

FORT PITT MUSEUM

By Mike Burke, Assistant Director,
Fort Pitt Museum

An Inquisition in the “Town of Fort Pitt”

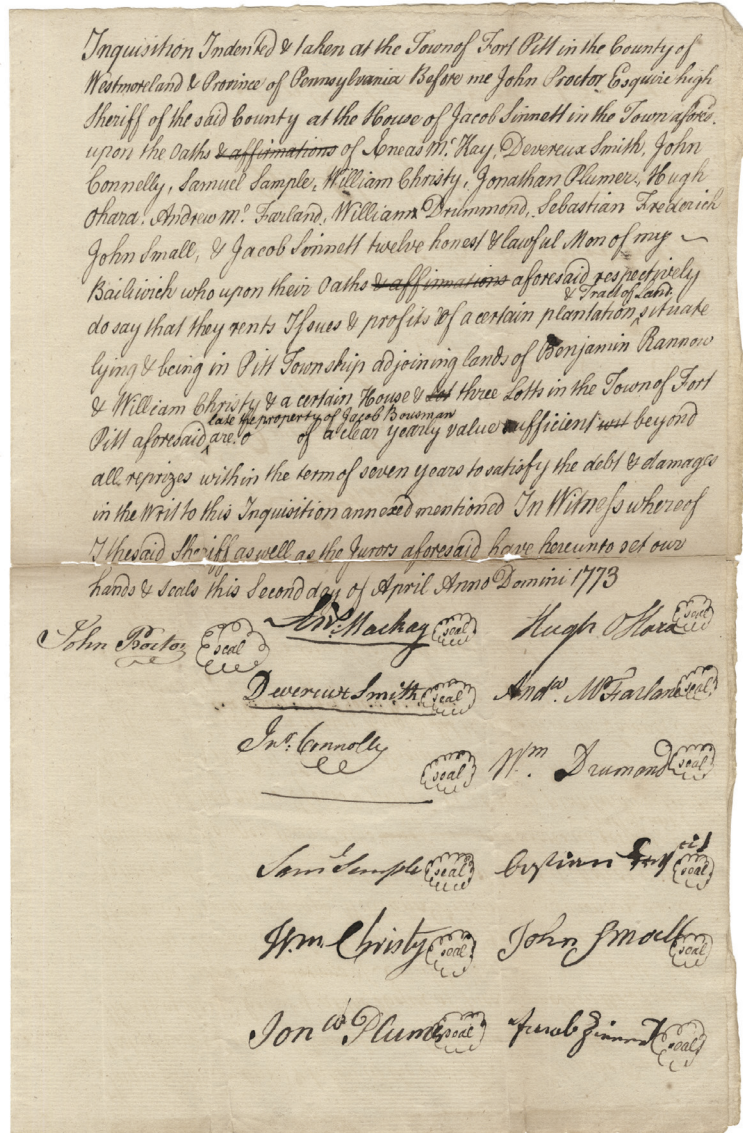
In early April 1773, John Proctor, “high Sheriff” of Westmoreland County, Pennsylvania, assembled an inquisition of “twelve honest & lawful Men” of his “Bailiwick” to determine how a suit for debt brought by John Greer against Jacob Bousman would be resolved.¹ Having already found Bousman liable for the debt, Proctor and his jurors now fulfilled the requirements of a 1705 Pennsylvania act, which placed certain protections on an individual’s real estate as a means to resolve debts. The inquisition—made up largely of Bousman’s neighbors in the “Town of Fort Pitt”—determined that, within the course of seven years, his holdings in Pittsburgh and the surrounding area would generate enough revenue to cover his debt to Greer. As a result, Bousman surrendered his lands, but was given a chance to recover them, as long as his debt to Greer was paid off in the time allotted.²

We know this because John Proctor’s handwritten Inquisition of April 2, 1773, was recently donated to the Heinz History Center’s Detre Library & Archives by Robert and Cathy Trombetta.

