

**“RIGHTFULLY THEIRS AND VALID
IN THE LAW”: WESTERN
PENNSYLVANIA LAND WARS,
1792-1810**

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The Olmsted case (*United States v. Peters*), which involved the state of Pennsylvania in a conflict over a prize of war from the American Revolution, would seem to have little in common with the Huidekoper case (*Huidekoper Lessee v. Douglass*), a case which involved Pennsylvania in a conflict over land titles.¹ Olmsted is regularly cited as an example of the never-ending struggle over states' rights. Huidekoper is a little-known and long-forgotten case of the Marshall Court regarding the legality of land titles held by the Holland Land Company in northwest Pennsylvania. Looking at the Huidekoper case from a broader perspective, however, provides insights to the connections land issues had with the social, political, and economic realities of the early national period originated in Pennsylvania.

The Olmsted case originated during the American Revolution. In 1778, Gideon Olmsted, a sea captain from Connecticut, captured a British sloop, the *Active*, and was sailing it to Egg Harbor, New Jersey, as a prize of war. Before he reached

Egg Harbor, Olmsted was captured by a ship owned by the state of Pennsylvania, which refused to acknowledge his claim. When Olmsted brought suit in the Pennsylvania court, he was awarded one-quarter of the prize. Olmsted appealed the decision of the Pennsylvania court to the Continental Prize Court, which reversed the decision and awarded the whole amount to Olmsted.²

The state court refused to give the proceeds of the prize to Olmsted and placed the money in the state treasury. The state treasurer, David Rittenhouse, later invested the funds in United States Loan Certificates. These certificates subsequently became the personal property of Rittenhouse and his heirs.

In 1803, Olmsted obtained an order from federal district judge Richard Peters for the Rittenhouse heirs to deliver the securities. The Pennsylvania legislature reacted by declaring that the federal court had no jurisdiction in the matter and directed the governor to protect the rights of the state. Judge Peters, citing the fear of causing tensions between the state and federal government, did nothing to enforce his order.

In 1808, Olmsted applied to the Supreme Court to direct Judge Peters to execute his decree. In 1809, Chief Justice John Marshall in the decision of *U.S. v. Peters* directed Judge Peters to execute his decree. Marshall noted that if state legislatures can pass acts to annul judgment of the courts of the United States and destroy rights acquired under those judgments, then the Constitution becomes "solemn mockery."

The governor of Pennsylvania, Simon Snyder, called out the militia to guard the house of the Rittenhouse heirs and prevented the federal marshal from serving his warrant. Unlike the Whiskey Rebellion of 1794, begun by Pennsylvania farmers, this was an armed rebellion against the United States government begun by the governor of Pennsylvania. When President James Madison refused Governor Snyder's plea for help and upheld the decision of the Marshall Court, the militia was withdrawn.

One is struck many times while reading the Olmsted case with two fundamental questions: Why did Pennsylvania continue to defy the federal government over the Olmsted case? Why not just pay the \$20,000 owed to Gideon Olmsted? Very frequently, bills were proposed in the state assembly to do just that—namely, pay Olmsted the proceeds from the *Active* and be done with the affair—but none of these bills passed the House of Representatives. So then one has to ask, What political forces were at work that prevented a common sense and simple solution to the impasse between

the state of Pennsylvania and the federal judiciary? Was it because of a fierce ideological battle between the adherents of state versus federal power that prevented compromise? Was it because of political parties? Did Olmsted reflect the political battle between the Jeffersonian new order and the old Federalist elite? Or did the Olmsted case drag on because of the infighting going on among the Jeffersonians, fighting for control of their party? All the aforementioned reasons were part of the Olmsted affair, but there was another reason for the intransigent position of Pennsylvania in the Olmsted case—primarily, conflicts over land titles. Contemporary with the Olmsted case was another case that was before the Marshall Court. This case, *Huidekoper Lessee v. Douglass*, also involved Pennsylvania. Like the Olmsted case, the Huidekoper land case was in and out of federal and Pennsylvania courts for years. In the matter of the Olmsted case, Pennsylvania's position in 1809 of refusing to recognize the authority of the federal courts and refusing to seek compromise at least partly came about because of the 1805 Huidekoper decision.

Recent studies, particularly those by Alan Taylor on Maine and Stephen Aron on Kentucky, have shown settlement of the American frontier was a messy business.³ The players in this story are different, but each frontier is a story of speculation, fraud, and conflict. Like the histories of settlement in Maine and Kentucky, the land conflicts in Pennsylvania defy the traditional stereotypes of the early republic that one party or another was the primary mover of economic growth. It was much more complex; both parties fostered and inhibited growth in an era of political expediency and ideological turbulence. As Joyce Appleby has pointed out, "Federalists and Republicans alike responded to the economic opportunities opening before America." The Huidekoper case demonstrates Appleby's point that no matter what their political affiliation, ". . . people inevitably pursue personal advantage."⁴

The focus of this paper is not only to examine the Huidekoper case from the angle of frontier settlement, but also to examine it in the context of constitutional history. The Huidekoper case and the Olmsted case marked the beginning of the Marshall Court's judicial nationalism. In 1805, the United States Supreme Court was not accepted as the final arbitrator of disputes between state and federal government claims. State courts jealously guarded their jurisdiction from federal encroachment. It was only after the Huidekoper case and similar decisions that the federal court had the confidence to wade into later cases, such as the Yazoo land conflict in Georgia.

The story of the settlement of northwestern Pennsylvania also demonstrates the political maturity of the frontier. When these frontier men felt the

government was violating their rights, they did not take up arms as did the previous generation. No Whiskey rebels or Carolina Regulators here. The settlers in northwestern Pennsylvania utilized the legal system and their growing political presence to redress their grievances.

Huidekoper Lessee v. Douglass was concerned with land titles claimed by both the Holland Land Company and settlers in northwestern Pennsylvania.⁵ The position taken on the land issue divided Pennsylvania into two camps. The cause of the Holland Land Company was usually championed by men of property and status who identified with mercantile and financial interests and believed in the sanctity of contracts and the rule of law. These men for the most part identified themselves as Federalists and were usually from the eastern section of the state. The cause of the actual settlers or intruders (their sympathizers called them "actual settlers"; their enemies called them "intruders") was championed by Pennsylvanians who saw themselves as "men of the people," protecting the interests of the common man from the elite who wielded influence and money. Those who championed the settlers were identified with agricultural economy and identified themselves as Jeffersonian Republicans.⁶ Most of them were from the western regions of Pennsylvania.

However many of the Republican sympathizers were not completely altruistic in their support of the settlers. Some had selfish motives; many were "young men on the make" who hoped to break the hold that men of "influence and money" had on Pennsylvania land speculation and become men of "influence and money" themselves. The position of the state of Pennsylvania regarding the northwestern lands fluctuated as these political groups gained and lost power in the state government.

The laws of Pennsylvania proceeding from the time of the Proprietors, through years as a province, and until the time of the commonwealth were written to favor the actual settler rather than the speculator. Under all three forms of government, laws were written in Pennsylvania that recognized the rights of actual settlers and discouraged speculators by limiting the number of acres individuals could purchase. The Proprietors in the regulations of 1765 limited the acquisition of an individual to three hundred acres of vacant land; the commonwealth in the Land Act of 1784 limited an individual to four hundred acres.

