OLD WESTMORELAND'S DELEGATES TO PENNSYLVANIA'S 1776 CONSTITUTIONAL CONVENTION

John R. Nesbitt

Introduction

On February 26, 1773, Gov. Richard Penn established a new county out of that portion of Bedford County lying west of Laurel Ridge. He named this new county, comprising the whole of southwestern Pennsylvania, Westmoreland. The area, now known to historians as "Old Westmoreland," included the present-day counties of Fayette, Washington, Greene, Westmoreland, and parts of Allegheny, Beaver, Armstrong, and Indiana.

An estimated fifty thousand settlers were living in Old Westmoreland at the time of its creation. They were chiefly Scots and Scotch-Irish. There were also English, Irish, Welsh, and German settlers in the area. The area was a collection of transplants. Some had come from the eastern counties of Pennsylvania; others had come from Virginia, Maryland, and the Philadelphia port of entry. The heavy concentration of adherents of the Presbyterian and German Reformed denominations gave Old Westmoreland a decidedly Calvinistic atmosphere.

The 1776 Constitutional Convention

While the settlers were moving westward, trouble was brewing between England and the colonies. On May 10, 1776, the Second Continental Congress passed a resolution which, in effect, suggested that the citizens should replace those existing state governments which were not in sympathy with colonial aims. The agitators in Pennsylvania viewed this as an opportunity to gain control of the colony. At the invitation of the Committee of Correspondence of Philadelphia, which had been functioning for over a year, representatives from the county committees met in Philadelphia in June. Out of this conference

The author is a direct descendant of Christopher Lobingier (his great-great-great-grandfather).—Editor

1 Russell J. Ferguson, Early Western Pennsylvania Politics (Pittsburgh, 1938), 1.
of county representatives came a call for a constitutional convention and a new government for Pennsylvania. The conference set July 8 as the day for the election of eight delegates from each county.

The constitutional convention assembled at the State House in Philadelphia on July 15. Wayland F. Dunaway, in his study of Pennsylvania history, states that:

It was frankly a revolutionary body, called in defiance of constituted authority and mainly for the purpose of overthrowing that authority. As such it was . . . the real driving power of the whole Revolutionary movement in Pennsylvania.

With Dr. Benjamin Franklin as president, the convention proceeded to adopt “the most democratic constitution” in the colonies. Although called only to frame a constitution, the delegates didn’t hesitate to guide the convention in exercising all the normal powers of the state government. Protests from the greatly weakened legal government of Pennsylvania were ignored. Plagued by absentees, the legal assembly faded out of existence.

The 1776 Constitution removed all property qualifications and entitled any tax-paying freeman to vote and hold office. It continued the one-house assembly but replaced the governor with a multiple executive of twelve called the Supreme Executive Council. The council chose a president who presided over it, much in the same manner as a moderator presides over the session in a Presbyterian church. A Council of Censors, a unique body chosen every seven years, was to check on the constitution and could initiate amendments.

Old Westmoreland sent eight men to Philadelphia that summer: James Barr, John Carmichael, Edward Cook, Christopher Lobingier, John McClelland, John Moore, James Perry, and James Smith. Most accounts of the convention deal with the events and outcome of the two-month session; few examine the delegates who made up the convention. A close look at each of the men and an account of what each did in the years following the convention turns out to be most interesting. In particular, the delegates from Old Westmoreland continued to take an active part in the political and military life of their county.

1. James Barr: The Promising Politician

James Barr, twenty-seven years old when elected a delegate, began a promising political career in 1776 which was to lead to many public offices. Like nearly all the other political leaders of Old Westmoreland in this period, Barr was a Presbyterian and served as a rul-
ing elder in the Redstone Presbytery. 2

His father brought the family west from the Cumberland Valley in 1770 and settled in Derry Township. Robert Barr, James's father, was an early leader in the Derry area of the county. At the start of hostilities in 1776, the Barrs erected a defensive stockade that became known as Fort Barr. Located seven miles southwest of where Blairsville now stands, this frontier fortification proved a welcome refuge against Indian onslaughts on many occasions. Fort Barr was "frequently assailed but never overcome by the savages." 3

