

This report is a summary of the history and the manifold procedures by which individuals were able to acquire ownership rights to land from the authorities in Pennsylvania, from the time the colony was chartered in 1681 by William Penn to the present. The only method of land acquisition I do not cover is here is the purchase of previously patented land by deed, since that method is no doubt familiar to everyone reading this, and there's nothing importantly unique about such conveyances in Pennsylvania.

The particular focus here is on the multi-stage process by which land was granted, or patented, in Pennsylvania, and on the corresponding types of records that documented this process. Most of these records have been digitized by the Pennsylvania authorities and made available online, and I've provided links to these records in the final section below titled **Accessing the Pennsylvania Land Grant Records and their indexes**.

I have drawn heavily in this account on the indispensable Donna Bingham Munger, *Pennsylvania Land Records: A History and Guide for Research*, which I've discussed below in the **Sources** section, along with other key sources I recommend.

Although I suggest that if you aren't already generally familiar with this material that you read it's sections in order from start to finish, I provide the following Table of Contents links to facilitate access to particular aspects of this large and complex subject. To accommodate the partial reader, I've also deliberately built a bit of redundancy into this material.

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The Pennsylvania Colony

The original proprietorial plan of settlement of Pennsylvania envisioned a kind of feudal structure with the proprietor of the colony, William Penn, and his heirs, at the apex. They in turn granted largish tracts to “original purchasers”, who might then settle on part of their land and make subgrants of the rest of it to family, friends, clients, or just strangers—all of these deemed “under purchasers”. The idea was to create, thus, a relatively homogenous community of friendly neighbors, “friends”, with no great ambitions for expansion westward except by organic growth over the generations—much like the way New England developed.

Pennsylvania Colony began in the SE corner of the present state, backed up against the NE->SW running Delaware River, and expanded sporadically by large chunks of land “purchased” (or acquired by treaty) from the Indians over the course of the 18th century. Philadelphia was to be the hub, and it was in a sense a planned city, as the original purchasers each received town lots in the future metropolis. The town itself was to be contained within the larger area of Philadelphia County, and originally two other counties were demarcated to the east (Bucks County), and to the west (Chester County), to constitute the rural hinterland.

From the time of its founding in 1682 until roughly 1715 the original proprietorial scheme worked out more or less as planned, with a large proportion of the actual settlers being Quaker. But because religious tolerance was woven into the social and legal fabric, smatterings of many other kinds of immigrants were drawn to the colony too. As the early years went by and much of the good land within the original settled area came under the control of absentee landlords, the frontiers beyond beckoned increasingly to new arrivals. Then beginning about 1720, Scotch-Irish began trickling in, fleeing from the increasingly discriminatory regime of Ulster Ireland, and at about the same time parties of Germans, often constituting self-contained religious communities, began to arrive. These ethnically very different peoples were not encouraged to linger in the environs of Philadelphia, and the lure of cheap or even temporarily free vacant land outside the settled areas, with no initial exposure to acquisition fees or taxes if they were willing to take the risk of “squatting” on their new land without any kind of legal protection, was sufficient incentive to induce members of these two groups and a few other hardies to brave the still Indian-infested frontiers. The feisty Scotch-Irish, of course, hardly needed such inducement. They always felt that they were more than a match for the scattered bands of roving predatory Indians who were the chief deterrent to western settlement.

The Penns did everything they could to control and regularize this process of settlement, not least because they wanted to keep peace with the Indians on their borders, and because they believed in treating them in a Christian manner, but the burgeoning Scotch-Irish population, especially, was disruptive to these plans. The proprietors of the colony also expected to be able to collect the purchase price, plus processing fees, for the acquirers of their land, and they even set up various kinds of mortgage programs to make it more affordable, but this too became problematic, particularly since so many of the occupants of the frontier land were squatters on the land—often beyond the colony’s administrative borders. It was this unauthorized westward movement, not the initiative of the Quaker proprietors which spurred the 8-10 successive large purchases the proprietors made from the Indians even after their own small Quaker colony centered on Philadelphia had become a thriving success independent of the hinterlands..

A major theme guiding the settlement of Pennsylvania is the way the original planned community approach (almost a feudal regime) gradually gave way to a democratic, squatter-driven extension of the colony as a much looser polity.