The price of land was reasonable and credit was generous, an incentive too good for land speculators to pass by. Those who wished to buy more than the legal limit did so "by means of a legal fiction." One method used by speculators was to buy land in excess of the legal limit and to use several aliases as

warrantees (persons applying to buy the land). In order to gain title to the land, the warrantee had to apply for a survey of the land. However, the speculator paid for the necessary surveys in his name, not in the names of the false warrantees. When suits were brought against the surveys because they were not made in the name of the warrantees, the suits were dismissed. The speculator repeatedly won in the courts by claiming to be merely a trustee for the named warrantees.⁷

In spite of the laws against land speculation, by the 1790s millions of acres of western land in Pennsylvania had been purchased by wealthy speculators. Robert Morris, the so-called financier of the American Revolution, and James Wilson, signer of both the Declaration of Independence and the United States Constitution and later an associate justice of the United States Supreme Court, were among the most prominent of those who acquired vast holdings in the west. Morris and Wilson/along with other American and foreign capitalists, formed the Pennsylvania Population Company. The Population Company bought up large tracts of land throughout Pennsylvania by using depreciated bills of credit that it bought from veterans of the American Revolution.

During the last years of the eighteenth century, Morris and Wilson indulged in a frenzy of land speculation, acquiring more and more land for which they did not pay. Along with the land, they acquired more and more debt. The American speculators increasingly turned to Dutch businessmen for loans. In return, they gave the Dutchmen mortgages on vast tracts of American land. Not only did the Europeans hold mortgages on American land, they bought land outright. Judge Wilson sold over a million and one-half acres of this western land to Dutch businessmen. These European speculators later incorporated into the Holland Land Company.⁸

While the wealthy Philadelphians and foreign investors were building their land empires, actual settlers were establishing farms on this same land. The resulting legal conflicts and land wars were inevitable. One of the chief causes of these conflicts was the Pennsylvania Act of 1792 that set the conditions for the sale of the vacant land in western Pennsylvania. The provisions of the act demanded that settlers who lived on the desired land swear out a warrant. This warrant proved that actual settlement had taken place, that the person named was indeed on the land and had begun improvements to the land. It was only upon the possession of a warrant that a survey could be done. Neither title nor patent could be issued without the survey and the survey could not be completed without the issuance of a warrant that proved

settlement. "Few more evil pieces of land legislation have ever been placed upon the statute books of any state," is the way a historian of the Holland Land Company has described the Act of 1792.⁹

The debates in the Pennsylvania legislature on the land act clearly differentiated the positions of the Federalist and Republican parties in Pennsylvania on this issue. The former supported the large landholders, and the latter supported the settlers. But as Gregory Noble has pointed out, one of the reasons Federalists supported large landholders was that they thought that was the best way "to attract the 'right' kind of settler: sturdy, staple, hardworking farmers who would improve the land . . . [and] who would pay proper respect to the position of the large landowner."¹⁰ William Slaughter also makes this point in his description of George Washington's speculation in Pennsylvania land. Washington, who had obtained his lands by illegal means, evading British, Virginia, and Pennsylvania laws also worried about the kind of men who were moving to the frontier. He feared that the right, law-abiding deferential sort were not settling on the frontier.¹¹

Cadwallader Evans of Montgomery County expressed this Federalist thinking in 1792 during debate of the land act. He advocated the sale of large tracts to land companies or wealthy individuals whose ability to pay was unquestionable and who could be depended on to procure settlements of their lands in an orderly manner. Assemblyman Evans was afraid that if the territory was opened to individual settlers they would settle in a "disorderly" manner and scatter in search of the choicest lands. This type of settlement would make too thin a line to defend the frontier, and would require state forces to defend the settlers. Evans also complained that the unrestricted settlement of individual settlers would very likely consist of "banditti" who would not be disciplined and patient enough to fulfill the requirements of settlement.

Appleby describes the difference between the Federalists and Republicans at this time as differences in the "social and political context in which the American economy would be capitalistic." Federalists sought "orderly growth within venerable social limits." Republicans, on the other hand, developed a "liberating alternative." Republicans championed "the rapid development of western land," and sought the "natural harmony of autonomous individuals freely exerting themselves to take care of their own interests."¹²

The Republicans also demonstrate Appleby's argument in the 1792 debate. Albert Gallatin, of Fayette County, later Jefferson's Secretary of the Treasury, expressed the Republican view of the land issue. Gallatin argued that the "true happiness" of a state depended on the "poorer class of people

having it in their power to become freeholders at a small expense, and being able to live comfortably, dependent only on their industry and exertions." Gallatin also pointed out that unless Pennsylvania had a liberal land policy, the state would lose enterprising and valuable citizens to Virginia or western New York, where a small farmer "could secure lands to his liking."¹³

In the 1790s the Federalist party in Pennsylvania enjoyed a small majority in the Pennsylvania legislature and controlled the executive branch. However, the Federalists did not have a sufficient enough majority to ignore the interests of the Republicans. Therefore, the Act of 1792 was a compromise between the competing interests of land speculators who wanted to have unlimited access to the land in the west for the purpose of investment and the interests of settlers who wanted land prices kept low and access limited to those who would actually settle in the west. The compromise in the land act concerned the creation of two groups of settlers: actual settlers and those who would bring in settlers (warrantees). The complicated procedure of gaining title would apply to both groups. In practice, however, the two groups were not treated equally. When conflicts arose over competing claims, the Federalist-controlled courts interpreted the Act of 1792 in decisions that supported the claims of speculators over settlers. In case after case, to the outrage of the western settlers, the courts ruled in favor of the speculators. This state of affairs continued through the late eighteenth century up to the years of the Jefferson ascendancy in Pennsylvania.

The language of the land act favored actual settlers by limiting the purchase of land to four hundred acres. But speculators easily avoided the earlier limiting laws by fraud and continued to use fraudulent means to circumvent this provision of the Act of 1792. There was no enforcement provision in the act; therefore, there was no way to prohibit such activity. The ease of fraud was not the only defect in the act, for according to historian Paul Evans, "its other provisions were much worse." These were the provisions that related to the possession of land titles. The land act followed the "ancient practice" in Pennsylvania of using the system of warrants and patents to take legal possession of land.¹⁴ A man could settle anywhere he chose, no survey was necessary before he settled, and within ten years he had to apply at the State Land Office for a warrant covering his land and request a survey, which would result in title or patent. Likewise, a person who did not personally go to the west but who wanted land in that region could go to the Land Office, describe the lands in question and secure a warrant to have the land surveyed. Very easily, the actual settler could settle and improve land for which

someone had already secured a warrant and not realize the mistake until he applied for a warrant.¹⁵

Indian warfare added even more confusion to the already complicated provisions of the Act of 1792. The land act was passed while the state of Pennsylvania was engaged in a war with the Indians in the western regions of the state, when hostilities made settlement nearly impossible. These conditions made the sale of the western lands a risky business venture and an uncertain source of revenue for the state of Pennsylvania. The legislature inserted a proviso in the Act of 1792 to make these lands more attractive to buyers and ensure a steady revenue for the state. This proviso, section nine of the act, stated that if any settler was prevented "by force of arms of the enemies of the United States" from making an actual settlement, or driven from his settlement, he and his heirs could keep the lands as if settlement had "been made and continued."¹⁶ In effect, section nine excused the requirement for ownership of actual settlement and continued residence that was the basis of the Act of 1792.

