IN 1681 William Penn accepted the province of Pennsylvania in lieu of a sum of money owed his father by the king. Under his charter Charles II granted to Penn in his private capacity a fee simple absolute in the soil of the province together with control of its government. Penn held directly from the king under an honorary feudal tenure known as free and common socage by fealty only, whereby an oath of allegiance was accompanied by a certain fixed rent which replaced all other feudal services. In this instance the rent consisted of two beaver skins paid annually at the Castle of Windsor and a fifth of all the gold and silver ore found in Pennsylvania. The proprietary was permitted by the charter to dispose of the soil in any way he saw fit, lay off manors, and grant lands to be held under him, his heirs and assigns, as overlord, notwithstanding the Statute of Quia Emptores, which had abolished subinfeudation in England.\(^1\)

In the same year Penn entered into an agreement with the “adventurers and purchasers” who might wish to acquire land. This rendered the proprietary a trustee of the rights of all those buying land in Pennsylvania under the land-office rules for credit purchases.\(^2\) These rules reserved to the proprietary for his own use one-tenth of the land, which could then be purchased only on whatever conditions the prospective purchasers could arrange with the proprietary agents. Such sales were stated to be made on “special terms.” The other nine-tenths of the soil of Pennsylvania was to

\(^2\) Conn vs. Penn, Peters C.C. 496, 6 Fed. Cas. 282, at p. 283.
be sold on "common terms," or at a fixed price per acre. Although this price was changed from time to time as was deemed expedient by the proprietaries, from 1732 to 1765 it remained at fifteen pounds, ten shillings Pennsylvania currency per hundred acres with a quitrent of a halfpenny sterling per acre.  

In line with the policy thus established Penn in 1700 issued a warrant to Edward Pennington, surveyor-general, to survey for the proprietary's use five hundred acres out of every township of five thousand, the township being the basis for development and settlement according to Penn's plans. Similar warrants were issued to succeeding surveyors-general. The lands thus surveyed were called "manors," in which the charter permitted the setting up of "courts leet" for the preservation of the peace, and also of "courts baron" with jurisdiction over cases concerning property within the manor and debts and trespasses under forty shillings. Under English law these latter courts would have constituted the owners lords or barons, with their tenants bound to attend and do service at their courts.

The erection of such courts was considered by William Penn even as late as his last visit to his colony, for in 1701 he entered into an agreement to lease fifty acres in his Manor of Pennsbury to Martin Zeal, "holding of the said manor and under the regulations of the court thereof, when erected." In addition he had previously granted manorial rights to several purchasers. But manor courts were never established in the province; and since a manor could not legally exist without a court baron, technically there were no manors in Pennsylvania. The proprietary tenths or manors were therefore manors only in name—reservations of lands established so that grants need not be made on the common terms. The Penn manorial system was in reality merely that branch of the Penn land policy which pertained to the reservation of certain lands for sale on special terms.

These reservations, as well as the sale of both reserved and common lands, were entrusted to the administration of the land office. The principal officers composing it were the secretary, the receiver-general, and the surveyor general. In 1765 these, together

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5 Shepherd, History of Proprietary Government in Pennsylvania, p. 34.
8 2 Smith's Laws, p. 140.
with the governor and after 1769 the auditor-general, were constituted the board of property. The affairs of this office were from the earliest period kept distinctly separate from the governmental side of the provincial administration. The various governors from 1741 on were granted two separate commissions, one governmental and the other territorial, and the governmental authorities were strictly prohibited from interfering with the management of the land system.⁸

Although the office was run informally and many irregularities and variances existed, the usual procedure of sale, as shown by the papers relating to the two largest Penn manors—Springetsbury and Maske—consisted of application, warrant, survey, return, and patent. The prospective purchaser made application for lands at the secretary’s office. The secretary issued a warrant signed by the governor ordering the surveyor-general to survey a certain quantity of land for the purchaser, who prior to 1769 was not first required to make full payment of the purchase money. After the survey a return together with a draft of the tract was filed in the secretary’s office. Thereafter on payment of the purchase money and accrued interest a patent or grant of the lands was executed and delivered to the purchaser. Only then was the grantee’s title perfected, and anything short of the granting of the patent amounted to no more than an agreement by the proprietaries to convey.

