

LETTER FROM THOMAS PENN¹ TO
JAMES TILGHMAN,² NOVEMBER 7, 1766

(Gift to the Archives from the
Richard King Mellon Foundation)

S^{IR}:

Last week I received your letter of the 18th of Sept. by Capt. Sparks,³ and since that time a long letter of the 18th of July, by what conveyance is not mentioned, with a piece of Wyamin Coal. I shall now answer such part of them as I am now able to do and first I must say that you judge right, that we would do everything in our power to be upon good terms with the people of Pensilvania, consistent with the preservation of our just Rights which we sought to preserve for the benefit of our Family and in some sort for the benefit of the people, who if we were to give up some of our power to their Representatives more than they have, would not reap any real Security to their Liberties from it. We are very well pleased to receive your Informations of any affair, in which the people have a just cause of complaint and shall impartially as much as possible for us, consider the Case, in order to their redress, in which we would act according to the principles of Equity and Honour.

With regard to Land to be surveyed to us, we desire only one tenth, and would be very well contented to have it as the land runs in common, wither in large Tracts in good places, or a tenth part of Townships, as was the first practice in laying out Townships on the first Maps. But the people settled in so great number that the Surveyors for many years did not survey anything like our tenth and we were forced to be contented with the surveys in places that were left as not worth the taking up. This obliged us to have recourse of the Method of taking up small quantities, and we had a more particular regard to pieces on the sides of Rivers proper for Ferrys.

The people who have presumed to settle on Land not purchased from the Indians ought not after ; an Indian purchaser ought not to be

1 Thomas Penn, son of William, was a proprietor of Pennsylvania from 1702-75. *DAB*, s.v., "Penn, Thomas."

2 James Tilghman, a lawyer, was secretary of the proprietary land office in Philadelphia for nine years. James Tilghman, "Thoughts of the Situation of the Inhabitants on the Frontier," *Pennsylvania Magazine of History and Biography* 10 (1886) : 316.

3 Capt. Sparks was a sea captain who carried correspondence between the colonies and England. "Correspondence Between William Strahan and David Hall, 1763-1777," *PMHB* 10 (1886) : 87, 328, 461.

favoured, yet we have shewn a tenderness as to grant them the land they came settled upon, which in Justice we should not, and which would have enabled us to take up large Tracts in one place, which we cannot do after they are by a general allowance settled, wherefore for the future when another purchase is made of the Indians, great care must be taken to secure to us some large Tracts, to the amount of our tenth and some people must be settled upon them upon leases for twenty-one years, upon easy Terms.

With regard to the small Vacancy's you mention, it is not just that when a discovery is made of a vacant piece of Land, that Land should be surveyed to our use, and I desire this practice may be discontinued and that the person who discovers it may have it granted to him upon the last Terms of a penny an Acre without any retrospect but we think the Persons whose Tracts they adjudge to, deserve very little favour and that if they do not immediately apply, that they should rather be granted to a Stranger, for these may have prevented being settled by others from it. We agree with you that the reservation of any land other than any Land surveyed, is not consistent with the power granted to my Nephew⁴ and the publication of the new Terms in consequence of it, and we do therefore dispense with the future observations of the distances from Towns, and from Coal-Works and allow that Land within those distances that is vacant may be granted as any other vacant Land.

We have, I think, answered above to the Lease of all Land adjoining to a plantation, and allow that such shall be granted without any retrospect on the new Terms, provided people apply soon for them, and we shall write to the Governor with Instructions for that purpose. We think the whole vacancy should be surveyed and no small piece left to be long secreted.

We desire our Land adjoining to Towns may be let out on Leases for twenty one years at such easy rents as can be got for them. I thought they had all been reduced to surveys. I have by me those that adjoin to Carlisle and Eaton,⁵ as well as Reading. About the first more was bought in then I intended, and perhaps we would part with some of the farthest from the Towns, if we were offered a good price. But adjoins to it we will let only for twenty one years. This

⁴ John Penn (1729-95), lieutenant governor of Pennsylvania at this time, was the oldest son of Thomas's brother Richard. *DAB*, s.v., "Penn, John."

