LOCAL historians have given much attention to the political battle in the late eighteenth century over the location of the county seat for Westmoreland County.\(^1\) Due to careless research and little available information, however, an accurate reconstruction of the event has not yet been made. In overlooking the role of the Supreme Executive Council (SEC) in the decision-making process, researchers have missed some rich opportunities. The SEC, like its predecessor, the Provincial Council, acted on matters relating to the formation of counties and the selection of county seats.\(^2\) While the General Assembly held supreme power under the Pennsylvania Constitution of 1776, the executive responsibilities and duties vested in a president and council were such that citizens could prod that body to take the initiative on certain questions.\(^3\) In short, historians have too long misunderstood the duality of power and underestimated the extent of——

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\(^2\) To date there has not been a single study that has focused directly on the internal role as well as administrative activities of Pennsylvania’s Revolutionary and early national government, the Supreme Executive Council (SEC), 1777-1790. The executive council, which was provided for in the Constitution of 1776, was the legal successor of the Revolutionary Committees of Safety and the Council of Safety. For a general overview, see Robert L. Brunhouse, The Counter-Revolution in Pennsylvania, 1776-1790 (Harrisburg, 1942), 14-15.

\(^3\) In gleaning the minutes and executive correspondence in Record Group (RG) 27, Records of Pennsylvania’s Revolutionary Governments, 1775-1790, Pennsylvania Historical and Museum Commission (PHMC), Harrisburg, one cannot help but be impressed with the wide range of business conducted by the Supreme Executive Council. The commission, under a grant by the National Endowment for the Humanities, is presently preparing a microfilm edition of these records with accompanying guide.
cooperation that existed between the General Assembly and the plural executive in Pennsylvania during the Revolutionary period. The selection of a county seat for Westmoreland County is a fine example of the political role played by the SEC.

Westmoreland County was created in 1773 from Bedford County during the proprietary government of the Penns. 4 In it three communities competed to be its county seat: Hannas Town, Pittsburgh, and Newtown (Greensburg). Each extolled some advantage over the others,5 but under the erecting legislation elections and court business were held in the two-story log house of Robert Hanna, one of the original commissioners,6 until a courthouse and jail could be built.7 This alienated the other aspirants for the county seat and inconvenienced many traveling to Hannas Town, for it required a long and dangerous journey in what still remained hostile Indian territory.8

Before 1775, the precedent for executive involvement in this question was established in the initial legislation and in the later decision of the assembly to provide loans to counties, such as Westmoreland, to build courthouses and prisons.9 Although the procedures and responsibilities of each body of government were spelled out, local politics ensured that efforts to settle the matter were delayed.

Political observers knew that Hanna and his friends would try to keep Hannas Town the permanent county seat. In 1773, Arthur St. Clair noted that until the location of the county seat was fixed by law Hanna’s supporters had it in their power to maintain the status quo.10 No law had stipulated where the county buildings were to be

5 Boucher, Westmoreland County, 1: 186-87; Gregg, Greensburg, 2-3; Albert, Westmoreland County, 61ff.
6 Other trustees named included George Wilson, Samuel Sloan, Joseph Irwin, and John Cavet. Owing to the political strength of Aeneas Mackay and Arthur St. Clair, Pittsburgh was initially recommended as the “proper Place” for the seat of justice. Robert Hanna and others, to Governor Penn, in Pennsylvania Archives (Philadelphia and Harrisburg, 1852-1935), 1st ser., 4: 449 (hereafter cited as Pa. Archives, with series and volume). The item is dated 1771 but is conceivably misdated. In 1774, however, the trustees reported that they favored “Hanna’s Town.” Ibid., 1st ser., 4: 579.
7 Boucher, Westmoreland County, 1: 45-47.
completed, and this, combined with the controversy between Virginia and Pennsylvania over the possession of the region, and the Revolutionary War itself, meant that no solution was to be reached for over a decade.  

