

*“Fair Play Has Entirely Ceased,
and Law Has Taken Its Place”:
The Rise and Fall of the Squatter
Republic in the West Branch Valley
of the Susquehanna River,
1768–1800*

DURING THE 1770S, hundreds of predominantly Scots-Irish settlers trespassed onto Indian territory north of the West Branch of the Susquehanna River. There they formed a squatter republic, annually electing a tribunal of “Fair Play Men” who distributed land to newcomers and kept order under a set of rules sometimes referred to as the Fair Play code. During the American Revolution, the squatters sided with the patriots, and Pennsylvania’s republican government assumed control of the region. After the Revolution, the legislature granted the squatters the right to purchase the tracts they had occupied by filing pre-emption applications, which, if successful, would prevent the general public from buying the plots in question. An applicant could then request a warrant for the purchased land, pay for a survey, and receive a patent after the surveyor returned his records to the land office. Most of the squatters could not afford to buy their own lots and chose instead to sell their rights to the improvements they had made to the land. Those who sold tended to move away. Other squatters had the means to stay in the region after the Revolution, and several of them became leading members of their community.¹

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¹ On the Fair Play community, see George D. Wolf, *The Fair Play Settlers of the West Branch Valley, 1769–1784: A Study of Frontier Ethnography* (Harrisburg, PA, 1969). Wolf’s book remains the most extensive treatment of the Fair Play settlers. See also John F. Meginness, *History of*

An anecdote recorded by local historian John Meginness suggests that some of the squatters who remained regretted the transition to state jurisdiction. As the story goes, Pennsylvania's Chief Justice Thomas McKean once adjudicated a Fair Play case in the district. Accordingly, he interrogated the Irishman Peter Rodey, a former member of the Fair Play community. Unable to remember the details of the Fair Play code, Rodey quipped, "All I can say is, that since your Honor's courts have come among us, *fair play* has entirely ceased, and law has taken its place." After the laughter in the court died down, the judge halted his line of questioning.²

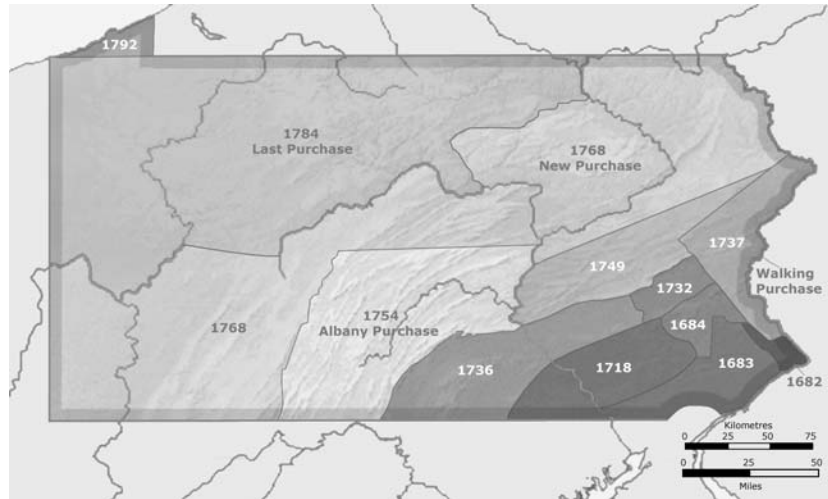
By drawing upon previously unexamined preemption applications, this article seeks to demonstrate the mutual ties that bound the Fair Play community together and to explain Rodey's nostalgic sense of loss. Certainly, the Fair Play settlers did not create an agrarian utopia. Beyond colonial jurisdiction, squatters came under the threat of violence from one another and from Indians. Most families lived in flimsy one-room cabins and barely managed to clear and plant corn on a few acres a year. Perhaps because of these difficulties, some squatters chose to labor for others. Despite access to free land, they found they could earn better livings by planting crops on cleared bottomlands or improving land for men with spare cash. Even those who did not work for their betters relied for their survival on interactions with settlers who lived within the legal bounds of Pennsylvania. Nevertheless, while life in the squatter republic may have been unforgiving, it offered something that legal settlements could not. Squatters could occupy and claim property through the expenditure of labor alone, with no money down. The risks and challenges of living on a remote frontier and illegally entering Indian territory created an opportunity for the bold to secure land that they could not otherwise afford.

Prior to the Revolution, land in the Fair Play community was abundant, and the squatters' system of self-government protected individuals' claims, preventing any settlers from remaining landless, as long as they chose to clear land and farm for themselves. After the Revolution, some

Lycoming County, Pennsylvania (Chicago, 1892), 193–210, <http://www.usgennet.org/usa/pa/county/lycoming/history/lyco-history-01.html>. On preemption applications and land purchases, see Donna Bingham Munger, *Pennsylvania Land Records: A History and Guide for Research* (Wilmington, DE, 1991), 153–54, 198–207. For the text of the 1784 preemption statute, see Charles Smith, *Laws of the Commonwealth of Pennsylvania*, vol. 2 (Philadelphia, 1810), 194–202, <http://www.palrb.us/smithlaws/index.php>.

² John Franklin Meginness, *Otzinachson; or, a History of the West Branch Valley of the Susquehanna* (1857; repr., Ann Arbor, MI, n.d.), 172.

of the squatters made good on their gamble for property, but others were not so lucky. During the decades after American independence, a tide of settlers and speculators advanced into the region, and tenancy soon became widespread. The emergence of a functioning land market transformed how settlers thought about property in the West Branch Valley. No longer could settlers in the Fair Play region claim real estate simply by laboring upon it. Instead, they needed to secure legal titles to their lands by acquiring enough cash to apply for land warrants, pay for surveys, and finance mortgages. The change in the nature of property lay at the heart of Rodey's lament.³



A map of Pennsylvania's land purchases, including the 1768 and 1784 purchases conducted at Fort Stanwix. Source: http://en.wikipedia.org/wiki/File:Pennsylvania_land_purchases.png.

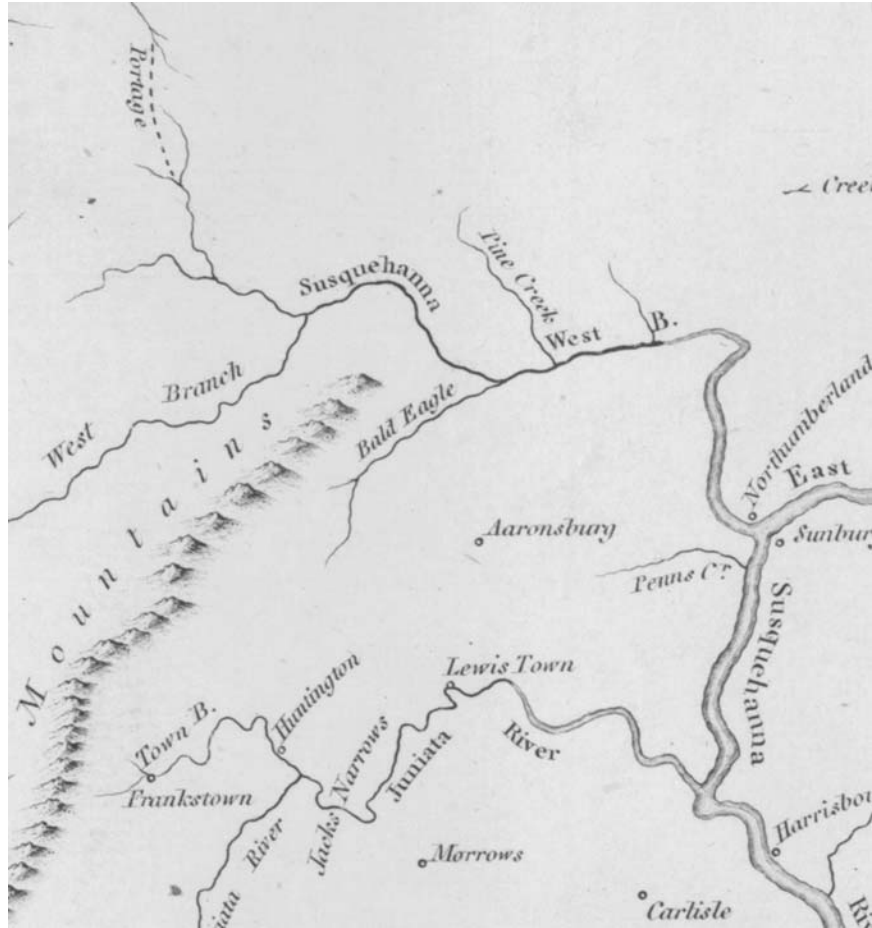
³ Preemption Applications, 1785, box 1, Records of the Land Office, RG-17, ser. 17.14 (microfilm reel LO 7.5), Pennsylvania State Archives, Harrisburg, PA. Several "neoprogressive" historians have recently pointed out the difficulties that ordinary Americans faced in the years following the Revolution as well as the disconnect that many common people felt with their political leaders. See, for example, Woody Holton, *Unruly Americans and the Origins of the Constitution* (New York, 2007). Terry Bouton argued that most Pennsylvanians desired broad-based political and economic equality throughout the revolutionary period but lacked the organizational cohesion to bring about an egalitarian social order. Terry Bouton, *Taming Democracy: "The People," the Founders, and the Troubled Ending of the American Revolution* (New York, 2007). Although Bouton did not address the Fair Play squatters, they were one of many similar backcountry groups that resisted elite rule.

