scotland to complete his studies, became a physician and a man of much eminence in literature, and was an intimate friend of Sir Walter Scott. He died in Scotland, unmarried.

Third. Ellen M. Young, who married Ephraim Douglass, of Uniontown, Fayette Co.

Fourth. John Young, who was educated at Annapolis, Md., became a midshipman, and was sent abroad to various naval stations. After his father's death, he, being the oldest living son, inherited the titles and estates of his father in Scotland, and became Laird of Forrester. He died in Greensburg in 1846, unmarried.

Fifth. Statira Young, who lived and died in Greensburg, unmarried.

Sixth. Joseph Jameson Young, a lawyer, who settled in Indiana. After the death of his brother John, he went to Scotland and took possession of the estate above referred to, returned, and died in Indiana.

Seventh. Elizabeth Forrester, who married James F. Woods, Esq., of Greensburg, Pa.

Eighth. A daughter, died in infancy.

About 1811 Mrs. Judge Young died, and the judge, remaining a widower for a year or so, took to wife the cousin of his deceased lady, Miss Statira Barclay, by whom he had two children,—Mary Jane, who became the wife of the late Hon. Henry Donnell Foster, at one time the foremost lawyer in the State; and Stephen Barclay Young, still living in Deer Creek, Allegheny Co.

Judge Young was appointed president judge of the district over which he had judicial charge for thirty-one years in 1806, resigned his judgeship in 1837, and died Oct. 6, 1840, in the seventy-ninth year of his age. He was a gentleman of remarkable intellectual acquirements and moral characteristics. He was well versed in many languages, speaking some seven different tongues readily, one of which he acquired after he retired from the bench, he having been a man of very studious habits all his life. Of him are existing many pleasing legends, going to demonstrate his possession of the attributes of an unusually lofty and tender character. It is authentically stated of him that he was one of the most merciful of landlords. In seasons of short crops or of distress among his

numerous tenantry he was in the habit of sending to them, and frequently himself took to them, supplies of provisions, which he freely gave them. His benevolences were a part of his current every-day life, and too much could not easily be said in his praise as a private citizen.