

*Pennsylvania*

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LAND GRANTS by the Dutch and Swedish governors, and settlements by nationals of various European countries, had been made within the present boundaries of Pennsylvania many years before the land in Pennsylvania was granted to William Penn.

A large tract of land "on and around the Schuylkill" was, in 1623, obtained by agreement with the Indians by Arent Corsson, a Dutch agent for trading with the Indians on the Delaware.

Swen Schute, who was in command of, and surrendered to the Dutch, the Swedish fort on the present site of New Castle in 1654, became possessed of practically all land in the sections of Philadelphia afterwards known locally as Passayunk, Southward, Moyamensing and Kingsessing.

The English drove the Dutch from the Delaware in 1664, and Colonel Richard Nicolls, having taken possession as the English governor, granted land and confirmed some grants which had been made by the Dutch and Swedish governors. All such were subject to an annual land rent, payable to the Duke of York.

Of the Swen Schute land, Nicolls granted a thousand acres to some Englishmen named Ashman and Carman. Grants were also made to Niel Mattsen, and six hundred acres, in what became West Philadelphia, were deeded to Jonas Nilsson, who had been a soldier in the Swedish Fort, Elfsborg (Salem), and who was afterwards an active member of the Swedish settlement.

Swen Gonderson and three sons, Sven, Olav and Andrew Swenson, were in 1664 granted by the Dutch governor, d'Hino-

yossa, eight hundred acres in what is now Philadelphia, assumedly from Vine Street to below Washington Avenue. This grant was confirmed by Governor Lovelace, who had succeeded Nicolls, at an annual land rent of eight bushels of wheat, payable to the duke. He also confirmed a grant of a thousand acres in Philadelphia previously made to Peter Larrison Cock, a Swede.

The thousand acres at Marcus Hook, which was in 1653 granted by the Swedish governor to Captain Besk, a Swede, was in 1676 appropriated by the English Governor Andros, who had succeeded Lovelace. He granted it to Jan Hendrickson and five others. Two years later, Hendrickson deeded all his right thereto to Roger Pedrick. The following year Pedrick and William Hews, with others, petitioned for a division of this land among them.

Andros in 1676 granted to John Hartsfelder 350 acres on the southwest side of Cohocksinks Creek, now in the Northern Liberties section of Philadelphia, at an annual land rent of three and a half bushels of wheat. About ten years later it was sold to Daniel Pegg.

Numerous grants of a hundred to two hundred acres each were made by Governor Andros along the Schuylkill and on the Wisahickon, Neshaminie, Poequissing, Amesland, Caleb's and Moherhuting Creeks.\* Various grants in Bucks County were made by Andros. Names of many settlers, and of the vessels in which they came, are recorded there.

Peter Rambo, an early Swedish settler, became a large landholder and claimed a tract of land in the lower section of Philadelphia, which was protested by the three Swensons as having been granted to them, before the grant to Penn. Their protest was upheld by the court. The Swensons and other large landholders were later, for a time, in the way of the fulfillment of the plans which Penn had made for the laying out of Philadelphia.

Penn, in 1672, at the age of twenty-eight, married Guhelma Springett, daughter of Sir William. Three years later some Quakers in England acquired an undivided half interest in all the land in New Jersey, and they called upon Penn, a leading Quaker, to advise them, as related in the chapter on that prov-

\*Upland Court Record

ince. That was the beginning of Penn's acquaintance with and desire for land grants in America.

Meanwhile, for several years, Penn devoted his time to propounding the Quaker faith in England and on the continent. In 1677 he went to Holland, where he attended religious meetings at Leyden, Haarlem, Amsterdam and Hannover. At Rotterdam he met Benjamin Furley, who afterwards became an agent of Penn in sale of land and in inducing emigration to Pennsylvania.

Penn's father, Admiral William Penn, died in 1670, leaving his son William an annual income of £1,500, or more, and a claim against the government of £16,000 for back salary. King Charles II, being unable or unwilling to part with that sum, Penn proposed to Charles that he be granted a large area of land in America in liquidation, and Penn presented a formal petition to that effect.

The grant of all the land in Pennsylvania to William Penn, [145] dated February 28/March 4, 1681, read in part:

"Charles II by Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, etc., To all to whom these presents shall come, Greeting:

"Know ye that we do grant unto said William Penn his heirs and assigns all that tract of land in America with all the islands therein, bounded on the east by the Delaware River from twelve miles northward of New Castle unto the 43° North latitude. On the south by a circle drawn at twelve miles distance from New Castle, northward and westward unto the beginning of the 40° North, then by a straight line west to five degrees in longitude from the easterly boundary.

"Also all the lands, fields, woods and isles belonging and leading thereto. And all the lands, woods, mountains, hills, lakes, rivers and bays situated or being within said bounds together with the fishing of all sorts of whale, sturgeons, also all veins, mines and quarries of gold and silver.

"We do create and constitute said William Penn the true and absolute proprietor of the country aforesaid, saving unto us our heirs and successors the sovereignty thereof, yielding and paying unto us our heirs and successors the one-fifth part of all gold and silver discovered.

"We erect the said country into a province and seigniorie and do call it Pennsylvania.

"We further grant power to divide said country into towns, hundreds, counties, boroughs and cities; and to constitute fairs and markets; power to appoint judges and officers, to muster men and to make war and to pursue the enemies and robbers as well by sea as by land, and with God's assistance to vanquish and take them, and to put to death.

"We grant to said William Penn his heirs and assigns a full and absolute power for ever to sell or rent such parts of the land in fee simple or in fee-taile, and erect manors, and to hold court-baron, and view of frank-pledge for the conservation of peace."

This gave William Penn, his heirs and assigns, the power of feudal lords, with authority of a viceroy.

Penn began at once in England to sell land in Pennsylvania. Conditions agreed upon in London, July 11, between Penn and the early purchasers of land, were similar to the concessions and agreements put into operation by Penn's guidance in New Jersey seventeen years previously; and provided that an area of land should be set out for a large town.

Every adventurer (buyer) was to have one thousand to ten thousand or more acres, but not more than a thousand acres in one tract, unless within three years he had a family on each thousand acres. The purchaser of each five hundred acres in the province was to receive ten acres in the town (Philadelphia), to be drawn by lot, so long as the area in the town would admit of it.

All mines and minerals, except gold and silver mines royal, and all rivers were to belong to the purchaser of land into whose lot they should fall. From this provision, acceded to, and maintained by succeeding state legislatures, have developed the royalties that must be paid to the absentee holders of coal lands by all users of Pennsylvania coal.

In prospecting for gold and silver, the proceeds of any discovery were to go: two-tenths to the King of England, as per the terms of the original grant, one-tenth to the landholder, two-tenths to the discoverer, one-tenth to the public treasury and four-tenths to Penn. After parting with the land on the regular terms, he was to receive four-tenths of any precious metal discovered thereon.

"Whoever may take or send indented servants shall be allowed for himself fifty acres for each servant taken or sent, and the servant shall also receive fifty acres when his term of service expires."

"Every man is bound to plant, or man, his land within three years after survey, or else other applicants may be settled thereon." The urge to dispose of land by Penn, and the pressure to buy and hold land unused on speculation, while increasing population made it more valuable, were too strong to permit continued adherence to this enlightened policy.

The oldest Pennsylvania deed known is in Bucks County, dated April 1, 1681, from Penn to Thomas Woolrich of Stafford, England, for a thousand acres, the consideration being £20, and in addition, 1s per hundred acres annual rent for ever. Another deed is there for five hundred acres to James Hill, shoemaker, of England, on the same terms.