A Republic of Squatters

In 1768, Sir William Johnson negotiated the Treaty of Fort Stanwix with the Six Nations (Haudenosaunee). The treaty adjusted the Proclamation Line of 1763, pushing the boundary between British colonists and Indians further to the west. The Haudenosaunee did not occupy most of the territory they ceded to the British. Instead, they negotiated on behalf of the nations they considered their “dependants,” including the Delawares and Shawnees. Some sachems expressed concern about giving away land that belonged to other Indian nations in the Susquehanna Valley near “Wioming or the Great Island,” but Johnson soon convinced them that nothing could prevent settlers from overrunning those areas. They agreed that it was better for the Haudenosaunee to sell the land while they still could. Pennsylvania benefited enormously from these negotiations. In exchange for 10,000 Spanish dollars, the Haudenosaunee ceded millions of acres in a thick band stretching across the province’s whole frontier from the southwest to the northeast. No representative from either the Delawares or the Shawnees voiced approval for the sale.⁴

Almost immediately, the land sale led to controversy. Along Pennsylvania’s central frontier, “a Creek called Tiadaghton” defined the new border. Land east of the creek became settler country where Pennsylvania could sell land on the north side of the West Branch of the Susquehanna. West of the creek remained Indian country, with the West Branch serving as the province’s northern boundary. However, settlers called the creeks in this region by different names and could not agree among themselves where Tiadaghton Creek lay. The Penns maintained that the Indian reference to “Tiadaghton” meant Lycoming Creek, and journals from travelers to the region from both before and after the Fort Stanwix Treaty confirm this stance. Drawn by the rich bottomlands

⁴ William J. Campbell, “Land and Diplomacy on the Fringes of Empire: Indians, Agents, Speculators, and the 1768 Treaty of Fort Stanwix” (PhD diss., McMaster University, 2007), 127–35. Sachems’ quotations appear in Campbell, “Land and Diplomacy,” and are from E. B. O’Callaghan and B. Fernow, eds., *Documents Relative to the Colonial History of the State of New York*, vol. 8 (Albany, NY, 1857), 123. Johnson did arrange for a payment of \$500 to the Conestoga Indians with the understanding that their lands would return to the Penns when their nation became extinct. The Paxton Boys had massacred most of the Conestogas in 1763. See Kevin Kenny, *Peaceable Kingdom Lost: The Paxton Boys and the Destruction of William Penn’s Holy Experiment* (New York, 2009), 131–46.



The West Branch of the Susquehanna, as it appeared in a contemporary map. Pine Creek (identified as Tiadaghton in 1784) is labeled. Lycoming Creek (thought to be Tiadaghton Creek in 1768) is the unlabeled creek to the east of Pine Creek. The Great Island sits at the confluence of the West Branch of the Susquehanna River and Bald Eagle Creek. The Sinnemahoning Creek forms a portage with the Allegheny River system in the map's northwestern corner. The Penns purchased the lands east of Lycoming Creek and south of Bald Eagle Creek in 1768. Source: W. Harrison Jr., "A Map of Pennsylvania from the Best Authorities," in *The American Geography; or, A View of the Present Situation of the United States of America*, ed. Jedediah Morse (London, 1794), http://digitallibrary.hsp.org/index.php/Detail/Object/Show/object_id/8536.

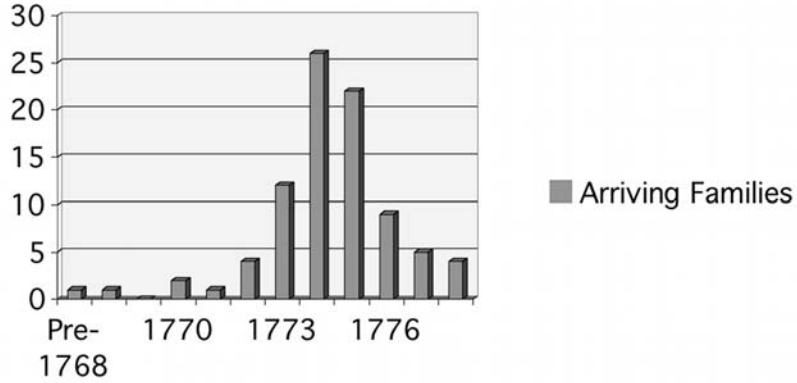
around the mouth of Pine Creek, approximately fifteen miles to the west of Lycoming Creek, a small but forceful minority of settlers claimed that “Tiadaghton” meant Pine Creek instead.⁵

While the exact count is unknown, around 150 to 200 families entered these disputed lands during the 1770s. The first white settlers entered the Pine Creek bottomlands in 1770, joining a handful of pioneers who had already made their way deep into the backcountry prior to the Fort Stanwix Treaty. Settler interest in the area began to peak in 1773. A dozen families recorded coming to the region in that year, adding to the nine families already in Fair Play territory. These records undercount the total by half, as a December 1773 report by the Northumberland County sheriff William Cooke indicated that forty separate improvements stood between Lycoming Creek and the Great Island at the confluence of the Susquehanna River and Bald Eagle Creek. Perhaps 100 additional families entered the region in 1774 and 1775. During the summer of 1775, the Reverend Philip Vickers Fithian reported delivering a sermon to 140 people in the woods north of the Great Island. Beginning in 1776, immigration tailed off due to the onset of the Revolution and because other squatters had already claimed the best bottomlands. Fewer than 40 families came to the region during the war years, with the last few squatter families arriving in 1778.⁶

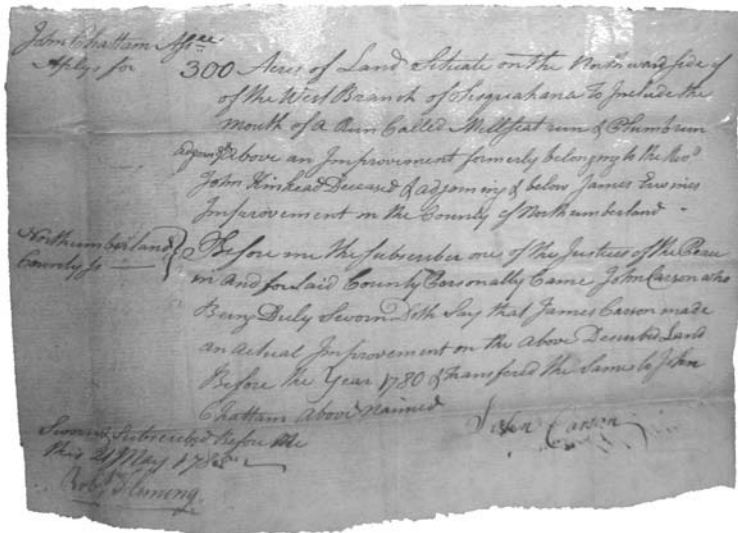
The best surviving evidence about the lives of these families comes from 132 preemption applications that the settlers filed in 1785 in order to stake claims on their lands. Applicants had to specify when they had settled on the land, how long they had lived there, and what improvements they had made in the form of clearings, houses, and planted crops. If the tract had changed hands, applicants had to provide this information for each previous occupant. The local magistrates who collected these applications also asked for the date during the Revolutionary War when Indians had driven the squatters off of the land. In order to prove their

⁵ Wolf, *Fair Play Settlers*, 1–15. The 1768 purchase was known as the “New Purchase.” For the treaty’s language, see O’Callaghan and Fernow, *Documents Relative to the Colonial History of the State of New York*, 8:135–37.

⁶ For precise counts of families, see Preemption Applications. Eighty-seven applications specified the year of their first improvements, or the year in which a neighboring deponent knew of an improvement. For forty families in 1773, see William Cooke to James Tilghman, Dec. 11, 1773, in *Pennsylvania Archives*, ed. Samuel Hazard et al. (Philadelphia and Harrisburg, PA, 1852–1935): 1st ser., 12:286–87. For Fithian, see Wolf, *Fair Play Settlers*, 66. Wolf conducted an analysis of the surnames of known Fair Play settlers and concluded that nearly half were Scots-Irish, with Englishmen and Germans making up another 35 percent of the population. Wolf, *Fair Play Settlers*, 18–19.



Known years that families moved to the Indian territory north of the West Branch of the Susquehanna River, as indicated by a portion of the preemption applications of 1785. These records undercount the actual number of immigrants by approximately one-half. Source: Preemption Applications.