While the suit itself is interesting, the legal authority under which Proctor acted is also significant. Hoping to maintain possession of what is now Western Pennsylvania, the heirs of

William Penn had established Westmoreland County just over a month earlier.³ Proctor (who later commanded the county’s Independent Battalion in the American Revolution) had been sheriff of Bedford County, from which Westmoreland was drawn, and was appointed by the Penns to the same office in the new county.⁴ Significantly, Westmoreland’s boundaries at the time encompassed the Forks of the Ohio, site of the

town of Pittsburgh and the now vacant Fort Pitt, evacuated by the British in October 1772. Though the British maintained official control of the area until their departure, the Penns had shrewdly purchased title to the land from the Six Nations at the Treaty of Fort Stanwix in November 1768. Wasting no time, in March 1769, they had the 5,766 acre “Manor of Pittsburgh” surveyed as one of their many private estates in the province.⁵ Established on



Overall view of John Proctor’s 1773 inquisition, “taken at the Town of Fort Pitt.” While the document touches on several legal issues regarding land ownership in Pittsburgh, the jurors themselves are of interest to historians. Most prominent among them is John Connolly, who seized control of Pittsburgh on behalf of Virginia’s Royal Governor, Lord Dunmore, in 1774.

HHC Detre L&A, gift of Robert and Cathy Trombetta, 2019.0179.

the heels of the British withdrawal from Fort Pitt, Westmoreland County officially extended their jurisdiction to the Ohio River.

Unfortunately for the heirs of Pennsylvania's founder, their unilateral control of Pittsburgh was short-lived. On January 1, 1774, a boundary dispute with the colony of Virginia erupted when John Connolly (one of the jurors in the inquisition) placed himself in command of the "Militia of Pittsburgh and its Dependencies" under orders from Virginia's Royal Governor, Lord Dunmore.⁶ Acting on a claim to the region based on their Second Charter of 1609, the Virginians initially sought to evict their rivals through brute force rather than legal brinksmanship.⁷ As "Captain Commandant," of Fort Pitt—which he soon renamed Fort Dunmore—Connolly oversaw a period of unprecedented hostility in Pittsburgh, alternately directing his wrath at his Pennsylvanian rivals (including his fellow juror Devereux Smith) and the Shawnee whose lands he craved. The boundary dispute set the stage for Dunmore's campaign against the Shawnee in 1774 and forced nearly everyone in the region, including Proctor's jurors, to choose sides. In April 1773, however, these divisions still lay just beneath the surface in the frontier "Town of Fort Pitt," and the "honest & lawful men" of Proctor's inquisition were still willing to work together in the cause of justice, at least on paper.

For more information on the Pennsylvania/Virginia border dispute, Lord Dunmore's War, and the community of Pittsburgh on the eve of the American Revolution, visit the Fort Pitt Museum's exhibition, *Pittsburgh, Virginia*, now on view through December 2021.

RIGHT: Detail of William Masson's 1805 Plan of Pittsburgh showing lands on the south shore of the Monongahela River owned by Jacob Bousman. While it is not known whether Bousman recovered his lands in the "Town of Fort Pitt" following Proctor's inquisition, by the time of the American Revolution, Bousman was among the area's largest landowners.

HHC Detre L&A, Plan of Pittsburgh by William Masson, 1805.

¹ Proctor, John, Sheriff, *Inquisition, John Greer v. Jacob Bousman*, Taken in Pittsburgh, then part of Westmoreland Co., Pa., April 3, 1773, 2019.0179, gift of Robert and Cathy Trombetta, Heinz History Center, Detre Library & Archives.

² Lewis, Shippen, "Eliminating Archaic Features of Execution Process in Pennsylvania." *University of Pennsylvania Law Review and American Law Register* 63, no. 7 (May 1915): p. 652-655. For the full text of the 1705 "Act for taking lands in execution for payment of debts," see Dallas, Alexander James, *Laws of the Commonwealth of Pennsylvania, 1700-1781*, vol. 1 (Philadelphia: Hall and Sellers, 1797) p. 67-72.