Warrants usually stated the price on either special or the common terms and fixed the amount of quitrent in cash or once in a great while in peppercorns, barleycorns,⁹ or some other commodity. For the manor lands, which were more often of superior quality, so-called “warrants to agree” were usually issued. The price was then fixed on the basis of the deputy surveyor’s report on the quality and worth of the land and the timber standing thereon. Concerning such reserved lands the general policy of the Penns was to sell small farms rather than large holdings in an attempt to retain for themselves the unearned increment in real-estate values resulting from the increase in settlement.¹⁰

⁸ Shepherd, p. 29.
⁹ See Adams County Record Book vol. 81, p. 367, and York County Record Books 2-G, pp. 504 and 522; 2-K, p. 305; and 2-R, p. 108.
From the beginning, however, the Penns had difficulties in the collection of quitrents. Furthermore, their credit policy concerning the purchase price for new land was liberal, and many purchasers and their successors in title had possession of lands in York and Adams Counties from 1730 or 1740 until the turn of the century before they were required by the Penn descendants to make payment.

This situation may have resulted from the fact that the land officers were faced with the administration, under frontier conditions, of an almost overwhelming number of real-estate sales. Moreover, by reason of the difficulty of transportation and communication experienced in the eighteenth century the land agents were forced to rely in large measure on the statements of the purchasers concerning the location of the lands in question. Many disputes and conflicts ensued. Besides, some lands were sold on common terms and some on special, and some sales were in reserved or manor lands and some not. Further confusion existed as to what were the exact locations of manors in the outlying counties and whether or not acreage to be sold was or was not located in reserved lands.

Sometimes to encourage settlement in a newly developed territory manor lands were sold on common terms. On the other hand, lands not within a manor might be sold “as of” a manor located many miles away. In addition, the land office was finally obliged to recognize in practice rights by “settlement and improvement,” because vast numbers of settlers squatted on frontier lands without warrants and thereafter substantially improved their holdings. It was further deemed advisable to grant licenses for lands not yet purchased from the Indians, although the founder had insisted that no lands be thus settled, for, though he had obtained the legal title from Charles II, he “did not conceive that he had a title in conscience, until he obtained the consent of the natives.”

Matters were complicated still further by the boundary dispute with Maryland in the early part of the century and by the lengthy litigation concerning Penn’s will which followed his death in 1718. In view of all these elements it would have been almost a miracle if considerable confusion had not occurred in the territorial administration, of which Governor Morris stated in 1755, “that the management of the land office is pretty much a mystery.”

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11 Ch. J. Tilghman in Thompson vs. Johnston, 6 Binn., 68, at p. 70.
12 Cadwalader, op. cit., p. 3.
These, then, were the conditions that existed in 1722, at which time the Indian claims had been purchased for the lands lying east of the Susquehanna River, where the frontier then lay. Beyond the river was Indian territory, from which the Penns according to their policy had in at least one case (that of John Grist) ordered settlers to withdraw until after purchase from the natives. In the border dispute between Maryland and Pennsylvania, however, the Baltimore family, being under no such conscientious restrictions, was granting lands west of the river in what is now York County, thus encroaching upon the Pennsylvania claims. To prevent this action Sir William Keith, lieutenant governor of Pennsylvania, called in June, 1722, an Indian council at Conestoga, in what is now Lancaster County. After the usual reminder of Penn's friendship the governor proposed that he be allowed to take up a large tract of land across the Susquehanna for the founder's grandson, Springett Penn. He pointed out to the Indians that the survey would keep off the "idle People from Mary Land" and restrain others who might create a disturbance and who had surveyed lands on the Susquehanna with neither authority from the Penns nor consent from the Indians! The Indians accepted the proposal but begged Keith when next in Albany to settle the matter with the Cayugoes, one of the Six Nations, who claimed some right to the land.13

Two days later (June 18) Keith issued a warrant to Colonel John French, Francis Worley, and James Mitchell reciting the grant by the Indians of permission for the survey in order to prevent settlement on the southwest river bank and directing survey and return of a tract of about seventy thousand acres to be laid out for the Honorable Springett Penn and to be called the Manor of Springetsbury. The survey was to begin across the river opposite the mouth of Conestoga Creek, thence to run ten miles west by southwest, then twelve miles northwest by north, then east by northeast to the corner of the Newberry tract, which Keith had recently laid out for himself, and thence along that tract and down the river to the place of beginning. Three days later the surveyors made return of the survey containing 75,520 acres.14

