NOTES AND DOCUMENTS

THE EARLY PROPERTY AND LAND TITLE SITUATION IN WESTERN PENNSYLVANIA

In manuscript materials dealing with western Pennsylvania between 1758 and 1768, there is much evidence that titles to private property in real estate in the region were unusual and dependent upon military permit. Of all the documents of this kind none is more interesting than those connected with a memorial presented to General Gage by one John Metcalfe. The original memorial has not been located. It is probably among the Gage Papers in the possession of Mr. William L. Clements in Bay City, Michigan. But there are accessible three copies of Colonel Henry Bouquet’s remarks upon the original memorial and a later memorial to Lord Hillsborough by John Metcalfe in which he incorporates the substance of his earlier memorial and the story of his efforts to secure redress for his losses. Accompanying the memorial is an itemized account of his losses. Taken together, this memorial and Bouquet’s remarks upon the earlier memorial throw valuable light upon the history of western Pennsylvania from 1760 to 1768. It is to be hoped that the original memorial will at some future day be made available to the public.

ALFRED P. JAMES

PETITION OF JOHN METCALFE

[1768?]

To the Right Honourable the Earl of Hillsborough Principal Secretary of State for his Majesty’s Dominions in North America.

The humble Petition of John Metcalfe late salt Master of Fort Pitt in North America.

1 The situation is properly interpreted in John N. Boucher, ed., A Century and a Half of Pittsburgh and Her People, v. 1, ch. 4, “Titles to Lands in and around Pittsburgh.”

2 From a transcript in the Library of Congress of a document in the Public Record Office, C.O. 5:114. No record of action upon this memorial has been found in a survey
Sheweth—

That your Petitioner in the beginning of February one thousand seven hundred and Sixty two was applied to by Colonel Henry Bouquet then Commandant of the said Fort, to go to and settle at the nine mile run on the Waggon road between that Fort, and Fort Legoneer where Hugh Reed had built a log House by the permission of the said Colonel Bouquet

That your Petitioner was at first averse to going there, but was at last Prevailed upon by the said Colonel Bouquet to go and settle there purely for accommodating the Army and Travellers and your Petitioner thereupon paid the said Reed Twenty Pounds for his Improvements by order of the said Colonel.

That your Petitioner lived in peace there until the Twenty seventh of May One thousand seven hundred and Sixty three during which time he made very great improvements raised one Crop of Indian Corn and Beans and divers other Articles and had sown the Land with Wheat, Barley, Indian Corn, and divers sorts of Seeds and was in hopes of thriving there. But so it was, that he was obliged to move his Family to the said Fort Pitt, upon the Alarm of the Indians leaving their Towns and having killed and Scalped Captain Clapham and Part of his Family and two Soldiers at the Saw Mill.

That Eleven of your Petitioners Horses and one Colt were a little before that Time taken by the Indians, therefore he was put to a great Strait in having his Goods carried into the Fort, however hearing that there were thirty pack Horses with twelve Drivers coming with Merchants goods to the said Fort Pitt He went and met them; and informed them the said Drivers of their Danger and requested them to Assist Him with their Persons and Horses in carrying his Goods and Effects to the said Fort Pitt immediately after they should get in there, which they all promised to do with the help of him, his Son and three hired Men which he had with him

That your Petitioner drove all his Cattle into Fort Pitt in Company with the said Drivers (who came to the said nine mile run) and took with Him there two Horses.

That immediately after their Arrival there, Captain Ecuyer, then Commandant of the said Fort ordered your Petitioners said two Horses to be

of the extant archives. John Metcalfe seems to have been an incessant claimant for losses. In the Bouquet Papers, British Museum, Add. MSS. 21654, is found a claim dated at Fort Pitt, May 4, 1764, for the loss of a horse. Reed and Shippen, the commissioners of claims, disallowed this claim, but they were overruled and the claim was paid.
seized to draw Bricks &c for the Use of the Fort, but the same were about four Days after (being then in his Majesty's service) taken by the Indians.

That your Petitioner did also immediately, after the said pack Horses and Drivers Arrival at the said Fort, apply to the said Captain Ecuyer for leave for the said Men and Horses to go with Him, his Son and three hired Men to fetch in his Goods and Effects from the said nine mile run, but he refused to let the Men and horses to go with your Petitioner to fetch in his Goods and Effects from the said nine mile run calling out to t'he Centries not to suffer any of them to go out till further Orders from him the said Captain Ecuyer, and ordered your Petitioner to attend him the next morning which your Petitioner did with the said twelve Men, his Son, and three hired Men, (hoping that the said Captain Ecuyer would have given them liberty to go out) but, upon their approaching, the said Captain Ecuyer called out to your Petitioner and said he knew what he was coming about, but it was to no purpose as he the said Captain Ecuyer was determined no Body should go out of the Fort 'till a reinforcement came adding these Words, For we had better pay all your Loss than suffer one Man to leave the Fort.