Penn addressed a letter to the people of Pennsylvania in which he requested them to pay to his deputy, William Markham, whom he was sending to Pennsylvania as his deputy-governor, those land rents that they formerly paid to the governor of New York for the Duke of York. Markham and Thomas Holmes, surveyor, arrived in Pennsylvania July 1, 1681.

Calvert, of Maryland, disputed the exact location of the 40° N., which was the southern boundary of the Penn grant; whereupon Markham, in August, went to Maryland to confer with Charles Calvert, third Lord Baltimore, who was then the Maryland governor, but they failed to reach an agreement.

Thirteen months later, Calvert, with a retinue of twenty-one, went to Upland (Chester) to confer with Markham and found Upland to be twelve miles south of 40°. The 40° parallel is at the northern edge of Philadelphia.

Penn's instructions to Markham and Holmes: "Should it happen that the location you select for the great town has been already taken up, and not improved, use your skill to persuade them to part with part of it, and take some back land. By the settlement of this town, the back land in a few years' time will be worth twice as much as the entire quantity was before. Offer them a new grant at their old rent; nay, half their rent abated; yea, make them free as purchasers rather than disappoint my

mind in this township; urge the weakness of the title of their grant from the Duke of York [their previous landlord], he having never had a grant from the king, etc. Be just and courteous to all. Avoid offending the Indians. Be grave, they love not to be smiled on. Harken [learn] by honest spies if you can hear of anybody who inveigles the Indians not to sell land, or to raise the price upon you."

A letter from England the same year reported: "William Penn is extraordinarily busy about his new country, and purchasers present themselves daily." Penn, in England, issued literature telling people in England and elsewhere of the advantages of Pennsylvania, adding: "England swarms with beggars; now thousands of both sexes that are sound and youthful and able to work run up and down both city and country [the cause of which is shown herein in an earlier chapter]; nor is there any care taken to employ them. Such as could not marry here in England, and hardly live and allow themselves clothes, do marry in Pennsylvania and bestow thrice more in all necessities and conveniences for themselves and their children." Of the persons most fitted to emigrate he noted: "industrious husbandmen and day laborers that are hardly able to maintain their families in England, carpenters, masons, smiths, weavers, tailors, tanners, shoemakers, shipwrights, etc. Also younger brothers of small inheritances. Labor will be worth more there, and provisions cheaper. The passage will be at most £6 per head for masters and mistresses; servants £5; children under seven years 50s."

The rent on all land allotments was at a fixed rate, except on the lots fronting on the Delaware River in Philadelphia. The perpetual ground rent on these, as increasing population and commerce increased their value, was to be increased every fifty-one years to one-third of the actual rental value.

It was planned that ten families settle together in a township, each on fifty acres, as near together as possible, and each family to have 450 acres additional, extending back therefrom. Within two years, at least fifty of these townships existed and the settlers were prospering.

Penn followed the example of neighboring provinces in distribution of land, as well as his personal experience in previously

allotting land in New Jersey. He appointed a secretary, auditor-general, receiver-general, surveyor-general, deputy surveyors, and the commissioners of property, who acted in the proprietary's absence, with authority to clear lands of Indian claims, and grant them at a purchase price and an annual land rent in addition.

Penn's ingenious advertising in England and on the continent drew merchants, yeoman and peasants, English Quakers, Germans, Scotch-Irish, Welsh and Irish as seekers after homesteads.

Penn, early in 1682, promoted a company by the title of "Free Society of Traders," composed of some London merchants, a doctor, leather-seller, yeoman, wine-cooper and others, granting them twenty thousand acres in and about Philadelphia, one location being a "manor" of ten thousand acres at Frankford, to Dr. Nicholas More, president of the Society, and called the manor of Moreland. The payment or rent thereof was to consist of one-fifth part of the gold and silver reserved by the king, and another one-fifth and 1s yearly rent per hundred acres to Penn, his heirs and assigns. He stipulated that no person should inspect the company's books without its consent. Dr. More, two years later, became chief justice of the province.

Laws agreed upon in England provided that every inhabitant in the province who purchased a hundred acres or up; and every person who had paid his passage and taken up a hundred acres at 1*d* annual rent per acre, and had cultivated ten acres thereof; and every indentured servant, who after his freedom took up fifty acres and cultivated twenty thereof; and every inhabitant over twenty-one years of age that payed scot and lot to the government and professed faith in Jesus Christ, being not convicted of ill fame or unsober and dishonest, should be accounted a freeman, and be capable of electing or being elected a representative in the assembly.

The government of the province was to consist of a governor (the proprietor or his appointee), a provisional council and an assembly elected by landholders. These were soon chosen. All enactments of the assembly were to be submitted to the king in council.

The Indians were to have liberty to do all things relating to improvement of their land and providing sustenance for their

families that any of the planters enjoyed. No person was to leave the province without notice thereof, posted in the market place three weeks before.

In every hundred thousand acres surveyed, Penn reserved ten thousand acres for himself. He claimed the right of strays, escheats, deodands and the right to erect windmills, and the profit of the markets and stalls.

Penn wrote from London to Thomas Holme, his surveyor-general in Pennsylvania, that during the first fourteen months he sold 565,500 acres, in parcels of from 250 to 10,000 acres. Of the latter are two lots to the Free Society of Traders, making up their twenty thousand acres sold in England, Ireland and Scotland.

Markham acquired for Penn consent of the Indians to occupy land on the Delaware River, below the falls at Trenton.

Only the first purchasers in England, whose names appeared in the parchment list of August 22, 1682, had a right to lots in Philadelphia proper, and they drew for their lots. Heirs of holders of rights to such lots usually had difficulty in obtaining their plots, which soon became valuable, and recognition depended on payment for warrants, the survey, the return, the patent and its recording, besides many inconveniences. [136]

Penn sailed from Deal in the ship "Welcome," of three hundred tons, with about one hundred passengers, chiefly Quakers, the names of whom, with few exceptions, are now unknown. He arrived at the Delaware Capes on October 24, 1682. About thirty died of smallpox on the voyage, a frequent occurrence during the early Colonial Period.

En route up the Delaware he went ashore at New Castle, where he announced his proprietorship of Delaware, as stated in the chapter on the Delaware Region; after which he sailed up the river to Upland. This was a settlement founded and plotted four years previously by some Swedes, on twelve thousand acres, divided among six persons. It had a court with jurisdiction over the neighboring territory along the river. Penn changed its name to Chester.

In December, Penn went to Maryland to see Calvert and in the following May, Calvert met Penn at New Castle.



But aside from the stated  $40^{\circ}$  as the boundary, the grant provided that this parallel was to be intercepted on the west and northwest by a circle drawn twelve miles distant from New Castle, which provided for an impossible conjunction. The dispute was due to a lack of geographical knowledge in London at the time of drafting the Penn grant.

Calvert had correctly marked the  $40^{\circ}$  parallel by a fort on the Susquehanna River, twenty miles north of the present Maryland boundary. Penn's position as a royal favorite enabled him to predominate in his interpretation of the boundary and to push his southern boundary twenty miles south of the Susquehanna fort, thereby supposedly taking from Calvert more than three million acres, along the entire southern part of Pennsylvania.

It has been truly said that Penn's charter was the source of more boundary disputes than any other in American history. [48]

At the time of the arrival of Penn, there were five thousand Europeans living along the Delaware, including English, Swedes, Finns, Danes, Dutch, Irish, Scotch and French; the number of English being equal to all the others. An act of assembly naturalized the foreign-born settlers. To extinguish titles and claims to land derived from the previous Swedish and Dutch governors, Penn confirmed some grants already made by them and made the land rents payable to himself, instead of to the Duke of York.