⁵ Spelled this way in the original document but most likely is meant to be Easton which was laid out in 1752.

last we have repeated by orders for several years past.

I have received the Plan of the Town of Bedford and cannot conceive what method was used in fixing our Lots, which seems to be irregularly done, several together and than in a whole Square not one.

I desire you will inform me what the Rent is that you think too high for the Lots at Reading. I think the common Lots were, but seven shillings at first and nothing is paid or very little. I desire you will at your meetings with the Gouvenor propose the giving Orders to some proper Persons to receive the Arrears of Rent at the several Towns that we have laid out which must now amount to a considerable sum. With regard to Land in the lower Countrys, they were granted by my Father at one penny an acre, and one years Rent at every alienation, and have been so granted forever since. Mr. Peters⁶ wrote me that Land was much more valuable and therefore I fixed the five pounds Sterling a hundred as thinking it more proper than to bargain for every Tract which was one of the methods he proposed. If he had not thought the Land worth more than the former price it was granted at, he need not have made any application to us about the price. The Swamps you menion I think must be of considerable value. The other Land generally poor, but we do not choose to alter the Terms till we see whether the people will take up the Land on those conditions, as to the rent, we shall never lessen that.

Mr. Peters has issued warrants for two or three Tracts of five thousand Acres each in Sussex County, for the purpose you intend by your ordering such Tracts to be surveyed, but you must not grant them on less rent than one penny an Acre, and one years Rent on every alienation. This was certainly a good measure to preserve the Timber. We are much concerned at the back inhabitants settling on the lands unpurchased of the Indians. The Governor writes us that he is going to publish a Proclamation you have proposed to him for them to remove, but I fear it will be difficult without Military aid to carry it into execution and certainly no persons that have so settled should have any Land granted to them. I am not at all surprized that the people should dislike the terms of a penny an Acre, but when one considers the money they sell their produce for, it is certainly a very Trifle to pay out of it, and when they have been used to it some years,

⁶ Richard Peters, an eastern Pennsylvania political and mercantile figure, was register of the admiralty in Philadelphia from 1744-71. *DAB*, s.v., "Peters, Richard."

they will scarcely feel the difference between that and the half penny an Acre. It is I am very sensible, a thing impossible to make all the Surveys wanted in the time proposed, or in several times the time, so that you must, after using all the methods you can think proper, take their money as they can bring it in for we had much rather stay 'till the people can pay with interest and Quit-rent than turn them off. However, you must use all proper Methods to make them pay what they can, and consider and advise us whether there is any other Method proper to be taken, such as paying a part and the remainder alone, payment or making mortgages. I suppose the Surveys are not made in the Settler's name, but in Ours. After we are certain with regard to our own tenth, I do not think it necessary to restrain the Surveys to three hundred Acres, but while we want to have our tenth made up, we would accept four or five hundred in our Tract. We would rather grant in such forms, as people who settle can improve, than in large Tracts that are kept by for improvement, for we do not think, tho' the new Quit-Rent is accounted high, it will prevent people taking up land for a market it will no doubt in some measure do it.

The regulation of our Quit Rents is of the utmost consequence to us, as it is the permanent part of our Estate, and which out of regard to our posterity we have lately doubled, allowing a considerable price out of money we might have received for it. And therefore must be closely attended to. I shall now direct a case to be laid before Council, relating to the Pensilvania Law, and write to you further upon it. I have enquired of Mr. Wilmot⁷ who says if there is no law in Pensilvania relating to it, we are not obliged by Law of England to take a part, but may demand it where we please for the Rent of the whole Tract, indeed I am told in Copyholds⁸ the rent is apportioned, but then a part of the Copyhold must be surrendered to the Lord in his Court, and he takes the alience for his Tenant at a certain Rent, but these People are not Copyholders, and therefore I think can lay no claim by the Pensilvania Law, and that law provides, if any person sells any part of his Land, and gives the Receiver or Collector a due account of what land he has alienated shall be distrained viz. There you see by the Law that we are to seize for the whole rent 'till

7 Henry Wilmot was an agent for the Penns. "The Penns and the Taxation of Their Estates by the Provincial Assembly," *PMHB* 23 (1899) : 290-91.