John Chattam's preemption application and John Carson's deposition on Chattam's behalf, May 21, 1785. Source: Preemption Applications.

claims, applicants relied on their neighbors to file supporting depositions, ranging from a few sentences to a page in length.⁷

Although confusion over the identity of Tiadaghton Creek may have justified the initial surge into Indian territory, settlers did not limit themselves to the land between Pine and Lycoming Creeks. By mapping out the tracts described in the preemption applications, it is possible to reconstruct the general location of most of the improvements in the region. Approximately one-third of the settlers improved acreage that lay within the disputed territory, in the watershed of Lycoming Creek or Larry's Creek immediately to its west. A little fewer than half of the settlers took up residence along both sides of Pine Creek, the best land in the region. Approximately one-fifth lived in regions far outside the core disputed area. One applicant claimed a territory at the mouth of Towanda Creek, more than forty miles to the northeast, in the North Branch Valley of the Susquehanna River. Approximately 20 families lived in the vicinity of the Great Island, a center of Indian life five miles west of Pine Creek. Twenty miles to the northwest, near a great bend in the Susquehanna, a small cluster of families settled along Youngwomantown Creek. A final cluster of families settled along Sinnemahoning Creek twenty miles further west. Taken together, perhaps as many as 150 families lived in a twenty-five-mile stretch of land between the Great Island (near modern-day Lock Haven) and Lycoming Creek (near modern-day Williamsport). Most lived within a few miles of the Susquehanna River, but some inhabitants cultivated the bottomlands along creeks as far as ten miles upstream.⁸

Most families maintained distance from their nearest neighbors, often spacing their tracts half a mile or more apart. By spreading out, each family could settle a large area without threatening neighboring properties. Despite the lack of formal surveys, the squatters were keenly aware of their claims. For example, in March 1775, and again in the spring of 1776, George Woods paid Robert Fust and James McCleery half a pound

⁷ Preemption Applications. See, especially, instructions for an applicant applying for Abraham Dewitt's original improvement, no date. The instructions read: "Prove When Abraham Dewitt Settled upon the Premises—How long he lived there?—What Improvements he made?—When you came to live there?—How long you lived there?—What Improvements You made?—When you were driven off by the Indians?"

⁸ Preemption Applications. For Sinnemahoning Creek, see Richard Gillman Application, June 6, 1785; Ludwig Holzworth and Nicholas Miller Application, Apr. 27, 1785; and James McGinley Application, June 1, 1785. For Towanda Creek, see Phillip Fox Deposition Oct. 15, 1785 (Thomas Mahaffy Application). For Youngwomantown Creek, see Sam Cook Application, May 2 1785; Hugh McGinley Application, June 1, 1785; and Thomas Robinson Application, May 11, 1785.

Sinnemahoning Creek	Youngwomans-town Creek	Great Island	Pine Creek	Larry's Creek	Lycoming Creek	Towanda Creek
3	3	19	55	17	27	1

Known families in the vicinity of the major geographic features of the Fair Play region, listed from west to east. Source: Preemption Applications.

per acre to clear the woods and plant corn at either end of his property, so as to delineate the boundary line between himself and his neighbors, William McMeen and William Clark. Although they knew the boundaries of their property, reconstructing how much acreage the squatters claimed is impossible. The Pennsylvania land office restricted land sales to three hundred acres per household, but this rule seems not to have limited the squatters. Of 120 applications that listed a precise acreage, 83 requested the full three hundred acres, suggesting that most squatters had claimed at least that much land for themselves. At least one claimed a considerably larger area: on September 12, 1778, Christian Heddick sold a tract of five hundred acres to George Reinecker.⁹

Despite their widely scattered land holdings, the Fair Play settlers were not isolated loners. Squatters who filed depositions supporting other preemption applicants reported on the status of farms throughout the Fair Play region. Usually indicating a squatter's neighbors and the location of the applicant's farm relative to the nearest creek, these depositions provide evidence for networks of communication that stretched across the breadth of the valley. Daniel Bradley filed eight depositions on behalf of settlers from the Great Island to Lycoming Creek, including tracts on Pine Creek and Larry's Creek. Seven other men filed four or more depositions for their fellow applicants; among these seven was Peter Rodey, who filed a deposition on behalf of Bratton Caldwell, one of the known members of the Fair Play tribunal. Two other former Fair Play Men, Henry Antes and James Brandon, swore testimony on behalf of three of their fellow squatters. Another community leader, William McElhatton, who lived near the Great Island before the war and came to command a company of Pennsylvania troops during the Revolution, testified in nine depositions,

⁹ I estimate the distances between tracts from the Preemption Applications. See, especially, John Boak Deposition, Sept. 23, 1785 (George Woods Application); and Deed, Christian Heddick to George Reinecker, Sept. 12, 1778. For Pennsylvania acreage policies, see Munger, *Pennsylvania Land Records*, 74, 81. Speculators routinely found ways around these acreage limits, to the dissatisfaction of small farmers. See, for example, Paul Moyer, *Wild Yankees: The Struggle for Independence along Pennsylvania's Revolutionary Frontier* (Ithaca, NY, 2007), 27.

often in support of his former soldiers. Because deponents did not speak just for their nearest neighbors, the squatters' depositions provide evidence of a society of men who formed lasting connections across the twenty-five-mile stretch of the West Branch Valley.¹⁰

Squatters cemented their land claims by making improvements. In a tradition stretching back to the English conquest of Ireland in the sixteenth century, Anglo-Americans believed that natives who did not put their land to good use had no right to it. In settlers' eyes, hunting grounds remained wildernesses, as did lands planted using Indian methods, with crops interspersed among trees. Only by farming as settlers did—by clearing away the forest and creating fields—could a man transform land from a savage state to a civilized one. For the squatters, it stood to reason that a man who improved the land by building or farming upon it deserved to own it, just as much as, if not more so than, a man who could lay a paper claim to a piece of land but failed to liberate it from the wild. For squatters without paper titles that could secure their land claims in a court of law, the belief that sweat equity amounted to ownership justified the decision to seize Indian lands, improve them, and sell the improvements to one another.¹¹

Accordingly, while the squatters augmented their diets by hunting and gathering in the woods, they also promptly set about deforesting their

¹⁰ Daniel Bradley Depositions, Apr. 23, 1785 (Hugh McClean, Rodger Bradley, John Hughes, William Egan, John Dunlop, Daniel Toner, John Toner, Peter Rodey Applications); Peter Rodey Depositions, Apr. 23, 1785 (Daniel Bradley Application), June 17, 1785 (Bratton Caldwell Application), June 25, 1785 (Thomas Ferguson Application), Aug. 19, 1785 (John McLeran Application); Henry Antes Deposition, June 23, 1785 (Henry Thomas Application); James Brandon Deposition, May 18, 1785 (Thomas Forster Application); William McElhatton Depositions, May 21, 1785 (Thomas Procter Application), June 2, 1785 (Jane, Henry, and William Walker Application), June 10, 1785 (George Reinecker Applications), June 14, 1785 (George Reinecker Application), Preemption Applications. A different William McElhatton served as a tenant for Abraham Dewitt and made two depositions, which he signed with his mark because he could not write. See Thomas Procter Application, n.d.; Lewis Lewis Application, Oct. 7, 1785, Preemption Applications.

¹¹ On the Irish roots of the theory of improvement, see Nicholas P. Canny, "The Ideology of English Colonization: From Ireland to America," *William and Mary Quarterly*, 3rd ser., 30 (1973): 575–98. John Locke elaborated on this theory, arguing that "labour, in the beginning, gave a right of property," so that a man possessed the land "he tilled and reaped, laid up and made use of." See John Locke, *Second Treatise on Civil Government* (1690; repr., Indianapolis, 1980), chap. 5, sections 38 and 45, <http://oregonstate.edu/instruct/phl302/texts/locke/locke2/locke2nd-a.html>. For examples of other early American squatters and tenants who rejected the ownership rights of proprietors, see Brendan McConville, *These Daring Disturbers of the Public Peace: The Struggle for Property and Power in Early New Jersey* (Ithaca, NY, 1999); Alan Taylor, *Liberty Men and Great Proprietors: The Revolutionary Settlement on the Maine Frontier, 1760–1820* (Chapel Hill, NC, 1990); and Thomas J. Humphrey, *Land and Liberty: Hudson Valley Riots in the Age of Revolution* (DeKalb, IL, 2004).

claims. In the preemption applications, witnesses assessed the quantity of cleared property on thirty-one separate squatters' claims. The amounts ranged widely, from one-quarter of an acre to forty acres. Thirteen applicants had cleared five acres or fewer, while five had cleared twenty acres or more, leading to an average farm of ten cleared acres and a median farm of seven cleared acres. In most cases, this acreage would not yet suffice to sustain a family, which typically required more than fifteen acres to eke out a living on farm goods alone. Working alone, a man struggled to clear even five acres a year, in addition to conducting other farm duties. However, squatters with independent means could hire men to clear additional acreage, as George Woods did. The largest amount of cleared land in the region belonged to Henry Dougherty, who possessed forty acres. He had the resources to employ both a farm hand and a tenant, which likely accounts for the scale of his improvements. However, Dougherty also had the advantage of being the earliest documented squatter in the region, having first identified a tract of land to improve in 1765. The other farms with twenty or more acres all began as improvements in 1773 or 1774. Each large enough to support a family, these tracts demonstrated the rewards that a diligent squatter could accrue over years of labor.¹²

Cutting logs for a house marked another initial act of improvement. Neighbors often joined in raising a house, as when William McMeen, Thomas Ferguson, and others helped to build a cabin for George Woods. The quality of these homes could range from simple huts to framed houses covered with nailed clapboards. In addition to their initial dwellings, a few squatters put up fences, more comfortable second homes, or significant outbuildings, such as stables. James McClure's home and fences required more than a thousand nails. Two miles from the Great Island, James Parr built a storehouse. Nearby, Eleanor Coldren's husband kept a tavern. Further east, William McElhatton built a house for distilling grain into alcohol. At the mouth of Pine Creek, the Reverend John Kinkead erected a schoolhouse.¹³

¹² Preemption Applications, esp. John Boak Deposition, Aug. 23, 1785 (George Woods Application); William Lucky Deposition, Sept. 23, 1785 (Henry Dougherty Application); and James Parr Deposition, Sept. 19, 1785 (Henry Dougherty Application). On clearing acreage and family acreage needs, see Moyer, *Wild Yankees*, 163–64.