The stipulations of the Act of 1792 that required settlement within two years and five years of continuous residency were unreasonable until peace and safety were restored to the region. Not until the defeat of the Indians by General Anthony Wayne in 1794 and the subsequent peace treaty in December of 1795 did the danger of Indian attacks in the region pass and settlement become possible. Even without hostile Indians, these provisions, especially the requirement of continuous family residence for five years, were unreasonable considering the wilderness conditions in western Pennsylvania.

Yet another complication in the already confused state of affairs arose during the late eighteenth century when not only the Holland Land Company and the actual settlers disputed the ownership of land, but also a third entity entered the dispute: the western land-jobber. By the time the Indian war was over in 1795, the western Pennsylvania lands around Meadville were, "dotted over with abandoned settlements." Some of these settlements were made in good faith by people who actually were forced to leave the land by Indian attacks. Other abandoned settlements were sham settlements thrown up with no intention to effect permanent residency. These pseudo settlements were known as "land-jobbing improvements." The backcountry speculator would quickly raise a cabin, clear a little of the land, and then abandon the settlement as if "the forces of arms of the enemies of the United States" had forced the settlement's abandonment. The object of these speculators was to get "inchoate titles to large areas of the West Allegheny lands for speculative

purposes," thereby avoiding the price that the legislature had set for speculators. They would buy up the incomplete titles where the process of land ownership had begun, but had not finished because of the Indian wars. The land-jobbers also paid men to go to the West Allegheny "and make such pretended settlements for them on a wholesale scale."¹⁷

These activities of the land-jobbers in Pennsylvania were similar to those described by Aron in Kentucky. The land-jobbers in Kentucky threw up cabins that "consisted of only stacks of three or four logs arranged in a square."¹⁸ Like their counterparts in Pennsylvania, they never intended to occupy the land they had "improved."

Large-scale private speculators like James Wilson and large land companies like the Holland Land Company and the Pennsylvania Population Company bought vast acreage in the West Allegheny region. Their speculative ventures were contrary to the provisions of the Act of 1792; they purchased more than the allowed four hundred acres and they did not live on the land themselves or bring settlers to live on the land. Their later legal justification for the purchase of these lands was an interpretation of section nine of the Act of 1792 that actual settlement of the land was excused while the Indian war continued. The Holland Land Company's purchase had been made in 1792 and 1793 in many cases, the land company held warrants on tracts of land that were already claimed by real and pseudo settlers. These settlers and western speculators filed objections in the land office against the issuance of patents or title to the Holland Land Company. Their objection to the issuance of patents to the Holland Land Company lay with the interpretation of the Act of 1792 that actual settlement had to occur before patents could be issued. By 1795, when the Indian hostilities ended, it was obvious that there were differing opinions of what section nine in the Act of 1792 really meant.

One of the interpretations of section nine, the interpretation favored by the Holland Land Company and its supporters, was that the Indian war had prevented the Holland Land Company from the settlement of the land purchased, and the company could claim title to the land now that the hostilities had ceased. Others disagreed. Some cities felt that the failure to settle the land within two years and the failure to have a family live on it for five consecutive years meant the forfeiture of the land.

More moderate views held that section nine was merely a dispensation for the strict time limits for settlement. Once the hostilities ended, they argued, the warrantee had two years to actually create a settlement, and this settlement must be followed by five years of continuous residence. Some holding

the moderate view of the issue argued that "mere perseverance for a reasonable time after settlements became possible" was proof of title, even if settlement was not successful.¹⁹

The Pennsylvania Board of Property was the agency charged with the administration of the 1792 legislative act. In 1795 and 1796 the Board of Property favored the interpretation that the warrantees (those having proved sufficient ownership to have land surveyed) had two years after the end of hostilities to effect settlement, which must then be followed by five years of continuous residence. But by 1796 the Board began to follow the more liberal interpretation of the proviso. The Board now favored large speculators, and issued title to warrantees who could produce notarized certificates that showed that persistent efforts to settlement had been prevented by "force of arms of the enemies of the United States." The Board of Property added more confusion to the issue by leaving the interpretation of "persistent" unclear. Did the warrantees have to prove perseverance within two years after the date of the purchase? Or did perseverance of settlement begin after the cessation of the Indian war? There were still no definitive rulings on these pressing questions.

In 1795, in order to end some of the confusion and conflict that was caused because of the provisions of the Act of 1792, Governor Thomas Mifflin proposed amending the Act of 1792 to change the complicated process of obtaining title to the land. Mifflin proposed changing from the existing system of warrant or settlement to title to an easier procedure of warrant to title. Under these proposed changes, land speculators could be sure that the title to land would not be jeopardized by another party's settlement. If the land companies held a warrant for survey, the survey and title could proceed even if a settler had moved onto the land. Under the unamended land act, the paid warrant was of less proof of land ownership than actual settlement.²⁰

Large landholders flooded the assembly with petitions to amend the Act of 1792 in this manner; not surprisingly, the settlers bombarded the assembly with petitions to leave the Act of 1792 as it stood. The bills proposing the governor's changes in the Act of 1792 were defeated in the legislature along sectional lines, with the areas closest to the frontier voting as a bloc against any changes in the Act of 1792.²¹ With the defeat of the amendments to the land act, immigration into the West Allegheny region increased. But now even more confusion reigned about land titles. Some settlers were under the impression that the act had been changed so that only actual settlement

determined a legal title. Other settlers heard that no payment was necessary. Many just squatted "on such as yet unsettled tracts of warrantees [Holland Land Company] as suited them." The western land-jobbers, in seeing opportunity to break the near monopoly of the giant land company, encouraged the settlers to defy the state and the "foreign" speculators; companies were formed in Pittsburgh to support the claims of the settlers for a fee of half the land in question.²²

Although the agents for the Holland Land Company were concerned with the claims and counter-claims of the individual settler to tracts included in the company's warrants, the companies formed by the western land-jobbers caused them much more alarm. These western land-jobber companies were organized by men of western Pennsylvania who had political influence and capital; they could potentially cause trouble in the state legislature and they could underwrite litigation to harass the Holland Company in the courts.