Land Acquisition During the Proprietorship of William Penn, 1682-1732

William Penn and his associates were principally intent on building a semi-private Quaker community, and to that end, both Philadelphia (a planned city) and the acquisition and distribution of land within the original mostly Quaker enclave surrounding it was carefully controlled by Penn to bring about a maximum of homogeneity—a bit ironic given that Pennsylvania almost from the beginning, and indeed, in perfect conformity with the Quaker ideology, became a haven for misfit individuals and ethnics of all stripes. It may, perhaps, be best to summarize the early process of land acquisition in the colony in terms of the particular sets of records and registers that have been left behind to record the process.

The Original Purchasers Register, recorded the names of all the investors who purchased rights to land directly from William Penn. Most of these people were well-to-do Quakers, or others supportive of the Quaker enterprise, but most were also simply investors who had no intention to settle in Pennsylvania themselves. These “original” (or later “first”) purchasers nearly always contracted with Penn for much more land than they personally had use for, with the intent to resell it to a second class of “under purchasers”. These under purchasers were also listed in the Original Purchasers Register under the names of the original or first purchasers.

Under the ancient English feudal land law system, Penn himself held Pennsylvania nominally in fief from the monarch, so he had both a right and a duty to collect quit rents from those to whom he conveyed land. In practice, though Penn and his heirs were the proprietors of the land, in the modern legal sense, and by acquiring rights to Pennsylvania land, the original purchasers in effect became sub-proprietors, or grantors, themselves.

However, these initial rights to Pennsylvania land purchased directly or indirectly from the Penns gave these various classes of purchasers no title to any particular land. The acquisition of title in contemporary English common law was a multi-step process, that applied, with some variants, to the original purchasers, to their under purchasers, and to later settlers who constituted initially an additional class of “after purchasers” who from 1732 on, were allowed to purchase land directly from William Penn’s heirs, and then after the Revolution, from the Commonwealth of Pennsylvania.

First, an application was made for a warrant to survey a particular tract of land, which may or may not have been already occupied (taken physical possession of) by the applicant. This warrant gave legal sanction to entry and occupancy, and was followed by a detailed survey of the land, which led in turn to a patent and full registered title.

In addition to the price of the land itself (which varied widely over the whole colonial period from £5-15+ per hundred acres, the Penn proprietors charged significant fees for granting warrants, surveys, and patents, proportioned to the acreage of the land, and once the process was begun and the down payment tendered, the interest clock started ticking on the balance owed. These charges deterred many people, including original purchasers, from perfecting their title until they were quite sure that they had a specific use for a specific piece of land. Even with just a survey, or just a warrant, though, the settler had the right to live on his land, and also to sell it, by simply assigning the warrant and/or survey to another—albeit without the protection of law. But without a survey, the owner was always vulnerable to encroachments by neighbors, and as noted, land which was merely under warrant could be claimed by others and even warranted to them by the authorities, so that perfection of title by patent was always a desiderata.

The Original Purchases register served not only as a record of the rights held by the original purchasers, but also of their actions as sub-proprietors. An entry was made under their names when they warranted part of their land, or had it surveyed, or simply granted it to others to warrant and survey. The amount of land involved in these transactions was noted and sometimes the general

location, as well as the name of the grantee (or “himself”), and dates were recorded for warrants and surveys, but no dates were noted for outright grants to others. Nor, it seems, was there any accounting for purchase rights not exercised: there are a number of original purchasers listed, along with the acreage they were entitled to warrant, but with no record that they ever exercised their rights or disposed of them to others, and there are also many cases where the parcels warranted or transferred do not add up to the amount of the original purchase rights. I conclude, therefore, that what the Penns sold to their investors were simply options on acquiring a certain amount of land in Pennsylvania, at the fixed price represented by the processing fees. No doubt many of those who purchased these options but were unable to attract buyers without coming to Pennsylvania themselves, simply walked away from their options.