Acrelius said the new deeds from Penn charged three or four times the land rent that had been charged by the Duke of York.

The first habitations of the early settlers in Philadelphia, and of new arrivals for several years, were in caves dug into the high river bank. Trading and speculation in land locations had already begun amongst the sparse population of that early day. Land between the Delaware River and the Schuylkill was chosen for the first city, which Penn had decided to name Philadelphia. There was an immediate distribution of lots on several streets. A list of the lots and names of those who drew them are in E. Hazard's *Pennsylvania Annals*, but street names have been since changed.

Penn wrote from Philadelphia to the Lords of Trade and Plantations: "I have made seven purchases of the Indians, and in pay and presents they have received of me at least £1,200. I have fol-

lowed exactly the counsel of the Bishop of London, by buying, and not taking, the native's land."

Penn located a manor of 6,500 acres in Bucks County, which included Pennsbury, where he built and furnished an elaborate residence. Several tracts of ten thousand acres each were laid out as manors for certain of Penn's relatives.

Robert Turner, a wealthy English Quaker who had been imprisoned for his religious belief, had bought proprietary shares in both East and West Jersey, and afterwards bought of Penn five thousand acres in Pennsylvania. He went to Pennsylvania the year after Penn arrived, taking his family and seventeen indented servants, and built a brick house in the city. Joseph Growden of England, one of the early purchasers, bought five thousand acres on Neshaminy Creek, Bucks County. [106]

During the first year more than twenty vessels arrived, with about three thousand people. Eighty houses were built and three hundred farms laid out.

Fourteen months after arriving in Pennsylvania, Penn wrote the Marquis of Halifax: "Our capital town is advanced to about 150 farmers strong. I settle them in villages, dividing five thousand acres among ten or twenty families, as their ability is to plant it; the regulation being a family to each five hundred acres, of which fifty acres for each family are in the village."

Colonists poured into Philadelphia from various parts of Europe and struck out in all directions into the new and untried regions. Plans were soon lost sight of and surveys and sales were made promiscuously, as purchasers wished. [91]

By the end of the second year there were 357 houses in the city, many of three stories, and well built. Two years later the population of the province was eight thousand, of which twenty-five hundred were in the city. This was as much as the population of New Netherland, at the end of half-a-century of Dutch occupancy.

It, therefore, is not surprising that Penn wrote: "Within one year of my arrival, the value of the least desirable lots in Philadelphia increased to four times their value when first laid out, and the best lots were worth forty times, without any improvements thereon. And though it seems unequal that the absent should be

thus benefited by the improvements made by those that are upon the place, especially when they have served no office, run no hazard, nor as yet defrayed any public charge, yet this advantage does certainly redound to them, and whoever they are, they are great debtors to the country."

Penn designated ten thousand acres in Montgomery and Berks Counties to be a location for the Swedes, to which, before his arrival, he had urged Deputy-Governor Markham to have the original Swedish settlers move, from the site of the proposed city.

He also set apart for the Welsh forty thousand acres in Montgomery County, "on the west side of the Schuylkill." This was allotted in tracts of one hundred to five thousand acres. [3x] Welsh settlers became quite numerous, but considerable land in that tract was allotted to others. [91]

Another Welsh tract of three thousand acres began seven miles west of New Castle; the idea of Penn being to extend his domain as near Chesapeake Bay as possible. The terms were £12, 10s per hundred acres (about 60¢ per acre), payable in annual instalments, and in addition 1s silver per hundred acres, annual land rent for ever.

Francis Daniel Pastorius, a young lawyer in Germany, arrived in Philadelphia representing a group which had bought fifteen thousand acres through Benjamin Furley, a shipping merchant in Rotterdam, who acted as Penn's agent in Europe for the sale of land and the promoting of emigration.

All the land along the Delaware River had been already allotted, and Penn demurred at granting fifteen thousand acres in one tract, fearing that much of it might remain unused. He also demurred at honoring Furley's promise of granting three hundred acres in the Northern Liberties division of the city; saying land in that section was granted only to the first buyers of five thousand acres before he left London, when the books were closed.

The following October, thirteen families, comprising thirty-three persons, mostly Mennonites or Quakers, weavers by occupation, arrived in Philadelphia from Crefeld, Germany, being some of those for whom Pastorius had bought land.

A fortnight later, Penn deeded land in Germantown: 200 acres

to Pastorius, 2,675 acres to the Crefeld group, a like acreage to a Frankfort, Germany, group, and 150 acres to one Hartsfelder, who probably represented the last-named group. This acreage was sold on condition that within a year thirty householders should be located on it, which condition seems to have been more than fulfilled, as, by 1700, there were sixty-four houses thereon.

It would appear that, in addition to this acreage, he granted them the three hundred acres in the Northern Liberties section, and three city lots between Front and Second Streets, at South Street, each lot one hundred by four hundred feet, on each of which a house was to be built within two years. Fourteen lots were laid out in Germantown. Each family there had three acres.

Penn left Philadelphia in August, 1684, terminating his first visit. After his arrival in England he made some large sales of land. To Joseph Pike, a prominent Quaker of Cork, who was always an absentee, he sold twenty-five hundred acres. Most of this land was held by Pike and his family for nearly a century, [91], and was then sold at a large profit, created, not by the Pikes, but solely by the public through increase in population.

Several speculators each bought ten thousand acres along French Creek, in Chester County, for a settlement of French Protestants. Another sale was of five thousand acres along the Schuylkill, in Whitmarsh township, Montgomery County, to Major Jasper Farmer, of Ireland, and his sons. [91]

At this time lots were in increased demand for speculation. "There was great buying, one of another."

Penn wrote Markham: "I cannot make money without special concessions. Though I desire to extend religious freedom, yet I want some recompense for my trouble." At another time he wrote Markham that he had just "refused a tempting offer of £6,000 for six shares, for a company to which I would grant a monopoly of the Indian trade south to north, between the Delaware and Susquehanna Rivers, paying me  $2\frac{1}{2}$  per cent rent." He reported refusing an offer of £100 and abatement of land rent on five thousand acres. Penn appointed agents in England and Pennsylvania to sell land.

In Chester County, in 1685, a tax of 2s 6d was levied on every hundred acres taken up and surveyed, but non-residents, being

absentees, were to pay one-half more, or 3s 9d; a wise provision to discourage holding land unused on speculation, and one which should be in effect everywhere.

In 1685, Penn, writing from England to Thomas Lloyd, President of the Council, in Philadelphia, said: "Prepare the people to think of some way to support me, so I may not consume all my substance to serve the province."

Eneas MacPherson, of Scotland, bought five thousand acres with all the customary privileges of a manor, including the power to erect the same into the barony of Inversie. "The said MacPherson may hold court-baron, view of frank-pledge and court-leet, at an annual land rent of 1s per hundred acres."

William Bacon, of the Middle Temple, London, bought ten thousand acres. Like numerous others, he was purely a speculator and absentee holder.

Penn went to Holland and Germany, in 1686, with a German translation of his prospectus of Pennsylvania, to interest Menonites, Schwenkfelders and other similar sects.

Penn was absent from Pennsylvania fifteen years, between 1684 and 1699. He ordered officials of the land office to make no grants within five miles of any navigable river, or adjoining any land already inhabited, as such was to be reserved for himself until it became more valuable; also not to sell in the city vacant lots that lay between those already disposed of. He tried to evade granting lots in the city.