Keith informed the governor of Maryland of the survey and communicated with the council of Pennsylvania, which was of the opinion that it had nothing to do with proprietary surveys and "declined to accept" the return; . . . "nor does it appear that it was ever returned to the Land Office." During the court litigation involving Springetsbury Manor between 1804 and 1824 the Penn counsel claimed that the survey had not been returned because the land office was closed from William Penn's death in 1718 to the arrival of Thomas Penn in Pennsylvania in 1732. Judge Smith, however, expressed doubts as to whether the office was closed at that time. He gave instead the following explanation:

The warrant itself was not issued from the land office, but under the private seal of governor Keith, at Conestogoe. The lands had not been purchased from the Indians; the office was not open for the sale of them; and it was out of the usual course to grant warrants for unpurchased lands. The council, on the report of the proceedings, seemed cautious about it, and refused to interfere, further than to permit the warrant, and return of survey to be entered on their minutes; although Col. French defended the proceedings.

Whatever may have been the true reason, the survey was never returned. It remained mislaid till the twentieth century, when Robert C. Bair discovered a rough draft of the manor—possibly the memorandum or return of the surveyors—among the papers of the Department of Internal Affairs at Harrisburg, and the present writer discovered among the Rawle manuscripts of the Historical Society of Pennsylvania a completed draft together with a copy of the warrant and return, dated 1737 and properly certified by the secretary and the surveyor-general.

In spite of the survey Maryland encroachments continued. The Pennsylvania authorities therefore decided that it was necessary to place Pennsylvania settlers in the disputed area, regardless of the established Penn policy of first buying the land from the Indians. Accordingly on January 11, 1733/4, Thomas Penn gave to Samuel Blunston, who resided on the east bank of the Susquehanna

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21 Rawle Papers, vol. 4, p. 3.
near the present town of Columbia, a commission reciting that several persons had lately applied for liberty to settle west of the river. Licenses having been granted to them, "several disputes and differences had arisen," which Blunston was now authorized "to hear and determine in the most just and equitable manner." He was further empowered to grant licenses to any persons applying for lands west of the river. These Blunston licenses, dated from January 24, 1733/4, to October 31, 1737, allowed settlement on the lands and provided that on the return of a survey and the payment of the purchase money by the settler they were to be converted into patents as soon as the Indian title was extinguished. In this way the Pennsylvania authorities avoided their accustomed policy, actually granting lands not yet purchased from the Indians while technically not doing so. Finally on October 11, 1736, the chiefs of the Five Nations sold the lands in question to the Penns, confirming the sale by a second deed on October 25. At Lancaster on October 30 Thomas Penn confirmed the licenses of fifty-two of the early German settlers for lands within the Manor of Springetsbury, totaling 12,000 acres.

Meanwhile the Marylanders under Thomas Cressap, who had settled in 1730 at Conejohela, the present Long Level, and later under Charles Higgenbotham were militantly active in pushing their claims in York County. The battle raged back and forth for several years until the warfare was temporarily ended in 1737, when a British order in council directed that all border fighting cease until some settlement could be arranged. It was probably in connection with the negotiations that followed that the 1737 draft of the manor was prepared, for Benjamin Eastburn, the surveyor-general, certified that the line drawn between the provinces was in its true position with relation to the manor, and James Logan, president of the council, certified that the copy was entitled to "all one Faith and Credit." The next year a second order in council was issued decreeing that a temporary boundary line be run on the west side of the river, fourteen and three-fourths miles south of the latitude of the south part of Philadelphia. In 1739 the line was run as ordered.

As this line was considerably farther south than the southern line of the manor, the Penns continued their grants in what is now York County, both within and without Springetsbury Manor. Although in 1741 they issued a warrant to Thomas Cookson to survey and plot the proprietary town of York within Springetsbury Manor, the interest of the proprietaries in the manor seemed very slight during the whole period up to 1760 or 1762. Moreover, the actual survey made for the town by Cookson in October, 1741, was not even inside the manor boundaries but lay about a mile and a half west thereof on a site which Baltzer Spangler, one of the early York County settlers, had helped him to choose.

