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OF THE
COMMISSIONERS

APPOINTED BY THE
General Assembly of this Colony,

TO TREAT WITH THE
Proprietaries of *Pennsylvania*,

RESPECTING THE BOUNDARIES OF THIS COLONY AND
THAT PROVINCE.



N O R W I C H :

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INTRODUCTION.

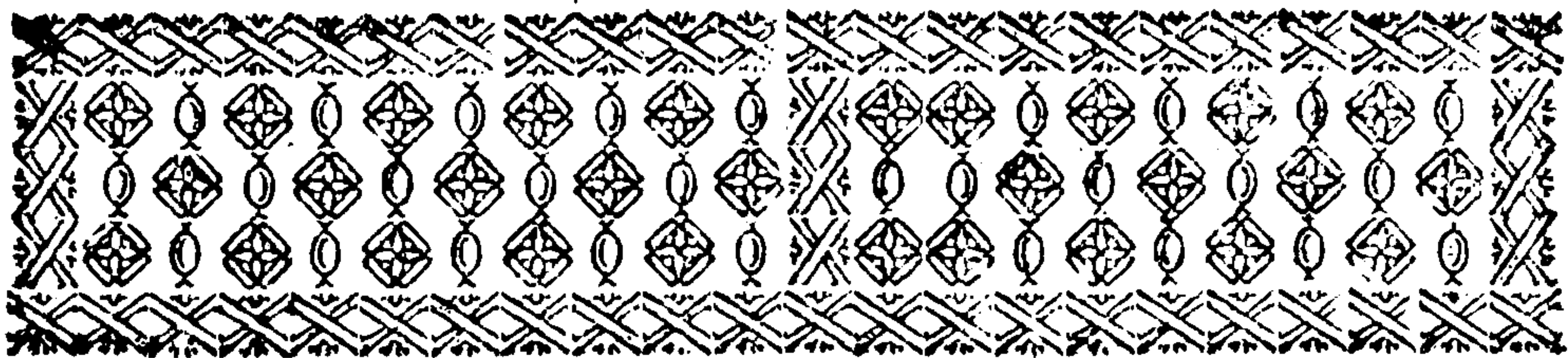
THE Case having been stated, and Council of the first Eminence in Great-Britain consulted, on the Right and Title of the Governor and Company of the Colony of Connecticut, to the Lands within the Limits and Bounds of their Patent, lying Westward of the Province of New-York, notwithstanding the Settlements of Boundaries between this Colony and that Province, and notwithstanding the subsequent Charter to Sir WILLIAM PENN.

Their Opinion was given in Favor of the Right and Title of the Governor and Company to said Lands;—and they directed the Course of Proceedings, legal and expedient for the Governor and Company of Connecticut to pursue, to be either amicably and in Concurrence with the Proprietaries of Pennsylvania, or in Case of the Refusal of those Proprietaries, without them to apply to the King and Council, praying his Majesty to appoint Commissioners in America to decide the Question with the usual Power of Appeal.

The General Assembly of the Governor and Company of the Colony of Connecticut, holden at New-Haven in October last,—Resolved to make their Claim to those Lands, and in a legal Manner to support the same.—
Col.

Col. DYER, Doct. JOHNSON and Mr. STRONG, were thereupon appointed and commissioned to treat with Governor PENN, and the Agent or Agents of the Proprietaries of Pennsylvania, respecting an amicable Agreement between the Colony and the said Proprietaries, concerning the Boundaries of this Colony and the Province of Pennsylvania: But if said Proprietaries preferred joining in an Application to His Majesty for Commissioners to settle said Line, in that Case the Committee were authorised to join on Behalf of this Colony in such Application: And they were further directed to consult and agree with Governor PENN upon such Measures as would tend to preserve Peace and good Order among the Inhabitants of said Lands, and prevent mutual Violence and Contention, during the Time the Boundaries between this Colony and the Proprietaries of that Province remain undetermined.