It has been said that the proprietors did such a poor job of keeping track of the warrants and surveys that they had accepted, that there were many overlaps and resulting ownership controversies, and this is borne out in the many notes on the resolution of these controversies in the official survey documents. At any rate, they made a good decision in 1733 when they set up separate registers for each county. This was a step in the right direction, and in 1759, the Pennsylvania Assembly also ordered that all the pre-1733 warrants be copied into a separate set of Old Rights Registers, one for Philadelphia, and one for Bucks and Chester Counties. Unexplained is what happened to any warrants issued for land in Lancaster County between 1729 (when it was created) and 1733.

Squatter Occupancy of Pennsylvania Land

It is an ancient quasi-principle of the English common law that “possession is nine-tenths of the law”, and this has carried over into the notion of “squatter’s rights”, although legally speaking, the expression is an oxymoron. Families which have depended on squatter’s rights have generally been rather easily ejected from their land by others, both legitimate settlers and speculators, who merely undertook the trouble and modest expense of filing the necessary paperwork for a formal claim.

Nonetheless, there were a number of reasons why squatting was popular in Pennsylvania, and why in time it came to be sanctioned, and then even required by law.

Until the period 1732-1750 or so, when the sons and grandsons of the founder, William Penn, began to take an active interest in managing the colony for profit, only a limited area of so-called “country land”, outside Philadelphia and its settled rural suburbs, was sold from year to year to finance the minimal administrative expenses of the colony. Yet the trickle of non-Quaker settlers which began in about 1720 soon swelled to a steady flow, and since these people weren’t welcome in the already settled areas, they therefore had no choice but to move out into the uninhabited area, take informal possession of some land, clear a few acres for cultivation and pasturage, and squat, while waiting for civilization (and government) to catch up to them—though the Scotch-Irish in particular seemed to be in no hurry for this.

Of course, by making these improvements to their raw land without any sort of legal claim to it, the settlers were exposing themselves to the loss of everything they had sunk into the land, so many were perfectly ready to undertake the initial step of applying for a warrant to survey their land. Beginning about 1740, though, many others elected instead to move on to the greener pastures, and

the much cheaper land opening up on the western Virginia frontier, in the Valley of Virginia beyond the Blue Ridge Mountains.^[1]

As the Penn heirs gradually made a going concern of the expansion of their colony westward, and ultimately to the north, by first, scrupulously making treaties of additional purchase from the local Indian tribes, then taking the steps necessary to carve out new counties on the frontier, along with designated county seats, they were mostly just playing catchup to the burgeoning frontier settlements, and all the while a large proportion of the substantial flow of colonists into Pennsylvania was continuing on to Virginia, perhaps after squatting on the PA frontier first for a few years. Unfortunately for genealogists who trace their roots back to western VA or PA, there is thus a dead spot of some dozen or so years, during which LancasterCo (created in 1729 from the undefined western extensions of ChesterCo) had a significant, and largely transient population, only a portion of which were picked up starting in the early 1740s in the county land and tax records.^[2]

To bring the back country squatters into the system the proprietors enacted a series of laws from 1765 to 1792 that made squatting a normal first step in the pursuit of a land title. Indeed, with the enactment of the land law of 1792 law, which chiefly applied to the extensive unpatented lands west of the Allegheny River, in order to obtain a warrant to survey his land (or to return a survey already made) a settler had to prove that he had improved and occupied it for at least five years.

The Pennsylvania Land Acquisition Process, 1732-1776

The first step in the legal process of acquiring Pennsylvania land during the active proprietorial period of the Penn heirs, was to apply for a warrant to survey the land—usually a particular piece of land, but some warrants issued to land speculators were left open as a convenience to them. The application had to be accompanied by up to half of the purchase price, and assuming that it was accepted (that the authorities recognized that there were no conflicting claims to it), a warrant to survey the land was issued to the surveyors office and an official surveyor was charged with making a survey and a plat of the land—working with the settler, who also had to pay his fee. When the survey was complete, usually it was filed by the surveyor general who then waited for the settler to remit the balance of the purchase price, upon which the surveyor general prepared a “return of survey” which was used to create a patent granting the settler absolute title to his land. The settler received the original certificate of patent and a copy was made for the books of the proprietors (or later the state).