After the Revolution, James Barr took up his father's occupation and became a successful farmer. In 1783, according to the state census, he owned three hundred acres of land, two horses, three cattle, and six sheep. 4

At the first election held under the new constitution, November 5, 1776, Barr was elected a county commissioner. In 1787, he was appointed a justice of the peace. He served three terms in the assembly during 1786-1789. During the debates on the ratification of the federal Constitution, Barr joined the other anti-Federalists in preventing a quorum by absenting themselves from the chamber. 5 He was one of the principal opponents of calling a new constitutional convention in 1790. Barr's home was located in the part of Old Westmoreland which became Armstrong County in 1800. He helped lay out the county seat of Kittanning and became one of the first judges of the county. He died in office in 1824.

2. Edward Cook: The Gentleman Farmer

Edward Cook, the founder of Fayette City, formerly Cookstown, was a large landowner residing in the part of Old Westmoreland that became Fayette County. 6 He settled in the northern part of his large tract near the Monongahela River. Born in the Cumberland Valley during 1739, Cook first came to the area known as "The Rehoboth Valley" in 1769 or 1770, and returned in 1771 with his wife. He built

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2 Joseph Smith, Old Redstone: Historical Sketches of Western Presbyterianism (Philadelphia, 1854), appendix.
3 Edgar W. Hassler, Old Westmoreland: A History of Western Pennsylvania During the Revolution (Cleveland, 1900), 116-17.
5 Ferguson, 76-79. A quorum was finally raised when Federalist sympathizers literally dragged two anti-Federalist assemblymen into the chamber and forced them to remain.
a mill and a stone house in which he kept a store. The house was considered nearly fireproof, and many of the settlers left their deeds and valuable papers with Cook for safekeeping. Both Lafayette and Washington, who owned a plantation at nearby Perryopolis, are alleged to have visited Cook's place. On one of his supposedly "frequent" visits, Washington is reported to have made a speech from the front steps of the stone house to a group of militia men who had been training nearby.  

Cook is recorded as being present at a meeting held in Pittsburgh on May 16, 1775, which expressed its approval of the defensive actions taken by the people of Lexington and Concord against the British.  

Cook and James Perry had represented the county at the provincial conference in June of 1776 which had issued the call for the constitutional convention. In 1777, under the new government, he was appointed a justice of the peace for Old Westmoreland. That same year he was selected by the assembly as a commissioner to a meeting of the colonies in New Haven, Connecticut, which regulated commercial prices. He was also designated as one of the two men who were to receive subscriptions for the Continental Loan in the county that year. Cook and the other justices were holding court in the county seat of Hannastown on July 13, 1782, when it was attacked by Indians and burned to the ground.  

When the third battalion of militia was formed in the county in October of 1776, Edward Cook was named first colonel. Cook and James Perry were appointed county-sublieutenants under County-Lt. Archibald Lochry on March 21, 1777. They were reappointed in 1780. Cook was named county-lieutenant in 1782.  

When Fayette County was created in 1783, Cook became one of its most prominent farmers and leaders. He was appointed a judge in 1786 and became president-judge in 1789. He was serving as a judge under the state constitution of 1790 when the whiskey conflict began.

Edward Cook played an important role in resolving the tax protest in Western Pennsylvania which became known as the Whiskey Rebellion. He was in the forefront with his attempts "to restrain violence and promote submission." Cook was chairman of many meet-

7 Ibid., 912.
8 Ferguson, 27.
9 Ibid., 775-76.
10 John N. Boucher, Old and New Westmoreland (New York, 1918), 4:1235.
11 Thomas L. Montgomery, ed., Archives, 5th ser. (1906), 2:261. The county-lieutenant was head of militia forces.
12 Centenary Memorial of the Planning and Growth of Presbyterianism in Western Pennsylvania and Parts Adjacent (Pittsburgh, 1876), 392.
ings held by the more conservative opponents of the federal excise tax on whiskey. Albert Gallatin, then a United States senator, assisted Cook as clerk at many of the sessions. His contributions toward ending the conflict have been described as "his last notable public work." 13

Cook's large farm was tilled partially by slaves. The state legislature required the registration of all slaves in 1780 and Cook is listed as possessing seven. The 1783 state census indicates he owned fifteen hundred acres of land and had several whites working on his lands in addition to Negroes. When the first federal census was taken in 1790, Cook was listed as owning eleven slaves. 14 There were eight hundred and eighty-eight slaves in Western Pennsylvania at this time. Only seventeen persons owned more than six slaves.