That your Petitioner did several Times after beg of the said Captain Ecuyer to permit him and the said other Persons to assist him who were ready to go to the said nine Mile run to bring off your Petioners Goods and Effects, yet the said Captain Ecuyer always refused your Petitioner such reasonable request, speaking to the same purport as before set forth, so that your Petitioners Houses, Buildings Improvements Goods and Effects (except the fences and the Crop and garden Stuff) at the nine mile run aforesaid, were totally taken, burnt, and destroyed by the Indians.

That your Petitioner can prove that this was not done for near ten Days after Captain Ecuyer's first refusing him, his Son, the three hired Men, and the twelve pack horse Men with their Horses to go out to save your Petitioner's Goods and Effects as aforesaid whereby it is evident that the Loss thereof was occasioned solely by means of Captain Ecuyer's Refusals aforesaid.

That the said Fences and the Crop and garden Stuff above excepted, were necessarily made use of and consumed by Colonel Bouquets reinforcement for the Fort, and Major Campbells Escort of the Waggons and Pack Horses in their return from the said Fort and other Escorts and parties of the Army.

That your Petitioner made an improvement on a House and Kitchen and a large wood Yard and Garden at Pittsburgh by and with the approbation and consent of Colonel Bouquet and Captain Basset chief Engineer, but the
same, on the Indians investing the Fort were burnt by the order of the said
Captain Ecuyer then Commandant.

That your Petitioner hath hereto annexed an Account or Estimate of his
several Losses aforesaid at the lowest rate amounting in the whole to the Sum
of One thousand nine hundred pounds and three pence Pennsylvania money

That your Petitioner on the second Day of April One thousand seven
hundred and Sixty four presented a Memorial to his Excellency the honourable
Thomas Gage Esquire major General and Commander in chief of all his
Majestys forces in North America setting forth therein to the very same pur-
port and Effect as is herein before set forth who returned the same with
Directions to have the same recommended by the Officers therein named.

That the said Captain Ecuyer being informed thereof certified that he was
obliged for the good of the Service to detain your Petitioner his Son and three
hired Men at Fort Pitt when the Indian War broke out which occasioned the
Loss of part of his Furniture and provisions his house being nine Miles from
the said Fort and that the improvement of a House in the upper Town was
burnt by his order as by the Certificate under his hand hereunto annexed
fully appears

That the said General Gage having perused Captain Ecuyer's Certificate
Declared that your petitioner ought to have Satisfaction for the Damage he
had sustained by reason of the Matters before set forth and referred your Pe-
titioner to the Commissioners appointed for Settling that Years Campaigne
Whereupon your Petitioner attended the said Commissioners at Carlisle in
Pennsylvania and waited there eighteen Days before your Petitioner was ad-
mitted to present his said Memorial and Papers to Them and the said Com-
missioners after have perused the same and examined your Petitioner there-
on said that it did not lye before them for they were only appointed to Settle
the Campaigne and no other Affairs but declared that your Petitioner ought to
have Satisfaction but they could not give any relief therein and said that if
General Gage could not relieve your Petitioner that your Petitioner ought to
apply to some Person or Persons of higher power in England

That your Petitioner salted and packed away the Beef and Pork at Fort
Pitt by Agreement with the said Colonel Henry Bouquet since deceased from
the first Day of November One thousand seven hundred and Sixty two to the
twenty first Day of April following being One hundred and thirty seven Days
at Ten Shillings p Day amounting to the Sum of Sixty eight pounds and ten
Shillings and also for twenty one Days more at seven Shillings and Six pence
p Day amounting to seven pounds seventeen Shillings and Six pence as appears by the account thereof hereunto annexed and there is still due and owing to your Petitioner upon that Account over and above all and every Sum and Sums of money which your Petitioner hath received on Account thereof the Sum of seventeen pounds, two Shillings and Six pence as also appears by the said Account hereunto annexed.

Your Petitioner therefore most humbly beseeches your Lordship to Take the whole premisses into your Consideration and to give unto your Petitioner such relief therein as is Consonant to Equity and good Conscience and the Rules in the like Cases or to direct such Steps to be taken for obtaining the same as to your Lordships [sic] shall seem meet.