Since by 1765 a large proportion of settlers interested in obtaining title were already occupiers of the land, squatters, a more streamlined procedure was devised for them that made the warrant itself nominal. Instead of a warrant to survey, upon application the survey was made first, and a “warrant to accept” the survey was created and filed by the land officials after the fact. Also at this time, it was required that pursuant to the conventional practice of first obtaining a warrant to survey, that the survey be completed within six months of the issuance of the warrant: the purpose of this reform was

¹ The official price at which previously unoccupied Pennsylvania country land was offered varied from £5-15 per hundred acres: £5 at the beginning, then, in the early 1700s at a variable market price that averaged £10. The official price was raised to £15/10 as of 1733, but then was dropped back to £5 in 1792 (*PA Land Records*, 10, 16, 57, 141). In stark contrast, the going rate for the same quantity of unoccupied Virginia land was just 10 shillings (half a pound). Both of these sets of prices, though, were exclusive of the fees for surveying and recording the land, to say nothing of the quit rents levied on even warranted land—in PA the yearly quit rents ran as high as 25% of the value of the property, while in Virginia during the late colonial period they were a more reasonable 5%.

² Among the ChesterCo tax lists starting about 1725 there are a few that pertain to named townships that were among the original townships of LancasterCo, when effective administration of that area began in the 1740s.

to discourage the hoarding of open-ended warrants (with no particular piece of land specified) favored by land speculators.

Under the new records regime begun in 1765, the whole process from warrant to patent was supposed to be accomplished within a year or so. In the conventional, warrant-first process, when the land office received an application from the prospective landowner, along with £5 or half the purchase price, whichever was greater, and issued a warrant to survey to the applicant it also notified the Surveyor General who in turn notified the appropriate Deputy Surveyor for the county in question; the Deputy had six months to make a survey of the desired land. When the survey was complete and the warrantee had paid the surveying fee, a copy of the survey was returned by the surveyor to the land office. The warrantee in turn had six months from the completion of the survey to come up with the balance of the purchase price, and it would have been most convenient, I suppose, to tender that payment for the land itself to the surveyor as agent, at the same time his surveying fee was paid. Be that as it may, when the land office received the balance of the payment for the tract itself, the survey was deemed to have been officially “returned”, and the process of issuing a patent was automatically initiated.

Any form of provable possession, even squatting on land and “improving” it by erecting a dwelling and clearing part of the land, could give the occupiers some prospect of obtaining payment to vacate land coveted by another who was willing to undertake or complete the full entitlement process. To the extent the settler himself had pursued the acquisition of title, each completed step toward a patent added value to their claim to the land, even if it fell short of full title.

The chief advantage of patenting one’s land is that it could henceforth be conveyed conveniently by a deed, which could be registered in the governmental books as proof of title. However, even squatters could sell their possessory “rights” to the land they occupied, by making a private deal with a person who showed up with a paid-for warrant for their land. And for settlers already in possession of a warrant or a survey document—these could be assigned over to a new owner in return for payment, in an informal, private transaction. Some of these transactions were, in fact, recorded by the authorities, usually in the return of survey document they generated.

Also, in time, an additional procedure evolved to record an assignment of an original warrant to another: the original warrant was retired in favor of a new “warrant of entry” taken out by the new purchaser (no doubt an additional fee was required for this).

Land Acquisition in Western Pennsylvania after the Revolutionary War

Most prospective settlers of the land beyond the mountains were deterred by the Indian menace before and during the war years, and for the early bird settlers of the 1780s, Indian incursions occurred throughout the decade and drove many of them off their lands, some repeatedly. By the early 1790s, though, the situation was stabilizing and western Pennsylvania, and then Ohio, were rapidly opened up for settlement.

During the Revolutionary War a large part of the vacant unwarranted lands of NW Pennsylvania were allocated to compensating war veterans for their service (the Donation lands), and as compensation for their depreciated pay in near worthless paper currency (the Depreciation Lands). Most veterans had no desire to settle on this wild frontier and were glad to be able to sell their rights to speculators who tied up much of the land, holding it off the market for a higher future price.