8 Copyhold, in English law, an ancient form of land tenure, legally defined as a "holding at the will of the lord according to the custom of the manor." *Encyclopaedia Britannica*, 14th ed., s.v., "Copyhold."

the person gives a due account of what he has alienated and get it entered on the Rent Rolls. This cannot, I think be better done, than by the man himself who should certainly bring his Deed with him as a proof to the Officer that there is another person who agrees to have taken such a quantity of Land. This method would surely answer all the purpose of an alienation Office, and I desire to know your exceptions to it. And if the other will be better, the Governor and you should talk to some of the leading Members upon it. Above all the Receiver must never blend any parts of the two Tracts together, neither should a Patent be granted upon a Patent much more upon two patents, which I hear has been the case.

You speak of a Rent Roll as if there never had been one, and I think from the old Rent-Rolls, and the old Map in which almost all the first purchasers lands are plotted, a very great part of the first purchased Tracts might be laid down in the new ones, and those Tracts be called by their names. Our Receivers have been much to blame in seeking out for people to make demands on alienations, which they should not think of, but seize for the rent due of the first Grant 'till they see on the Roll that there has been a part alienated. And I think by making twenty or thirty such seizures, they might bring the People in general to come in and settle their Quit Rents. There is another thing to be considered, which is that, if no alienation on the Rent of one Shilling a hundred was to be regarded less than one Shilling, whether we should now take any notice, less than an alienation for that quantity, or one hundred acres.

I am very sensible of the propriety of giving names to Tracts. I have long since ordered it to be done, and we are much pleased to have begun it, as it is the Land we should demand our Rent of not of men that change every few years, as we must not think of lending to people houses, unless at first it should be necessary, but if they do not pay every year, seizure must be made and this must be begun as soon as possible, where the Rent is clear and an advertisement published in the paper declaring such resolution.

We shall never think of selling any of our old Quit Rents . . . We cannot do it, if we would, but I look upon myself as a Trustee of those that come after me and that I ought not to do it. As I firmly believe on looking into the old Rent-Rolls you will find they will by degrees be almost all be collected. I do not think Lord Baltimore gave the Sheriffs more than five problems now for receiving his Rents, at least that is what Mr. Calvert told me. What other allowances he

makes I never heard till now, however, we must put it upon the best plan we can, and when the new Rents prevail the collection will be most easy in proportion to the pound Sterling. I think I wrote you that Mr. Miskill⁹ was sent over to Copy over the Rent Rolls which the form and matter of them is settled, the people as you observe must be brought to pay regularly every year, more often then that they cannot by their tenures and at first I believe any that are appointed country Receivers must go among them. I have got the Plan drawn for Offices, which I shall send over by the first Ship, and wish we had some ground nearer there, what I proposed to build thereon, but I think we have none nearer than the Lot between I think fourth and fifth Streets to the Westward of St. Peter's Church, where there is one hundred and two feet by the length of the Square, unless there could be found Lots in the Square between third and fourth Street, near the Governor's that were appropriated to people who have laid out their Lots very clearly elsewhere that would be large enough. I would rather give up my lot of one hundred and two feet on Spruce Street to add to it, than have it placed at an inconvenient distance. If you may make this clearly in our power, I did not care how soon they were began, and as the Building will be almost all Brick, I suppose they might be made with Clay upon the spot, which would be much cheaper than to buy them. We have wood at no great distance, where the worst wood might be cut. I had a plan sent to me by Mr. Peters very injudiciously drawn, with the walls not two feet thick, and the rooms above twenty feet wide, whereas vaulted rooms should be as narrow as possible, else the Arch must be much the higher, more heavy and require the stronger walls. I propose the three Offices, together if not the Rolls Office alone, but this I believe is now at the State House: pray inform me whether you have a good skilful workman to conduct such a work, and if you resolve to execute the plan I shall send, which if it cannot be executed for 1500 pounds or 2000 Currency, I desire you will immediately a Plan that can.