The McNair brothers of Pittsburgh headed one such company that disputed ownership of tracts held by the Pennsylvania Population Company. David Watts of Carlisle and Alexander Scott of Lancaster headed another western land company that disputed one hundred sixty-two tracts of land for which the Holland Land Company held warrants, as well as almost the same number of tracts warranted to the Population Company. The Holland Land Company and the Pennsylvania Population Company decided it was in their interests to settle with these competing land organizations rather than risk a losing battle in the legislature or in the courts. The McNairs accepted joint ownership of the disputed tracts with the Population Company and a loan of \$23,000 was advanced to the McNair company. Watts and Scott were seen as having "great influence over the Attorney-General and the Secretary of State in Pennsylvania," and their compensation was much more generous. On April 29, 1797, a contract was made with them by which they agreed to "surrender all claims to lands warranted for the Holland Company." In return, Watts and Scott were immediately paid \$26,666.66 for the settlement of three hundred tracts and "as soon as the patents should be acquired to lend them \$8,333.33." The agents for the Holland Company considered this money well spent, for they would have spent at least \$26,000 in settling that number of tracts and had settled what had the potential to be a devastating dispute.²³

After the cessation of Indian hostilities and as the 1797 deadline for actual settlement loomed, the Holland Land Company began to improve its land in the West Allegheny region and actively to seek families to settle on the land. In order to be in compliance with the Act of 1792, the Holland Land

Company had the daunting task of placing an actual settler on each of its 1,162 tracts of land by the end of 1797 or the company faced loss of the land for which it already paid. The company built roads, erected mills and stores, and cleared out the creeks spending \$5,000 in improvements in the area around present-day Meadville, Pennsylvania. Settlers who agreed to follow the conditions necessary to obtain patents on four hundred-acre tracts were offered one hundred of these acres free.²⁴ The company ran aggressive advertising campaigns in eastern counties, covering the area with posters and flyers; men were hired to go through the "more populous sections of Pennsylvania, New Jersey, Maryland, and Virginia" to "set forth the advantages of the Holland Company's terms"; contracts were given out to men who agreed to locate settlers for the company. By 1800, these efforts had cost the Holland Land Company \$20,000, and none of these measures was effective; indeed, less than four-hundred of the tracts had been settled in compliance with the Act of 1792.²⁵ The company and those who were hired to find families to populate these tracts found it difficult to attract settlers who could withstand the primitive conditions of the area for the necessary five-year period.

Harm Jan Huidekoper, the land agent for the Holland Land Company in Meadville, wrote constantly to his superiors in Europe about the difficulties he was having populating the vast tracts of company land in northwestern Pennsylvania. First, Huidekoper disagreed with the company policy of only selling whole tracts of one thousand acres. From the very beginning he reminded them that he thought a "whole tract would be more than the farmers . . . [would] want or could pay for." Huidekoper wanted the company to change its policy to allow him to sub-divide the lots into one-hundred-fifty or one-hundred-eighty acre lots. Another problem Huidekoper experienced was the difficulty he had getting accurate surveys completed in a timely manner. The surveyors were not reliable. When they did work, they worked in a hurry, and their surveys were often inaccurate.

But Huidekoper's most serious problem was the potential settler. "The immigrants of Europe," he complained to Holland, "are so unreasonable in their demands that I fear nothing will be done with them." One group of Swiss gave him particular problems. They didn't like any of the land he showed them, they didn't like the price he quoted them, and they ran out of food and provisions, so Huidekoper had to feed them. "The Swiss," Huidekoper wrote, "find everything wrong with the land and nothing right." They were becoming such a burden and annoyance that Huidekoper was

tempted to sell them land at a bargain just to be rid of them. But he worried that if he sold “low to the Swiss they will expect the same price for their relatives who come later.”

Unlike the people who settled the Holland Land in New York “who never grumbled at interest,” the settlers who were coming to northwestern Pennsylvania were not “accustomed to paying interest on the lands they purchase.” Huidekoper was amazed that the settlers would “rather pay 25% more on the principle than 6% interest after the first year.” The Meadville land agent was a pragmatic man, and he advised his superiors in Holland that adjustments had to be made in company policy to address the idiosyncrasies of the Pennsylvania settlers. He wrote in 1804 that he saw

the advantage and even necessity of conforming to the customs of the people we have to deal with. And I am very willing to humor their whims whenever it can be done consistent with the interest of the company.²⁶

On the other hand, when one reads the accounts of the conditions settlers found when they reached these western lands, it is not hard to understand the company’s inability to attract settlers. One of the families who left a record was the family of John Reynolds.

In 1869, Reynolds wrote a memoir detailing the rigors of being an early settler in the Meadville area, “the backwoods” of Pennsylvania. The Reynolds experience could very well be typical of the settlers brought in by the Holland Land Company to the Meadville lands. John was just fifteen years old in 1797 when he and his father, newly arrived from Birmingham England, traveled from Brooklyn, New York, to northwestern Pennsylvania to establish themselves on land owned by the Holland Company. (John’s mother and younger siblings were left in Utica, New York, and traveled later to Pennsylvania.) The Reynolds journeyed to Fort Franklin where they were directed to the company surveyor, Samuel Kerr, at Oil Creek. Kerr showed them unoccupied land between Franklin and Oil Creek in an area called Cherry Tree. They decided on a tract of land at Cherry Tree and returned to Franklin to contract with the land agent, Colonel McDowell. When they finally reached their homestead at Cherry Tree, it was almost dusk. They quickly put up a shelter of poles and bushes and soon after they fell asleep only to be washed out by a thunderstorm that left them “the alternative of lying, setting, or standing during a night of rain.”²⁷

Like many of the settlers to this region, Reynolds and his father were from an urban background. John remembered that “neither of us had ever even handled an ax for felling trees or chopping” and they had “no experience of a woodsman’s life.” When they set about building a house,

. . . we cut small logs and built our house to the eaves, say three sides about ten feet square, the fourth side open to the fire, which was outside. We then cut a tree and attempted to make clapboards to roof our cabin. The tree would have made better mold board for plows than shingles. To add to our trouble, our hands blistered.²⁸

Reynolds and his father gave up the attempt to build a house and came up with a very modern solution to their inadequacies: They hired help. John remembered that “the following day, my father went eight miles to the Holland Land Company’s mill and procured a man to come and make clapboards and roof our cabin and now we had a Home.”

The Reynolds began their homesteading at the end of August 1797; John’s mother and siblings did not arrive until October. What sort of land was this that the Reynolds family had moved into? John Reynolds remembers an isolated land, “. . . no neighbors between me and Franklin, twelve miles, except two or three in Oil Creek Valley, to whom I had no path . . .” A land that still worried about Indians who had been, “but recently chastised by Wayne, and enforced to make peace, [. . . and who] were taciturn and sullen, especially the older men who had been in many a foray on the frontiers.” The Indians “overspread the region” camping “on every little stream” and “scattered along the river.” The farming in northwestern Pennsylvania was far from successful in the first years. Again, to quote from John Reynolds’s recollections:

The farming of western Pennsylvania was without science or neatness. No manure supplied support to the diminishing fertility of the virgin soil. Whenever girding would kill the timber, it was permitted to stand until more convenient time for removal; hence growing crops were injured by the fall of the tree or its decaying branches during the wind storms of summer.²⁹

According to Reynolds, the early settlers had few “modern implements of agriculture,” only primitive wooden plows. There were very few

blacksmiths in the area, very little iron was available to make sturdier and more effective farm tools, and since wagons were “seldom seen in the new settlements”, sleds with wooden poles were used for gathering the harvest and going to the mill.³⁰

Considering the hardships of the first years of settlement, it is no surprise that the Holland Land Company had difficulty in finding the type of settler who could persist in settlement for five years as required by the provisions set down in the land act. Some like the Reynolds family did persist, but many more gave up settlement in the West Allegheny lands and moved on to areas that were easier to farm.

However difficult it was to find and keep settlers on its land, the Holland Company still had the specter of the land act provisions that insisted upon actual settlement before a title could be issued for a tract of land. When the state legislature refused to pass legislation that would offer relief to the company, the Holland Land Company turned to the state Board of Property. Upon the advice of the state Attorney General Jared Ingersoll, the Board issued an interpretation of the Act of 1792 that was very favorable to the Holland Land Company. The Board of Property decided that it would issue patents upon lands warranted in 1792 and 1793. The patents would be granted upon the receipt of certificates signed by the deputy surveyor and attested before a judge or two justices of the peace in the district where the tract was located. These certificates had to attest that tracts had been settled and residence requirements had been met according to the provisions of the Land Act of 1792.