Cook was a Presbyterian and a ruling elder. He donated the land for the Rehoboth Presbyterian Church where he is buried. He was a commissioner from presbytery to the First General Assembly of the Presbyterian Church in 1789 and to two other general assemblies. 15 When Hugh Henry Brackenridge founded the Pittsburgh Academy in 1787, Cook took an active interest and was a trustee. At his death, his son inherited almost two thousand acres. 16

3. John Carmichael: The Youngest Delegate

The youngest member of the Old Westmoreland delegation, and possibly the youngest member of the convention, was John Carmichael, who was twenty-five years of age at the time. Born in Cumberland County, Carmichael had settled about eight miles from the home of Edward Cook prior to 1775. There he built a mill and distillery along the Redstone Creek. The area is known as Franklin Township, Fayette County today. 17

Carmichael was a Presbyterian. Later in his life he became a ruling elder in the Ten Mile Presbyterian Church of the Washington Presbytery.

A staunch supporter of Pennsylvania's claims to the portion of

13 Ferguson, 44.
14 Heads of Families (Washington, 1908), 111.
16 Boucher, Old and New Westmoreland, 4:1234-35. This land was later found to contain some of the best coal in the Pittsburgh coal vein. U.S. Senator Joseph F. Guffey (Democrat from Pa., 1935-46) was a descendant of Cook's.
Old Westmoreland also claimed by Virginia, young Carmichael turned down a commission as a justice of the peace offered by the Virginia government. Records of the Yohogania County Court, established by Virginia for the area claimed by her, indicate Carmichael was one of the “gentlemen justices” who failed to “swear in.”

Under the machinery established by the convention for conducting the first annual election, Carmichael was appointed one of the five judges of election for Old Westmoreland.

He is listed among the officers of the second battalion of militia of the county in 1776, although his title was “Private.”

In 1777, Carmichael and James Smith were elected as a part of Old Westmoreland’s six-man delegation to the second annual session of the assembly. 18

4. Christopher Lobingier: The Pennsylvania Deutschman

The Germans were another of the large ethnic groups settling in Old Westmoreland during this period. They were farmers and the children of immigrants who had settled in the eastern Pennsylvania “Deutsch” counties. These transplanted Pennsylvania Deutschmen found themselves hindered socially and politically in their new environment by their different mode of dress and their language difficulties with the English-speaking frontiersmen. “Reliable, unimaginative, industrious, they became substantial settlers who were more interested in their land than in politics.” 19

Christopher Lobingier, a farmer living near Laurelville in Mount Pleasant Township, was an exception to the general trend of political apathy found among the Pennsylvanians Deutschmen in Old Westmoreland. During the spring of 1772, Lobingier brought his wife and three children to Mount Pleasant, leaving his native Lancaster County where his parents had settled prior to 1735. In all probability, he was a follower of the German Reformed denomination. 20

Lobingier was thirty-four when he was elected a delegate to the convention. He left behind his wife, five growing children, the eldest being only nine years old, and a large farm when he went to Philadelphia. 21 This was not his first role in frontier politics, because he had

19 Ferguson, 11-12.
20 He was married by a German Reformed minister and is buried in a German Reformed cemetery in Mount Pleasant Township.
21 William H. Egle, Genealogical Record of Beatty, Egle, Muller, Orth and Thomas Families (Harrisburg, 1866), 49-52.
served during 1775 and 1776 on the Old Westmoreland Committee of Correspondence. Obviously he was among the earliest agitators against the provincial government in Old Westmoreland. At the conclusion of the convention on September 28, 1776, each of the delegates present signed the new constitution. The last signature on the document is that of Christopher Lobingier.