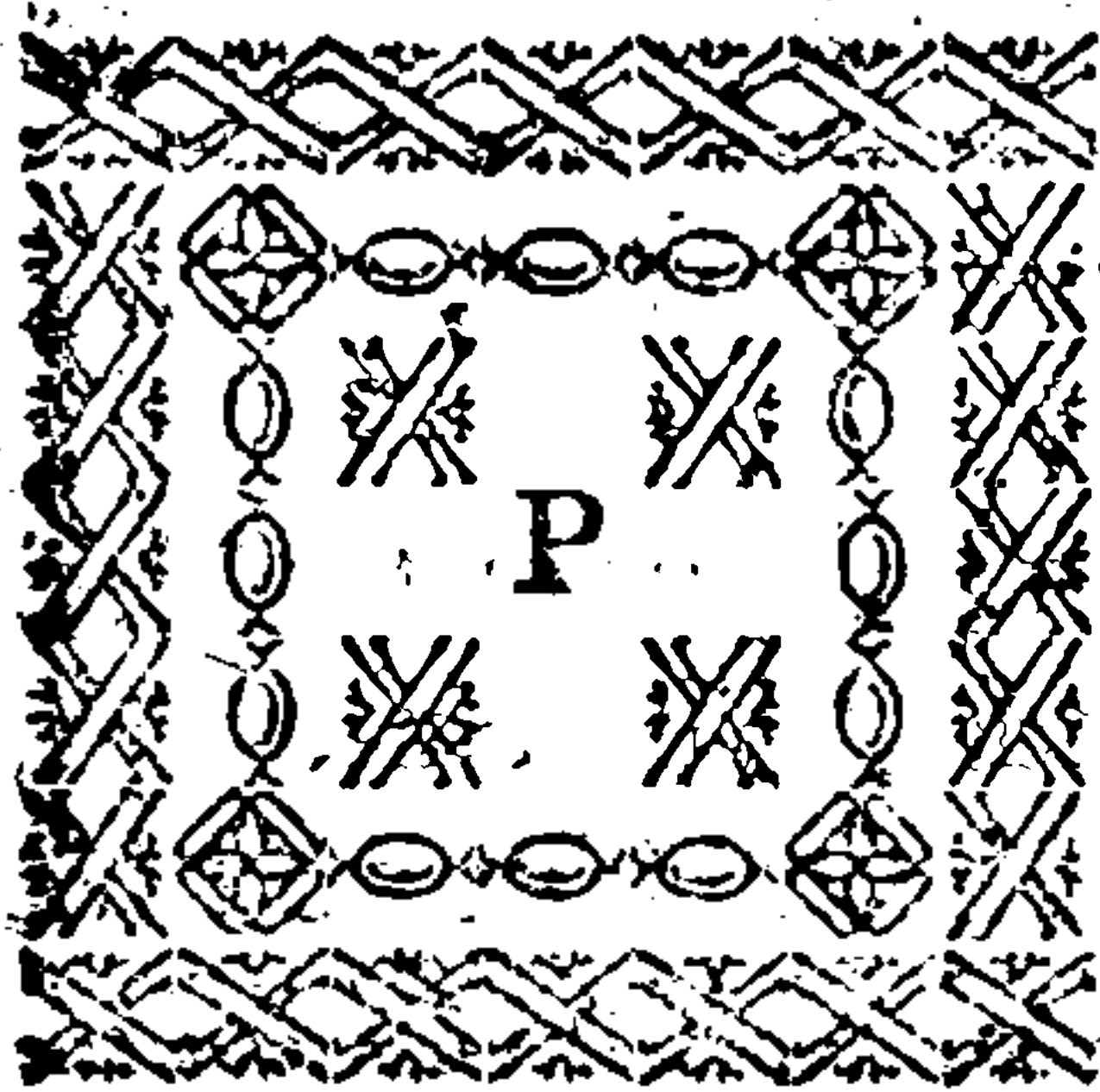
The following Representation of the Commissioners aforementioned, was made to the General Assembly of the Colony of Connecticut, holden at Hartford, by Adjournment, on the second Wednesday of January, 1774, relative to the subject Matter of their Commission.



REPORT, &c.



*To the Honorable General Assembly of the
Colony of CONNECTICUT, now holden at
Hartford, in said Colony, by Adjourn-
ment.*



URSUANT to your Honor's
Appointment, and the Nomination
of the general Committee convened
at *Norwich*, We the Subscribers,
with all the Dispatch that the Si-
tuation of our private Affairs, and
the advanced Season of the Year
would admit of, repaired to *Phila-
delphia*, to wait upon Governor PENN, for the Pur-
poses

poses in the Votes and Resolutions of this Assembly in *October* last mentioned and directed.

