

The Pennsylvania Colony

The original proprietorial plan of settlement of Pennsylvania envisioned a kind of feudal structure with the proprietor of the colony, William Penn, and his heirs, at the apex. They in turn granted largish tracts to “original purchasers”, who might then settle on part of their land and make subgrants of the rest of it to family, friends, clients, or just strangers—all of these deemed “under purchasers”. The idea was to create, thus, a relatively homogenous community of friendly neighbors, “friends”, with no great ambitions for expansion westward except by organic growth over the generations—much like the way New England developed.

Pennsylvania Colony began in the SE corner of the present state, backed up against the NE->SW running Delaware River, and expanded sporadically by large chunks of land purchased from the Indians over the course of the next century. Philadelphia was to be the hub, and it was in a sense a planned city, as the original purchasers each received town lots in the future metropolis. The town itself was to be contained within the larger area of Philadelphia County, and originally two other counties were demarcated to the east (Bucks County), and to the west (Chester County), to constitute the rural hinterland.

From the time of its founding in 1682 until roughly 1715 the original proprietorial scheme worked out more or less as planned, with a large proportion of the actual settlers being Quaker. But because religious tolerance was woven into the social and legal fabric, smatterings of many other kinds of immigrants were drawn to the colony too. As the early years went by and much of the good land within the original territory came under the control of absentee landlords, the frontiers beyond beckoned increasingly to new arrivals. Then beginning about 1720, Scotch-Irish began trickling in, fleeing from the increasingly discriminatory regime of Ulster Ireland, and at about the same time parties of Germans, often constituting self-contained religious communities, began to arrive. These ethnically very different peoples were not encouraged to linger in Philadelphia, and the lure of cheap land outside the settled areas, with no initial exposure to taxation, was sufficient incentive to induce them to brave the frontier. The feisty Scotch-Irish, of course, hardly needed such inducement. They always felt that they were more than a match for the hostile Indians who were the chief deterrent to western settlement.

The Penns did everything they could to control this process of settlement, not least because they wanted to keep peace with the Indians on their borders, and because they believed in treating them in a Christian manner, but the burgeoning Scotch-Irish population, especially, was disruptive to these plans. They also expected to be able to collect quit rents from purchasers of all their land, but that too became problematic, particularly since so many of the occupants of the frontier land were squatters on the land—often beyond the colony’s borders. It was this unauthorized westward movement which probably spurred the 8-10 successive large purchases the proprietors made from the Indians even after their own small Quaker colony centered on Philadelphia had become a thriving success.

A major theme guiding the settlement of Pennsylvania is the way the original planned community approach (almost a feudal regime) gradually gave way to a democratic, squatter-driven extension of the colony and a much looser polity.

Squatter Occupancy of Pennsylvania Land

It is an ancient principle of the English common law that “possession is nine-tenths of the law”, and this has carried over into the notion of “squatter’s rights”, although in technical legal terms, the expression is an oxymoron. Families which have depended on squatter’s rights have generally been

rather easily ejected from their land by others, both legitimate settlers and speculators, who at least filed the necessary paperwork for a formal claim.

Nonetheless, there were a number of reasons why squatting was popular in Pennsylvania, and why in time it came to be sanctioned, and then even required by law. Just as quit rents became practically impossible to collect as the frontier pushed westward, so the increasing remoteness of the only land office, which was naturally located in Philadelphia, deterred even willing settlers from regularizing their ownership. Most important of all, no doubt, was the fact that half the purchase price had to be tendered at the initial, warrant, stage, and the balance when the survey was returned, and there were additional administrative fees and the costs of journeying repeatedly to Philadelphia, or hiring a lawyer, to procure the final patent. Meanwhile, the same opportunistic land fever which lured these pioneers to the frontier made many of them reluctant to commit their scarce capital, if they had any, when newer, cheaper, and possibly better lands were opening up all the time, either farther west or down south in the Valley of Virginia.

As the Pennsylvania back country kept filling up with squatters, it eventually became evident to the proprietors that they needed to bring these folks into the system in order to realize the value of their Pennsylvania land. Consequently, they enacted a series of laws from 1765 to 1792 in which initial unwarranted occupation came to be seen as the normal and desirable first step in the pursuit of a land title. Indeed, with the enactment of the 1792 law, which chiefly applied to the extensive unpatented lands west of the Allegheny River, in order to obtain a warrant a settler had to prove that he had occupied his land for five years.