However, a very important concession was made to the warrantees: the Board of Property allowed the relaxation of the settlement requirement if the notarized certificates, called “prevention certificates,” could show that settlement had been prevented by “force of arms of the enemies of the United States.” The Board of Property’s ruling “endorsed the contention of large-scale speculators that if once a grantee was prevented from beginning a settlement by Indian warfare, he was automatically exempted from any further effort.”³¹

The agents of the Holland Land Company immediately began the process to secure the proper certificates to meet the Board’s criteria for issuing land titles. By the end of 1798, the company had secured over eight hundred certificates and the Board of Property began to issue titles to the company. By 1800, the company had secured titles on almost nine hundred tracts and the American agent for the Holland Company, Paul Busti, was able to report

back to Europe that, "All the friends of order and those interested in the conservation of property acting in concert toward this end have secured a part of their object."³² But this optimism was short-lived for the friends of order and property were soon out of office. Soon, one of the leading policies of the new Republican administration was the reversal of the Federalist land policy.

With the Republicans in power, a new Board of Property was appointed. It was a board that the West hoped would be more in sympathy with the actual settler than with the large land speculator. Also, since the western land-jobbers in Pittsburgh and Meadville were men who challenged the Federalist commercial elite and were prominent Jeffersonians, the Holland Company agents viewed this new Board of Property with much dread.³³

The man appointed to head the Board of Property, the Secretary of the Land Office, was Tench Coxe, a land speculator, who had acquired almost 300,000 acres in Pennsylvania alone between 1792 and 1793. By the time of his appointment as head of the Board of Property in 1799, Coxe's land speculation in Pennsylvania, New York, and North Carolina was notorious in Pennsylvania due to his near bankruptcies and continual law suits. His biographer has described Coxe as not merely a land speculator, but a "land buccaneer," and his appointment to head the Board of Property was tantamount to having the fox guard the proverbial hen house.³⁴

But Coxe, a recent Republican convert from Federalism, was determined to prove his adherence to orthodox Republican ideals. He surprised those who predicted he would favor the land companies and the speculators. Coxe reversed the rulings of the previous board and refused to issue land titles unless actual settlement and residence were certified. Not only that, but "worse still, Coxe gave the warrantees reason to fear that he would reopen the whole question of the validity of the titles issued by the former board on the basis of prevention and persistence."³⁵ The Holland Land Company had not only to worry about the 153 tracts that they did not have patents for, but also they had to worry about the validity of the titles they already possessed.

The news spread quickly in western Pennsylvania that the new land office favored the actual settlers over the warrantees. The opinion there was that unless a tract was settled with someone residing on the land, anyone coming along could take possession. Many settlers moved in on vacant land in the Allegheny, whether the land was patented or not. They then applied to the land office for warrants. Coxe did not hesitate to regrant warrants in cases

where he felt justified. Since little more than half the company's land was settled, the Holland Land Company again faced the loss of its considerable investments in western Pennsylvania.

More aggressive and bolder settlers began to move in on tracts already occupied and improved. Many families returned home after an absence to find their property occupied. If the intruder proved to be a better fighter, the family was homeless. This very situation happened to William Gill, an early settler in Meadville. He built a cabin and planted crops on his land. Later he left his farm and traveled to Pittsburgh to bring his family to Meadville, but because of illness Gill was not able to return to his homestead immediately. Six months later, when Gill and his family finally returned to Meadville, they found the cabin occupied by an armed Jennet Finney, who drove them away. Jennet Finney "perfected her claim and procured a patent [title] from the state."³⁶ These occurrences tried the loyalty of settlers like the Reynolds and Gill families who bought land from the land companies and now worried about the validity of their titles. All this uncertainty did not help the Holland and Population Companies in their quest for settlers.

In 1800, the Holland Land Company and the Pennsylvania Population Company appealed to the Pennsylvania Supreme Court for a writ of mandamus to compel Coxe to deliver patents for tracts for which the companies held prevention certificates. The court ruled that the companies were only excused from the condition of settlement for a fixed period of time, and since the companies had not fulfilled this condition, no mandamus should be issued.³⁷

This court decision did not mean a victory for settlers. Although the judges ruled against the company in the matter of issuing a mandamus to the Board of Property, the court also ruled that the company's land patents should revert to the state. The court decided the Board of Property had no right to assign the patents to other claimants—that is, to the settler who disputed the land company's titles. The court's split decision made it appear less than definitive. Justice Hugh Brackenridge did not issue any opinion; he excused himself from the deliberations because of conflict of interest since he had previously served as an attorney for the Holland Land Company. Chief Justice Edward Shippen found for the companies because he believed that section nine excused the non-performance of settlement. In Justices Jasper Yeates' and Thomas Smith's opinion, the Indian hostilities "deferred" but did not excuse the requirement of settlement.³⁸

The settlers discovered that neither the state court nor the Board of Property were sympathetic to their cause. The settlers were outraged at later

court rulings in the individual ejectment cases that were brought by the Holland Company against settlers. In these ejectment suits, the Pennsylvania courts consistently decided in favor of the company and against the claims of the settlers in disputes over titles to tracts of land. Then the settlers discovered that the Board of Property would no longer be of much help to the settlers in establishing their claims; Coxe left the Board of Property for the much more lucrative position of United States revenue collector for Philadelphia. The new head of the Board of Property was Andrew Ellicott, brother of Joseph Ellicott, the agent of the Holland Land Company in New York. The settlers did not expect Andrew Ellicott to be as sympathetic to their situation as Coxe had been; therefore, they turned to friends in the legislature for remedy.

Petitions from the residents of the West Allegheny lands poured into the legislature in December of 1800. These petitions asked for the state to "try the matter with the warrant holders and if necessary the legislature should prescribe an expeditious mode for such trial." The legislature was also asked to "prescribe to the Board of Property the form of certificate to be presented by the warrant holders to entitle them to patents." The settlers wanted the legislature to declare that their labor and residence on the land was a more valid proof of title than the prevention certificates held by the warrantees.³⁹

The citizens of the northwest were now an important lobby, and their interests were viewed seriously by the state legislature. By 1802, the settlers in western Pennsylvania were building a formidable political machine and flexing their muscles in state politics. A convention met in Meadville that year to deal with the land issue. Its delegates were elected by the townships in the eight northwestern counties, and "only those were admitted who had taken oath to keep secret its proceedings."⁴⁰ The meeting passed resolutions which disputed the validity of the prevention certificates and in effect disputed all the warrants taken out on the northwestern land. A committee was appointed to draw up a petition to the legislature and to submit documentation to the legislature. This documentation was meant to prove the settlers' claims that the Holland Land Company's warrants were invalid.⁴¹

James Lowry was one of the delegates chosen by the Meadville assembly to present the petitions to the legislature. Lowry's participation in the proceedings underscores the presence of the western land-jobber in the dispute. Lowry was the operator of Lowry and Company, "the only one of the earliest companies founded in opposition to the warrantees remaining in existence." Lowry and Company and the newer companies headed by John Brown and