Another factor complicating western settlement is that much of the land which eventually became part of Pennsylvania was claimed before the war by Virginia. Pennsylvania itself didn’t acquire rights to its westernmost areas (and then only to the SW corner of the present state) until the land purchase of 1768 from the Indians. The area encompassing the present PA counties of Greene, Washington,

Fayette, and much of Westmoreland, Allegheny, and Beaver, as well as parts of present day Ohio, had been formally claimed by Virginia since 1754, initially under the name of Western Augusta, and by 1776, three new Virginia counties had been created to administer these areas: Monongalia, Ohio, and Yohogania. Meanwhile, the Pennsylvania land office was closed for the duration of the war. Thus, early settlers of this area were obliged to apply to Virginia for their land titles. Fortunately, the resulting mess was sorted out between the two states, first in principle in 1779, and eventually by formal agreement several years later, and procedures were devised by which holders of Virginia land certificates and patents could exchange them for their Pennsylvania equivalents.

The final stage of filling up of the vacant western lands was a contest between squatters and land speculators. One speculator in particular figures prominently in the history of land acquisition in the northwestern PA counties: in the late 1780s the new state's Comptroller General, John Nicholson, abused his power and managed to acquire warrants for hundreds of 400a tracts in that area for his Population Land Company.

Pennsylvania land legislation of 1786 explicitly recognized "squatter's rights", giving squatters who had passed certain tests of occupancy first claim on the land they occupied, and in 1792 more sweeping pro-squatter, anti-speculator, legislation cut off large scale speculators like Nicholson at the knees. The 1792 law actually required five years of squatter occupancy to obtain a warrant, provided the settler had constructed a dwelling and cleared at least 2% of his land. The 1792 law also limited tracts to 400a in size. These occupancy qualifications compelled speculators like Nicholson to sell his warrant rights cheaply to whatever qualifying squatters he could find. This was a boon to the bold early settlers of this still Indian-infested area, but Nicholson ended up in debtor's prison.

The Jurisdictional Genealogy of the Western Pennsylvania Counties, 1779-1800

In 1779 the boundaries of the westernmost Pennsylvania county of Westmoreland were extended west to the current boundaries of the state, but few settlers were intrepid enough, or foolish enough, to expose themselves to the guerrilla warfare between the sparse colonial militia, and the Indians who were incited by the British enemy to prey upon isolated settlements. However, by 1781, the war was about over and the frontier began to draw a few dauntless settlers, mostly Scotch-Irish, and the new county of Washington was created from Westmoreland, and encompassed the SW corner of the state. Then in 1785 the rump of Westmoreland was extended NW clear to Lake Erie to provide some administrative cover for the remaining western borderlands.

All through the 1780s, though, there were Indian raids, or at least the threat of raids, so the population remained sparse and fluctuating. In 1788, AlleghenyCo was created from Westmoreland to administer the sparsely settled NW area, though a slice was taken from WashingtonCo as well, and in 1789, another slice of Washington was lopped off to join Allegheny. AlleghenyCo is best known today as the seat of Pittsburgh.

Except for the creation of GreeneCo from the southern portion of WashingtonCo, not much happened with the western jurisdictional boundaries until 1800 when eight new counties were created from the bloated northwestern sweep of Allegheny and a small chunk of the vast LycomingCo. Until 1800, the boundary between Lycoming and the "west" had been considered to follow the course of Conewango Creek which ran down from New York State to where it fed into the Allegheny River, and to continue with the River which eventually wound its way to Pittsburgh (then Ft. Pitt).

Of the eight new NW Pennsylvania counties created in 1800 from Allegheny, and a portion of Washington County, the southernmost counties were (west to east) Beaver, Butler, and Armstrong, north above them were Mercer and Venango, then above them Crawford and Warren, and finally, in the northwest corner of Pennsylvania, Erie, on the lake of that name.

ArmstrongCo, just to the east of ButlerCo, ate into the NW corner of Westmoreland, and in 1803, IndianaCo was created from Westmoreland, taking the NE corner. Finally, in 1804, seven new counties were created from Lycoming, all of them, of course, to the east of the counties of Warren, Venango, and Armstrong, so, not really part of the western section of the state.

Accessing the Pennsylvania Land Grant Records and their indexes

The Pennsylvania Archives has sets of original records corresponding to most of the steps outlined above for obtaining warrants, surveys, and patents, but the most important of these documents, are the returns of survey, since they note the chain of title from warrant on that led to the issuance of a patent. Most of these land grant records have been digitized and made available online.