Lobingier was among the many settlers who banded together to form militia organizations. He was a major in the county's second battalion of militia and served with the Frontier Rangers near the close of the Revolution.22

After the hostilities had ceased he concentrated his efforts on farming and became prosperous. His family grew to include four sons and five daughters.23 The 1783 state census indicates that he owned five hundred acres of land, three horses, four cattle, and ten sheep. Later land records reveal that he acquired over seven hundred additional acres of land.

Christopher Lobingier has been cited as one of the six leading figures in Westmoreland County politics during the period following the Revolution. Although preferring to remain out of the political spotlight, he did serve a two-year term in the assembly beginning in 1791. At his death on July 4, 1798, his political influence passed to his heirs.24

Here was an exceptional German settler. Able to speak both German and English, he was apparently the only German farmer who achieved prominence in the political and social life of Old Westmoreland at that time.

5. John McClelland: The Yeoman Farmer

Born in Lancaster County, John McClelland settled in Old Westmoreland in 1772 or 1773, near the homes of Edward Cook and John Carmichael, in what is now Franklin Township, Fayette County.

24 John Lobingier, his eldest son, and Jacob Painter, one of his sons-in-law, both served in the assembly and became county judges. Painter's son, Israel, served as a member of the assembly, canal commissioner, militia major, and was an acquaintance of President Lincoln. Joseph Markle, another son-in-law, was a general in the militia and also the candidate for governor of Pa. in 1844 on Henry Clay's Whig ticket. Markle lost by 4,000 while Clay lost by 8,000 in Pa.
He achieved prominence as a Presbyterian layman and was a farmer. The 1783 state census indicates he owned three hundred acres of land, four horses, eight cattle, and sixteen sheep. He had five children and one slave. He served as a captain in the militia during the Revolution. Following the war, in 1778, McClelland was elected to the third annual session of the assembly.

Little is actually known about McClelland for several years after his brief service as an assemblyman. In August of 1792, he and Edward Cook appeared at a meeting held in Pittsburgh to consider protests over the federal government’s excise tax on corn whiskey distilled in the area. Various protest meetings held in the area eventually evolved into what became known as the Whiskey Rebellion. Cook and McClelland remained on the side of law and order throughout the period of trouble and made repeated attempts to end the conflict. John McClelland served as chairman of the committee representing the Western Pennsylvanians at the joint meeting with the representatives of the federal and state governments which settled the dispute. He played a very prominent role in these closing scenes. His son Alexander became a general.


John Moore’s political pursuits led him from the position of delegate to the constitutional convention to a prominent career on the bench of Westmoreland County. Born in Lancaster County thirty-eight years prior to the convention, he came west with his mother and uncles about 1757. His father had died when Moore was very young, and his mother later remarried after settling in Westmoreland County.

When the Revolution began, Moore was living on a four-hundred-acre farm along the Crabtree Run, a branch of the Loyalhanna Creek, about two miles south of the site of New Alexandria. He lived in a

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25 The inscription on his tombstone in the Old Laurel Hill Church Cemetery in Dunbar Township, Fayette County, reads: "He lies intomb'd in this cold grave Who Liv'd and Die'd in Christian Faith — A Loving Husband and true friend — A tender father to the end."
28 John N. Boucher, History of Westmoreland County (New York, 1906), 324. Moore’s mother married James Guthrie. Moore’s half-brother became sheriff of Westmoreland County in 1791. Two mayors of Pittsburgh, John B. Guthrie (1851-52) and George W. Guthrie (1906-09) are among the descendants of the second marriage.
stone house which seems to indicate "a man in advance of the rude civilization of that day." Moore was "six feet in height, straight and erect, had large brown eyes, brown hair, and nose rather aquiline." 29 The farm included only three hundred acres in 1785, indicating he sold a portion in the meantime. His family eventually included two sons and four daughters.30

Moore was a Presbyterian and a ruling elder at the time of the convention. He was one of the first elders at the Unity Presbyterian Church and later served at the Congruity Presbyterian Church, eight miles north of Greensburg, where he is buried. During the war he served as a captain in the fourth company of the county's second battalion of militia, and later he was a Frontier Ranger.