¹³ Preemption Applications, esp. James Brandon Deposition, Sept. 5, 1785 (Thomas Forster Application); Elizabeth McMeen Deposition, July 9, 1785 (George Woods Application); James Holiday Deposition, Apr. 15, 1785 (James McClure Application); Thomas Procter and William Antes Applications, May 26, 1785; and William Walker Deposition, June 3, 1785 (Andrew Kinkead Application). On Coldren's tavern, see Wolf, *Fair Play Settlers*, 40.

Cutting down trees or girdling them showed intent, but active farming was the clearest sign of improvement. Fifty-eight applications recorded that a squatter planted a cereal crop. Settlers also planted a variety of fruits and vegetables, including cabbage, onions, potatoes, salad greens, apples, and peaches. A few settlers found ways to bring livestock across the Susquehanna. Bratton Caldwell raised grain and stock on a plot of thirty acres, while Henry Dougherty employed William Lucky to drive his cattle. William Richardson cleared a meadow and planted three acres of timothy seed for grazing.¹⁴

The squatters' activities brought them into conflict with local Indians, many of whom lived side by side with settlers near the Great Island. In 1773 the spike in immigration caused the first interracial hostilities in the region. The causes of the antagonism remain murky, but most of the squatters chose to flee temporarily during the fall. In the midst of those troubles, Northumberland County sheriff William Cooke visited the north bank of the West Branch to warn men off of their illegal claims. He could find only six squatters, despite seeing forty separate improvements. Although most of the squatters sought a safe place to wait out the troubles, William Dunn informed Cooke that he had "taken a leas from the Indians and Pays Rent." This illegal but mutually beneficial agreement suggests that at least one of the squatters recognized Indian land rights and chose to pay a small fee rather than risk being driven off of his farm.¹⁵

Settlers quickly returned to the region once the threat of immediate violence ended. A year and a half later, when William Richardson staked claim to a tract near Lycoming Creek in March 1775, he found "no Improvement or Building on the said place . . . only some Old Clearing Grown Up whith Bushes and Briers." Local Indians conversed with him as a fellow neighbor, telling him the place "was Cleared by an Old poor Indian." As Richardson's description suggests, in the intervening period between 1773 and 1775 peaceful relations between the two communities had returned, even as increasing numbers of settlers came to the region. During the colonial period, Indians made no serious attempt to perma-

¹⁴ Preemption Applications.

¹⁵ William Cooke to James Tilghman, Dec. 11, 1773, in *Pennsylvania Archives*, 1st ser., 12:286–87. For an account of the first Treaty of Fort Stanwix from an Indian perspective, including squatters' tendency to ignore Indian sovereignty, see Daniel K. Richter, *Facing East from Indian Country: A Native History of Early America* (Cambridge, MA, 2001), esp. 211–21. On coexistence between squatters and Indians in the colonial mid-Atlantic, see David L. Preston, *The Texture of Contact: European and Indian Settler Communities on the Frontiers of Iroquoia, 1667–1783* (Lincoln, NE, 2009), esp. 116–46.

nently remove squatters from the West Branch Valley. As a result, despite their lack of concern for Indian land claims, Fair Play squatters did not engage in the indiscriminate Indian hating practiced by backcountry Pennsylvanians elsewhere, typified by the murders committed by the Paxton Boys.¹⁶

While interracial tension in the area developed fitfully, conflicts arose among the squatters. The dramatic increase in their population around 1773 led to the formation of the Fair Play tribunal. Although no written records from the Fair Play Men survive, subsequent court cases from the region and oral tradition suggest that they oversaw both local land distribution and matters of criminal justice. In order to receive land in the region, a squatter had to gain the approval of both his neighbors and the Fair Play tribunal. If a man left the region for more than six weeks, he forfeited his rights to his land, unless he joined the army, in which case his neighbors upheld his claim.¹⁷

The community as a whole enforced the decisions of the Fair Play Men. In one case, a settler named Robert Arthur built a cabin too close to William Paul's land, infringing upon his claim. After the Fair Play Men decided in favor of Paul, he appealed to the local militia to enforce the ruling. They pulled down Arthur's cabin and sent him and his family down the river in a makeshift raft. The local community also enacted penalties for criminal and moral matters. For example, the Fair Play Men sentenced Francis Clark to a lashing for stealing a dog from an Indian; the settlers drew lots to determine who would execute the punishment. Feeling pity for Clark, the aggrieved Indian asked the Fair Play Men to commute the sentence to banishment instead, which they allowed. On another occasion, the Fair Play tribunal ordered the squatters to ride the Reverend John Kinkead on a rail for abusing his family members. Kinkead's chastisement drew on an ancient European tradition of "rough music"—rituals in which communities publicly humiliated people who transgressed social norms. Given that the tribunal's rulings depended upon mass action for their enforcement, the Fair Play Men could not act

¹⁶ James Richardson Deposition, June 25, 1785 (William Richardson Application), Preemption Applications. William Dunn apparently honored his lease with the Indians, even after the area became part of Pennsylvania. While he filed several preemption applications, none were for land that he had originally improved. On the Paxton Boys, see Peter Silver, *Our Savage Neighbors: How Indian War Transformed Early America* (New York, 2007), esp. 177–83; and Alden T. Vaughan, "Frontier Banditti and the Indians: The Paxton Boys' Legacy, 1763–1775," *Pennsylvania History* 51 (1984): 1–29.

¹⁷ Wolf, *Fair Play Settlers*, 30–41.

arbitrarily. Instead, they had to appeal to a standard of justice that most of the squatters embraced. Enforcing Fair Play decisions cemented bonds of community between men and women who relied upon one another for survival.¹⁸

Despite their effectiveness at meting out justice, the Fair Play Men could not maintain a monopoly on violence within the squatter community; some settlers chose to settle their disputes without the tribunal's approval. In 1775, for example, James Richardson drove Alexander Irwin off of land five miles up Lycoming Creek that Irwin had held since the previous year. The most egregious episode of vigilantism occurred in connection with a property disputed between John Hughes and Henry Dougherty. In 1773, Hughes's brother James had settled the property but had died before he could make significant improvements. The Fair Play Men reassigned the land to Henry Dougherty, who placed a tenant named Timothy Donahough on his claim. In the spring of 1775, John Hughes and his brother Thomas organized twelve men to forcibly evict Donahough from the property. Eight neighbors soon came to Donahough's aid and forced the Hughes party to retreat.¹⁹

Although the community's most intractable disputes tended to center on the occupancy of land, squatters often entered into partnerships with one another or employed tenants or hired hands to work their property. David Dean entered into partnerships to improve two separate tracts, both of which he sold. Thomas Ferguson helped his neighbor Henry Dougherty improve his claim. James Carson left Samuel Phips on his

¹⁸ Ibid., 38–42. Clark's story first appeared in Meginness, *Otzinachson*, 171. Clark's banishment evidently stuck, because he appears as a neighbor in preemption applications but did not apply for his own land. On the common practice of community enforcement of arrests in early America ("*posse committatus*"), see Pauline Maier, "Popular Uprisings and Civil Authority in Eighteenth-Century America," *William and Mary Quarterly*, 3rd ser., 27 (1970): 19. For a detailed discussion of rough music in early America, see William Pencak, Matthew Dennis, and Simon P. Newman, eds., *Riot and Revelry in Early America* (University Park, PA, 2002), 41–176. See also, Moyer, *Wild Yankees*, 136–37.

¹⁹ Alexander Irwin later sold the plot Richardson stole from him, after Fair Play became depopulated because of Indian attacks during the Revolutionary War. See William McElhatton Deposition, June 11, 1785 (William Irwin Application); James Irwin Deposition, May 25, 1785 (William Irwin Application); James Chambers Deposition, June 22, 1785 (James Kyle Application); Thomas Ferguson Deposition, Sept. 9, 1785 (James Kyle Application); and James Kyle Application, n.d., Preemption Applications. For the Dougherty dispute, see *Lessee of John Hughes v. Henry Dougherty*, 1 Yeates 497; 1791 LEXIS 46. Vigilante justice also occurred in the region after the demise of the Fair Play system. In June 1790, three members of the Walker clan enlisted Samuel Doyle to help them kill two Indians whom they suspected of being involved with the scalping of their father. Doyle was later arrested and found innocent, while the Walkers disappeared. See Meginness, *History of Lycoming County*, 193–210.

property when he enlisted in the Continental army. Thomas Dill and the Antes family rented their claims to tenants. Similarly, in return for horses, a plow, and farming equipment, William McElhatton agreed to be Peter Dewitt's "cropper" for one to three years, during which time Dewitt received half of McElhatton's grain yield.²⁰

Given the lack of land titles, these arrangements tended to confuse the question of who might claim these tracts. For example, in *Hughes v. Dougherty*, the 1791 court case that addressed the Hughes brothers' vigilante justice, the record states that Henry Dougherty first arrived in the region in the spring of 1775, held his land against an attack by Hughes, and eventually cleared ten acres of land. This conflicts with the depositions in the preemption applications, in which James Parr recounted first seeing Dougherty improve land between Lycoming and the Great Island in June 1765. Similarly, Sheriff William Cooke implausibly remembered warning Dougherty away from the region in 1772, a year before the Pennsylvania government ordered the sheriff to the area. William Lucky claimed that Dougherty lived in peaceful possession of his land from March 1775 until 1778, at which time he had forty acres. Charles Gillespie asserted that Dougherty was not in the neighborhood during Hughes's invasion, and John Dougherty claimed that Timothy Donahough "was keeping Possession" for Dougherty, a form of tenancy. Based on the evidence, either Dougherty claimed more than one Fair Play tract or claimed a tract large enough to sustain tenants, allowing him to be physically absent yet maintain control of his property. Like other Fair Play figures, Dougherty probably lived in Northumberland County and made regular trips to the Fair Play settlement. His absenteeism made him vulnerable to other squatters seeking to stake claims to his land.²¹

Between 1773 and 1778, the Fair Play government cemented strong bonds of community among squatters who had already united around

²⁰ William Walker and Henry Walker Deposition, Aug. 22, 1785 (William Morrison Application); Thomas Gallagher and Thomas Procter Application, n.d.; Thomas Ferguson Deposition, June 25, 1785 (Henry Dougherty Application); Lewis Lewis Deposition, May 11, 1785 (Thomas Dill Application); William McElhatton Deposition, n.d. (Thomas Procter Application); Robert Love Deposition, May 26, 1785 (John Chattam Application); Elinor Colden Deposition, June 21, 1785 (Thomas Procter Application), Preemption Applications.