A. W. Foster (who had formerly worked for the Holland Company) knowingly placed settlers on land that belonged to the Holland Land Company and the Pennsylvania Population Company. These western-based companies had no legal claim to the land in question and were “deliberately establishing settlers on warranted lands in the hope that the great landholders would give up their better claims.” The activities of the western promoters were illegal and unethical, but they were of great help to the settlers in the west. They supported the settlers by “furnishing capital to support them in ejection suits . . . by organizing township meetings and providing for concerted action.” The promoters helped to diffuse legal information among the settlers and pressured the legislature to institute measures favorable to the settlers.⁴²

William Findley, state senator from Westmoreland, who was looking for support from the west in his ambition to become a United States Senator, took up the cause of the settlers in the Pennsylvania Senate and proposed legislation that threatened the interests of the Holland Company. Findley’s bill provided for a special session of the state supreme court where two questions would be settled. The first: Was the state able to issue vacating warrants in cases where the warrantees had not fulfilled the settlement requirements within two years after the date of the warrant? The second: Were the titles that were issued to the warrantees on the basis of prevention certificates valid? The court was to sit at Sunbury, Northumberland County, and a jury was to be selected from the inhabitants of Northumberland and Lycoming Counties. These arrangements skewed the proceedings in favor of the settlers, for most of the settlers had come from these counties and a jury of their friends and relatives would decide “upon the law and upon the facts” and also “interpret the law itself.” Findley’s bill sailed “triumphantly” through both houses of the legislature and became law in April 1802. The Holland Land Company, through its lawyers, declined to be a part of the Sunbury court.⁴³

The state supreme court met in Sunbury in September 1802, in the case of *Attorney General v. The Grantees, under the act of April 1792*, with Justices Yeates, Smith, and Brackenridge presiding. The case proceeded without the company present, and not surprisingly, the jury brought in a verdict against the land company. What was important in this case was that, unlike the earlier Coxe case, the court presented a united opinion on section nine of the land act. The entire court agreed in its charge to the jury: settlement must be completed for patents to be issued and section nine of the land act merely delayed the requirement of settlement. Section nine, according to the Sunbury court, did not excuse settlement.⁴⁴

The Sunbury court proceedings meant that the Holland Land Company could no longer count on the Pennsylvania courts to further its land claims. The Holland Land Company now resolved to bring its case to the United States Supreme Court where it expected a more favorable outcome. The owners of the company, as aliens, had the right to bring ejectment suits before the federal bench, and they did so in the name of their agent at Meadville, Harm Jan Huidekoper. The land company engaged the best legal minds in Pennsylvania to plead its case: William Lewis, Jared Ingersoll, Alexander Dallas, and Edward Tilghman. They were hired not only because the Holland Company judged this to be an important case, but also because the company wanted to be sure the best lawyers were in its employ and not in the opposition's camp.⁴⁵

In Meadville, Huidekoper watched for every piece of mail, waiting for word on the appeal to the federal court. He wrote Busti that he "trembl [ed] for the issue" . . . and waited "with a good deal of anxiety." He "rejoice[d] at the determination of Ingersoll, Dallas, and Lewis." Huidekoper was having difficulty not just from intruders and squatters, but the Holland Land Company settlers were avoiding payment on their mortgages. Many of the settlers to whom Huidekoper had sold land were not paying their loans. They were waiting for the outcome of the case and wondering if they could get title to the land without paying the Holland Land Company.⁴⁶

In February 1805, the United States Supreme Court in *Huidekoper's Lessee v. Douglass* unanimously agreed with the land company that section nine of the Act of 1792 dispensed the warrantees from the required settlements and improvements.⁴⁷ The Holland Land Company proved to the satisfaction of the Court that the Indian wars had prevented settlements, and therefore all the patents issued to the company and claimed by the company since 1798 were "rightfully theirs and valid in law."

This, of course, did not end the title difficulties for the Holland Land Company. The legislative and judicial branches of the state did not regard the rulings of the United States Supreme Court as binding on state courts. Both branches zealously guarded the sovereignty of their state. The Pennsylvania courts ignored the decision of the Supreme Court and continued to hold to the Sunbury decision refusing to recognize the Huidekoper case as precedent. The local court did not "look with pleasure upon the curtailment of their authority." Although the Pennsylvania court did recognize the right of foreign nationals to appeal to the federal court, and the right of the federal courts to interpret Pennsylvania's laws for foreigners, the Pennsylvania courts

saw themselves as having an independent jurisdiction and claimed the right to go “their own way paying no more attention to the federal decisions than would be warranted by the wisdom which might appear in them.”⁴⁸

The Holland Land Company found it too time-consuming and expensive to contest every land title in federal court, so, by necessity, it continued to bring cases to the state court. Unlike the settlers, the company was able to afford the best legal services available, and it was not disappointed in the results. Under the Sunbury decision, which was the determining law the state court recognized, the Pennsylvania courts could rule against the land company. However, as in the earlier mandamus case involving Tench Coxe where the courts ruled against the company and for the settlers, the Pennsylvania court again consistently ruled in favor of the Holland Land Company and against the settlers in ejectment cases brought before it.

The Pennsylvania court was able to have it both ways. On the one hand, the Pennsylvania judges never recognized the decision of the United States Supreme Court in *Huidekoper's Lessee v. Douglass*, they never acknowledged the jurisdiction of the federal court to decide land cases in Pennsylvania. On the other hand, the local courts in their decisions on land cases accepted the reasoning of the higher court's decision and never defied the Supreme Court's ruling.⁴⁹

The position of the Pennsylvania judiciary, not recognizing the Huidekoper case as a binding precedent, yet reaching the same result under its own rules, underscores the effects the land issue had on Pennsylvania judges. The judges, many Federalist holdovers, were in constant fear of impeachment proceedings. The time during which the events in the West Allegheny lands took place was a time of “judge-breaking” in Pennsylvania. Judge Alexander Addison, impeached in 1802 by the Jeffersonians, believed that the real reason for his impeachment was his pro-company interpretation of the Act of 1792.⁵⁰ In 1805, in the Passmore Case, Chief Justice Shippen and Justices Yeates and Smith were also threatened by an impeachment proceeding, each escaping by a very small margin. The Pennsylvania Senate voted to impeach the justices, but the vote – thirteen to eleven for conviction – fell short of the necessary two-thirds majority. The various delegations split on the issue of impeachment; the only delegation that voted unanimously for impeachment was the delegation that represented the frontier areas.⁵¹ It is not difficult to conclude that the Pennsylvania Supreme Court's refusal to be bound by the precedent of the Huidekoper case was in some part due to the desire to stay out of reach of an anti-judicial Republican legislature.