In 1782, the question was reopened, for on July 13, a band of British and Indian marauders tragically burned Hannas Town. The destruction left the village practically without accommodations. Its fate further brought into the open the dissatisfaction among residents of the rapidly growing county. Other pressing irritations, such as frontier defense, increased taxes, lack of specie, slavery matters, and multiple land claims, added to the confusion. These developments called attention to the necessity to build the required county offices, but also precipitated the move to change the seat of justice.

While courts continued to be held temporarily at Hanna's house, the state's patience gave out. On April 24, 1783, the Supreme Executive Council instructed the trustees to purchase a piece of property for the courthouse and jail. The trustees, John Cavet, Joseph Irwin, and Robert Hanna, met and declared that "Hannas Town is the most Central & Convenient place for the holding the Courts of Judicature in the said County." What followed is unclear, but what is known is that on March 22, 1784 (and not November 22, 1784, the date cited by most local historians), the trustees were dismissed and replaced by a new commission. Named to the body were John Irwin, Benjamin Davis, James Pollock, Charles Campbell, and James Wilkins. Although the second commission served for just eighteen months, it was both more significant and successful than had been realized.

The commissioners faced a difficult job. The three claimants in-
tensified their demands to be chosen as the county seat. The commission was divided, thus compounding the problem. Within six months, three members — Irwin, Davis, and Wilkins — had bought a tract of land from William Jack, Christopher Truby, and Ludwig Otterman. The property was situated on the south side of the Pennsylvania state road about four miles from Hannas Town, and was called Newtown. In a report prepared for the SEC, the three commissioners made a case for their selection of Newtown in which they emphasized the site’s central location and the quality of its inhabitants (see Document 1).

Inevitably, the selection was disputed, for it was contrary to the law. A few men, like Nehemiah Stokely, longing for some peace, thought the decision would at long last end the matter (see Document 2). Other persons, like Robert Orr and James Pollock, complained (Documents 3, 4). Pollock, one of the commissioners, had received no notice of any meeting and bitterly opposed the whole project, even seeking the assistance of Bernard Dougherty, councilor of Bedford County, to kill the selection (see Document 5). As both sides marshaled their arguments, they drew the SEC deeper into the affair. When petitions (Documents 6, 7) by the two sides were placed before that body in December 1784, the council declared that the report of the three commissioners be “unapproved” and “rejected.”

In an attempt to rid itself of the matter once and for all, the General Assembly dismissed all but one of the second group of trustees and appointed in September 1785 a third commission. Named as members were Benjamin Davis (a holdover), Michael Rugh, Hugh Martin, John Shields, and John Pomeroy. This act is

18 At the time William Jack was one of the elected county commissioners for Westmoreland.
19 John Irwin, Benjamin Davis, James Wilkins (trustees, Westmoreland County), to Supreme Executive Council, Aug. 4, 1784, RG 27, Records of Pennsylvania’s Revolutionary Governments, 1775-1790, PHMC.
20 Nehemiah Stokely, Westmoreland County, to Dickinson, Aug. 6, 1784, ibid.
21 Robert Orr, Westmoreland County, to Dickinson, Aug. 6, 1784; James Pollock, Westmoreland County, to Dickinson and Council, Aug. 7, 1784, ibid.
22 Pollock to Bernard Dougherty, Aug. 13, 1784, ibid.
23 I have located four petitions, only two of which appear here. One petition that opposed the report contained 360 signatures. For greater accuracy and for a modern spelling, the names of the petitioners should be compared to the 1783 or 1786 tax list for Westmoreland County, see Pa. Archives, 3rd ser., 22: 369-540.
generally regarded as the one under which the county seat was finally located. As will be shown, however, this act actually made possible the implementation of the decision already made in August 1784.