²¹ See John Dougherty Deposition, Sept. 17, 1785 (Henry Dougherty Application); Charles Gillespie Deposition, Sept. 28, 1785 (Henry Dougherty Application); James Parr Deposition, Sept. 19, 1785 (Henry Dougherty Application); William Lucky Deposition, Sept. 23, 1785 (Henry Dougherty Application); and William Cooke Deposition, Sept. 23, 1785 (Henry Dougherty Application), Preemption Applications.

their shared belief that labor created property. For the years 1775 and 1776, the names of five of the six Fair Play Men are known. That these were five different men suggests a term limit of one year, increasing the likelihood of any particular resident being chosen to serve. As was typical of all early American governments, the squatters likely elected the Fair Play Men from among the relatively wealthy in the community. Known Fair Play Men included Cookson Long, who occupied the former Indian town named Old Muncy and became a captain during the Revolutionary War; Bratton Caldwell, whose farm included two houses and was sizeable enough to produce surplus goods; and Henry Antes, a miller who lived across the river in Northumberland County. Despite establishing an extralegal enclave, the squatters were not radical levelers.²²

While a modicum of social hierarchy prevailed in the Fair Play region, the neighboring sections of Pennsylvania came to be dominated by powerful elites. Just to the east of Lycoming Creek lay Muncy Township, where the Penns reserved an 1,802-acre proprietary manor in 1768. A number of squatters promptly took up these lands, and in May 1776, as the American Revolution gained momentum, the Penns thought it best to sell their lands rather than continue any attempts to rent them. The wealthy land speculator Samuel Wallis owned much of the rest of the township, acquiring 7,000 acres and building a substantial stone house along with an impressive farm in 1769. Wallis made a habit of conducting illegal surveys to further enlarge his claims. During the first half of 1773, Wallis ordered a survey for nearly 10,000 acres in the area west of Lycoming Creek, the core of the Fair Play territory. Later that year, the Penns successfully brought suit against Wallis for claiming land they had already reserved for themselves. In both cases, Wallis failed to convert his illegal surveys into land titles.²³

²² No record remains of the Fair Play electoral process. The names of the Fair Play Men were Henry Antes and Cookeson Long (1775) and Bratton Caldwell, John Walker, and James Brandon (1776). See Wolf, *Fair Play Settlers*, 32–34. Oral tradition and court records refer to Peter Rodey and Thomas Hughes as “Fair Play Men,” so they may have also been members of the tribunal. See Meginness, *Otzinachson*, 172, and *Hughes v. Dougherty*. For the hierarchical and deferential nature of early American politics and society, see Gordon Wood, *The Radicalism of the American Revolution* (New York, 1991), esp. 11–92, 271–305. A typical farm needed at least twenty acres to produce a surplus. See Bettye Hobbs Pruitt, “Self-Sufficiency and the Agricultural Economy of Eighteenth-Century Massachusetts,” *William and Mary Quarterly*, 3rd ser., 41 (1984): 333–64.

²³ On the proprietary manor, see *Pennsylvania Archives*, 3rd ser., 27:90; David W. Maxey, “The Honorable Proprietaries v. Samuel Wallis: ‘A Matter of Great Consequence’ in the Province of Pennsylvania,” *Pennsylvania History* 70 (2003): 361–95. On land speculation in the region, see Meginness, *History of Lycoming County*, 66–80, 95–97, 193–210.

The Penns and Wallis represented the antithesis of squatter values. Rather than directly improving their lands, they used their capital and political connections to secure vast land claims, then allowed squatters or renters to produce the initial improvements that boosted the land's value. Early American land developers referred to these initial improvers as creating "hothouse settlements." After the price of their lands increased, the legal owner could sell to these small farmers or go through the more troublesome process of evicting them.²⁴

Fair Play's Revolution

Having greatly expanded its borders in 1768, Pennsylvania soon found it impossible to control the frontier. As part of its colonial charter, Virginia claimed the region near Pittsburgh around the forks of the Ohio. Settlers from Virginia flocked to the region, which they administered as the District of West Augusta. Based on its royal charter, Connecticut claimed the northern third of what is now Pennsylvania, above the forty-first parallel. Without explicitly invading Pennsylvania, Connecticut supported the activities of the Susquehanna and Delaware Companies, which claimed a large part of the upper Susquehanna and Delaware Valleys. In the Wyoming Valley along the North Branch of the Susquehanna River, New Englanders violently drove out men with Pennsylvanian land titles and established a community of three thousand settlers by 1776. In both West Augusta and Wyoming, the "invading" colonists offered attractive land prices to would-be settlers, appealing to men willing to fight for their land. With its more staid approach to land development, Pennsylvania had little access to the manpower it would take to expel the invaders.²⁵

The incursion from New England demanded the Penns' attention and caused them to consider the small-scale Fair Play community as little more than a nuisance. New Englanders first surveyed tracts around

²⁴ Often, speculators went to considerable expense to foster the hothouse settlements by building gristmills, sawmills, or other needed infrastructure. For an explanation of hothouse settlements, see Thomas M. Doerflinger, *A Vigorous Spirit of Enterprise: Merchants and Economic Development in Revolutionary Philadelphia* (Chapel Hill, NC, 1986), 317–18.

²⁵ On the colonial Pennsylvanian government's inability to mobilize on behalf of its frontier inhabitants, see Patrick Kehoe Spero, "Creating Pennsylvania: The Politics of the Frontier and the State, 1682–1800" (PhD diss., University of Pennsylvania, 2009), esp. 287–339. For Wyoming's population figures, see Moyer, *Wild Yankees*, 40.

Muncy, east of Lycoming Creek, in 1771. On June 6, 1773, an alarmed Robert Moodie reported that sixty or seventy men from the Wyoming Valley intended to march on the region and build a fort. The next day, the Northumberland County justice William Plunkett organized a party to intercept them. He feared that they would enter the Fair Play settlement and rally the squatters to their cause. If the Yankees made it past Lycoming Creek, Plunkett could not “conjecture what will follow, as of the majority of the People there I have a mean opinion.” On June 11, he led a hundred well-armed men to the north bank of the West Branch. The group tracked down the New Englanders and “with great firmness rushed up to the very muzzles of their Guns.” No exchange of gunfire ensued, because the Pennsylvanians’ boldness caused a panic among the more numerous but poorly armed New Englanders, who either fled pell-mell or surrendered. That December, a petition to the Pennsylvania Provincial Council from Northumberland County expressed the fear that more invaders would follow and warned that Pennsylvanians had barely succeeded in turning back the “large Body of Armed Men from Connecticut . . . at Great Danger of Bloodshed.”²⁶

Given the armed confrontation in Muncy, the Fair Play squatters weakened Pennsylvania’s already tenuous hold on its central frontier but did not pose the same existential threat as New Englanders. While the squatters could not cause much mischief, the Yankees could muster hundreds of armed men in defense of their property claims. Thus, the New Englanders’ incursion threatened to embroil Pennsylvanians in an Indian war and permanently deprive the Penns of land revenues. Consequently, although the Penns knew about the widespread squatting by the Fair Play community, they did little to stop it. In September 1773, John Penn issued a proclamation forbidding settlements and surveys in the Fair Play region and threatening offenders with a year’s imprisonment and a substantial fine of £500. Later that fall, Secretary James Tilghman of the Pennsylvania Land Office sent William Cooke to warn the Fair Play set-

²⁶ *Minutes of the Provincial Council of Pennsylvania, from the Organization to the Termination of the Proprietary Government*, in *Colonial Records of Pennsylvania*, ed. Samuel Hazard (Harrisburg, PA, 1838–53), 10:86–87, 111–12., Robert J. Taylor, ed., *The Susquehanna Company Papers*, vol. 5 (Ithaca, NY, 1968), 148–49. Meginness, *Otzinachson*, 138–47. The leader of the Wyoming force in Muncy was named John Dougherty Jr. A John Dougherty appears as a deponent in the preemption applications, but no other evidence suggests that any men associated with the Susquehanna Company ever reached the Fair Play settlement. In October 1775, Plunkett evicted the New Englanders from the West Branch Valley at the head of a militia.