The Pennsylvania legislature's reaction to the Marshall Court's decision was far different from that of the Pennsylvania judiciary. While the judiciary denied the jurisdiction of the federal court, it still followed the reasoning of the decision. The legislature's reaction was one of defiance. From the 1805 session on, the Pennsylvania legislature continuously sought to counteract the effect of the Supreme Court's decision. Both houses of the legislature adopted resolutions approving the call from Kentucky proposing an amendment to the Constitution that prohibited moving land suits from state to federal courts. A flood of petitions from the northwest areas entreated the legislature to bring suit against the United States Supreme Court to settle the issue of the land company's persistence of settlement. A bill was introduced and passed in the Senate during the 1805–1806 session that would have all lands not settled in the contested region revert to the state; it also forbade settlers to acknowledge any ejectment suits that emanated from the federal courts.⁵²

The political make-up of the Assembly was quite different from that of the Senate. The Federalists in the Assembly were stronger than the few in the Senate and the Republicans in the Assembly were beginning to split into moderate and radical wings, with the moderates in sympathy with many Federalist positions. The bill was voted down, 47 to 27. The vote on the issue in the Assembly was also along sectional lines, with those counties concerned with the land issue and their immediate neighbors voting for the bill and those further removed from the area voting to postpone action. The delegations from Allegheny, Beaver, Butler, Centre, Dauphin, Erie, Greene, Huntingdon, Mifflin, and Washington counties, all but one located in the west, voted as a bloc for the measure. Those voting against the measure were impressed by the argument put forth by friends of the Holland Company that the legislature was interfering with matters that were in the jurisdiction of the judiciary.⁵³

However, in the following session of 1807, both houses passed a resolution that interpreted the Eleventh Amendment of the United States Constitution as meaning that the federal court had no jurisdiction in suits brought under the Land Act of 1792. These resolutions passed in March 1807 by a vote of 48–32, again the vote reflected sectional interests, with those counties furthest away from the issue voting in the negative.⁵⁴ Pennsylvania governor Thomas McKean, who was becoming more and more conservative, was increasingly alienated from his fellow Republicans and “in a mood to embrace almost anything they [the Republicans] opposed.” McKean vetoed the measure, and the legislature did not have the votes to override his veto. The governor pointed out in his veto message that the issues involved in this resolution, as in the resolutions of the

previous session, were under the providence of the judicial branch not the legislative branch of the state. In his veto message McKean also gave his interpretation of the Eleventh Amendment which was in conflict with the legislature's interpretation. McKean did not believe that any state had the right to deny the a judgment of the federal court, he vetoed the measure hoping the legislature would give the "resolution more mature consideration."⁵⁵

The Republicans were splintered and some Republican groups approached the election of 1808 with bitterness and anger against the judicial system and against McKean. The Speaker of the Pennsylvania Assembly, Simon Snyder won the governor's seat in the election of 1808 "with an avalanche of votes from the counties west of the mountains—western Pennsylvania was solidly Democratic."⁵⁶ In fact, Snyder's nomination and election "marked the passing of Republican political hegemony from the city to the country."⁵⁷ And in recognition of the growing importance of the "country" votes, Snyder's campaign in the region was based on the promise to do something to prevent the jurisdiction of the federal court to interpret the Act of 1792. This promise of the Snyder wing of the Republican party to settle the land question in favor of the actual settler was important to get the votes of the settlers and their supporters, for many of Snyder's supporters in the region were reputed to be western land-jobbers.⁵⁸

It is at this point in the story of the conflict concerning land titles in the West Allegheny that the Olmsted case becomes significant. To contemporaries and some later historians, the hard line taken by Governor Snyder and the Pennsylvania legislature in refusing to acknowledge the jurisdiction of the United States Supreme Court in the Olmsted case in 1809 was connected to the earlier United States Supreme Court decision in the Huidekoper case. William Crosskey writes in his history of the Constitution:

Some of Snyder's lieutenants and friends appear to have been actively engaged in "squatter-financing"; and when, after election, he [Snyder] made his absurd attempt in the Spring of 1809, to defeat the jurisdiction of the United States courts in the famous Olmsted case, it was widely believed that his real purpose was to benefit his "squatter-financing" friends and lieutenants indirectly.⁵⁹

William Duane, the editor of the *Aurora*, identified Abner Labock, a close supporter of Governor Snyder, as being behind the Olmsted agitation. Labock, a state senator from Beaver County, was attacked by the paper as being one of those "friends of Snyder" who influenced Governor Snyder to stage a state

rebellion over Olmsted in order to set a precedent for "another rebellion in the western counties." According to the *Aurora*, Labcock's position seeking to prevent enforcement of the decision of the Supreme Court in the Olmsted case was not only seen as representing the wishes of his constituents, but was also a position that would ultimately benefit him financially. There was never any proof beyond the allegations in the *Aurora* that Labcock or any of Snyder's party had financial motives for their stand in the Olmsted or Huidekoper cases, although they certainly had political motives.⁶⁰

Despite the decision of the United States Supreme Court in 1805 that the land titles held by the Holland Land Company were valid, the "radical" Republicans continued to use the land issue to agitate political life in all the branches of state government. In 1809, the year of the Olmsted decision, Huidekoper, the land agent, wrote to his supervisor that "this business is kept alive not by the actual settlers but by some designing demagogues." Huidekoper went on to complain of the politicians in the state legislature: "the legislators from the eastern and middle counties do not understand the nature of the West Allegheny dispute," and while it was possible to prevent them from passing acts "injurious" to the company, it was "impossible to make them do anything in favor" of the Holland Company. Huidekoper did not foresee any alteration in the make-up of the western legislators, a "herd of Jacobinic" office holders. He could only hope that in the next two years or so the Republicans would begin to split into factions and there would be a chance to elect a "more decent representation."⁶¹

Could it be that the stand taken by the state in the Olmsted case was tied to the Holland Land Company issue? The evidence is strong for such an opinion. Governor Snyder's political base was from western Pennsylvania; many of the settlers in the West Allegheny lands originally came from Northumberland and Lycoming Counties, Snyder's home country. The land-jobbers in the West Allegheny were prominent in Republican politics and backed Snyder in his early political career and supported him for governor.

Most importantly, the residents of northwest Pennsylvania saw connections between the two cases. Thomas Atkinson, editor of the Meadville paper, told his readers that "it was believed by the friends of the settler, that the principle involved in both cases was the same, differing only in some circumstances." Atkinson assured the people of Crawford County that when Congress next assembled, "this interesting subject will be fully investigated, and means applied to prevent, in future the jurisdiction of the federal from interfering with the state courts."⁶²

The arguments, lawsuits, petitions, and even bloodshed continued in western Pennsylvania, gradually ceasing after 1812. By that year the state had exhausted all means to challenge the jurisdiction of the federal court in the Olmsted case. It was only after the capitulation of the state to federal power in the Olmsted affair that the Holland Land Company ceased to be a public issue. Raymond Walters wrote in his biography of Alexander Dallas that "It required the state's defeat in the Olmstead [sic] . . . affair in 1809 to kill the Holland case as a public issue."⁶³

Another factor in the cessation of the land conflicts was that by 1812 the people of northwest Pennsylvania were tired of the court cases and conflict. They desired nothing more than clear title to their land. Huidekoper, always a sensible and pragmatic man, worked out reasonable terms for the land, and the settlers accepted.

These Olmsted and Huidekoper cases, which would at first glance seem to be totally disconnected, one tied to a prize of war, the other to land titles, do have many similarities. Both were concerned with the refusal of Pennsylvania courts to recognize the jurisdiction of federal courts; both cases invoked Eleventh Amendment issues; and both cases exposed how politically besieged the courts were in the early national period. At various times in each case, the federal and state courts took note of the political situation and acted, or did not act, accordingly.