Penn's intimacy with the dethroned James II caused him to be suspected by the new rulers of England. He had been arrested three times, charged with correspondence with James, but each time was cleared. [169]

He prepared to go to Pennsylvania in 1690, "with a great company of adventurers" (prospective land buyers), when an order for his arrest was again issued. Whereupon, for two or three years, he lived quietly in the country, or in obscure lodgings in London. [169]

Because the Pennsylvania government objected to contributing funds towards fortifying the New York frontier against the Indians, for the protection of all the colonies, and further, because

of charges against Penn in England, King William, in 1692, appointed Governor Fletcher of New York to be also governor of Pennsylvania.

A threat to annex the province to New York caused the assembly, after ten months of the Fletcher government, to pass an act levying a tax on all land to provide the fortification funds.

At a hearing in 1694 Penn was cleared of all charges, but it was not until five years afterwards that he was able to go to Pennsylvania.

Surveys were not made at the time of a grant. As purchases were often made for speculative purposes by persons who never visited the province, titles were frequently defective from the outset. Penn and others bought many such from heirs of the original buyers. [136]

It was difficult for settlers to get their land surveyed until the speculators had been satisfied. Surveys of large areas were made by speculators in localities most suitable for immediate settlement. They were accustomed to hold large tracts of outlying land until fabulous prices could be obtained. [136]

No system whatever for division of land can be traced in the records of the Pennsylvania land office.<sup>b</sup>

The early buyers of Penn paid him 12*d* a year rent per hundred acres. As population and the demand for land increased, 50*d* or 100*d* per hundred acres per annum became more customary rates. At first, from every hundred thousand acres surveyed, one-tenth was to be reserved for Penn in one tract; later, his share was increased. Towns were often laid out on his portions and lots offered for sale.

The development of York was retarded by quarreling over the ownership of lots, because of failure of the land office to record deeds. [71]

In Chester County in 1695 land under cultivation was assessed at £1 per acre, and all uncultivated land at 2*s* per acre, which made it easy to hold unused land on speculation. Woodland was assessed at £5 per hundred acres, with a tax of 1*d* in the pound. A tax was also levied on mills, live-stock and on Negroes. [136]

<sup>b</sup>Gordon's History

Penn's first wife, the mother of three children—Springett, Laetitia and William—died in 1694. Two years later, after some weeks of traveling and preaching in England and Ireland, Penn, then fifty-one years of age, married Hannah Callowhill, for whom a street in Philadelphia is named.

Gabriel Thomas of Wales, near Bristol, arrived in Philadelphia in the first company and, seventeen years afterwards, wrote: "In twelve years from laying out of Philadelphia, lots which had sold at 15s and 18s, are now £80 silver. And others which two years ago were £3 have sold for £100. Also, land near the city, which sixteen years ago was £6 or £8 per hundred acres, cannot now be bought under £150 to £200 per hundred acres."

Nine lots in Philadelphia, and sixty thousand acres elsewhere in the province, were sold by Penn in 1699 to four Londoners: Collett, a haberdasher, Russel, a weaver, Quarre, a watchmaker and Gouldney, a linen draper, who, with associates, were known as the London Company. They were absentee holders on speculation, and held the land until late in the Colonial Period. [91]

This sale enabled Penn to bring to Pennsylvania his wife and daughter, Laetitia, and as secretary, James Logan, aged twenty-five, a Quaker of Bristol and a former schoolteacher. Seven weeks after their arrival, Penn's son, John, "The American," was born, for whom ten thousand acres, on part of which Norristown is located, were surveyed.

Penn also gave his son, William, a manor, which he soon sold to William Trent and Isaac Norris for £850; and 1,250 acres went as a gift from Penn to George Fox, the Quaker leader.

The frame of government, as amended in 1701, provided that no inhabitant should be entitled to vote, or be elected, unless he had been a resident for two years, was over twenty-one years of age, and had fifty acres of land, of which ten acres were occupied and cleared, or he was otherwise worth £50, clear estate. This prompted the settlers to acquire land.

Penn asserted that he would never permit an assembly to intermeddle with his land. He denied the right of the assembly to interfere in the agreement between him and the first purchasers in England; and complained because of its attempt to prevent him from increasing the rent and prices of land, [136]

which the increased demand for land, resulting from the increase in population, made possible.

Rumors of attempts of the British government to convert the proprietary governments in America to royal ones caused Penn to return to England in 1701. On leaving the province at the end of his second, and last, visit, Penn commissioned Edward Shippen, formerly of Boston, who had settled in Philadelphia, Thomas Strong, James Logan and Griffith Owen, or any three of them, to sell land. Many well-to-do persons from Boston, New York and the West Indies located in Philadelphia.

King William III died in 1702. Queen Mary having previously died, her sister Anne succeeded to the throne. She was a friend of Penn, because of his friendship with her father, James II. That year England declared war against France and Spain.

John Evans, a young man in his late twenties, was appointed by Penn as governor and, having received, as required, the royal approbation in 1704, arrived in Philadelphia with William Penn, Jr., of about the same age. Evans became conspicuous by his conduct with Indian women, and they both gave the guardians of the peace much trouble by their roistering in the inns and other resorts of the town.

Penn stated that during the first twenty-six years of his proprietorship he had lost over £64,000. Later in life he placed the amount at £30,000, "while the speculators who have bought land of me are growing rich."

These amounts do not mean losses, but the sum invested in the promotion up to the time named. By the settlement of the province, which was going on rapidly, Penn, with millions of acres, was growing far richer than all the buyers of small tracts. The final outcome, when the state took over the unsold land, showed a very large profit to the Penns, as will presently appear.

Mr. Penn was first followed by his flock to Pennsylvania as a kind of patriarch. His failures in his conduct towards them were complained of by the assembly. It complained to Penn of the exorbitance of the land office: "Thou kept the land office shut up whilst thou sold lands in England to the value of about £2,000, and also got great tracts of land secured to thyself and relatives." [52]



Swedish resident landholders, to the number of twenty-four, in 1709, addressed the assembly: "We with great difficulty and loss of several lives, after obtaining peace with the Indians, and upon the surrender of this province to the English forty-five years ago, it was agreed on both sides that the inhabitants were not to be disturbed in their lives, liberties or estates. After that, being summoned before the government [under the Duke of York] at New York, we were obliged to take patents or grants for what land we held or desired. But since this province has been granted to William Penn he and his officers have called for our deeds under pretense of renewing them, which having obtained, would not return them again, but instead thereof, re-surveyed great parts of our lands and took it from some of us: others were required to pay greater land rents than before; and because some of us refused to pay the increased rent—on some tracts being three or four times more than we ought, or used, to pay when under the Duke of York government—we being, as we supposed, the Queen's tenants, and not liable to pay at all to the proprietor Penn, the Penn collector, James Logan, threatened to distress our goods for said rents. We solicit your help that we have our patents restored, together with the overplus of the land rents which have been extracted from us these twenty years."

Previous to 1712, there were sold in Pennsylvania and Delaware ninety-one thousand acres for £10,640, at the rate of £5 to £130 per hundred acres.<sup>c</sup> The general price of land had been £5 per hundred acres, together with a perpetual annual land rent of 1s per hundred acres in addition. This was soon changed to £10 per hundred acres, with 1s per hundred acres annual rent. After 1719 the price was £10 per hundred acres and 2s annual rent. At that time wheat was 2s to 2s 3d per bushel, corn 22d, rye 20d, and cider 6s per barrel.

By acts of the assembly, between 1696 and 1717, land which was held by Penn and the lieutenant-governor was apparently exempt from taxation. [136]

The assembly enacted in 1724 that land held for speculation was exempt from taxes. Later it was assessed for taxation at £5

<sup>c</sup>Pa. Land Grants

to £15 per hundred acres and subject to sale for non-payment. Penn contended that because unused land was not taxed in England, it should not be taxed in Pennsylvania. A tax policy that encourages holding land out of use for an increasing population which must have land, to run up the price, militates against the material development and social welfare of any state.