WE arrived there on the 14th Day of *December* last ; and the next Morning notified Governor PENN of our Arrival, and requested an Audience of him by the following Card ;

“ COL. DYER, Dr. JOHNSON, and Mr. STRONG,
 “ from *Connecticut*, present their respectful
 “ Compliments to His Honor Governor PENN, and
 “ acquaint him, that they are directed by the General
 “ Assembly of the Colony of *Connecticut*, to lay before
 “ him the Votes and Resolutions of that Assembly,
 “ relative to the Lands contained within the Limits
 “ and Boundaries of the Charter of that Colony,
 “ and claimed by the Honorable Proprietaries of
 “ *Pennsylvania* ; and beg the Favor of him to acquaint
 “ them, when it may be convenient for them to wait
 “ upon him for that Purpose.

“ *Wednesday Morning, 15th Dec. 1773.*”

THE Governor gave us the following Answer, viz.

“ THE Governor presents his Compliments to Col.
 “ DYER, Dr. JOHNSON, and Mr. STRONG,
 “ and will be ready to receive them in Council at
 “ Twelve o’Clock To-Day, at his House in *Chestnut-*
 “ Street.

“ *Wednesday Morning, Dec. 15th, 1773.*”

ACCOR-

ACCORDINGLY, at the Hour appointed, we waited upon him, when he politely received us in full Council. We then delivered him His Honor the Governor's Letter, and laid before him the Votes and Resolutions of this Assembly which were committed to us, which he caused to be read by his Secretary. We then summarily stated to him, the Purport of our Message, and of those Votes and Resolutions; observing, that the Subject Matter of them properly divided itself into three distinct Questions, viz.

1st. WHETHER he would enter into a Negotiation with us, for the Purpose of settling the Limits and Boundaries between the Colony of *Connecticut* and the Proprietaries of *Pennsylvania*, and the whole Controversy relative thereto? Or if not,

2^{dly}. WHETHER he would join with the Colony in an Application to his Majesty in Council, to appoint Commissioners to decide it? And,

3^{dly}. CONSULT with us, and agree upon such Measures as might preserve Peace and good Order among the Inhabitants settled in the contested Country, while the Dispute should be depending?

To all which we requested distinct and express Answers.

AFTER

AFTER some Conversation with his Council, he observed to us, that he apprehended he could not, with Propriety, enter into any Negotiation with us, until he was particularly acquainted with the Nature and precise Extent of the *Connecticut* Claim, to which he was a Stranger; and that it ought to be laid before him in Writing, &c.

To which we replied, that we had no Objection, except the Length of Time it might take up to transact the whole Affair with him in Writing; but that we apprehended he could be no Stranger to our Claim, which was a Matter of public Notoriety; that it was, to the Purpose of our Negotiation, sufficiently expressed and designated in the Votes and Resolutions of Assembly which were before him; or if it was expedient to state it more precisely and in Writing, that it was necessary that the Requisition should also be in writing; which he agreed was right, and that he would accordingly make a written Requisition. Upon which we withdrew, and the next Morning received the following Letter.

“ Philadelphia, the 15th of December, 1773.

“ GENTLEMEN,
 “ I HAVE taken into Consideration the Letter you
 “ this Day delivered me from Governor TRUM-
 “ BULL, and the Act of Assembly, and several Re-
 “ solves of the Governor and Assembly of the Co-
 “ lony of *Connecticut*, respecting their Claim of Lands
 “ within the Province of *Pennsylvania*, and appointing
 “ you

“ you a Committee, with Power to treat with me
 “ and the Proprietary Agents, respecting an amicable
 “ Settlement of that Claim. As a Step previous to
 “ my treating with you on that Subject, it appears to
 “ me necessary and proper that you should lay before
 “ me, in Writing, the precise Extent of their Claim,
 “ which I request you will favor me with as soon
 “ as possible, and am,

“ GENTLEMEN,

“ Your most obedient

“ Humble Servant,

“ JOHN PENN.”

To which we gave this Answer ;

“ *Philadelphia, 15th Dec. 1773.*

“ SIR,
 “ WE beg leave to return your Honor our sin-
 “ cere Thanks for the early Attention you
 “ have been pleased to give to the Papers we had
 “ the Honor to lay before you this Morning.