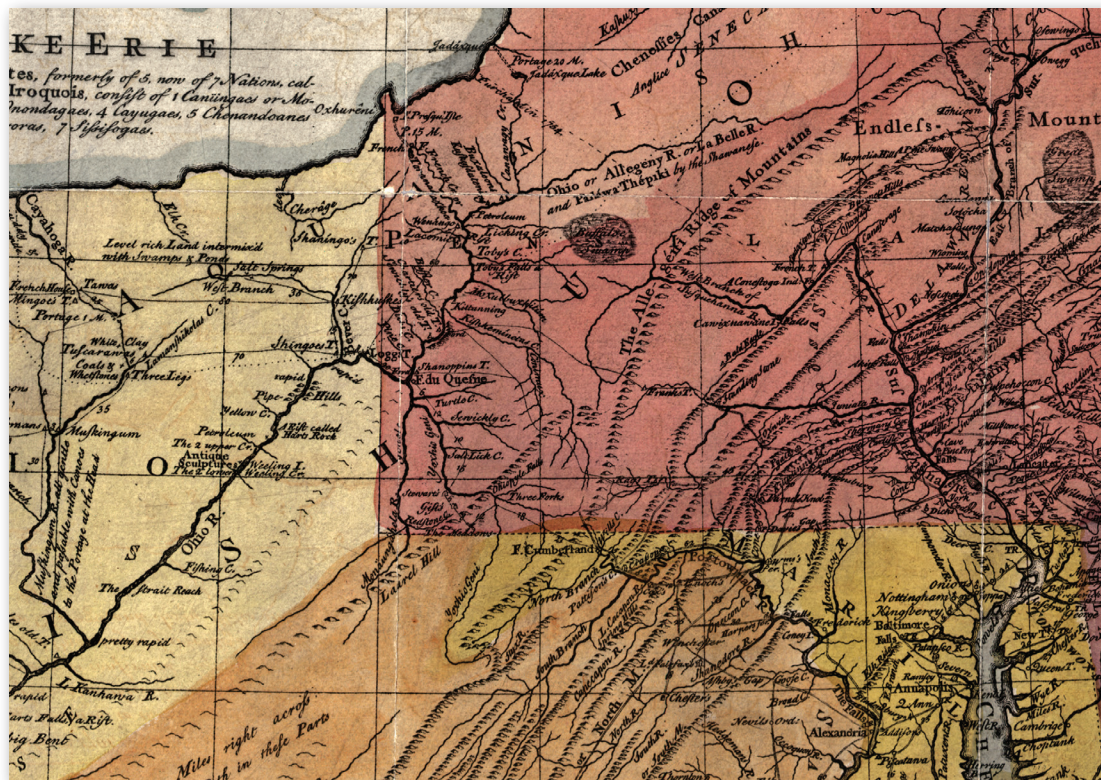
³ Boucher, John Newton, *Old and New Westmoreland*, Vol. 1, ed. Fenwick Y. Hedley (New York: The American Historical Society, 1918), p. 177.

⁴ *Ibid.*, 182.

⁵ Evans, Henry Oliver, "The Penns' Manor of Pittsburgh." *Western Pennsylvania History* (September-December, 1944), p. 120; Cushing, Thomas B., *History of Allegheny County, Pennsylvania*, (Chicago: A. Warner & Co., 1889), p. 456.

⁶ Samuel Hazard et al., eds., *Minutes of the Provincial Council of Pennsylvania, from the Organization to the Termination of the Proprietary Government*, vol. 10 (Harrisburg: Theo. Fenn & Co., 1852), p. 141-142.

⁷ Crumrine, Boyd, *The boundary controversy between Pennsylvania and Virginia; 1748-1785*, reprinted from W.J. Holland, PhD, ed. *Annals of the Carnegie Museum*, vol. 1 (Pittsburgh, Pa.: Published by Authority of the Board of the Carnegie Institute, 1902), p. 511-12.



ABOVE: This hand-colored detail from Lewis Evans' 1755 General Map of the Middle British Colonies shows one of several interpretations of Pennsylvania's western border that was advantageous to the Penns. Not surprisingly, Virginian depictions, such as the 1753 Fry and Jefferson map, located the Forks of the Ohio in that colony.

Library of Congress.