Of the eight delegates from Old Westmoreland, Moore probably played the leading role. Upon the arrival of the western group, Dr. Franklin, convention president, appointed Moore to serve on the convention's special committee which had been assigned the task of drawing up a declaration of rights and a frame of government for Pennsylvania. This rather select committee consisted of twenty of the most prominent men at the convention. At the conclusion of the convention in September, Moore was named as Old Westmoreland's representative on the new Council of Safety.

In 1777, he was appointed a justice of the peace for Old Westmoreland with extended jurisdiction and also surveyor of public lands. He became a judge of the county in 177931 and became the first man designated "president judge of the county" in 1785. Judge Moore presided over the first trial ever held in the new county seat of Greensburg on January 7, 1787. When the constitution was replaced with a new one in 1790, the judicial system was revamped and the incumbent judges' commissions were automatically voided. Judge Moore then turned to state politics and was twice elected to the state senate, in 1791 and 1794, from the Westmoreland-Allegheny district. The upper house was added in 1790.32

7. James Perry: The Truant Delegate

Of the eight delegates, the least is known about James Perry. Perry settled on the Monongahela River near the mouth of Turtle

30 Ibid. A son-in-law was John M. Snowden, early newspaper editor in Western Pa., mayor of Pittsburgh (1825-27), and later county judge in Allegheny County.
31 Boucher, Old and New Westmoreland, 1:7.
Creek where Indian trader John Fraser lived. Along with Edward Cook, he had represented Old Westmoreland at the provincial conference immediately preceding the constitutional convention.

The convention convened on July 15, 1776. A week later, seven of the delegates from Old Westmoreland arrived after traveling the long distance. Perry arrived the next day and took his seat. His participation in the business of the convention amounted to very little. He apparently was truant in attendance and was absent when the constitution was adopted and signed. He was the only one of Old Westmoreland's delegation who failed to sign the revolutionary document on September 28, 1776.

During the subsequent war with Britain, Perry and Edward Cook served as county-sublieutenants. Perry was first appointed on March 21, 1777, and was reappointed three years later in 1780. Perry also served as commissioner of supplies under the new state government, in 1781, "having proved very unsatisfactory."

After the Revolution he seems to have left the area. Various searches by historians indicate he moved to either Kentucky or Missouri. An advertisement appeared during 1787 in the Pittsburgh Gazette offering a three-hundred-acre farm for sale. The farm was along Sewickley Creek and was owned by a James Perry, possibly the man in question. He was gone by 1790 because the federal census lists nobody by that name in the region.

8. *James Smith: The First American Rebel*

James Smith had made a name for himself in the frontier region long before the 1776 convention. Born on the site of present-day Mercersburg, in Franklin County, Smith lived a hardy pioneer life. At the age of eighteen, in 1755, he was captured by Indians and lived with them as an adopted brother for five years. They took him as far as Detroit and Montreal. He was able to make his escape in Montreal and returned to his home in 1760.

Indians were a great menace to the frontiersmen in his area.

33 Port Perry, a thriving river town on the Monongahela River, flourished on this site during the middle and latter parts of the nineteenth century. The railroads brought about the demise of the town, and nothing remains of it today. The site of the former town is covered by the railroad yards of the U.S. Steel plant in Braddock.

34 Ferguson, 31.

35 Archives, 6th ser., 2:261.


Philadelphia merchants continued to ship wagons of goods to the Pittsburgh Indian traders despite protests from the settlers of the Franklin County area. Smith organized a small band of men and put a stop to the shipments. In 1763, his "Black Boys" began waylaying trading shipments as they passed through the area. They dressed in Indian fashion and darkened their skin with charcoal. If the traders would refuse to return to Philadelphia, the Black Boys burned the supplies. Smith became something of a Robin Hood.

Almost nine years before the Boston Tea Party, on March 6, 1765, Smith's Black Boys, faces darkened and dressed as Indians, destroyed an eighty-three-wagon load of goods headed for the traders at Fort Pitt. The incident was hastily reported to the British detachment at little Fort Loudon. Troops were dispatched, and they rounded up eight settlers as suspects. Upon hearing of this, Smith organized three hundred frontiersmen and marched on the little outpost on March 9. After a one-day siege, an agreement was reached whereby the captured settlers were exchanged for troops captured during the preceding night.