“ FROM those Papers it is apparent that we are
 “ directed to treat only upon the Claims therein
 “ mentioned, and are to negotiate rather a Mode of
 “ obtaining an amicable Settlement of the Contro-
 “ versy between the Colony and the Proprietaries,
 “ than an actual and precise Settlement of the Line
 “ and Boundaries between them. We therefore ap-
 “ prehend that the Claim on the Part of the Colony
 “ of

“ of *Connecticut*, is, to the Purpose of the Negoti-
 “ ation with which we are charged, sufficiently de-
 “ signated in the Acts of Assembly now before
 “ you. But as we bring with us the most sincere
 “ Disposition to effect, if possible, an amicable Set-
 “ tlement of this Controversy, that we may give
 “ every Facility in our Power, towards the Accom-
 “ plishment of so very desirable an Object, we will
 “ further mention to you, That the Title to the
 “ Lands in Question, on the Part of the Colony of
 “ *Connecticut*, is principally founded upon the Royal
 “ Charter to the Governor and Company of that
 “ Colony from his late Majesty King CHARLES the
 “ Second, dated at *Westminster*, Anno 1662 ; the
 “ Boundaries of which are thus expressed ; “ All
 “ that Part of our Dominions, in *New-England* in
 “ *America*, bounden on the East by *Narraganset-River*,
 “ commonly called *Narraganset-Bay*, where the said
 “ River falleth into the Sea, and on the North by
 “ the Line of the *Massachusetts* Plantation, and on
 “ the South by the Sea, and in Longitude as the
 “ Line of the *Massachusetts* Colony running from
 “ East to West ; That is to say, from the said
 “ *Narraganset-Bay* on the East, to the South-Sea on
 “ the West, with the Islands thereunto joining, to-
 “ gether with all firm Lands,” &c. Which Limits
 “ and Boundaries do include a considerable Part of
 “ the Lands afterwards granted by the Crown to
 “ Sir WILLIAM PENN, in 1681, and which consti-
 “ tute a Part of the Province of *Pennsylvania*, as
 “ now claimed by the Proprietaries ; but what Part
 “ in

“ in certain of those Lands are so contained within
“ the Limits of the Patent to *Connecticut*, can be
“ known only by actually running and ascertaining the
“ Lines of that Patent, which we conceive will be
“ best done by Commissioners mutually appointed
“ by the Colony and the Honorable Proprietaries.
“ And We on the Part of the Colony, are now
“ ready to agree to such Commissioners, who shall
“ be fully authorised to execute the same in the
“ most effectual Manner, as soon as possible. We
“ are at the same Time sensible, that a Doubt may
“ arise, in what Direction the Southern Line of the
“ Patent of *Connecticut* shall cross the Patent to Sir
“ WILLIAM PENN; whether agreeable to the ancient
“ Boundary of *New-England*, at the 40th Degree of
“ N. Latitude, according to the Course of the Sea
“ or Sound upon which the Grant to *Connecticut* is
“ in Part bounded, viz. in a Course nearly W. S. W.
“ or according to the Course of the Southern Line of
“ the Province of the *Massachusetts-Bay*, which is the
“ Northern Line of *Connecticut*, and is nearly East and
“ West, we conceive may well be left to be discussed
“ before such Commissioners, and by them decided;
“ in which we will acquiesce, unless by mutual
“ Concessions, to which, for the Sake of Peace,
“ we shall not be averse, we can agree to fix pre-
“ cisely the Course by which that Line shall be run.

“ We are, with great Truth and Esteem,

“ SIR, your most obedient and most humble Servants,

“ ELIPHALET DYER,

“ WILLIAM-SAMUEL JOHNSON,

“ JEDIDIAH STRONG,

“ GOVERNOR PENN.”

} Commissioners
from the Colony
of *Connecticut*.

AND thereto received the following Reply ;

“ *Philadelphia, the 17th of December, 1773.*

“ GENTLEMEN,

“ I YESTERDAY received your Favour in Answer
 “ to my Requisition that you would lay before
 “ me the precise Extent of the Claim of the Colony
 “ of *Connecticut* ; but must own I am much disap-
 “ pointed to find that, instead of complying with
 “ my Request, you have only in general referred
 “ me to the Expressions of your Charter of 1662,
 “ which are by no Means determinate, and you your-
 “ selves admit to be of doubtful Interpretation.

“ THE Uncertainty in the Bounds and Extent of
 “ that Charter, as well as of other of the *New-*
 “ *England* Grants, occasioned a Royal Commission
 “ to issue so early as within Two Years after the
 “ Date of your Charter, for the declared Purpose of
 “ settling the Bounds and Limits of their several
 “ Charters and Jurisdictions ; in Consequence of
 “ which a North-North-West Line drawn from
 “ *Mamoronick-River* to the Line of the *Massachusetts*,
 “ was declared, and expressly fixed and established to
 “ be the Western bounds of the Colony of *Con-*
 “ *necticut* ; which Boundary was then solemnly as-
 “ sented to, ratified and confirmed by the Governor
 “ and Commissioners of the Colony.