tlers to leave the area. Despite increases in the number of illegal squatters, the Penns' correspondence with their officers over the following year reflected growing concerns about settlers from Connecticut and Virginia and the lingering border problem with Maryland but made no mention of the squatters on the West Branch of the Susquehanna.²⁷

Nevertheless, official warnings issued in 1773 made it clear that the squatters had little hope of securing permanent titles in a timely manner while the Penns continued to control the province. The American Revolution, therefore, offered the squatters a unique opportunity. By aligning themselves on the side of the patriots, the Fair Play settlers could reasonably expect to secure land titles if the revolution succeeded. As the imperial crisis developed, the squatters became politically active, and their community soon passed under the jurisdiction of the Northumberland County Committee of Safety. Men from the Fair Play community enlisted as early as June 1775 to fight against the British in Massachusetts. Squatters such as Cookson Long and Simon Cool served as military officers alongside local Northumberland County notables such as William Plunkett and William Cooke. Revolutionary enthusiasm remained strong throughout the next year; local tradition holds that the Fair Play settlers declared their independence from Britain prior to an official declaration of independence by the Continental Congress. New settlers continued to cross to the north side of the West Branch and take up lands until 1778, and locals still elected Fair Play Men up to that time. Ultimately, however, regardless of how long the tribunals continued to function, the squatter republic could not last long once most of its inhabitants cast their lot with revolutionary Pennsylvania in 1775.²⁸

The war devastated the West Branch Valley. In 1776, the Indians living on the Great Island burned their fields and abandoned the area, allowing them the freedom to raid the area at will without fear of local

²⁷*Colonial Records*, 10:94–96; William Cooke to James Tilghman, Dec. 11, 1773, in *Pennsylvania Archives*, 1st ser., 12:286–87. On the Penns' correspondence, see Penn Family Papers, Historical Society of Pennsylvania, esp. NV-035 and NV-220 (microfilm XR 170 and XR 464.3), ser. 1, Correspondence.

²⁸Meginness, *Otzinachson*, 176–79. On the local declaration of independence and early military service in the Revolution, see Helen Herritt Russell, "Signers of the Pine Creek Declaration of Independence," in *Northumberland County Historical Society Proceedings and Addresses*, vol. 22 (Lewisburg, PA, 1958), 8. No written record remains of a local declaration. However, many communities drafted local declarations of independence before the United States officially declared independence. See Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York, 1997), 217–34.

reprisals. Settlers built a handful of forts along the river to which they could relocate in the event of Indian attacks, and many Fair Play squatters joined revolutionary military units. Because military service disrupted the economy by depriving developing farms of labor, enlistments contributed to a food crisis during the winter of 1777, causing the Northumberland County Committee of Safety to ban further grain purchases by distillers in the valley. To maintain their farms, the enlisted needed to find others willing to take temporary possession of their claims. When men such as Henry Thomas found no takers, their farms fell into disrepair. Meanwhile, raiding soon made farming untenable even for the most steadfast squatters. By June 1778, Indians had killed or captured nearly a fifth of the soldiers in Horn's Fort, at the mouth of Pine Creek. Facing annihilation, settlers across the West Branch Valley abandoned the forts and took flight in a mass exodus known as the "Big Runaway." Many escaped to Fort Augusta, near the town of Northumberland at the forks of the Susquehanna River. In autumn 1778, a slow trickle of settlers began reentering the region, but further attacks continued until 1781 or 1782, slowing the pace of resettlement.²⁹

By 1781, Fair Play squatters feared for the legal status of their land claims, because speculators such as Samuel Wallis had designs on the region. Citing the sacrifices they had endured on behalf of the patriot cause, many of the residents of Northumberland County petitioned Pennsylvania's Supreme Executive Council for relief in August 1781 and March 1784. Appealing to the council's sense of justice, they asked it to put a stop to "the evil Tendancy of Engrossing lands" that had originally forced the Fair Play settlers to squat in Indian territory. Furthermore, the squatters maintained that their presence in the West Branch had prevented Connecticut Yankees from claiming that region for the

²⁹ On the war in the West Branch Valley, see Peter C. Mancall, *Valley of Opportunity: Economic Culture along the Upper Susquehanna, 1700–1800* (Ithaca, NY, 1991), 130–59; Meginness, *Otzinachson*, 184–296; Russell, "Pine Creek Declaration," 9–11. For wartime arrangements to manage property, see Robert Carruthers and Thomas Nichols Deposition, Sept. 16, 1785; Henry Antes Deposition, July 23, 1785, Preemption Applications. On local and national food insecurity during the war, see Meginness, *Otzinachson*, 182–83; Barbara Clark Smith, "Food Rioters and the American Revolution," *William and Mary Quarterly*, 3rd ser., 51 (1994): 3–38. Thirty-seven preemption applications indicated a date when squatters abandoned their claims. Only six fled in 1777, while thirty-one, approximately five-sixths, left the area in 1778. Two mention men taken prisoner by Indians: Thomas Bridgens and Andrew Armstrong. Thomas Ferguson Deposition, June 12, 1785 (James Hepburn Application); William Shaw Deposition, Sept. 23, 1785 (Henry Dougherty Application), Preemption Applications.

Susquehanna Company, thus strengthening Pennsylvania's control of the region.³⁰

The new republican government saw the merits of the squatters' arguments. In 1784, in the second treaty with the Haudenosaunee at Fort Stanwix, the state purchased another huge swath of land, which included the Fair Play region. Following this, the state passed a law allowing Fair Play inhabitants who had taken Indian lands prior to 1780 to purchase up to three hundred acres of their claims, at the standard price of thirty pounds per hundred acres. The legislature placed no geographic limit on the location of the Indian land. However, it did pass a law recognizing Pine Creek—and not Lycoming Creek—as the boundary of the 1768 purchase, retrospectively validating the squatters' belief in Pennsylvania's claim to the region east of Pine Creek. For some of the squatters, the gamble to fight on behalf of the revolutionaries had paid off, as they now secured legal rights to the lands they had improved. For those squatters who had no means to raise the requisite money for a legal title to their lands, the time had come to sell their improvements and find another frontier further west.³¹

The Law Takes Its Place

In theory, the preemption laws secured squatters' rights to the land they had originally improved. However, not all squatters retained possession of their tracts. In 62 of the 132 preemption applications, the applicant's surname was different from that of the squatter who had first

³⁰ For the petitions, see *Pennsylvania Archives*, 2nd ser., 3:451–52; Russell, “Pine Creek Declaration,” 11–13. Thirty-nine inhabitants from Fair Play requested help from the government in 1781. Of these, twenty-eight of the signatories supplied preemption applications or depositions, while only two had surnames that do not appear in the records. In 1784, forty-nine known inhabitants petitioned the government (two others signed without legible surnames). Of these, thirty of the signatories supplied preemption applications or depositions, while nine had surnames that do not appear in the records. These numbers suggest that the Fair Play community was somewhat more numerous than the preemption applications indicate.

³¹ Act of Dec. 21, 1784, in Smith, *Laws of the Commonwealth of Pennsylvania*, 2:194–202. It is difficult to determine whether £30 per hundred acres represented a fair market value for the squatters' lands. Land prices in Pennsylvania varied widely throughout the 1780s and 1790s, as a speculative bubble in land inflated and popped over those decades. By 1792, due to a lack of land sales, Pennsylvania's government lowered land prices for vacant land to £5 (\$13.33) per hundred acres. See Munger, *Pennsylvania Land Records*, 140. By 1798, land values in the Wyoming Valley averaged around \$2.00 per acre, nearly three times as expensive as the price offered by the Pennsylvania government to the squatters. See Moyer, *Wild Yankees*, 164, 180. It is likely that £30 per hundred acres represented a cheap price for land, but, nevertheless, one which many squatters could not afford.

improved the land. On occasion, tracts had changed hands as many as four times before being purchased from the Pennsylvania Land Office in 1785. Even before the war drove all settlers out of the West Branch Valley, many squatters had abandoned their tracts or sold their improvements to other squatters before trying to make a living elsewhere. Some men, such as Alexander Donaldson and Christian Heddick, appeared to be serial improvers, claiming and selling multiple tracts over a number of years. Most of these sales have no date associated with them, but many took place in 1784 and 1785. Squatters who held onto their tracts for so long had likely held out hope that the government would grant them outright ownership over their land. When they realized that they could not afford the £90 cost of their own claims, they sold their rights to the improvements on their land for whatever price they could and moved elsewhere.³²

For the squatters who sold their improvements or who felt they had no choice but to sell, prices varied widely. In 1775, Joseph Haines decided to emigrate to New Jersey and demanded £30 for his claim. Unable to interest purchasers at that price, his nephew sold the claim to the newcomer William King for £9. After raising a cabin with Haines's logs, King faced a party of locals raised by William Paul, who also desired the land. When they threatened King, he sold his right to Paul for £13. Within a few years, prices for farmland had increased dramatically, reflecting the impact of currency inflation during the course of the Revolutionary War more than the intrinsic value of the land. In September 1778, Christian Heddick sold a tract of 500 acres to George Reinecker for £510 in Pennsylvanian money. Similarly, on June 9, 1779, Agnes Fleming and her father, Robert Brightfield, sold a tract of 150 acres to Reinecker for £150. Reinecker later used this deed to claim 300 acres of preempted land. In the same year, Abraham Dewitt sold a large tract of unspecified size to David McKinney for £800. Dewitt's tenant, William McElhatton, simultaneously sold the land to William Dunn at a fraction of the price. When Dewitt confronted McElhatton, McElhatton replied that he "knew he had no write , but if Dunn was a fool to give him forty or fifty pounds, he thought he would be a fool to refuse it." The inflated prices of the war years returned to earth by 1785, when Pennsylvania opened its land office,