On the other hand, the Penns were not completely unconcerned about their reservations or proprietary tenths. When Cookson did not return his survey into the land office, they had George Stevenson, his successor in office, resurvey their York Town proprietary tract, situate on both sides of the Codorus Creek. This he did in December, 1752. He did not then lay out the lots on his draft of the town, but he did report the area to be 436½ acres, whole contents; this was apparently meant to be 446½ acres, the acreage which John Lukens reported when he resurveyed the town in July, 1768, in connection with the resurvey of Springetsbury Manor and found the town area to be 421 acres and 37 perches exclusive of a six-per-cent allowance for roads.

Stevenson plotted the town by draft of October 15, 1754, duly returned into the secretary's office, and continued to sell "tickets" for lots on condition the purchaser build within one year a house sixteen feet square with a brick or a stone chimney. Since the town had become in 1749 the county seat of the newly created York County, his promotion met with considerable success; and in 1765 William Mathews surveyed an additional territory in York Town west of the creek. Thomas Penn must have found the continued growth of the town satisfactory, since he did not consider it necessary to encourage settlement by subsidizing a schoolmaster as he had originally intended to do; he abandoned, however, his hope of increasing the proprietary revenues through the erection of a mill at York Town, apparently because of the difficulties arising from the height of the bank of the Codorus Creek. Another difficulty arose shortly from a contest of the propriety-

taries' rights under their surveys. John Hay, the writer's great-great-great-grandfather, asserted, under the Martin Fry warrant of 1736, a claim to 154 acres and 51 perches of the central part of York lying east of the Codorus Creek, finally receiving therefor in 1774 a substantial settlement from the Penns.22

During this same period at least three more manors or proprietary tracts were being established in what is now York and Adams Counties—the Manor of Maske, the proprietary tract of 491 acres near Conewago, and Possum Creek Manor. As early as 1731 Scotch-Irish settlers had located on “common terms” in the Marsh Creek section in and around Gettysburg. Later the proprietaries decided to survey a manor in this section. Accordingly on June 18, 1741, Thomas Penn issued his warrant to the surveyor-general to survey a tract of about thirty thousand acres for the proprietaries and to return the same into the secretary's office as the Manor of Maske,23 named after the English estate of Anthony Lowther, husband of William Penn's sister Margaret, who, wrote Samuel Pepys, was “too good for Pegg.” However, the inhabitants on learning of the proposal proceeded to arm themselves, and they prevented all efforts at effecting the survey. The affair dragged on with rioting and threatened violence known as "the Marsh Creek Resistance" until 1765, when Thomas Agnew and Robert McPherson on behalf of the settlers secured a compromise whereby the lands taken up prior to 1741 were to be subject to the "common terms."24 Thereupon in the latter part of June, 1766, the boundaries were marked to include 43,500 acres and a six-per-cent allowance for roads, with a width of six miles along Mason and Dixon's line (which had been run the preceding summer) and a height of twelve miles. Gettysburg was situated along the eastern side, and the northwest corner of the manor was located on the western slope of the

23 Dept. of Int. Aff. Copied Surveys Book D, vol. 84, p. 198; York County Ppy. Rights Item # 83.
mountain north of McKnightstown. The return was duly made to the secretary's office on April 7, 1768.

The proprietary tract of 491 acres near Conewago was surveyed on September 12, 1742, by Thomas Cookson in pursuance of a warrant to William Parsons, surveyor-general, dated November 14, 1741, for surveying for the proprietaries' use the tenth part of all lands surveyed within the province; it was returned by Parsons into the secretary's office in 1746. The tract was a rectangle of 226 perches in width and 388 perches in length, with the northwest corner cut out. It contained 520 acres and 148 perches, including the road allowance, and adjoined lands of Samuel Robinson, Daniel Slagle, and William Peters.

A dispute soon arose concerning the ownership of the tract. In December, 1747, the Reverend Richard Peters claimed that the land had been returned for him; on May 23, 1766, he wrote to John Lukens that the proprietary survey was "an entire mistake" and had been reported to Mr. Penn, who in his answer had relinquished the survey to Peters. The latter desired certified copies of the letters to be filed with the return. In the draft prepared for Peters the tract was described as good meadow ground in Berwick Township (now in Adams County).