And your Petitioner shall for ever pray &

Endorsed The humble Petition of John Metcalfe late Salt Master of Fort Pitt in North America. Exd

METCALFE'S ACCOUNT OF HIS LOSSES

The Account or Estimate of John Metcalfes Losses and Damages sustained at his Plantation at the nine Mile Run near Pittsburgh and also at Fort Pitt and Pittsburgh referred to by the annexed Petition—Viz1

<table>
<thead>
<tr>
<th>Item</th>
<th>£</th>
<th>s</th>
<th>d</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Furniture</td>
<td>168</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>42 Yards of English brown Holland @ 3/9</td>
<td>7</td>
<td>17</td>
<td>6</td>
</tr>
<tr>
<td>his Wearing Apparel</td>
<td>46</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>his Wifes D°</td>
<td>20</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>his Childrens D°</td>
<td>12</td>
<td></td>
<td></td>
</tr>
<tr>
<td>One Riffled Barrell Gun 120/ and 2 Fuzees @ 50/ each</td>
<td>11</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Small Silver Ticketts and Copper for Change, 3 pair of Silver Sleeve Buttons and sundry other things contained in a Drawer</td>
<td>7</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2 Bibles, 3 prayer Books and many other Books</td>
<td>2</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>1600 lb Dryed Beef &amp; 400 lb corn'd Beef @ 6d p'lb</td>
<td>50</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>900 lb dryed Venison</td>
<td>22</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>70 lb Tallow, 30 lb Hogs Lard 15 lb Candles, 1 Barrell soft Soap and 6 lb hard Soap and 6 lb Candlewick</td>
<td>9</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

2000 lb Flour . . . . . . . . . . . . . . . . . . . . @ 40/ p' cw 40 0
500 Bushells Indian Corn, & 16 Bushells Beans, and 5 Bags
 @ 15' p' Bushell . . . . . . . . . . . . . . . . . . . . . . . . 263 1 6
66 lb Butter . . . . . . . . . . . . . . . . . . . . . . . @ 2/ p' lb 6 12 0
20 Bushells of Salt . . . . . . . . . . . . . . . . . . @ 30/ 30 0
180 lb Muscoods Sugar . . . . . . . . . . . . . . . . . . @ 18' 13 10 0
103 lb Loaf Sugar . . . . . . . . . . . . . . . . . . . . @ 2/3 11 11 9
14 lb Coffee, 1 lb Tea, 3' all spice, 1 1/2 lb pepper, & 8 Nut-
megs . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 4 0 0
200 Fowls and 2 Turkeys . . . . . . . . . . . . . . . . . 15 0 0
39 Raw Deer Skins, 3 Drest D° 8 Beaver Skins, 5 Otter skins
 3 sides of Soal Leather and six Bullocks Hides . . . . . 27 17
One Sow (very big with Young) . . . . . . . . . . . . . . 3
2 very good Riding Saddles, 3 Bridles, 11 Pack Saddles and
Siringales and 8 Sets of Bells . . . . . . . . . . . . . . . . 14 10
6 Sets Draft Harness . . . . . . . . . . . . . . . . . . . . . 12 0 0
1 Timber Chain, 1 Timber Jack, 4 Steel Beaver Traps . . 11 0
2 Plows Compleat, 1 large Iron Tooth Harrow, 6 Falling
Axes and all and every other Plantation Utensills . . . . 29 0 0
50 lb Nails of different sorts . . . . . . . . . . . . . . @ 2/3 p' lb 5 12 6
To 2 Horses seized by Order of Captain Ecuyer for his Ma-
jestys Service and taken by the Indians under Fort Pitt . 40 0 0
To the several Articles following which were used and con-
sumed at nine Mile Run by the Army Viz:
2000 new Rails brought there to be used which were burnt
and consumed by his Majestys Forces under the Command
of General Bouquet . . . . . . . . . . . . . . . . . . . . . . 6 0 0
1300 Pannels of very good Fence which were burnt and con-
sum'd by D° . . . . . . . . . . . . . . . . . . . . . . . . . . . 80 0 0
28 Acres of Indian Corn and 3 Acres of Winter Barley and
Wheat growing which were eaten up and consumed by the
Horses and Cattle and Sheep under Colonell Bouquets
Command . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . 345 15 0
A good pasture well fenced containing 35 Acres the Pastureage
whereof were Eat up and consumed by the Horses under
Colonell Bouquets Command and the Fences thereof were
taken and consumed by the Forces under the said Colonell
Bouquets Command for firing . . . . . . . . . . . . . . . . . . . . 35 0 0
Hewn Logs for a Barn 30 feet by 20 Ditto for a Stable 24 by 16 which were taken destroyed and burnt by the Forces under the said Colonell Bouquets Command . . . . . 15 0 0
4000 Shingles which were likewise taken destroyed and burnt by his Majestys Forces under the said Colonell Bouquets Command for Firing . . . . . . . . . . . . . . . 15 0 0
1000 Clap Boards which were also taken destroyed, and burnt by the said Forces . . . . . . . . . . . . . . . 3 15 0
To the Garden Stuff Seeds and Vegetables which were growing at the nine Mile Run which was necessarily made use of by the Forces under the said Colonell Bouquet for the use of the Fort . . . . . . . . . . . . . . . . . . . . . . . . . . . . 15 0 0
To his Improvements made on a Dwelling House Kitchen large Wood Yard and Garden in Pittsburgh destroyed by Order of Captain Ecuyer Commandant to prevent the Indians having any Shelter therein . . . . . . . . . . . . . . . . . . . . . . . . 55 13 0