Shepard [136] said: "The proprietors were great landholders—feudal lords—who had been hitherto expressly exempted from assessment for taxes. The progress of the democratic spirit demanded that feudal rights of tax exemption should be abolished, and as owners of land they should be considered as private individuals. Any plea for exemption lacked the powerful support of precedent in other provinces, both royal and proprietary. The proprietors said the Board of Trade in London had told them they were no more liable to taxation than were the royal governors. But as time passed, they must submit, in part at least."

Penn suffered a stroke in 1712, and was out of his mind for a year and a half, and died in 1718, aged seventy-four. His will provided that after payment of his debts all his land and land rents should go to his widow and other trustees—Logan, Gouldney and Gee. They were to convey ten thousand acres to his daughter Laetitia and ten thousand acres to each of the three children—Guhelma, Springett and William 3rd—of William, Jr., his son by his first wife.

All the remaining land and land rents were to be conveyed to Thomas, Richard and John, children by his second wife.

Inasmuch as Penn's sons, being Quakers, declined assuming the governorship because of the oath required, Penn left to three trustees—the Earl of Oxford, Earl Mortimer and Earl Powlet—his right to govern Pennsylvania, with instructions to them to sell that right to the crown or to any private person.

After the death of the second wife of Penn, in 1726, the surviving trustees conveyed the Penn land in the province to her sons; one-half to John, and one-quarter each to Thomas and Richard. John and Thomas were, in 1732, employed in a London dry-goods store, while Richard was for a time without employment.

By other deeds executed between 1731 and 1742, the land rights

of the young proprietors were established. By terms of the founder's will, his grandsons could obtain the powers of government only by purchase, and they were unable to do that.

The land of the Society of Traders, which had bought twenty thousand acres, was sold by trustees in 1723. The tract of 7,700 acres in Chester County was bought by Nathaniel Newlin. He did nothing towards developing it, and six years later sold a large part of it at a profit. The remainder he left to his children.

Settlers continued to arrive and during one week, in 1727, six ships docked in Philadelphia. The eager demand for land for homes and cultivation was so persistent that many released indentured servants and newly arrived immigrants located without permission on unoccupied land. This became especially marked after 1730. By that year about a hundred thousand acres had been located on and improved without permission, including fifteen thousand acres in Conestoga Manor, Lancaster County, which were settled upon by some Scotch-Irish immigrants. They were afterwards ejected by the sheriff and his posse, who burnt their cabins.

Secretary James Logan, writing in 1727 to John Penn in London, said: "Both these sorts sitt frequently down on any spott of vacant land they can find, without asking questions. They say the proprietor invited people to come and settle his country, that they are come for that end and must live; they pretend they would buy but not one in twenty has anything to pay with. In doing this by force they allege that it is against the laws of God and nature that so much land should be idle, while so many Christians want it to labor on."

Two years afterwards Logan again wrote Penn: "The settlement of vast numbers of poor but presumptuous people, without license, have entered on your land and neither have, nor are like to have, anything to purchase with."<sup>d</sup> From Logan's reporting the assertion of the poor settlers that it is against the laws of God and nature to hold land out of use, when others need to use it, one may have the feeling that he recognized the justice of their assertion.

The assembly, in 1730, requested the Penns in London to

<sup>d</sup>Pa. Archives

solicit the crown's approval of its acts, but they refused to do so unless paid for their services, whereupon, for that and other reasons, Benjamin Franklin was sent to England as an agent of the assembly. The Penns, knowing Franklin as an opponent of their land-tax policy, then offered their services, but Franklin was on his way.

The Penns held more than twenty-seven million acres. Penn's sons, John and Richard, in 1731, estimated the value, exclusive of the Delaware River front lots in Philadelphia, to be £50,000.—a small fraction of what the Penns were paid by the new state and the British government when divested of the land.

William Penn, grandson of the founder, in consideration of £5,500 and certain specified reservations, sold his asserted claim to land and government to his uncles, John, Thomas and Richard. They mortgaged the land to the vendee as security for payment, but reserved the right of government.

The surviving trustee, failing to sell the right of government, conveyed it to these three sons of Penn. Thomas seemed best fitted for the management. In 1732, when he visited Pennsylvania, the two brothers who remained in England, urged him to sell their lands at almost any price, so they could pay their debts and avoid continual dunning; they had been paying their father's debts and cost of litigation with Calvert. After the return of Thomas to England, nine years later, none of the Penns was in America during the next thirty years. [136]

For a number of years after 1732 the regular price of land per hundred acres was £15, 10s currency, together with a perpetual annual land rent of a half-penny sterling per acre. Meantime, the proprietors offered land at auction at a bid price, with an additional 1s sterling per hundred acres perpetual annual ground rent.

An Indian deed to Penn heirs, in 1736, evidently written by Thomas Penn, then in Pennsylvania, which seems ridiculous, recited: "We do hereby promise and engage for our children and their children, that neither we nor they . . . will sell or grant to any person, other than to said proprietor, the children of William Penn . . . any land within the limits of the government of Pennsylvania." [74]

A "walking purchase" of land from the Indians, (by which the bounds that can be walked in a specified time fixes the area) in 1737, extended from Wrightsville (near York) to Mauch Chunk, thence to the Delaware River at the mouth of the Lackawaxen (Port Jervis), instead of at the Water Gap. [74]

Gettysburg was settled about 1740 and Moravians from Georgia founded Bethlehem in 1741.

Benjamin Franklin, [52] in 1754, wrote: "No one was allowed to buy land of the Indians except the proprietary. Rendered thus the sole purchaser, he reckoned he might always accommodate himself at the Indian market on the same terms with what quantity of land he pleased; and till the stock in hand, or such parts of it as he thought fit to dispose of were in a fair way of being sold off, he did not think it for his interest to incumber himself with more.

"In process of time as the value of land increased these land rents would of themselves become an immense estate. For want of a specific clause to declare their property taxable the heirs of the proprietaries insist on having it exempted from every public obligation, and upon charging the difference on the public.

"The Penn family has been doubly paid in the value of the lands, and in the increase of land rents with increase in population."

John Penn, the American born, never married. At his death in 1746, he bequeathed his one-half of all the land in Pennsylvania to his brother, Thomas, for life, then in succession to the sons of Thomas, or in default of these, to descendants of Richard, who held one-quarter. Thomas Penn, son of the founder, thus became the owner of three-quarters of all the unsold Penn land in the province.

Governor Dunmore of Virginia, in 1754, claiming the land for Virginia jurisdiction by the Lancaster agreement, erected a fort at the present site of Pittsburgh. To encourage settlements, he offered three hundred thousand acres, mostly in Pennsylvania, free of land rent for fifteen years, whereupon the Penns offered land in the same region on the same terms. Settlers and speculators increased and, in competing for Indian grants for lands west of the Alleghenies, it became a struggle between the Phila-

delphia and Lancaster merchant-speculators and Virginia speculators. This competition brought on the atrocious seven years' French and Indian War (1754-61). The war spread over most of the colonies, including New England, in which the lives and homes of thousands of innocent settlers were lost. [1] Spreading to Europe, it involved England and Prussia on one hand and France, Austria, Spain and minor powers on the other; it flamed up in India, deciding the fate of teeming millions on the other side of the world. [10]

To raise the necessary funds for the war, a tax on all land value was the foremost suggestion, to which the Penns offered vigorous objection, claiming exemption from any tax.