This claim did not prevent Surveyor-General Lukens after the peace treaty of September 3, 1783, from certifying the land on January 24, 1784, to be among the Penn proprietary tracts; and subsequently it was sold by the Penn land agent, John R. Coates.

The fifth proprietary tract or manor laid out during this period in the section now composing York and Adams Counties had the picturesque name of Possum Creek Manor. Surveyed on October 26, 1742, in pursuance of the warrant of November 14, 1741, and returned to the land office in 1746, it contained

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25 Dept. of Int. Affairs Copied Surveys Book B, vol. 23, p. 152, and Book BB, vol. 4, p. 8; Pa. Archives, 3rd Series, vol. 4, # 24½. The southwest corner is noted on the draft as milestone # 84 whereas a study of a topographical map of the section shows that it must be # 81 and that the north-south lines slope westwardly at their northern ends.

26 Dept. of Int. Affairs Copied Surveys Book D, vol. 84, p. 198; York County Ppy. Rights Items # 83 and # 84.


988 acres and allowances and lay at the foot of the mountains in Menallen Township, Adams County; it was finally sold in 1804 by the Penn agent, Coates, to his subagent, Alexander Cobean, for $870. Concerning this tract, as was true in many other cases, the records of the land office appear to have been somewhat confused. They contain two drafts of the manor, noted as containing 1,047½ acres, prepared apparently in an attempt in 1771 and 1774 by A. McClean to learn the lines of the tract and "the Right by which the same was laid out." The manor was then noted as "settled and considerably improved by sundry persons." Turning again to Springetsbury Manor, we find several reasons why it did not receive much attention from the Penns until after 1760. The 1722 survey was extralegal. It had not been authorized by or returned to the land office. Furthermore, at this early period the lands lay on the frontier, and the Penns had only vague information about the exact manor boundaries. In addition because of the abundance of other frontier lands there was difficulty in selling the manor lands under "warrants to agree" to special terms rather than on the common terms of fifteen pounds ten shillings current with halfpenny sterling quitrent. For these reasons the Penns in a majority of cases issued their warrants for Springetsbury Manor lands on common terms and with no mention of the manor. This fact led the York landholders in the litigation after 1800 to argue that at this time there really had been no Manor of Springetsbury.

Many early warrants for lands within the manor were issued "Provided the same Land does not lie in or interfere with the Manor of Maske," thirty miles to the westward, which was in no way related to the Manor of Springetsbury. The patents for practically all the lots in York town, moreover, were issued "to be holden . . . as of our Manor of Maske . . . in free and

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29 For draft and return see Hist. Soc. Pa., Mss. Dept. Penn Lands (1683-1746), p. 79. Deed dated June 28, 1804, and recorded in Adams County Record Book B, p. 389. The power of attorney to Cobean to collect moneys due for the Manor of Maske is dated June 27, 1804, and recorded in Adams County Miscellaneous Record Book C, p. 195.


31 Hist. Soc. of York County: Bill of Exceptions in unreported case Penn's Lessee vs. Conn, April Term, 1806.
Common Soccage by Fealty only. . . ." Some lands were even granted "as of our Manor of Conestogoe," which was across the Susquehanna River in Lancaster County and likewise was not associated with Springetsbury Manor. The landholders further offered the testimony of ancient persons that they had never heard of the Manor of Springetsbury before 1762 or 1768, the years of the warrant and the resurvey.

On the other hand, the Penn attorney, William Rawle, presented evidence to support the fact that not only the manor but also knowledge of the manor existed before 1762. He cited the early Blunston licenses, the Thomas Penn grants of 1736, and the warrant of 1741 for laying out the town of York within the Manor of Springetsbury. Further, he called attention to a letter from Samuel Peters to Mr. Penn, 1743, in which it was mentioned that "the Town of York being about in the Center of that manor will raise the value of these Lands," as well as warrants to agree (to special terms), signifying the lands to lie within a proprietary manor; a letter written in 1760 by George Stevenson, a York surveyor, in which "three Draughts of Lands within the Mannor of Springetsbury" were noted; another letter of 1761 of Stevenson to Scull in which certain unauthorized surveys within the survey of 1722 were complained of; his own account in April, 1762, for his care of Springetsbury Manor from the year 1750; and lastly the 1762 warrant to resurvey, reciting the lands in York County granted as in the Manor of Springetsbury. Referring to lands thus granted, Rawle wrote, "At this time the contract between the Ppy [Proprietary] & the settler was thus compleated—the ppy granted it as pt of the Manor. The settler took it as pt of the manor, & no other persons in existence were then interested in the question."