To prevent a tie and, consequently, further tumult, the assembly declared that any decision on a site which was reached by three members of the commission was lawful. To prevent a three-way tie, Pittsburgh was eliminated from the running by new geographical restrictions over where the county seat could be, and to prevent any faction from gaining an advantage from heavy spending, only £100 could be spent for both the land and the county buildings.26 Even with these restrictions, agreement among the new commissioners was impossible.27 After several months of fruitless argument among the claimants, three trustees — Davis, Rugh, and Martin — by their independence broke the deadlock. They, like their dismissed predecessors, favored Newtown over Hannas Town, and in December 1785, they too purchased the same two-acre tract of land for the courthouse and jail (see Document 8).28 Because a new state road was planned to go through Newtown, and Hannas Town lay on the older Forbes Road, their decision seemed wise; but to no one's surprise, legal or not, it was at once attacked.29 The regions north of the Forbes Road and around Pittsburgh complained loudest.30

Such an important matter could never be easily resolved. The General Assembly continued to tinker and to meddle, suspending here, superseding there, excepting somewhere else, but by the 1790s the struggle was over.31 Through it all, the 1784 decision of the second commission stood.

The following documents from the Records of Pennsylvania's Revolutionary Governments, 1775-1790, in the Division of Archives and Manuscripts, Pennsylvania Historical and Museum Commission, present in detail the work of the second commission and illustrate the effort of the SEC, in conjunction with the General Assembly, to resolve the issue. The documents are printed in their original form with

26 Ibid. Also, see Boucher, Westmoreland County, 1: 187.
27 Ibid., 188.
28 Benjamin Davis, Michael Rugh, and Hugh Martin, trustees, Westmoreland County, to President Benjamin Franklin, Jan. 14, 1786, RG 27, Records of Pennsylvania's Revolutionary Governments, 1775-1790, PHMC.
30 Boucher, Westmoreland County, 1: 188-91.
31 For these details, see ibid., 191-93; Pa. Statutes, 12: 344-47, 13: 84-89, 180-82.
spelling and punctuation unchanged. Stricken-out words appear in italic.

**Document 1**

**Report of the Second Commission**

We the Subscribers Trustees for the County of Westmoreland, in Pursuance of the late Act of Assembly having met upon the business thereby Committed to Our Trust, have Pitched upon & purchased a piece of Land from William Jack for the purpose of Erecting a Court house & Prison thereon, which is situated on the South Side of the Pennsylvania Road about Four miles from Hanna's Town.

The Reasons We assign for Pitching upon this Piece of Ground are the following.

1st That We Consider it as the Most Centrical & Convenient place for the Body of the present Inhabitants, being about an equal distance between the Eastern & Western bounds of the County.

2dly That the present Inhabitants of the County being Generally & Unhappily involved in the Law, & under an absolute Necessity of attending the Court of Westmoreland for a great many Years to Come before all Actions on that Dockett can Possibly be dismissed Or ended. It has been Judged highly expedient, Just & equitable, that the Seal of Justice Should be fixt as nearly Centrical to the body of the people as possible.

3dly That the Ground pitched upon appears to be a very Suitable Situation for a Court house & Town, being high, dry & pleasant, Ground & extremly Well Accommodated with Several fine Springs Close adjoining, & other large Streams very Contiguous.

4thly That it is situate in the midst of a fine settle-ment of Industrious Dutch & English Farmers, from whence a Town can be most amply Supplyd with every kind of County produce upon the most reasonable terms, which will greatly Contribute to the advantage &
good Accommodation of the people attending
the Courts, & all travellers & others visonting
to this Country.