“ AFTER

“ AFTER this Settlement of your Western Boun-
 “ dary, the Grant of *Pennsylvania* was made to
 “ WILLIAM PENN, the Duke of *York* also relin-
 “ quishing his Claim to the Lands comprised therein;
 “ and it was never understood by the Crown at
 “ that Time, nor by the Grantee WILLIAM. PENN,
 “ nor by any other Persons for near Eighty Years,
 “ so far as I have heard, that the Grant of *Penn-*
 “ *sylvania* any Way intrenched upon, or approached
 “ near any of the *New-England* Grants, ’till the late
 “ Claim was set up on the Part of your Colony.

“ BEING clearly of Opinion, for these and many
 “ other Reasons, that the present Claim made by
 “ your Government, of any Lands Westward of the
 “ Province of *New-York*, is without the least Foun-
 “ dation, you cannot reasonably expect that I should
 “ accept of the Proposal of settling and ascertaining
 “ the Boundaries between the Colony of *Connecticut*
 “ and this Province, or enter with you into a Ne-
 “ gotiation on that Subject: Nor can, I, with any
 “ Propriety, agree to the Alternative proposed in
 “ the Act of Assembly of your Colony, which you
 “ have laid before me, viz. “ That if we cannot
 “ agree amicably to ascertain those Boundaries, then
 “ to join in an Application to His Majesty to
 “ appoint Commissioners for that Purpos, because
 “ in either of these Cases, I should admit a Claim
 “ on the Part of your Colony, which the Proprie-
 “ taries of *Pennsylvania* are well advised cannot be
 “ supported,

“ supported, without giving your Charter a Con-
 “ struction different from what has been determined
 “ to be the Sense of other Charters, of the like Kind,
 “ nor without allowing your Limits to extend far
 “ beyond those heretofore fixed by the Royal Au-
 “ thority.

“ BUT if your Colony, Gentlemen, should still
 “ apprehend they have a just Claim to Lands with-
 “ in the Grant of this Province, and should adhere
 “ to their late Resolve to assert and support it,
 “ you may be assured that the Proprietaries of
 “ *Pennsylvania* most ardently wish to have the Matter
 “ brought to the most speedy Issue possible, and
 “ that, upon a Petition for that Purpose, to be pre-
 “ ferred by your Government to His Majesty in
 “ Council, which it is apprehended is the proper
 “ constitutional Tribunal to apply to on this Occasion,
 “ they will appear on the first Notice, and answer
 “ such Petition, and give all the Dispatch in their
 “ Power to bring the Matter to a final Decision.

“ It gives me the greatest Concern, when I call
 “ to Mind the repeated Outrages which have been
 “ committed by a Number of lawless People from
 “ your Colony, who, without any Warrant or Au-
 “ thority from the Government of *Connecticut*, have
 “ for some Years past, forcibly, and in an hostile
 “ Manner, dispossessed the Tenants who were settled
 “ on Lands under Warrants and by the Licence of
 “ the Proprietors of *Pennsylvania*. “ I

“ I SHALL however be ready to hear any reasonable
 “ Proposals you may have to offer for putting an
 “ End to such Violence, and restore the public
 “ Tranquility in future, and shall cheerfully join
 “ with you in any proper and equitable Measures
 “ to effect so valuable a Purpose.

“ I am,

“ GENTLEMEN,

“ Your most obedient humble Servant,

“ JOHN PENN.”

YOUR Committee imagining from the above Letter, as well as from Conversation with several principal Members of Council, that little Prospect remained of succeeding in the two first Branches of their Negotiation, and considering that the Peace of the Settlers was a diffuse Subject, and that a Treaty upon it, in the Course they were in, might be protracted to an immoderate Length, and consume much Time; to abbreviate and expedite it, as much as possible, they requested of the Governor a free Conference with him upon the Subject, to which we were accordingly admitted. (he sitting again in Council) on *Saturday* the 18th of *December*, at 11 o’Clock.

IN the Course of this Conference the whole Subject was fully discussed, and particularly that Part of it which respected the Quiet of the Inhabitants of the contested Country, during the Pendency of the Controversy; to effect which, your Committee proposed

posed a personal Distinction of the Settlers for the Purpose of Jurisdiction, by their entering their Names in some proper Office ; which after a full Discussion was rejected, and the Conference ended between One and Two o'Clock.