³² Preemption Applications, esp. Henry Antes Deposition, Sept. 14, 1785 (Thomas Foster Application); Morgan Sweeney Deposition, Sept. 2, 1785 (Benjamin Walker Application); Thomas Forster Application, n.d.; Deed, Christian Heddick to George Reinecker, Sept. 12, 1778; Zachariah Sutton Deposition, Apr. 19, 1785 (Nicholas Miller Application).

and its offer of preemption forced many squatters to sell their claims. On April 29, 1785, for example, Zachariah Sutton sold a 300-acre tract with 3 cleared acres to Ludwig Holzworth for £35, approximately one-tenth the price of a similar tract during the war.³³

While some squatters sold to men who intended to farm the land themselves, others sold to nonresident speculators such as George Reinecker. Sheriff Thomas Procter bought eight tracts, either personally, in partnership, or through his agent John Reed. The Northumberland County justice of the peace Robert Martin bought two squatter tracts. Like several other justices who recorded depositions for the preemption applications, he had sufficient contact with the Fair Play community to act as a witness for a preemption application. In other instances, squatters sold part of their three hundred-acre tracts to speculators, using the proceeds to buy the rest of their claims. On occasion, successful squatters bought out their neighbors. The illiterate squatter William Dunn filed applications for four separate tracts, at least two of which he had bought during the 1770s.³⁴

As a result of these sales, many squatters failed to find permanent homes in the Fair Play region. Immediately after the Revolution, the area became part of Bald Eagle Township, and in 1786, following a series of petitions, the region split into several new townships. Lycoming Township contained the formerly disputed land between Lycoming and Pine Creeks on the north bank of the West Branch. To the west, the Fair Play land beyond the disputed territory became Pine Creek Township. Nippenose Township contained the land directly across the river from Lycoming Township, while Lower Bald Eagle Township covered the area across from Pine Creek Township. Of the nineteen squatters known to

³³ Prices for various commodities fluctuated widely during this time. By late 1778, gold and silver exchanged at a five-to-one ratio with paper money in Philadelphia. See Anne Bezanson, *Prices and Inflation during the American Revolution: Pennsylvania, 1770–1790* (Philadelphia, 1951), 39. For William King, see John Blair Linn, "Indian Land and Its Fair-Play Settlers, 1773–1785," *Pennsylvania Magazine of History and Biography* 7 (1883): 422–23. Preemption Applications, esp. Deed, Christian Heddick to George Reinecker, Sept. 12, 1778; Deed, Agnes Fleming and Robert Brightfield to George Reinecker, June 9, 1779; George Reinecker Application, June 14, 1785; Elinor Colden Deposition, June 21, 1785 (Thomas Procter Application); and Richard Mattox Deposition, Apr. 25, 1785 (Zachariah Sutton Application). Few deeds from sales remain in the preemption application records. Those that do were documents signed by the involved parties, which were not notarized.

³⁴ George Reinecker Applications, June 14, 1785, and n.d.; Thomas Procter Applications, May 12, 1785, May 21, 1785, May 26, 1785, Aug. 17, 1785, Sept. 10, 1785, and n.d.; Robert Martin Applications, May 4, 1785, and May 11, 1785; William Dunn Applications, May 2, 1785, and Aug. 9, 1785, Preemption Applications.

have sold their tracts after the Big Runaway, only five appeared in the 1790 Northumberland County census. The 1800 census records for Pine Creek Township listed one additional squatter, Robert Wilson. Of the seventy-five squatters who filed preemption applications for the tracts they originally improved, only thirteen appeared in Lycoming Township or Pine Creek Township in the 1800 census.³⁵

Pennsylvania's decision to allow the Fair Play squatters to purchase up to three hundred acres of their own lands allowed the landholding patterns in the region to remain distinct during the 1780s and 1790s. Indeed, Lycoming and Pine Creek Townships stand out among their neighbors for the low numbers of landholders owning more than three hundred acres. In Lycoming Township in 1786, only 6 out of 108 heads of families owned over three hundred acres; in Pine Creek Township in 1787, only 7 out of 86 householders did. Of those 7 men, 5 were not residents in the district. Across the river in Nippenose and Lower Bald Eagle Townships, 40 percent and 24 percent of householders held more than three hundred acres, respectively. Clearly, the state's preemption policies had prevented wealthy settlers from monopolizing the lands of the Fair Play district.³⁶

At the same time, the state's land policies did not prevent tenancy from developing in the region. Among Pine Creek Township's residents in 1787, 51 percent of the heads of household held no land. In Lycoming Township in 1786, the figure was 39 percent. Similar numbers of tenants occupied the lands that had faced the Fair Play community along the south bank of the river. In Lower Bald Eagle Township, 44 percent of resident householders were landless. In the 1787 tax assessment for Muncy Township, across Lycoming Creek from the Fair Play region, 65 percent of householders held no land. A few years later, in 1794, an English diarist named William Davy visited the lord of Muncy, Samuel Wallis, who headed a household of thirty-five, including twenty indentured servants. Davy mentioned that Wallis had tolerated more than a hundred squatters on his lands because their improvements increased his lands'

³⁵ On the division of township lines, see John F. Megginness, *Lycoming County: Its Organization and Condensed History for One Hundred Years* (Williamsport, PA, 1895), 40–41, 45–48. For a list of petitioners to split the townships, see Helen H. Russell and Carol F. Baker, *The Tiadaghton Tale: A History of the Area and Its People* (Williamsport, PA, 1975), 9–10. Preemption Applications; 1790 Federal Census, Northumberland County, Pennsylvania; 1800 Federal Census, Lycoming County, Pennsylvania, online at Ancestry.com.

³⁶ For Pennsylvania tax assessments, see *Pennsylvania Archives*, 3rd ser., 19:435–37, 468–71, 484–86, 519–21, 533–35, 557, 560–62, 618–27, 709–11, 713–18, 781–85, 787–801.

Lycoming Township (1786)	Pine Creek Township (1787)	Nippenose Township (1787)	Lower Bald Eagle Township (1787)
6%	8%	40%	24%

Percentage of householders owning more than three hundred acres. Source: *Pennsylvania Archives*, 3rd ser., vol. 19.

Lycoming Township (1786)	Pine Creek Township (1787)	Nippenose Township (1787)	Lower Bald Eagle Township (1787)	Muncy Township (1787)
39%	51%	21%	44%	65%

Percentage of landless householders. Source: *Pennsylvania Archives*, 3rd ser., vol. 19.

value. Many had become his tenants or purchased the lands outright. Nippenose Township also had lain within colonial Pennsylvania. There, only 21 percent of the population owned no land. In stark contrast to the situation before the Revolution, the former Fair Play region no longer stood out from its neighbors as a region where virtually every householder owned land. In this respect, Fair Play came to resemble the early American republic's other frontier regions. By the turn of the century, tenancy rates in Kentucky counties ranged between 30 and 80 percent. Similarly, fewer than half of the adult men in Ohio owned land in 1810.³⁷

The 1784 purchase legitimized Fair Play settlers' land claims but also opened the region to economic competition. Like the long-established Muncy Township, the Fair Play region developed a highly stratified society with a permanently land-poor class. The percentage of Pine Creek households owning fewer than fifty acres increased between 1787 and 1799, from 41 to 48 percent. The 1799 tax report from Pine Creek showed that 35 percent of the householders held no land, and an addi-

³⁷ On Davy, see Norman B. Wilkinson, ed., "Mr. Davy's Diary 1794 Part II," *Pennsylvania History* 20 (1953): 261–63. On tenancy in Kentucky, see Thomas J. Huphrey, "Conflicting Independence: Land Tenancy and the American Revolution," *Journal of the Early Republic* 28 (2008): 180–81. On Ohio, see R. Douglas Hurt, *The Ohio Frontier: Crucible of the Old Northwest, 1720–1830* (Bloomington, IN, 1996), 175. For an extensive treatment of tenancy in the Hudson Valley, see Humphrey, *Land and Liberty*. For a description of a long-settled region of the country with a large landless population, see Steven Sarson, "Yeoman Farmers in a Planters' Republic: Socioeconomic Conditions and Relations in Early National Prince George's County, Maryland," *Journal of the Early Republic* 29 (2009): 63–99.

tional 13 percent held fewer than fifty acres. These dwindling holdings stood in stark contrast to the land holding patterns during the era of the squatter republic, when men spaced their claims far apart from one another so as to claim hundreds of acres each.³⁸

During the 1790s, many blacks entered the former Fair Play community, transforming the racial composition of the region. In 1790, Northumberland County had a population of 17,158, including 87 slaves. In addition to whites and slaves, the 1790 census recorded the numbers of “other free persons,” 89 of whom lived in the county. Identified in the local census as “Free Negroes,” rather than by name, only 3 people in the “other free persons” category lived in their own household. Because most of these 89 people lived in white households, it is likely that they labored as servants or tenants. Taken together, nonwhites amounted to 1 percent of the population, slightly less than the 2 percent average across the state of Pennsylvania, which had a population of 434,373, including 3,737 slaves and 6,537 other free persons. Although the number of slaves in the Fair Play region dropped slightly by 1800, significant numbers of black servants and tenants arrived, increasing the percentage of blacks living in the area. In 1795, Northumberland County split into two, and Lycoming County came to encompass the Fair Play region. In the 1800 census, Lycoming County held a total population of 5,408. Of these, 259 were free people of color and 39 were slaves. Only 4 of the 298 appeared in the records under their own names. Out of 711 total residents, Pine Creek Township housed 24 free blacks and 5 slaves, who together represented 4 percent of the population. More than 10 percent of Lycoming Township’s population was black, including 66 free people and 5 slaves, out of a total of 656 inhabitants. In the state as a whole, only 3 percent were black, including 1,706 slaves and 14,564 free people of color, in a total population that had grown to over 600,000.³⁹

³⁸ Russell and Baker have also compiled lists of taxables from the region. *Tiadaghton Tale*, 14–27. Although I relied on their numbers for the 1799 tax report, where possible I used the *Pennsylvania Archives* records. For comparable statistics in western Pennsylvania, see R. Eugene Harper, *The Transformation of Western Pennsylvania, 1770–1800* (Pittsburgh, 1991), 3–80. For the best description of the economic climate of this region after the American Revolution, see Mancall, *Valley of Opportunity*, 160–216.