In 1760, however, the Penns became concerned. The boundary litigation was concluded by an agreement between Frederick Lord Baltimore and the Penn proprietaries, Thomas and Richard Penn. This may have reminded the Penns and their land agents of the

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23 York County Record Book A, p. 606; Dept. of Int. Affairs, Hbg., Patent Book A, # 18.
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border warfare of the thirties and of the unreturned survey of 1722, intimately connected with the dispute. On looking more closely into the matter, possibly on examining the 1737 Benjamin Eastburn draft, they found this survey to include a rectangle of land in the southern part of which all the good soil was now held under Maryland grants, confirmed by the Penns in their 1760 agreement. On the other hand, many of the Penn grants for lands supposed to lie in Springetsbury Manor had been issued for lands lying anywhere within seven miles west of the actual western boundary of the survey. One of the October 30, 1736, grants by Thomas Penn was issued to Martin Fry for “land within the Manor of Springetsbury become afterwards the seat of the town of York,”37 a mile and a half west of the boundary line. Another of the early grants made it appear that the manor extended still farther west, even to the “late Dwelling plantation of Christian Esther, otherwise called Oyster.”38

It is not surprising that the Penns refrained from returning the 1722 survey, allowed the rumor to spring up that it had been lost or mislaid, and authorized a new survey. This followed the regular legal procedure, excluded the lands held under Maryland grants, and included the lands of York and those seven miles westward of York to Christian Eyster’s place. On May 21, 1762, James Hamilton, lieutenant governor of the province, issued his warrant to John Lukens, surveyor-general, “to resurvey or cause to be resurveyed for our use said Manor of Springetsbury. . . .” Lukens, however, did not resurvey the manor until June 12-30, 1768, nor make his return until July 12, 1768.39 Possibly he was waiting for Mason and Dixon’s line to be run past York County, an event accomplished in the summer of 1765. On the other hand, his delay may have been mere neglect. At any rate the secretary of the land office deemed it advisable to send him a letter on May 13, 1768, stating that there was “a Necessity for resurveying the Manour of Springetsbury as soon as possible” and directing him to run at least the outlines “with

37 Ibid.
38 Warrant to Resurvey Springetsbury Manor, dated May 21, 1762, among mss. in Dept. of Int. Affairs, Hbg.
39 Return of Resurvey, among mss. in Dept. of Int. Affairs, Hbg.
all Expedition" and to lay out the York Town tract mentioned in the warrant.  

Just what "necessity" had arisen does not clearly appear. Possibly its origin was in the growing spirit of unrest and dissatisfaction existing among the colonists prior to the Revolution. But the feeling of urgency may have resulted from a sudden increase after 1760 in the settlement of York Township, where lay the remaining lands of value in Springettsbury Manor. Many surveys were being made here for settlers, and on August 9, 1766, the board of property ordered the surveyor-general to lay out as soon as possible a "proprietary plantation" of five hundred acres in some "commodious" location in order to "uphold" the Manor of Springettsbury.  

In pursuance of the order the secretary of the land office issued his warrant to Lukens on October 2, 1766, to lay out in the manor a hundred and fifty acres, including a spring, adjoining the lands of Peter Lemma and Peter Friedt in York Township, about four miles from York Town, to serve as a proprietary plantation until a better tract could be found. A year later (September 21, 1767) a tract of 203½ acres and allowance was surveyed as directed on the east bank of the Big Codorus, about halfway between Loucks' Mill and Myers' Mill.  