ON *Monday* Morning, the 20th, we transmitted the following Answer to the last above-recited Letter from Governor PENN ;

“ Philadelphia, 18th December, 1773.

“ SIR,

“ WE are extremely sorry to find, by your Fa-
 “ vor of Yesterday, that all Hopes of an
 “ amicable Settlement of the Controversy between
 “ the Colony of *Connecticut* and the Proprietaries of
 “ *Pennsylvania* are at an End—that you are of Opi-
 “ nion, that you cannot, with any Propriety, enter
 “ into any Negotiation with us for that Purpose—
 “ or even accept the Alternative proposed in the
 “ Act of Assembly of our Colony, of a joint Ap-
 “ plication to His Majesty to appoint Commissioners
 “ to decide it.

“ THAT his Majesty in Council is the Constitutional
 “ Tribunal by which we must be finally decided in
 “ all Disputes of this Nature, we agree, and are
 “ persuaded that all it's Decisions will ever be found-
 “ ed in the strictest Impartiality and Justice. Yet,
 “ it must be admitted, it is a Tribunal which, from
 “ it's

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“ in but one of them—The Claim on both Sides
 “ must be admitted, the Right alone will be disputed ;
 “ it can therefore prejudice neither Party, or must
 “ affect both equally, to submit in any proper
 “ Manner, that Right, to be discussed and adjudi-
 “ cated.

“ We apprehend that your Honor is much mista-
 “ ken in imagining that the Settlement of the Line
 “ between the Colony of *Connecticut* and the Grant
 “ to the Duke of *York* in 1664, was in any Degree
 “ occasioned by the Uncertainty of the Bounds and
 “ Extent of the Charter to *Connecticut* and the other
 “ *New-England* Grants. That Determination had
 “ another and a very different Foundation, viz. the
 “ Possession on the Part of the *Dutch*, of that Ter-
 “ ritory which was afterwards granted to the Duke
 “ of *York* ; a Possession which occasioned it's being
 “ excepted out of the original Grant to the Council
 “ of *Plymouth*, and in fact prevented it's being ever
 “ vested in the Crown until the Conquest thereof
 “ by Col. *Nichols* in *August* 1664.—As that Ter-
 “ ritory, therefore, was not, in 1662, in the Crown
 “ to grant, no Part of it could pass, by the Patent,
 “ to *Connecticut* ; and it became absolutely necessary,
 “ after the Conquest and the Grant to the Duke
 “ of *York*, to ascertain what Extent of Territory
 “ had been so possessed by the *Dutch* and excepted
 “ out of the antecedent Grants from the Crown,
 “ and accordingly the Commission under which that
 “ Settlement

“ Settlement was made, was not merely a Commis-
 “ sion to settle Boundaries, but an Authority to hear
 “ and receive and to examine and determine all
 “ Complaints and Appeals in all Causes and Mat-
 “ ters as well military as criminal and civil; and
 “ proceed in all Things for providing for and settling
 “ the Peace and Security of said Country, and was
 “ applied upon that Occasion only to the Deter-
 “ mination of what Part of the Country the Duke
 “ of *York* was intitled to, in Virtue of the *Dutch*
 “ Possession. It is obvious, therefore, both from the
 “ Occasion and the Spirit of that Agreement and
 “ Settlement, that it could not extend to or affect
 “ any other Country than that claimed by the Duke
 “ of *York*, which was expressly limited, in Point of
 “ Western Extention, by the River *Delaware*, and
 “ consequently can be of no Use to the Proprie-
 “ taries of *Pennsylvania*, who claim not under the
 “ Duke of *York*, but immediately from the Crown.
 “ by their Grant in 1681.

“ THE Country now claimed by the Proprietaries
 “ under that Grant within the Boundaries of the
 “ Colony of *Connecticut*, was in 1662 undoubtedly in
 “ the Crown, and consequently passed by the Royal
 “ Grant to the Governor and Company of that
 “ Colony, and clearly could not be re-vested in the
 “ Crown, by a Settlement in 1664, (to which the
 “ Crown was not Party) with the Duke of *York*,
 “ who was but a private Subject, and not having
 “ been

“ been re-vested in the Crown, it is impossible it
 “ could pass by the Grant to WILLIAM PENN in
 “ 1681.—That Settlement therefore we conceive
 “ ought to have no Weight in your Deliberations
 “ upon this Subject, much less to form an Objection
 “ against your entering into a Settlement of the
 “ Controversy with *Connecticut* in the most expeditious
 “ and least expensive Mode that can be devised.