Finally, what the Huidekoper case and the story of the settlement of northwest Pennsylvania demonstrates is that to understand the political issues of the early national period, one has to understand that the real passion of this period was not state sovereignty, not ideology, not party, but land.

NOTES

1. Cranch, I, *Huidekoper's Lessee v. Douglass* (1805).
2. Hampton L. Carson, "The Case of the Sloop Active," *Pennsylvania Magazine of History and Biography*, XII (1892): 385-98; Sanford W. Higgenbotham, *Keystone in the Democratic Arch: Pennsylvania Politics, 1800-1816* (Harrisburg: Pennsylvania Historical Museum Commission, 1952): 177-204.
3. Alan Taylor, *Liberty Men and Great Proprietors: The Revolutionary Settlement of the Maine Frontier, 1760-1820* (Chapel Hill, NC: University of North Carolina Press, 1990); Stephan Aron, *How the West Was Lost: The Transformation of Kentucky from Daniel Boone to Henry Clay* (Baltimore: The Johns Hopkins University Press, 1999).
4. Joyce Appleby, *Capitalism and a New Social Order: The Republican Vision of the 1790s* (New York: New York University Press, 1984): 46, 3.

5. The classic work on the Holland Land Company is Paul Evans, *The Holland Land Company* (Buffalo: Buffalo Historical Society, 1924). A more recent treatment of the Holland Land Company is: Charles E. Brooks, *Frontier Settlement and Market Revolution: The Holland Land Purchase* (Ithaca: Cornell University Press, 1996). See also Elizabeth K. Henderson, "The Northwestern Lands of Pennsylvania, 1790–1812," *Pennsylvania Magazine of History and Biography*, 40 (1936): 130–160.
6. For the purpose of this paper, we will refer to them as "settlers." "Speculator" and "warrantee" will be used to refer to the land companies.
7. Henderson, "The Northwestern Lands of Pennsylvania," 131.
8. Raymond Walters, Jr., *Alexander James Dallas: Lawyer-Politician-Financier, 1759–1817* (Philadelphia: University of Pennsylvania Press, 1943; reprint, New York: Da Capo Press, 1969): 161.
9. Evans, *Holland Land Company*, 107.
10. Gregory H. Nobles, "Breaking into the Backcountry: New Approaches to the Early American Frontier, 1750–1800"; *William and Mary Quarterly*, 46 (1989): 645.
11. Thomas Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York: Oxford University Press, 1986): 84.
12. Appleby, *Capitalism & a New Social Order*, 94.
13. Evans, *Holland Land Company*, 107.
14. A warrant was filed by the settler before a survey could be ordered. A patent was a land title issued after the settler had his land surveyed and met the residence requirements. Patent and title will be used interchangeably in this article.
15. Evans, *Holland Land Company*, 107.
16. *Acts of the General Assembly*, 1791–1792.
17. William Winslow Crosskey, *Politics and the Constitution in the History of the United States* (Chicago: University of Chicago Press, 1953), 2: 274.
18. Aron, *How the West Was Lost*, 71.
19. Crosskey, *Politics and the Constitution*, 725.
20. *Pennsylvania Archives*, Fourth Series, Vol. IV, Papers of the Governors, and 1785–1817 (biblio) 250.
21. *House Journal*, 1795–1796.
22. Henderson, "Northwestern Lands of Pennsylvania," 141, 142.
23. Evans, *Holland Land Company*, 119.
24. *Ibid.*, 113, 114.
25. Walter J. McClintock, "Title Difficulties of the Holland Land Company in Northwestern Pennsylvania" *Western Pennsylvania Historical Magazine* 21 (1938): 129.
26. Harm Jan Huidekoper to Paul Busti, 13 Nov., 1796, 22 Sept., 2 Nov., 4 Nov., 1804. Harm Jan Huidekoper General Correspondence, Crawford County Historical Society.
27. John Reynolds, "Addresses and Reminiscences of John Reynolds: A lecture delivered for the benefit of the Meadville City Library Methodist Chapel," Winter 1869–70 (Meadville, PA: Crawford County Historical Society).
28. *Ibid.*
29. *Ibid.*
30. *Ibid.*
31. Jacob E. Cooke, *Tench Coxe and the Early Republic* (Chapel Hill, NC: University of North Carolina Press, 1978), 368.

32. Paul Busti to P. and C. Van Eegnen, quoted in Evans, *Holland Land Company*, 122.
33. Crosskey, *Politics and the Constitution*, 2: 727.
34. Cooke, *Tench Coxe*, 369.
35. Evans, *Holland Land Company*, 124.
36. Reynolds, "Addresses."
37. Dallas, 170; *The Commonwealth versus Tench Coxe, Esq.*
38. G.S. Rowe, *Embattled Bench, The Pennsylvania Supreme Court and the Forging of a Democratic Society, 1684–1809* (Newark DE: University of Delaware Press, 1994), 261.
39. Evans, *Holland Land Company* 134; *House Journal*, 1800–1801.
40. McClintock, *Holland Land Company Titles*, 137.
41. *Lancaster, Intelligencer and Weekly Advertiser*, February 24, 1802.
42. Henderson, "Northwestern Lands of Pennsylvania" 146, *fn.* 49.
43. *Senate Journal*, 1801–1802.
44. Dallas 237; *Attorney General v. The Grantees Under Act of April, 1792*.
45. Evans, *Holland Land Company*, 125.
46. Harm Jan Huidekoper to Paul Busti, Oct. 21, Oct. 31, 1804; Harm Jan Huidekoper, General Correspondence, Crawford County Historical Society.
47. Cranch, 1, *Huidekoper's Lessee v. Douglass*.
48. Evans, *Holland Land Company*, 154.
49. Henderson, "Northwestern Lands of Pennsylvania" 153; Jasper Yeates to William Tilghman, July 20, 1806, Gratz Collection, Historical Society of Pennsylvania.
50. Evans, *Holland Land Company*, 154.
51. *Journal of the Senate*, 1803–1804, 124–125.
52. *Journal of the Senate*, 1805–1806, 372.
53. *House Journal*, 1805–1806; Evans, *Holland Land Company*, 157.
54. The Eleventh Amendment limits the federal judiciary by not allowing suits to be brought against a state in federal courts without the permission of the states. See John Orth, *The Judicial Power of the United States: The Eleventh Amendment in American History* (New York: Oxford University Press, 1987); *House Journal*, 1806–1807.
55. Walters, *Alexander James Dallas*, 163; *Pennsylvania Archives*, Fourth Series, 606.
56. Ferguson, *Early Western Pennsylvania Politics* (Pittsburgh: University of Pittsburgh Press, 1938), 221.
57. Sanford W. Higgenbotham, *The Keystone in the Democratic Arch: Pennsylvania Politics, 1800–1816* (Harrisburg: Pennsylvania Historical and Museum Commission, 1952), 88.
58. *Erie Mirror*, August 20, 1808, April 7, 1810; *Aurora*, January 12, 13, 29, February 14, 1810.
59. Crosskey, *Politics and the Constitution*, 2: 742.
60. *Aurora*, the "Conrad Weiser" letters, January and February 1810.
61. Huidekoper Letter Books, 1809, Crawford County Historical Society.
62. *Crawford Weekly Messenger*, May 3, 1809.
63. Walters, *Alexander James Dallas*, 164.