When the illegal trading got out of hand again in 1769, the Black Boys took even bolder actions. In retaliation, troops were sent out from Fort Bedford, a substantial military outpost. They brought in suspects and in three days "the guardhouse inside Fort Bedford was too full for comfort." Smith again came to the rescue of his friends. In September of 1769, Smith and eighteen men did the seemingly impossible and captured Fort Bedford in two minutes flat.

They had waited outside the stockade all night. At dawn, when most of the guards on duty were "gettin' the mornin' rum ration," they raced through the gate, overpowered the few remaining sentries, captured the garrison and freed the prisoners without firing a single shot. Six years later Ethan Allen's Green Mountain Boys were to be credited erroneously with the first capture of an English fort by an American armed force.38

Smith, at thirty-nine, was the oldest of the eight delegates from Old Westmoreland. He had come west sometime after 1769. When the settlers organized militia groups in 1775 for frontier defense, he became a major in the second battalion. He became a colonel in 1778 and was cited for excellence "in frustrating the marauds of the Indians." 39

At the organization of Old Westmoreland County in 1773, James Smith was chosen a county commissioner. Under the constitution which he helped to form, he was twice elected, in 1776 and 1777, to the assembly.\(^{40}\)

He was a Presbyterian and was probably a member of either the Sewickley or the Middle Presbyterian churches. In a letter written on September 8, 1785, he states he has “reason to bless God” for sending the Reverend James Power “among us.” \(^{41}\)

At the close of the war, Smith moved to Bourbon County, Kentucky. There he served in that state’s constitutional convention and the state assembly until 1799. He published two pamphlets against the Shaker sect in 1810: *Shakerism Developed* and *Shakerism Detected*. Two years later he published *A Treatise on the Mode and Manner of Indian War*, which included excerpts from his memoirs of his Indian captivity. He died that same year.

**Conclusion**

In general, the convention and the 1776 constitution have been viewed by historians as the direct result of a double revolution. They reflected a class struggle between disfranchised groups and the ruling English Quakers in the eastern counties. The meeting and its product also reflect the struggle against the unjust domination of England in the colony’s political and economic life. However, I feel that a few other factors helped the revolutionary movement along in Old Westmoreland.

The settlers on the frontier were virtually isolated from the rest of the colony by the Allegheny Mountains. From the first settlements until 1776, the frontiersmen had been virtually independent of organized government. When officials were appointed in 1773 and the county was organized, the men were residents of the area and not special appointees sent in from Philadelphia or the mother country. They enforced the laws and defended the frontier by themselves and without the help of either the eastern leaders or English forces. The last British detachment left Fort Pitt in 1772. The people of Old Westmoreland were used to being virtually independent and on their own.

The dominant ethnic groups also aided revolutionary aims in Old Westmoreland. The Scots had disliked the English since the days of

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\(^{40}\) *Archives*, 6th ser., 2:403-04.
\(^{41}\) Robert G. Lemmon, *One Hundred and Fiftieth Anniversary* (Mount Pleasant, 1924), 4. Mr. Power served both the Sewickley and the Middle churches.
Robert Bruce. The Germans found little difficulty in being disloyal to an English king. The remaining groups had, like the Scots and the Germans, left their former homes and had broken with old traditions and old ideas. It is not difficult to imagine the growth of revolutionary attitudes among these frontier settlers.

Perhaps religion is another factor overlooked by previous studies on the frontier's role in the revolution. These people were predominantly Calvinists. As such, they were used to a very democratic form of government in their church administration. Since religion was at the center of frontier life, these settlers in Old Westmoreland made use of it in every facet of their life, including politics and government.

In essence, these people had formed a way of life suited to the conditions on the Pennsylvania frontier. When they saw an opportunity to expand their influence and improve local conditions, they jumped at it. An alliance with the radicals in eastern Pennsylvania provided just such an opportunity.

As Russell Ferguson nicely states:

... They had in them a germ of liberalism and were therefore susceptible to ideas that were produced by frontier influences ... one individual was potentially the equal of another because each one faced the stark realities and because few individuals had a surplus of wealth to transmit to their sons.
SUMMER CLOSING, 1972
The Historical Society of Western Pennsylvania will be closed from Friday, July 28 to Tuesday, September 5