“ Of the same Nature is the Doubt which you
 “ imagine we admit with Respect to the Course in
 “ which the Southern Line of the Grant to *Con-*
 “ *necticut* shall pass the Grant to WILLIAM PENN—
 “ Though we chose to leave that Question open to
 “ Discussion until a Negotiation was actually entered
 “ upon, yet when all Parts of the Grant, and other
 “ Circumstances of the Case are considered, we
 “ apprehend very little Doubt can remain with
 “ Respect to it.—Indeed, we imagine your Honor
 “ could not reasonably expect from us a different
 “ Answer than that which was given upon the Re-
 “ quisition made us, as we had received no Inti-
 “ mations from you of any Dispositions towards an
 “ amicable Settlement of the Controversy, we appre-
 “ hend you could not expect but that we should
 “ save to the Colony whom we have the Honor
 “ to represent, all Advantage of the most favorable
 “ Construction of their Grant in Case they must be
 “ put to an adversary Suit and a legal Decision of
 “ the Controversy—But to the Purpose of the Ne-
 “ gotiation

“ negotiation we proposed, the most narrow Construc-
 “ tion of the Grant to *Connecticut*, was, we appre-
 “ hend, abundantly, sufficient, since a Line parallel
 “ to the *Massachusetts* Line drawn from the Southwestern
 “ Boundary of *Connecticut* with the Province of *New-*
 “ *York*, will include at least one Degree in Width
 “ of the Lands claimed by the Proprietaries as Part
 “ of this Province—an Object of sufficient Impor-
 “ tance to merit your Attention, and to be the
 “ Ground of such a Negotiation as we had the Ho-
 “ nor to propose to you.

“ HOWEVER, as your Sentiments are decisive upon
 “ this Subject, we beg Pardon for giving you fur-
 “ ther Trouble upon it, which we should not have
 “ done but to evince to you with how much Re-
 “ luctance we resign the Hopes we had entertained
 “ of an amicable Settlement of the Controversy.

“ It is, however, with very great Satisfaction,
 “ that we receive the Intimations you are pleased
 “ to give us of your Wishes to preserve Peace
 “ among the Inhabitants settled under the different
 “ Claims, and your Readiness to receive Proposals
 “ tending to that beneficial Purpose.

“ It is with equal Concern that we also recollect
 “ the mutual Violences which have been committed
 “ upon the contested Lands—We will not take upon
 “ us absolutely to justify or to condemn either Party—

“ Give

“ Give us Leave only to remark, that as the Settlers
 “ from *Connecticut* and other Colonies (for but Part
 “ of them were from that Colony) entered under the
 “ *Susquehanna* Company, who also imagined themselves
 “ to have the *Connecticut* Title, with a declared
 “ Purpose of gaining an actual Possession, without
 “ which, they were advised, they could not advan-
 “ tageously try their Title, they entered under the
 “ Idea of Right, and in Point of Intention may be
 “ excused : But as the Colony has now taken up
 “ the Matter, and expressly asserted their Claim, that
 “ the like Mischiefs may in future be prevented,
 “ and Peace and good Order preserved in that Part
 “ of the Country, we propose, that without Preju-
 “ dice to the Rights of the Colony or the Proprie-
 “ taries, a temporary Line of Jurisdiction be agreed
 “ upon, which neither Party shall exceed, and
 “ within which each respectively may exercise such
 “ Powers and Authorities as they judge proper,
 “ without Interruption or Controul. And as the
 “ Settlements under the Proprietors are chiefly upon
 “ the Western, and those under *Connecticut* princi-
 “ pally upon the Eastern Branch of the *Susquehanna*
 “ River, we apprehend a temporary Line may be
 “ so drawn as that Jurisdiction may be exercised by
 “ each over their respective Settlers, without much
 “ Inconvenience.—If the Idea shall meet with your
 “ Honor’s Approbation, we will immediately proceed
 “ to delineate and fix such Line with Precision,
 “ and are with much Respect and Esteem,
 “ Your Honor’s most obedient Humble Servants,

“ ELIPHALET DYER,

“ WILLIAM-SAMUEL JOHNSON, } Commissioners.”