On looking over my Nephew's Instructions, I do not find any exception of Land near Iron Works, or near any Towns, but Philadelphia and Newcastle, which we desire, after an enquiring shall be made, whether anything very valuable is known, and may be immediately surveyed, may not in future be regarded. We have considered your proposal about taking up Land for your own use, and very readily

9 Mr. Miskill — no information could be found.

consent you shall do it, making no question you will take care that we shall have our tenth surveyed as nearly as possible and suppose you will take up in smaller Tracts. Your declaration that you will not be concerned with any Jobbers or take up land in the name of other people, is very agreeable to us and that you will do with the Governor's permission, and not lay it on Land settled, without the consent of the Settlers, the quantity we leave to the Governor. I would know the Quantity you desire.

Your plan of the Rent Roll, if there must be continual assignments for ever, is well contrived, but I thought they would not after the first assignment from the first Grantee be occasion to make provision for any subsequent ones, and then the form Mr. Peters sent me from the Maryland Roll the first column of which is for the account of the survey, the second the record and page, the third the name and quality of the several Tracts, fourth the possessors name, 5th the numbers of the acres at 2 pounds, 6th the number at 4 Pounds, 7th the annual rent sterling. This I sent to Mr. Peters and Mr. Hockley,¹⁰ copies of which they will shew you. A Rent Roll should not, I think be supposed alterable, every time an assignment of part of the Land is made. Indeed ours cannot be altered by the Law under a certain quantity, if the assignor does not bring the assignment. We have no business to regard it or does not shew the compleat Title in which mention is made of the first Patent granted for the Land. The Receiver should receive as if an assignment had been made. I agree with you that it is not possible for us to guard against an imposition by People not giving a just account of their time of settlement, you must endeavor to find it as truly as you can. I am pleased to find Mr. Peters has delivered up the papers of the Office, and desire that you will send me a facsimile copy with the list of the first purchasers.

With regard to Settlers who cannot come in to pay, you must do as well as you can. We would stay as I think I wrote on their paying Interest and Quit Rents, but we would not take any money in part, or would you advise any particular method such as mortgageing. This is much the subject of your letter of the 18th of Sept. which I am now upon; these people I would certainly use with as much tenderness as possible.

¹⁰ Richard Hockley, an old friend of Thomas Penn, was partner in an ill-starred trading venture with George Croghan and William Trent. Nicholas B. Wainwright, "An Indian Trade Failure," *PMHB* 72 (1948): 352-53, 354.

I do not know what to think of issuing Paper Money, whether the remedy will not be worse than the disease? However, as this affair is to be considered in Parliament, at present I think it not necessary for circulation as you have near two hundred thousand pounds Paper-Money now circulating. And that I think is more than would be allowed as current Cash to be lent out.

If it should be absolutely necessary to shut up the Office for a time, we must submit to it and shall leave it to the Governor with the advice of our Proprietary Officers to do it, but when it shall open again, you must not fly on any numbers of Months for issuing of Warrants, as there will always be such a number of People, of who cannot comply, and indeed such numbers of applyers that they could not have their land surveyed and their titles made in the time.

I think there is a good ground on which to construe the Laws relating to Quick-Rents, not to oblige us to regard any assignments, but from our own Grantee, have you had any conversation with Mr. Chew¹¹ on this point?

I think your reason for not bringing on the Jersey Cause a very good one. I hope Mr. Peters has given you my Father's letter that he gave me an account of, in which he writes that Dr. Doxe¹² did not comply with the agreement. I shall be much pleased to hear your party-matters are like to decrease.