The revenue of the Penns from rents of manors and other allotted lands, was at that time nearly £30,000 per annum. [5]

The governor, Robert Morris, wrote the assembly: "It is contrary to the constant practice and usage in this, and all proprietary governments upon this continent, so far as I have been informed, to lay any tax upon the lands of the proprietaries."

The assembly, in addressing the governor said: "Of the proprietary right to a monopoly of land, whether from the crown or assembly, the assembly answers that those in whose favor such monopoly was created ought to bear at least a part of the expense necessary to secure them the full benefit of it."

In the dispute, the Penns, in lieu of a tax on their lands, offered as their contribution, lands west of the Allegheny Mountains free of land rent for fifteen years, as follows: "To every colonel who shall serve in an expedition against the French on the Ohio, a thousand acres; and [graded down through the ranks] to every common soldier, two hundred acres. The assembly to afford some assistance to such as should accept the same."

The assembly replied: "This offer is in effect an amusing one, as land can be had in Virginia at a perpetual land rent of 2s per hundred acres, without purchase price being exacted, whereas the common perpetual annual land rent in Pennsylvania is 4s, or 2s sterling, in addition to a purchase price, and with the same exemption of rent in both provinces for the first fifteen years. So that the offer to the soldiers to recover the Penns' lands out of the hands of the enemy is no better than a proposal to reward

them with a part of the lands they were to recover, and at more than double the price demanded in the neighboring province, without the risk they were in the present case exposed to."

The assembly, in an address to the governor, seems to have had at that early day, a logical grasp of what is often designated as the tax burden. "All taxes," it said, "ought, upon the whole, to produce more good to those who pay them, than the same sum left at their individual disposal would produce, in which case taxes are no burden."

The assembly finally resolved to grant £50,000 to the king's use for the war, by a tax on all land and personal property within the province. To avoid the tax being levied on their land, the Penns sent an order on their receiver-general for £5,000, and the proposed tax on the proprietary lands for the defense fund was abandoned. [52]

Thomas Penn persisted in his effort to avoid having taxes laid on the Penn lands by having them laid on those who improved land and developed the country. That is the practice throughout the world, fostered by the powerful interests who are holding land out of use, for increasing population to make more valuable.

Thomas Penn writing from London to Richard Peters in Philadelphia said: "Taxation of land must be on true rental value only, as in England, and not upon the real value of the fee simple. All unoccupied and unimproved lands, and all ground-rents, should be exempted, and no land should be sold for non-payment of taxes. The proprietors are not on the same footing as the purchasers, for we believe our grant is paramount to the laws and constitution of the province. The assembly should not meddle with our lands without our consent," and again wrote: "No bill can pass the assembly without our consent."

Deputy collectors of land rents for the Penns were appointed, in 1756, personally to collect from farm to farm. Unless the amount of arrears was kept down, many people might object to paying anything at all. [136]

In 1757, the Penns claimed that £197,193 were due them for rent and purchase money in Pennsylvania, and £31,813 in Delaware. The total value of the Penn estate was now estimated at

£3,806,112, exclusive of the valuable lots on the Delaware River front in Philadelphia;\* all this had grown automatically in seventy-five years from an \$80,000 claim, inherited by Penn.

On appeal of the Penns, the Board of Trade in England, in 1758 recommended that all land within boroughs and towns, not already granted by the proprietaries, be deemed located uncultivated lands, and not as lots. In the town of Carlyle, sixty-four lots belonging to the Penns were then rated at from £8 to £15 each. Near that town, 136,372 acres of unsold land were valued at £15, 10s per hundred acres, of which three thousand acres were rated at £10 per hundred acres, and two thousand acres at £25 per hundred acres. The Penns acknowledged, in 1759, that they must submit to the land-tax, or have their lands sold. [136]

Because the high prices of land exacted by the Penns were causing migration to the southern colonies, land prices in Pennsylvania were reduced somewhat in 1751. Fourteen years later they were reduced to £5 sterling per hundred acres, with a perpetual land rent in addition of 1*d* sterling per acre per annum.

By the middle of the 1700's the revenues of the proprietors from land sales and rents made their position more independent. People of the province looked upon the proprietors as aristocrats, having association with aristocracy and others of social station in England. The authority of the proprietors survived royal jealousy, family dissensions and popular attacks. [136]

John Penn, eldest son of Richard, became governor in 1763, succeeding Governor Hamilton, and eight years afterwards succeeded to the proprietorship, at which time his brother, Richard, became governor and served until the outbreak of the American Revolution.

The pressure of settlers for land continued so great that the Penns began, in 1769, the sale of land west of the Alleghenies, and in four months a million acres were sold, mostly in tracts of three hundred acres each. [155]

George Croghan, a prominent and influential Indian trader in western Pennsylvania, in 1770 wrote: "Mr. Penn has sold, since the Fort Stanwix treaty with the Iroquois, all the good land within his grant west of the Alleghenies. I am sure that between

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four thousand and five thousand families have settled west of the mountains in that time. All this Spring and Summer the roads have been lined with wagons moving into Ohio; all wanting land to settle on."

Encouraged by the western migration, which was increasing the demand for and price of land, Croghan became an indefatigable land speculator, and an influential leader of the Pennsylvania coterie of speculators. He had Indian title to thousands of acres of choice lands in Pennsylvania, and two hundred thousand acres in the Lake Otsego section of New York.

Unable to meet the cost of surveys and recording, he failed to patent an Indian grant of two hundred thousand acres on the Ohio, near Pittsburgh. When the sheriff was foreclosing on some of his best land, he was borrowing money to make another Indian purchase of six million acres, just across the Ohio River from Pittsburgh, for the equivalent of \$12,000 in merchandise; being at the rate of five acres for 1¢. Of this he subsequently sold 125,000 acres, at 4¢ per acre, to the aforementioned Dr. Walker and associates of Virginia. To validate the Indian purchase, it was necessary that the Continental Congress, in session at Philadelphia, should sanction it. This sanction was obtained by bribery, through allotting part of the land to some of the members of the Congress and other officials. [1]

Acting for eastern land speculators in 1775, Croghan paid the Six Nations merchandise worth \$6,000, for Indian rights to 1,500,000 acres.

After many years of land grabbing and land speculation, and association with others similarly engaged, Croghan died impoverished in Philadelphia. Land speculation is not always profitable, but in those periods of high speculative land prices which it engenders, it restricts labor and the production of wealth.

To understand the basis of the claim of Connecticut for land in Pennsylvania centering about the Wyoming Valley, which continued for a third of a century following 1753, cognizance must be taken of: The grant of all the land between 40° and 48° from Sea to Sea by King James I, November 3, 1620, to the Council of New England, confirmed by his successor, Charles I, nine years later; also of the questionable grant by Earl War-

wick, president of the council, two years afterwards to Viscount Say and Sele. This was for "all that part of New England from the Narragansett River, for forty leagues (120 miles) along the seacoast towards the west and southwest, to the South Sea (Pacific Ocean)"; confirmation thereof by King Charles II occurred in 1662.

The grant of Connecticut land by the Council of New England was sixty-one years, the Warwick grant fifty years, and confirmation by Charles only nineteen years, prior to the grant to Penn.

The boundary between Connecticut and New York, substantially as at present, had been agreed upon by a joint committee of those two colonies and confirmed. This boundary, which intervened between Connecticut and Pennsylvania, was declared by the crown lawyers in England as not affecting the claim of Connecticut to territory west of New York.

Not until all the land in Connecticut had been privately appropriated, with no land left for the increasing population, except by purchase of others, for which very few had the money, was attention directed to the virgin territory along the Susquehanna River, within the Penn grant.