These available records include the [Original Purchasers Register](#) and the [Old Rights Registers for Bucks and Chester Counties for the pre-1733 period](#), and (most important) the [warrant registers for Pennsylvania's 67 counties from 1733](#) right up to the present.

Between unrecorded squatting and failure to complete the land acquisition process through the final patent stage, there is much in the history of Pennsylvania land ownership that remains obscure. Arguably the most important documents, though, are the survey, which consists of a detailed plat of each tract that usually names neighbors and often local watercourses as well, and the return of survey document, that notes the history of title up to the point of the survey—who originally warranted the land.

Fortunately for us, as of 1833, all of these old survey and return of survey documents were copied out by draftsmen with (it appears) the return of survey language annotated below or on the reverse. And these highly legible [survey + return of survey documents](#), which are the basic use documents for the modern land office, are among those that have been digitized and placed online. The warrant registers, and in particular the county warrant registers, serve as the index to these copied out survey documents.

Finally, because only a minority of warrantees ever pursued their acquisition of title through the patent stage, it's necessary when trying to track down the participation of individuals in the land acquisition process, to peruse [the various patent indexes](#), which also identify individuals who ultimately acquired land warranted and surveyed by others. The patents themselves haven't been digitized by the PA Archives or the authorities, but they have been filmed by the LDS, and probably by now the films of those patents have been digitized and made available at the LDS FamilySearch site.

In addition, one good idea the Pennsylvania proprietors had was to solicit a name for each patented tract from their original owners. This was intended to help everyone keep these various tracts straight, but these names can provide additional clues to the origins of the various settlers, and sometimes also to their state of mind or sense of humor. Many of the tracts also bear the names of the owners, and since a [patented tract name index](#) by first letter of name has been placed on line, one might also want to scan it for certain letters of interest.

The [master Pennsylvania Archives index](#) includes many other useful items, including access to collections of township and county maps that have been made from the documents noted above and other sources.

Sources

Most of the documents generated as part of the land acquisition process survive today and are to be found in the land office records at the Pennsylvania Archives in Harrisburg, and most of them have been digitized, placed online and can be accessed by indexes through [this meta-index page](#). However, since access to these PDF images requires downloading them one page at a time, for any extensive use of these records the researcher may wish to instead purchase them for storage on your own PC as continuous PDFs, one for each county or other register, from a little company called [Ancestor Tracks](#) that first made these records available to researchers in this form several decades ago.

The indispensable book for serious Pennsylvania researchers is Donna Bingham Munger, *Pennsylvania Land Records: A History and Guide for Research* (WilmingtonDE: Scholarly Resources, Inc., 1991). This book provides a detailed explanation of the land acquisition process, a complete inventory of the extant documents, and a history of land acquisition in Pennsylvania which covers all the major evolutions and exceptions—always with an eye to their effect on the documentary record. Thus, for example, there is detailed coverage of the western lands which were claimed also by Virginia, and of the procedure by which the resulting controversies were sorted out documentarily. This book also includes many valuable maps and other resources.

One serious weakness of this book, though, is its overly complex and awkward method of organization into numbered sections: incredibly, the index (all important for such a complex topic) provides only references to section and subsection designators, not pages. Thus, to find any particular material one first has to consult the index, note the sectional reference, then thumb through the overly long and detailed (7 page) table of contents to obtain the corresponding page number(s).

The researcher is also likely to benefit from [the interactive Animap for Pennsylvania](#). This is an online map resource for analyzing the changing county jurisdictional landscape in PA dynamically, provided courtesy of the company that originally created an interactive county genealogy map product for all the US colonies and states—a product called Animap which has been available to researchers since the DOS operating system dominated the PC world.

As an example of how to access and use the PA Animap, Bring up the map, then scroll down the page to the table of “PENNSYLVANIA COUNTY FORMATION YEARS” and click “1779”. That will show the boundaries of the westernmost counties as of that year, with WestmorelandCo being the westernmost, and the area north of there not yet divided into counties since settlement of that area was still too sparse. The 1779 display also shows, outlined in bluegreen, the overlapping claims of Virginia, with the names of the Virginia counties. One can track the spawning of additional western PA counties (as well as the resolution of those conflicting claims with Virginia) by click the succeeding years after 1779 in the year table.