The Pennsylvania Land Acquisition Process

The first step in the legal process of acquiring Pennsylvania land was to apply for a warrant to survey the land—usually a particular piece of land, but some warrants issued to land speculators were left open as a convenience to them. The application had to be accompanied by up to half of the purchase price, and assuming that it was accepted, a warrant to survey the land was issued to the surveyors office and an official surveyor was charged with making a survey and a plat of the land—working with the settler, who also had to pay his fee. When the survey was complete it was filed by the surveyor general who then waited for the settler to remit the balance of the purchase price, upon which the surveyor general prepared a “return of survey” which was used to create a patent granting the settler absolute title to his land. The settler received the original certificate of patent and a copy was made for the books of the proprietors (or later the state).

Since by 1765 a large proportion of settlers interested in obtaining title were already occupiers of the land, a more streamlined procedure was devised which made the warrant itself nominal. Instead of a warrant to survey, the survey was made first, and a “warrant to accept” the survey was created and filed by the land officials after the fact. Also at this time, it was required that a survey be completed within six months of the issuance of the warrant: this was, among other things, a way of discouraging the open-ended warrants (with no particular piece of land specified) favored by land speculators.

Any form of possession, even squatting on land and “improving” it by erecting a dwelling and clearing part of the land, could give the occupiers some prospect of obtaining payment to vacate land coveted by another who was willing to undertake or complete the full entitlement process. To the extent the settler himself did this, each completed step toward a patent added value to their claim to the land, even if it fell short of full title.

The chief advantage of patenting one’s land is that it could henceforth be conveyed conveniently by a deed, which could be registered in the governmental books as proof of title. However, even

squatters could sell their rights to the land they occupied, by making a private deal with a person who who showed up with a paid-for warrant for their land. And for settlers already in possession of a warrant or a survey document—these could be assigned over to a new owner in return for payment, in an informal, private transaction. Some of these transactions were, in fact, recorded by the authorities. For example, in time, a third kind of warrant was evolved to record an assignment of an original warrant to another: the original warrant was retired in favor of a new “warrant of entry” taken out by the new purchaser (no doubt an additional fee was required for this). And many of the copied out [survey documents](#) (now made available online by the Pennsylvania Archives) contain notes about such unregistered conveyances of partial ownership rights, while the recital language in many Pennsylvania deeds also notes such transfers. However, in the end only a patent could provide the prospective owner with a full legal guarantee that his title was good, and in most cases where the return of survey is recorded under a different name from that of the warrantee, a patent to the former follows close on the heels of the survey.

Land Acquisition in the Western Pennsylvania Counties after the Revolutionary War

Most prospective settlers of the land beyond the mountains were deterred by the Indian menace before and during the war years, and for the early bird settlers of the 1780s, the Indian incursions occurred throughout the decade and drove many of them off their lands, some repeatedly. By the early 1790s, though, the situation was stabilizing and western Pennsylvania, and then Ohio, were rapidly opened up for settlement.

During the Revolutionary War a large part of the vacant unwarranted lands of NW Pennsylvania were allocated to compensating war veterans for their service (the Donation lands), and as compensation for their depreciated pay in near worthless paper currency (the Depreciation Lands). Most veterans had no desire to settle on this wild frontier and were glad to be able to sell their rights to speculators who tied up much of the land, holding it off the market for a higher future price.

Another factor complicating western settlement is that much of the land which eventually became part of Pennsylvania was claimed before the war by Virginia. Pennsylvania itself didn't acquire rights to its westernmost areas (and then only to the SW corner of the present state) until the land purchase of 1768 from the Indians. The area encompassing the present PA counties of Greene, Washington, Fayette, and much of Westmoreland, Allegheny, and Beaver, as well as parts of present day Ohio, had been formally claimed by Virginia since 1754, initially under the name of Western Augusta, and by 1776, three new Virginia counties had been created to administer these areas: Monongalia, Ohio, and Yohogania. Meanwhile, the Pennsylvania land office was closed for the duration of the war. Thus, early settlers of this area were obliged to apply to Virginia for their land titles. Fortunately, the resulting mess was sorted out between the two states, first in principle in 1779, and eventually by formal agreement several years later, and procedures were devised by which holders of Virginia land certificates and patents could exchange them for their Pennsylvania equivalents.

The final stage of filling up of the vacant western lands was a contest between squatters and land speculators. One speculator in particular figures prominently in the history of land acquisition in the northwestern PA counties: in the late 1780s the new state's Comptroller General, John Nicholson, abused his power and managed to acquire warrants for hundreds of 400a tracts in that area for his Population Land Company.