Some people in Windham County, Connecticut, formed the Susquehanna Company, comprising about five hundred persons, each of whom subscribed about nine dollars to settle the Wyoming Valley. [74] They petitioned the court in Connecticut to grant them a quit claim for land sixteen miles square on both sides of the Susquehanna. They promised to pay the Indians and have the land settled within three years, subject to the jurisdiction of Connecticut, whereupon the court made the grant.

Advance agents sent to the location, in 1754, negotiated with eighteen Indian chieftains of the Six Nations for an area of land seventy miles north and south, and ten miles east along the river, and extending westward two degrees of longitude, for which they were to pay the equivalent of \$2,000. Two sachems refused to sign unless they were paid \$1,000 more than the other sachems agreed to take. [74]

Having paid the Indians, the purchasers considered the land, which was uninhabited by white people, as undoubtedly a part

of Connecticut, and they petitioned the Connecticut assembly that they might be formed into a distinct commonwealth, if the king would grant it. The assembly granted the petition and recommended the petitioners to the royal favor. There were then about 850 shareholders. [148]

Surveyors were sent to the location and laid off tracts of four hundred acres each, designated as "rights." The company sent an agent to London to lay the matter before King Charles II, who had made the grant of all Pennsylvania to Penn, which included the Wyoming Valley. The question of the right of Connecticut to the land in Penn's domain being submitted to counsel, it was declared that Connecticut had that right.

Furthermore, since this grant to Connecticut antedated the grant to Penn, there was no reason to presume that the crown could make a valid grant to Penn of land previously granted to people in Connecticut.

It appears that fifteen years elapsed before any considerable settlement was made there by the Connecticut people. In 1769 a group of forty settlers arrived. The Pennsylvania authorities, which by that time had become aware of the incursion, arrested them, taking all of them to the jail at Easton. Upon giving bail they returned to Wyoming, and declared their intention of holding the land.

Soon the population increased to three hundred; a Connecticut government was formed, forts erected, laws enacted, a militia established and taxes levied and collected. Wilkes-Barre was laid out within the area, and named for two British statesmen.

The Pennsylvania assembly passed the riot act. Forts and blockhouses were built, besieged, and captured, by both contenders. Connecticut partisans were imprisoned in Philadelphia as hostages for the removal of others, but the Pennsylvania assembly refused further action, claiming it to be a land matter which did not affect the general government. [136]

The contention was inflamed by frauds, intoxicating liquors, fist fights, military battles, surveys, arrests, imprisonment, prosecutions, appeals, politics and by the repeated sales by the Indians of the same land to different persons.

To the steady influx of Connecticut settlers, Penn offered land

as tenants, which was refused, and many Pennsylvania settlers took title from the Connecticut Company.

The Connecticut assembly annexed the territory to Litchfield County in Connecticut, practically giving it autonomy, and, in 1773, resolved: "That this assembly, at this time, will assert their claim, and in some proper way support such claim, to those lands contained within the limits and boundaries of the charter of this colony, which are westward of the Province of New York."

The Connecticut claimants sent agents to confer with Governor Penn in Philadelphia, but Penn refused to treat on the matter. Whereupon Connecticut, determined to extend its jurisdiction to the Connecticut settlers on the Susquehanna, incorporated the territory as the town of Westmoreland, and its representatives sat in the Connecticut assembly.

Meantime, however, the company had strong opponents in Connecticut, who recognized it as a land speculation project, and in March, 1774, representatives from twenty-three towns, in opposition, met at Middletown and passed lengthy resolutions against the Connecticut assembly extending jurisdiction west of New York. [148]

A military force of five hundred men, sent by Governor Penn in 1775 to drive out the Connecticut claimants, was repulsed with considerable loss of life on both sides. During the Revolutionary War, British troops and Indians massacred three hundred of the settlers on July 3, 1778. During the next seven years, the Susquehanna Company stockholders and settlers contended for the land, and the Continental Congress called upon both Connecticut and Pennsylvania claimants to desist until Congress could determine the matter.

This was presently done and, in 1786 Connecticut relinquished its claim to land in Pennsylvania but, as compensation, the Connecticut grantees retained their charter grant to western land to the extent of 3,366,921 acres, which they reserved in northeastern Ohio. Except for the bungling by Charles II and his advisors in granting to Penn land which he had only nineteen years previously granted to the Connecticut grantees, this vast Ohio area likely would have been included in the national public domain.

The contention, which had continued for a third of a century, had been for possession of more than five million acres of land, and involved the lives of hundreds, and the ruin of thousands, at the cost of millions of dollars. [74]

Land in Luzerne, Wayne, Lycoming and Northampton Counties had been bought of the Penns. The Holland Land Company held 20,000 acres; Edward Tilghmam, 75,000; Thomas W. Francis, 100,000; Henry Drinker for self and others, 150,000; William Bingham, 300,000. In addition, some other prominent Pennsylvanians held 665,000 acres. [74] This land was, of course, like all such large holdings, obtained for the purpose of exacting increased prices from the younger generation of settlers, who presently must have land on which to work and earn their living.

Disputes regarding the boundary between Pennsylvania and Virginia increased and, in 1773, the Penns appealed to the king to fix the western limits, but the contention over land continued until after the American Revolution, when the Mason and Dixon line was run and ratified by the abutting states in 1784.

During the two years prior to the Revolution, thirty thousand immigrants arrived in Philadelphia. Finding that all the land east of the Alleghenies had been taken, most of which was held unused on speculation, they could locate only on land along, and west of, the mountains.

Complaining that inhabitants of New York had endeavored to obtain land grants in Pennsylvania from the governor of New York, the Penns had repeatedly petitioned the king to fix the boundary between the two provinces. But this was not done until 1789.

With the establishment of the new state, during the Revolutionary War, confiscation of the Penns' lands loomed threateningly. Edmund Physic, who had been for thirty-three years in close association with the land office and was then receiver-general, was requested by the proprietors to prepare a financial statement, from which the following notes are taken: The Penns estimated there were in the Pennsylvania grant 27,955,200 acres. Up to 1776, there had been disposed of 6,363,072 acres, includ-

ing roads, or approximately one-quarter of the area. Disregarding the receipts for the first nineteen years, the gross sum received for land, between 1701 and 1778, was £688,486, not including that which since 1757 was received for manor land. The land rents during this period amounted to £182,248, of which something more than one-third was received.

A committee was appointed by the assembly in 1779, as stated by Shepard, [136] to "examine the claims of the Penns, to report wherein they were incompatible with the happiness, liberty and safety of the state, and to prepare suitable resolutions to remedy the evils arising from such claims." The Penns retained two noted lawyers. The committee summoned the receiver-general and examined his accounts, after which it reported that the charter of Charles II having been made as well for the enlargement of the English empire, the promotion of trade, the advancement of civil society and the propagation of the Gospel, as for the particular benefit of William Penn and his heirs, it was to be considered as a public trust for the advantage of those who settled in Pennsylvania. The report conceded a particular interest accruing to William Penn and his heirs, but held that interest in nature and essence subordinate to the great and general purposes of society. Again, by the "Conditions and Concessions" announced by the founder, such portion of the land as was not reserved in the form of manors was held in trust by the proprietor for the people; and the proprietors, by imposing land rents and terms for payment of money (except on manors), had violated the concessions on which the people of Pennsylvania were induced to become settlers, usurped a power inconsistent with their own original conditions and defrauded the settlers of large sums of money.

It was deemed advisable to obtain the opinion of Chief Justice McKean on these points, who gave an opinion in favor of the Penns. However, the committee reported in favor of confiscation, with certain reservations, and drew up the Divestment Act, which was enacted November 27, 1779. This act vested in the Commonwealth of Pennsylvania all lands not recorded to purchasers prior to the date of the Declaration of Independence, July 4, 1776. It confirmed to the Penns the rents reserved for

their tenths and manors. All arrears of purchase-money were to be payable to the Commonwealth.