Total Loss . . . . . £1474 10 3

Endorsed M' Metcalfes Acco4 of his Losses in America with his Petition

REMARKS OF COLONEL BOUQUET4

[Carlisle, April 27, 1764]

Colonel[1] Bouquet's Remarks upon the Memorial presented by John Metcalf to His Excellency The Honble General Gage Commander in Chief &

1st Colonel Bouquet having permitted Hugh Reed to Build one of those Houses on the Communication from Legonier to Fort-Pitt, which (with the Approbation of Major General Monckton and the Express consent of the Indians) were fixed at convenient Stages along the Road for the accommodation of Travellers; and the said Hugh Reed being not able to finish and fit out the said House for a Tavern, and that Station within Nine Miles of Fort Pitt being very advantageously Situated and necessary: Col1 Bouquet did propose to John Metcalf to agree with Hugh Reed for such Improvements & Buildings he had then made, in which case he wou'd Succeed him.

4 From a copy, signed, in the Bouquet Papers, British Museum, Add. MSS. 21658, f. 95. The Library of Congress and the Historical Society of Western Pennsylvania possess photostatic reproductions. A draft of this document is in Add. MSS. 21653, f. 272, and this is followed, f. 274, by another copy.
A few days after John Metcalf informed the Col[1] that the said Improvements had been Estimated by Appraisers chosen by both parties at Twenty Pounds Penns' Currency which Sum was paid by John Metcalf to discharge the said Hugh Reeds Debts, with his own consent, and John Metcalf was put in Possession of the said Plantation and improvement (the property of the Soil in this Case, as in all other like temporary Grants always excepted) without paying any Rent, fee or Reward to any person whatsoever.

2d Colonel Bouquet observes that on his March with the Troops sent to the relief of Fort Pitt, he encamped the night of the 9th. of August 1763 at John Metcalf's Plantation: when his House was found burnt, all his Fields overrun with Brears, five feet high, and the Crops destroyed by the Savages who had had large Encampments at that place, part of the Fences were still Standing and when the Colonel came down in February 1764 he saw them nearly in the same condition; But that no damage was done, or could be done by the Troops at the said Plantation except perhaps burning a few Rails, there being nothing left by the Savages except those Fences. Therefore the charge against the Troops can easily be proved by 500 Witnesses to be Groundless and false.

3d As to his Claims for Houses and Gardens at Fort Pitt, burnt and destroyed by order of Captain Ecuyer, as being near the Fort (which wou'd not have been tenable, had those Log Houses been left Standing and in the Possession of the Enemy) It is publickly known that no Inhabitant of Fort Pitt was ever allowed any property in Houses and Lotts at that place, but only the use of such Houses or Grounds while they remained at that Post, and no longer. That the said Inhabitants never have been permitted to buy, sell or Rent any House or Lot, but every Person who left Fort Pitt was then Obliged by the conditions of the Leave, he had Obtained, to Deliver to the Commanding Officer the Key of his House which was in like manner disposed of in favor of any other Person who wanted it, The whole without any Rent, Fee or Reward. Therefore no Persons whatever who at any time have been Inhabitants at or near Fort Pitt have the least right or Title to bring any Charge against the Crown or the Officer Commanding for the time being, for any Losses of that Nature, which have been occasioned by the Indian War.

Given under my Hand at Carlisle this 27th day of April 1764

Henry Bouquet