Given under our hands in Westmore-
land County, this 4th of August 1784
John Irwin
Benjamin Davis
James Wilkins

Document 2
Nehemiah Stokely Seeks a Peaceful Solution
Westmoreland County August 6th, 1784
Honoured Sir
As I had the Honour of Being called upon
By your Excellency Concerning the County Town of Westmoreland
When A Representative of Said County in the City of Philadelphia
And As there has Been trustees Appointed Agreeable to
My Wish I expect that our Disputes Amonst our Selves
Will Soon be at an End by A Confirmation of what the
Trustees has Done, by your Excellancy And the honour
Executive Council untill the Seat of Justice is established there can be no Buildings Erected or Accomodations for
Any Gentlemen in this County from our Situation your
Excellancy can be A Judge of the Necessity of Establishing
the Seat of Justice in this County as it is impossible to
Have it Done to the Sattisfaction of Every person, Should
Your Excellancy Excuse my freedom And this meet with
the Approbation of Council I should be happy in giving
Information to your Excellancy of Any thing of a Publick
Nature that Accurs to me in this County and begs leave
to Subscribe my Self Your Excellancys Most Obedient
and Very Humble Servt.

Nehemiah Stokely

Document 3
Robert Orr Opposes Commission Report
Sir
I take the Libency to troble your Exclency
With a few linds upon a subject which I think Materialy
Concerns the Inhabitants of Westmorland County the Trusties which have been lately appointed to Affix a place for Erecting a Courthouse and gaol in the said Countey have not and agreed upon Returning a pleas about three miles South of Hannas Town belonging to william Jack And Others Contrary to the Expetation of every Person that I haved spoeak of it the people Seem generally to think themselves agrieved by this proceeding of the trustees and a Number of them have requested me to write your Excellency Praying that this Return may not be confirmed untill they have an Opportunity of sending a remonstrance and praing redress I have the honor to be with grait Deference your Excellency s most Obedient and being Humble Servant Robt Orr

His Excellency John Dickinson Esquir
President of the Supreme Executive Council
August the 6th 1784

DOCUMENT 4
COMPLAINT MADE BY A MINORITY TRUSTEE

His Excellency John Dickenson Esqr: and Councel Gentelmen
Whereas by a late Acct of assembly Trustees were apointed for fixing a place to build a Court House And geoal for the County of Westmorland the other four Mett In Concequence of the Apointment and have fixed on Lands of Mr Wm Jacks and others ajacent which is about three Miles South of Hannas Town and Remot from public Ent ercurce but as I had no notice of their Meeting nor do I aprove of the place therfor object against it and am gentelmen your most obedient

August 7th, 1784

Jas Pollock
Document 5
MINORITY TRUSTEE SEeks POLITICAL ASSISTANCE

Westmoreland County August 13th 1784

Dr Sir
Whereas by a late act of Assembly I was appointed one of the Trustees for this County to fix on a Place for building a Geoal and Court House In Consequence of our appointment the other four Met and have fixed on Land of Mr. Wm Jacks and others About three Miles South of Hannas Town I have Wrote to Councl leting them Know that I neither had Natur of there Meeting Nor do I aprove of the place You are Well Acquented with our County and Can Consider the Distance from the Lower end of our Vally where it Canot Posably be thought to far in to any other County that may be struck off be the Removal from where it was before from that Part that was then the Most Disten from The Sate [Seat] of Justice and also in to apart of the Country where there is no publick Intercourse It may be objected against J Hannas town that there was Sum Judgmens of Court agains Mr. Hanna but had that been fixed on us the Place I should became Baile In that Case but as I am one of the Trustees Defer gaving my opinion of any place but object agains that are as I hop you also will do

I hise from your Sincear frend & Humbl Sert
Ja Pollock

Document 6
Petitioners Reject Report of the Second Commission

His Excellency John Dickison Esquire and the supreme Executive Council of the Common Wealth of Pennsylvania

The Petition and Remonstrance of a number of the Inhabitants of Westmoreland County
Humbly Sheweth

That some time ago John Irwin, Benjamin Davis, James Pol-
lock[,] Charles Campbell and James Wilkens were appointed Trustees or Commissioners for the fixing a Place for County Town of Westmoreland County that in pursuance of that appointment they have met and made choice of a part of the Plantation of Mr. William Jack and other Land adjoining it which Place is about three miles southward of Hanna’s Town That we conceive there is a great Impropriety in removing the Seat of Judicature from the Place where it has usually been to a place so contiguous and in our opinions by no means convenient or advantageous for the People. He is remote from all manner of Publick intercourse three miles from the Pennsylvania Road and as we apprehend not attended with any manner of Publick Utility.