It was enacted that £130,000 should be given to the claimants and legatees of Thomas and Richard Penn, "in remembrance of the enterprising spirit of the founder and of the expectations and dependence of his descendants."

In addition thereto, the British government granted an annuity of £4,000, which it paid annually for more than a hundred years, to the eldest male heir of Penn's second wife. At the end of that time, a member of Parliament, no doubt designated a radical, objected to the British people being taxed to make such payments, and it was compounded to a principal sum at about twenty-five years' value, equivalent in all to nearly \$2,000,000, paid from taxes levied on the people of Britain.

Shepard, [136] as late as 1896 (116 years after the Divestment Act), wrote: "The larger part of what remains of the old Penn manors is in and around Wilkes-Barre, and some reserved mineral rights in different parts of the state. In Philadelphia about three dozen ground rents exist in what was the manor of Springettsbury, and one irredeemable ground rent on improved land in Race Street near 21st Street. These ground rents continued until cancelled by private purchasers making cash payment."

The Penn rule lasted eighty-five or more years. William's first visit to Pennsylvania was for twenty-one and a half months; his second and last, fifteen years later, for twenty-three months.

George Bancroft, the historian, [5] said of Penn: "The pernicious land tenure gave the colonists a century full of strife which led them to complain, to impeach, to institute committees of inquiry, to send persons and papers, to quarrel with the executive. They sought for nearly a century to compel an appropriation of the income from land rents to the public service."

When the assembly abolished the power and land titles of the Penns and gave them £130,000, it was but an illustration of what is being done everywhere today. The community alone gives value to land; in some cities, lots are valued at millions of dollars, and where funds are appropriated to buy locations for public improvements, the land speculators demand large sums be paid them from taxes levied on the industry of all the people.

We tax ourselves to pay to land speculators the values which we ourselves create.

The land office became inactive at the beginning of the war, and remained so until the new commonwealth took over the granting of land. Grants were thereafter made at £10 per hundred acres; being £5 as purchase price, and £5 in lieu of the usual 1d per acre annual land rent that had been exacted by the Penns.<sup>f</sup>

The legislature in 1784 offered land at varying prices, by selling warrants of survey to be located wherever the purchasers desired, but the returns were unsatisfactory. Many tracts were allotted to soldiers.

Pennsylvania paid to New York State 75¢ per acre for the two hundred thousand acres needed to extend its domain to a harbor on Lake Erie.

William Buttler wrote from Pittsburgh in 1785: "The people are flocking into this country from all quarters, settling on land not belonging to them. Many hundreds have crossed the river and are daily going with their families. I hope the council will provide against so gross and growing an evil."

Pittsburgh was surveyed at about that time, and several towns, including Erie, were laid out by direction of the state legislature. When the anthracite coal mines were opened and internal improvements were projected, intense excitement prevailed in some counties and the wildest speculation in town lots set in. It is said that in Schuylkill County nearly all the towns, including Pottsville, were laid out by speculators. [71]

John Nicholson, who had been one of the trustees for the laying-out of the national capital, left at his death between three and four million acres of idle land. Included in his estate were extensive tracts of the very richest coal deposits in Pennsylvania, held for the rising generation to make more valuable. These finally came into possession of the coal combine, through royalties paid the landholders: the royalties, with something added, being paid by the consumers of the coal.

Robert C. Macauley, writing in the *Pennsylvania Commonwealth*, in 1932, said:

"Penn could not today buy, at certain points of the city he

<sup>f</sup>Pa. Land Grants



founded, enough land to stand his coach and team of horses on for the \$80,000 for which all the land in Pennsylvania was granted him, in liquidation of unpaid salary for that amount due his father, the value of which land alone has since increased to more than *thirteen billion dollars*.

"This means that since the coming of Penn this thirteen billion dollars has been privately confiscated by title holders, out of the production of Pennsylvanians who, in addition, pay a present land rental in excess of \$1,200,000,000 annually, together with taxes.

"But how did Penn get his proprietary right to the land? Charles II, King of England, who granted the land, never saw Pennsylvania, much less being responsible for its existence. After which Penn negotiated with the Indians, giving them some trinkets for possession of land already presumably his.

"The land belonged neither to King Charles nor to the Indians. Nature gave the use, not ownership, of it alike to all continuing generations of mankind. Neither Penn nor the Indians produced the land and, therefore, never could have a moral right to its ownership. Property right in anything can morally inhere only as a result of production, or purchase from the producer.

"When Stephen Girard, the wealthy ship owner of Philadelphia, died a hundred years ago, he left an estate, estimated at approximately \$5,000,000, with which to found a college in that city, and on which the trustees have since then expended \$43,935,468 for building and maintenance.

"The present value of the Girard Estate, according to a report of The Board of City Trusts, is placed at \$89,000,000.

"It seems almost marvelous that an estate of \$5,000,000 can expend more than \$43,935,000 and still have a surplus of \$89,000,000.

"But it will be said, money is entitled to interest. Interest on \$5,000,000 at 6 per cent amounts to \$300,000 per annum, and for the entire one hundred years since the death of Stephen Girard the trustees of his estate have expended an average of \$439,354 annually, nearly half as much more than the annual interest.

"The Girard Estate consists chiefly of land, including one

solid block in the heart of Philadelphia bounded by Market and Chestnut Streets and Eleventh and Twelfth Streets. It is estimated that in 1834, the rental for the entire block was \$46,750, according to a statement in the *Franklin Whig and Chambersburg Messenger* of December 24th of that year.

"The present rental of this block is in excess of \$1,500,000 annually. This is merely for the use of the land, the improvements thereon having been either paid out of income or supplied by the tenants.

"The Girard Estate, in 1924, according to a report of The Board of City Trusts for that year, received in royalties \$3,995,338.67 for permitting twelve mining corporations to dig 2,807,750 tons of anthracite coal from its coal land holdings, an average of \$1.42 per ton, although at the time of Girard's death the royalty rate was around 7¢ a ton.

"This part of the Girard Estate, assessed at \$12,340,741 shows a gross return of 32.3 per cent on that valuation. The Girard Estate, neither during the lifetime of its founder nor since his death more than one hundred years ago, ever mined a single ton of coal. It merely permits others to do so and charges them \$1.42 per ton for such permission, which is paid by all who use the coal.

"The real secret of how to spend \$43,935,468 out of a \$5,000,000 estate and still retain a surplus in excess of \$89,000,000 is the power to appropriate wealth produced by others by means of our unjust laws, which treat natural resources as private property.

"Anthracite deposits having been placed where they are by the Creator for the use of succeeding generations, any law which nullifies this, by permitting but a few to monopolize the benefit, is obviously unjust.

"A larger population, with its greater demands for fuel, is alone responsible for the use or rental-value of the coal fields. The same law applies to the increased rental-value of the central city block. Landlords and royalty collectors having rendered no service are therefore entitled to no compensation.

"Neither Penn nor the succeeding title holders of the land of Pennsylvania did anything to produce it. There was the same amount of land before their coming as after their arrival.

"The value of land is now greater, as the result of the presence, ingenuity and industry of all the people, and this increased land-value rightfully belongs to those who created that value.

"All mankind has an equal right to the use of land. When government guarantees to an individual the exclusive use of a piece of land, he owes to government (all the people) the full rental-value of the privilege it has conferred.

"Since every one agrees the Earth is the birthright of all mankind, and that the increased value of its use is due to the mere presence of population, it follows: That the rent of land belongs to the people and that the first duty of government is to collect it."