Again disputes arose concerning the ownership of the lands. Only a month later there was surveyed for Henry Messersmith a tract of 205 acres and allowances called "Weaver's Hall," which conflicted with both the proprietary plantation and the adjoining survey of Dr. Jacob Swope. In addition a squatter by the name of James Jones settled on the proprietaries' tract and claimed rights in it by "improvement." He sold these rights on July 22, 1779, to Michael Swoope, a merchant in York Town, and later they figured in another conflict arising between the surveys in 1793 and 1794 for George Irwin and Baltzer Spangler, who claimed to have purchased part of the Jones improvement claim. The plantation finally fell from sight after the Revolution, when the Penn claims were sold off to the

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41 Dept. of Int. Affairs, Hbg., York County Ppy. Rights Item # 142.  
42 Dept. of Int. Affairs, Harrisburg, Copied Surveys Book D; vol. 83, p. 51; York Co. Land Papers, No. 10379, Hist. Soc. of York Co.
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various holders of the tract. Title to the largest section, one of 128 acres and 89 perches and allowances, was confirmed on October 5, 1811, to Jacob Diehl for $1,285.50.4a

The 1768 resurvey of the manor contained 64,520 acres as compared with 75,520 acres in the original survey. It extended north and south six instead of the former twelve miles and east and west seventeen instead of the former ten miles. A final point of difference was that the resurvey included Governor Keith's survey of 1722, which had formerly been one of the boundaries.

The apparent lack of opposition to the 1768 survey can not have been due to ignorance of the manor, for the resurvey, taking from June 12 to June 30, certainly gave the settlers sufficient notice of its existence. Further evidence that knowledge of the manor now became fairly widespread among the landholders is found in the warrants for lands within Springetsbury Manor which are in the files of the Department of Internal Affairs at Harrisburg and of the Historical Society of York County. Before 1762 the dominant type of these warrants was on the common terms of fifteen pounds ten shillings, with no mention of Springetsbury Manor. After 1762 a very noticeable increase occurred in the number of warrants to agree, signifying the lands to lie within the manor. Besides, several warrants granted lands provided they did not lie in or interfere "with any manor or appropriated tract" or "with the Manor of Maske or Springetsbury."4b

Reference to the manor was made also in the "Hockley's Orders" of the 1770's, which were another interesting development of this era. These were issued out of the land office by Richard Hockley, who recited a desire on the part of prospective purchasers to buy lands within Springetsbury Manor and directed the surveyor-general to survey at the purchasers' expense the lands in question for the proprietaries' use "in order to agree." The surveyor was ordered to include in his return information concerning the quality and value of the land so that Hockley

4b At least one of such warrants, namely, the Warrant from John Penn, October 9, 1770, to Casper Ruby, among the papers of the Hist. Soc. of York County, has attached to it a surveyor's certificate that it does lie within Springetsbury Manor.
could determine the proper price, whereupon a warrant of acceptance was to be issued.\(^4\)

Apparently a somewhat similar procedure was used when squatters were found to occupy valuable lands. In such cases the lands were returned as having been surveyed for the proprietaries' use by the occupant as "tenant in possession" on whatever terms the proprietors "shall be pleased to order and direct."\(^4\)

In spite of these developments, however, the former indifference of the Penns towards Springetsbury Manor did not entirely disappear after 1762. Of the warrants preserved at Harrisburg only six were issued on the provision that the lands involved not interfere "with the Manor of Maske or Springetsbury";\(^47\) the provision in many times that number, however, was merely that the lands not interfere "with the Manor of Maske." Indeed, several patents mentioning licenses for lands within Springetsbury were granted "as of" the Manor of Maske.\(^48\)

But too much stress should not be placed on this wording, for, as Shepherd explains, the phrase "as of" a manor merely implied rent service. Furthermore, there were approximately eighty manors containing nearly six hundred thousand acres within the province which were under the supervision of land officers who were miles away from many of them and consequently were not completely familiar with the exact details of the proprietary holdings.\(^49\) Nevertheless, the increase in publicity referred to above was deemed great enough by the Circuit Court of the United States in 1824 to establish for the first time in 1762 a "sufficiently notorious" Manor of Springetsbury to assume that settlers were notified that their lands, although possibly granted on the common terms, lay within the manor.\(^50\)