We humbly apprehend that as the Inhabitants of Hanna’s Town and the neighbourhood adjacent have been Material Sufferers during the late War and have at the risque of their lives and fortunes kept their Ground notwithstanding the depredations of the Savages, and stood as a Barrier to the interior part of the County in expectation that when the War would cease the Courts of Justice would be Continued there as usual and that their Lands would be the more valuable. They should not be deprived of that advantage from Party Spirit or any other motive than the Public good which we conceive has not been had in view on this occasion.

We therefore humbly pray your Honour would reject the return of the Commissioners for a County Town at that Place and your Petitioners as in duty bound will pray etc.

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<td>James Brison</td>
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<td>William McGlauglin</td>
<td>Thomas Ritchard</td>
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<tr>
<td>William Brown</td>
<td>Thomas Jolly (?)</td>
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Petitioners Support Report of the Second Commission

To the Honorable the Supreme Executive Council of Pennsylvania.

The Petition of the Inhabitants of Westmoreland County.

Humbly Sheweth That this Country has long laboured under many inconveniencies for want of an Established Town to hold the Courts of Justice in, and for want of such Establishment the Inhabitants are backward to build and prepare for the
Entertainment of Travellers etc

And Whereas the Trustees of said Country did make Report to your Honor that they had view[ed] and purchas[e]d a piece of Land of Mr. Wm. Jack which they were of Opinion, was the most fitting and Central part of the County for the Seat of Justice. We your Petitioners humbly pray the same may be Confirmed.

And Your Petitioners as in duty bound shall ever pray

Joseph Anderson        John McC Clelland
Samuel Serles (?)      Hugh Martin
Meeat Stockbager       John Peeble
William Taylor         John Jamison
John Nicholas          John Latta
Hugh McC Kenney        Moses Latta
Barney Call            [illegible] Whit
Ja's M' master         William Neal
Adam Demer             Joseph Clark
Samuel Consdlea        George Campble
William McKnight       James White
John Wulfrd             James Gaff
Adam Carlmer (?)       Francis Jamison
Daniel Clark           John Roulston
Henry Bean             Nathan alberlt
Nicholas Smedley       Johanne Vollin
Daniel Armit           John Jack
[illegible]

Document 8
Report of the Third Commission

We the Subscribers Trustees for the County of Westmoreland in Pursuance of A Late Act of Assembly. Having met upon the Business Thereby Committed to our Trust and Having Duly Considered the Bounds of Said County, Having fixed upon And Purchased And [illegible] A piece of Land in the Name of the Common Wealth from William Jack And others for the purpose of Erecting A Court House And Prison Thereon Which is Situated on the South Side of the Pennsylvania Road A Bout Three Miles from
Hannas Town Being the Same piece of Ground that the former Trustees fixed on The Reasons we Assign for Pitching on this Piece of ground Are the following first That we Consider it as the Most Centrical and Convenant to the Body of the Present Inhabitants Secondly that the ground Pilched upon appears to be Verry Suitable for A Court House And Town Being High Dry Pleasant And Extreamly well Accomodated with Several fine Springs Close Adjoining And other Large Streams Thirdly that it is Situated in the Midst of A fine Settlement of Industrous Dutch and English farmers from Whence a Town Most Amply Supplyed with Every Kind of Country Produce upon the most Reasonable Terms As Will Greatly Contribute to the Advantage And good Accomodations of the people Attending The Courts And All Travellers And Others Resorting to This County Given under Our Hands in Westmoreland County This 14th Day of January 1786

Benja Davis
Michael Rugh
Hugh Martin