³⁹ 1790 and 1800 Federal Census. My numbers are based on the original records of the local census. For the year 1800, these numbers are slightly different than the numbers that appear in the census abstracts, which are available online at <http://www.census.gov/prod/www/abs/decennial/>. For a comparison with slavery rates in western Pennsylvania at this time, see Christopher M. Osborne, “Invisible Hands: Slaves, Bound Laborers, and the Development of Western Pennsylvania, 1780–1820,” *Pennsylvania History* 72 (2005): 77–99.

As a consequence of retaining their lands, many of the squatters who persisted in Fair Play achieved a high social status out of line with their original station. Out of the thirteen squatters who applied for preemption applications and remained on the tax rolls in Pine Creek or Lycoming Townships in 1800, three owned slaves and four employed black servants. John Hughes of Lycoming Township both owned a slave and employed three servants. By becoming wealthy enough to command dependent labor, these former squatters had clearly capitalized on the economic promise they had seen in the region more than two decades earlier.⁴⁰

The Legacy of Fair Play

In 1774, Peter Rodey took up lands on Pine Run, at the heart of the Fair Play territory. During the war, Rodey served as a private in Cookson Long's company. On August 22, 1781, he signed a petition asking for a preemptive right to his land along with thirty-eight of his fellow squatters. He held onto his land after the Revolution and appeared in the 1790 census, which recorded him as the head of a family of two adult men, two boys, six women, and one slave. He could fairly call himself a success, yet when the local historian John Meginness collected anecdotes about Fair Play generations later, the West Branch Valley's inhabitants still remembered Rodey as a squatter who resented the Pennsylvania justice system.⁴¹

After the first Treaty of Fort Stanwix, a handful of individuals decided to illegally occupy the Indian territory north of the West Branch in order to make better lives for themselves and their families. By 1773, enough had arrived that they formed a community based on shared val-

⁴⁰ 1800 Federal Census. Squatters may have owned slaves or black servants during the squatter republic as well. It is unclear how many blacks lived among the Fair Play settlers during the 1770s, but at least one elderly black woman witnessed the local declaration of independence at Pine Creek on July 4, 1776. On blacks in Fair Play, see Wolf, *Fair Play Settlers*, 44, 64. Russell and Baker surmise that thirty free blacks lived in the Fair Play region at the time of the first census of Northumberland County. *Tiadaghton Tale*, 9–10.

⁴¹ Pine Run flows into the Susquehanna River near Larry's Creek, between Pine Creek and Lycoming Creek. Daniel Bradley Deposition, Apr. 23, 1785 (Peter Rodey Application), Preemption Applications. Rodey's application is spelled "Roddy." Helen Herritt Russell, "The Documented Story of the Fair Play Men and Their Government," in *Northumberland County Historical Society Proceedings and Addresses*, 22:16–17. The marginalia in a copy of this book donated by Russell to Shippensburg University indicates that Rodey lived until October 11, 1794, leaving behind his widow Catherine, three sons, and six daughters. The signature on the 1781 petition read either "Peter Godey" or "Peter Hadey." See Russell, "Pine Creek Declaration," 11–12; *Pennsylvania Archives*, 2nd ser., Vol. 3:452.

ues. When squatters rose up to oust a man from a tract he did not deserve, or drew lots to whip a man who stole from an Indian, or publicly humiliated a man who abused his family, they did so because they united around unwritten rules of justice. Lacking access to capital or political connections, the squatters believed that improvement created legitimate private property, and they sold improvements to one another frequently, expecting their neighbors to acknowledge their ownership despite the lack of court-recognized titles. Squatter justice did not enforce equality; each man grabbed as much land as he could without threatening a neighbor's claim. But the squatters valued and protected opportunity. While the population of squatters remained small, the Fair Play system worked, but every Fair Play immigrant knew he would eventually have to buy his own land from a legitimate government or sell his improvements and find the next western frontier.⁴²

Desiring permanent land titles, the squatters of the West Branch Valley embraced the American Revolution. In return, the republican government allowed them preemptive rights to their own lands, preventing wealthy speculators from ignoring their claims. Men and women from every creek bottom in Fair Play sought out justices of the peace to record their depositions on behalf of one another, and their testimony provided evidence of a community that united neighbors across twenty-five miles of the river valley. Instead of guaranteeing access to land for each squatter, however, the Revolution flooded the region with new immigrants, granted lands to some squatters who could afford to buy them, and forced others to move west. By the late 1790s, the only vestige of squatter society that remained was the small number of landholders who owned estates larger than three hundred acres. A hierarchical social order based on access to capital entrenched itself, and opportunities disappeared for men without land titles. Nearly half of all the postrevolutionary inhabitants in the former Fair Play region owned little or no land, and the wealthiest residents came to employ significant numbers of servants, increasing the gap between haves and have-nots in the region. Speculators with paper titles inherited many of the farm plots where squatters had

⁴²The Fair Play squatters did not reject hierarchy but valued men for their ability to create wealth through their own labor. Similarly, when describing another illegal movement in the colonial backcountry, James Whittenburg argued that North Carolina's Regulators did not desire to level society, but instead wanted a society dominated by planters rather than merchants and lawyers. James P. Whittenburg, "Planters, Merchants, and Lawyers: Social Change and the Origins of the North Carolina Regulation," *William and Mary Quarterly*, 3rd ser., 34 (1977): 215–38.

painstakingly labored. Swift justice yielded to the court system, which handled fifty-nine cases involving former members of the Fair Play community between 1784 and 1801. Some cases, such as the complicated *Hughes v. Dougherty*, took as many as five years to wend their way through the courts. During the 1790s, these changes caused men such as Peter Rodey to yearn with nostalgia for the spartan simplicity that had characterized life in the Fair Play community.⁴³

Those squatters who stayed and flourished, as Peter Rodey did, expanded their land holdings and acquired dependent laborers. Those who stayed and floundered chose not to organize resistance against their betters. The vast majority of the squatters left the area in the decades after the Revolution, likely joining a growing tide of men and women who made careers out of illegally occupying and improving lands, selling their improvements, then moving on to the next frontier. Perhaps some became “extensive travelers” who lived for a time “in three or four states, and several places in each state” according to the settler John Woods, who wrote about his itinerant neighbors in southern Illinois in 1820. It is unlikely that the squatters forced to seek out these western frontiers saw the rise of economic competition, slavery, and social stratification as positive developments for the Fair Play community.⁴⁴

Originally, the squatters had not sought a revolution. Instead, they formed a government to safeguard the property they claimed through their labor. Life in the squatter republic was harsh, but the Fair Play tribunal had protected its citizens. By 1800, that community based on a shared vision of justice had dissolved, while some of the original squatters had secured their claims and made good by becoming comparatively wealthy. In stark contrast to the justice without appeal that the Fair Play Men and their community enforcers had dispensed, a legal system of Byzantine complexity dragged out land disputes for years. The changed

⁴³ Richard Maxwell Brown argued that agrarian homestead movements similar to Fair Play, including the Paxton Boys, the Whiskey Rebellion, the Fries Rebellion, and other violent episodes across the country, often appeared to lose in their immediate aims but limited the amount of speculation that took place in the West after the Revolution. See Richard Maxwell Brown, “Back Country Rebellions and the Homestead Ethic in America, 1740–1799,” in *Tradition, Conflict and Modernization: Perspectives on the American Revolution*, ed. Richard Maxwell Brown and Don E. Fehrenbacher (New York, 1977), 73–99. On postrevolutionary court cases, see Wolf, *Fair Play Settlers*, 30–41.

⁴⁴ For an example of a violent movement that resisted proprietary control after the Revolution, see Taylor, *Liberty Men and Great Proprietors*. John Woods quoted in John Mack Faragher, *Sugar Creek: Life on the Illinois Prairie* (New Haven, CT, 1986), 50.

reality of the postrevolutionary West Branch Valley gave rise to Rodey's quip, "Since your Honor's coorts have come among us, *fair play* has entirely ceased, and law has taken its place."

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MARCUS GALLO