Three years after the signing of the Declaration of Independence the Pennsylvania assembly passed a divesting act which appropriated to the Commonwealth of Pennsylvania the estates of the late proprietaries. At the same time it confirmed their title to their private estates and to whatever proprietary tenths

\(^{46}\)Dept. of Int. Affairs, Hbg., Copied Surveys Book D, vol. 83, p. 5, York County Ppy. Rights, Item # 87; also ibid., pp. 2, 3, 11, 12.
\(^{47}\)Ibid., p. 27.
\(^{48}\)Dept. of Int. Affairs, Hbg., Springetsbury Manor Files, Warrants 42, 57, 60, 87, 90 & 110.
\(^{50}\)Pa. Archives: 3rd series, vol. 27, p. 89.
\(^{50}\)Conn v. Penn, Fed. Case 3105, 6 Fed. Cas. 292.
or manors had been surveyed and returned into the land office before July 4, 1776, together with the quitrents and arrearages due on lands sold within the manors. In addition the sum of 130,000 pounds was bestowed on the family "in remembrance of the enterprising spirit which distinguished the founder of Pennsylvania," who, it might be added, had accepted the province in payment of a debt of only 16,000 pounds, including interest.51

Although the York County landholders only slightly understood this act, they thought the rights of the Penns to have been appropriated and accordingly ceased all payments to the proprietary agents. The authorities of the commonwealth held the same belief, probably because the survey of Springetsbury Manor appeared to them illegal and unauthorized. They therefore issued patents to settlers on receiving arrearages of purchase money and proceeded to sell the remaining lands within the manor.

The Penns, on the other hand, never acquiesced in this action. John Penn the younger, who had in 1775 inherited the three-quarters interest in Pennsylvania on the death of his father, Thomas, sailed for Pennsylvania shortly after preliminary peace articles were signed on November 30, 1782. Arriving in Philadelphia in the year 1783, he immediately took charge of the Penn property52 and obtained a certified list of the remaining manors from the surveyor-general. On Penn's departure in 1788 Anthony Butler, one of his agents, proceeded to York, recorded his powers of attorney, and the following April placarded Springetsbury Manor with posters,53 in both English and German, directing all persons holding lands within the manor or within the Town of York under permission from the late proprietaries to settle their business with William Kersey, whom Butler had appointed for that purpose.

Butler likewise attempted to settle the Maske Manor affairs. In May, 1793, he placed a notice in the Pennsylvania Herald and York General Advertiser54 announcing that if within six months persons in possession of vacant lands in that manor "do not apply to purchase the same, they will be sold to any applicant."

52 Jenkins, The Family of William Penn, pp. 175-6. The other quarter interest then belonged to John Penn the elder, who had inherited it from his father, Richard, in 1771.
54 Issue of May 22, 1793, in files of Hist. Soc. of York Co.
Several years later Edmund Physick, then attorney for John and Richard Penn, negotiated an agreement by which warrants were to be issued to the Maske Manor settlers on stated payments, which agreement was ratified by the settlers in 1797 and duly recorded in York. Meanwhile, by act of March 23, 1797, the commonwealth released its claims to the manor lands. Thereafter settlements were made at a rapid rate in accordance with the Moses McClean surveys provided for in the agreement; and releases were duly granted, of which over seventy are on record in the Adams County courthouse alone. Most of these are dated not later than 1806 with one isolated release as late as 1834.

The train of events in the settlement of the Springetsbury Manor claims, however, did not run so smoothly. For two decades the Penns were bitterly opposed by the landholders in the United States courts. Finally an opinion by Chief Justice Marshall of the Supreme Court decided the question of title conclusively in favor of the Penns, in spite of the able arguments of Henry Clay and Daniel Webster on behalf of the Yorkers. Nevertheless, the Penn proprietors were not completely relieved, for John Penn, as his correspondence reveals, discovered both to his chagrin and to his detriment that his agent, John R. Coates, had misused Penn's own money to purchase from Penn his valued Manor of Springetsbury. It is of additional interest that this sale was subject to an annual quitrent, if demanded, of two beaver skins, which was the original quitrent due Charles II for the province of Pennsylvania. However, this period in the manor history presents a story in itself.

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56 Adams County Record Book N, p. 115.
58 See the author's manuscript paper, "John R. Coates, Landjobber of Springetsbury Manor."