Your letter of August 14th by Nuttal¹³ is but just arrived. I am pleased to find you have received so many applications for Land on the West Side of the Susquehannas, you say mostly on the new terms. I suppose all except those who were settled are upon those terms, as there is no power to grant them any other. I believe it very difficult to put a stop to fictitious applications, and if the settlers find any advantage by it, we shall be the better satisfied, what we want, is to have our land bona-fide settled, and would take all the methods we can to prevent people from laying up large Tracts, for many years for a market. Your reasons why we should not be averse to a persons taking up land, tho' he should not now live upon it, have weight, and therefore, I shall say nothing further about it. I agree with you that the Land Jobbers going through the country alarms the people and is the cause of sending many to the Offices sooner than they would

11 Benjamin Chew was attorney general in Philadelphia from 1755-69. *DAB*, s.v., "Chew, Benjamin."

12 Dr. Doxe — no information could be found.

13 Nuttal — no information could be found, but it might be that he was a messenger, perhaps also a sea captain.

otherwise come.

The consideration on the Maryland method of granting Land, I will postpone to another time, and only say, that I think it would be best to observe one method. I have heard is practiced there, to join every Survey to another. I am much pleased with your letters and desire you will continue to think of a proper scheme for the receipt of our rents and forming rolls and consider them with the Governor, as we have the regulation of it much at heart and are sensible with you we cannot begin to put it in the best order too soon.

I desire you will return our thanks to Coll. Francis¹⁴ for his good service in removing the intruders that were settled on the Indians Land and for the piece of Coal which we shall have examined by some persons skilful in that article and send their observation on it.

You need not make any apology for the length of your letter which I desire you will not keep for ships, but send me by the Packet if no Ships are just sailing, as your intelligence is always worth the postage. I include you an answer to one of Mr. Sonmans,¹⁵ which I desire you will keep in the Office, and deliver a copy of it to him, I am

Yours very affectionate Friend,

London, Nov. 7th 1766.

The lots that I had appropriated for building the Office I recollect was in the same square with St. Peters Church. It is 178 feet long and 102 broad, divided from the Church grounds by a Street of forty feet and boarded on the two other sides by Streets, so as to render it very secure.

Second P.S. The Proprietors of Pensilvania have considered a Memorial sent them by Mr. Peter Sonmans, relating to a right he supposes Mr. Arent Sonmans¹⁶ deceased had to five thousand acres of land in Pensilvania. They have examined the list of first purchasers, which is printed, and do not find his name in that List. They have examined the papers that were in their Fathers possession, and cannot find any mention made of such purchase. They have examined a manuscript Book that their father ordered to be made containing a list of all letters

14 Col. Turbutt Francis accepted a commission as lieutenant colonel commandant of the 1st Battalion of Pennsylvania forces in 1764. Edward G. Williams, "Bouquet Orderly Book I," *WPHM* 56 (1973) : 389-90n.

15 Peter Sonmans, son of Arent, inherited his father's lands. He was a vestryman at St. Peter's Church, Philadelphia. John E. Ponfret, "Proprietors of West New Jersey," *PMHB* 75 (1951) : 136.

16 Arent Sonmans, proprietor in New Jersey, was a native of Rotterdam but conducted a mercantile business in Scotland. He was killed by a highwayman. *Ibid.*, 120, 136, 144.

and papers from the year 1681 to 1698, and not only do not find any letters from Arent Sonmans therein mentioned, or any mention made of such a purchase, but his name is not once mentioned in that book.
London Nov. 8th 1766.

P.S. 14th Nov. The more I think of assignments the more I am convinced that unless the person to whom the Land is granted by us does give us notice of his assignment we are not by the Law obliged to divide in apportion the Rent. The records of the Act declare it, this I desire you will clearly consider, and whether after such notice from our own Grantee, we are obliged to take notice of other assignments or not, certainly we are not from any person but the person granting who has been before received as a Tenant and therefore the claim of the possessors will be preserved whole.