Pennsylvania land legislation of 1786 explicitly recognized “squatter's rights”, giving squatters who had passed certain tests of occupancy first claim on the land they occupied, and in 1792 more sweeping pro-squatter, anti-speculator, legislation cut off large scale speculators like Nicholson at the knees. The 1792 law actually required five years of squatter occupancy to obtain a warrant, provided

the settler had constructed a dwelling and cleared at least 2% of his land. The 1792 law also limited tracts to 400a in size. These occupancy qualifications compelled speculators like Nicholson to sell his warrant rights cheaply to whatever qualifying squatters he could find. This was a boon to the bold early settlers of this still Indian-infested area, but Nicholson ended up in debtor's prison.

The Jurisdictional Genealogy of the Western Pennsylvania Counties

In 1779 the boundaries of the westernmost Pennsylvania county of Westmoreland were extended west to the current boundaries of the state, but few settlers were intrepid enough, or foolish enough, to expose themselves to the guerrilla warfare between the sparse colonial militia, and the Indians who were incited by the British enemy to prey upon isolated settlements. However, by 1781, the war was about over and the frontier began to draw a few dauntless settlers, mostly Scotch-Irish, and the new county of Washington was created from Westmoreland, and encompassed the SW corner of the state. Then in 1785 the rump of Westmoreland was extended NW clear to Lake Erie to provide some administrative cover for the remaining western borderlands.

All through the 1780s, though, there were Indian raids, or at least the threat of raids, so the population remained sparse and fluctuating. In 1788, AlleghenyCo was created from Westmoreland to administer the sparsely settled NW area, though a slice was taken from WashingtonCo as well, and in 1789, another slice of Washington was lopped off to join Allegheny. AlleghenyCo is best known today as the seat of Pittsburgh.

Except for the creation of GreeneCo from the southern portion of WashingtonCo, not much happened with the western jurisdictional boundaries until 1800 when eight new counties were created from the bloated northwestern sweep of Allegheny and a small chunk of the vast LycomingCo. Until 1800, the boundary between Lycoming and the "west" had been considered to follow the course of Conewango Creek which ran down from New York State to where it fed into the Allegheny River, and to continue with the River which eventually wound its way to Pittsburgh (then Ft. Pitt).

Of the eight new NW Pennsylvania counties created in 1800 from Allegheny, and a portion of Washington County, the southernmost counties were (west to east) Beaver, Butler, and Armstrong, north above them were Mercer and Venango, then above them Crawford and Warren, and finally, in the northwest corner of Pennsylvania, Erie, on the lake of that name.

ArmstrongCo, just to the east of ButlerCo, ate into the NW corner of Westmoreland, and in 1803, IndianaCo was created from Westmoreland, taking the NE corner. Finally, in 1804, seven new counties were created from Lycoming, all of them, of course, to the east of the counties of Warren, Venango, and Armstrong, so, not really part of the western section of the state.

Sources

Most of the documents generated as part of the land acquisition process survive today and are to be found in the land office records at the Pennsylvania Archives in Harrisburg, and many of them have also been [filmed by the LDS](#), also digitized, indexed and packaged for convenient access by a company called [Ancestor Tracks](#), and even, many of them, put online by the [Pennsylvania Archives](#).

The indispensable book for serious Pennsylvania researchers is Donna Bingham Munger, *Pennsylvania Land Records: A History and Guide for Research* (WilmingtonDE: Scholarly Resources, Inc., 1991). This book provides a detailed explanation of the land acquisition process, a complete inventory of the extant documents, and a history of land acquisition in Pennsylvania which covers all the major evolutions and exceptions, always with an eye on their effect on the documentary record which is of the essence of genealogical research. Thus, for example, there is detailed coverage of the western lands which were claimed also by Virginia, and of the procedure by which the resulting controversies were sorted out documentarily.

There is an online map resource for analyzing the changing jurisdictional landscape in PA, courtesy of the maps' creator, Animap. Click [this link](#) then scroll down the page to the table of "PENNSYLVANIA COUNTY FORMATION YEARS" and click "1784". That will show the boundaries of the westernmost counties in that with Was)hington and Wes)tmoreland being the ones germane. Next click "1785" and note how WestmorelandCo was expanded to cover the whole of the "Erie Triangle" in the NW corner of the state. Then click "1788" to show how Allegheny took over from Westmoreland as the sprawling NW county, but also notice that a sliver of the NE part of Washington was carved off along with it. Next, click "1789" to see how Washington was required to cede its protruding northern chunk to Allegheny. Finally, click "1800" to see how Beaver and the other NW counties were created from greater Allegheny. In the process of creating Beaver, another small corner of NW Washington was chopped off.