AND having waited with some Impatience for his Reply till the 22d at Evening, we waited upon Mr. TILMAN, one of the Council, and Secretary of the Land-Office, to enquire when we might probably expect it, and if possible, to expedite it; when we found him and the Attorney General engaged in the Business, and received their positive Assurance that we should receive the Reply the next Day.—Accordingly at One o’Clock of the 23d, we received the following Letter;

“ Philadelphia, the 23d December, 1773.

“ GENTLEMEN,
 “ I DO assure you I did not decline your Proposal
 “ for an amicable Settlement of the Controversy
 “ between your Colony and the Proprietaries of
 “ *Pennsylvania*, or of a joint Application to the Crown
 “ to appoint Commissioners to settle Boundaries be-
 “ tween them, with a View either of protracting
 “ the Time, or enhancing the Expence of a Decision;
 “ nor can I be of Opinion that an adversary Suit,
 “ in which both Sides are desirous of a speedy Con-
 “ clusion, can be attended with any extraordinary
 “ Delay or Expence.

“ In the Case of Commissioners to settle Bounda-
 “ ries, they must probably be chosen in different
 “ Colonies, and their Meeting and Attendance would
 “ be both difficult to obtain, and in itself very
 “ expensive, and perhaps after much Time spent
 “ in

“ in bringing the Matter to a Period, the Deter-
“ mination might not be satisfactory to all Parties,
“ and only prove the Foundation of an Appeal to
“ His Majesty in Council.

“ HAD I been inclined to an amicable Settlement
“ of the Matter, I was not at Liberty ; being con-
“ cerned, as I told you in our Conference of *Sa-*
“ *turday* last, only one Fourth of the Province, and
“ being without Powers from the other Proprietor,
“ who could not foresee, when I left *England*, that
“ the Colony of *Connecticut* would have taken up
“ this Dispute, or adopted a Claim which they had
“ hitherto declined to meddle with.

“ I AM sorry to find myself misapprehended when
“ I speak of the Admission of a *Claim* which I
“ meant to guard against. I well know there is a
“ clear Distinction between a bare Claim and a
“ Right ; but a *just Claim* and a Right I take to
“ be the same Idea ; and upon the Whole of my
“ Expression, I think I must be understood to mean
“ the Admission of a just Claim ; and as, in my
“ Opinion, the Colony of *Connecticut* in it's Western
“ Extent can never be advanced beyond the Eastern
“ Limits of *New-York*, I conceived there would
“ have been an Impropriety in my agreeing to a
“ joint Application for Commissioners to settle Boun-
“ daries ; that carrying with it an implied acknow-
“ ledgement that your Claim ought to extend so
“ far as to join upon, or interfere with the Province
“ of *Pennsylvania*. “ You

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“ on the Part of your Colony—the Sales made by
 “ them, and the Settlement and long Occupation of
 “ the Purchasers under those Sales, without Opposi-
 “ tion—the Impracticability of exercising a Jurisdic-
 “ tion over the vast Territory which lies between
 “ the *Atlantic* Ocean and the *South-Sea*—the Interja-
 “ cency of two Provinces between your Seat of Go-
 “ vernment and the Places to which you would now
 “ extend your Jurisdiction; together with the Ac-
 “ quiescence of your Colony under the Grant of
 “ *Pennsylvania* ever since the Year 1681 to the pre-
 “ sent Time; and many other Transactions; and
 “ Circumstances attending the Case, afford abundant
 “ Matter for insuperable Objections to your Claim;
 “ and no Doubt will be urged before the Tribunal
 “ which is to decide the Controversy between us.

“ I AM now to consider your proposed Method
 “ of establishing Peace and good Order, by drawing
 “ a temporary Line of Jurisdiction;—and to this too
 “ there appear to me Objections which cannot be
 “ got over.

“ THE Legislature of this Province have erected
 “ that Part of the Country where the *Connecticut*
 “ People are settled into a County. There exists a
 “ legal Jurisdiction, which it is not in my Power
 “ to restrain, much less can I transfer it to another
 “ Government. Great Quantities of Land have been
 “ granted under this Province, before your Govern-
 “ ment

“ ment took up this Matter, which will fall within
 “ any Line that can be devised ; and it is not in
 “ my Power to prohibit the Purchasers from settling
 “ them ; nor can I, with Justice, take any steps to
 “ restrain them.

“ THESE are Difficulties which unavoidably obstruct
 “ your Proposal.

“ MOREOVER, Gentlemen, you are in the Prosecu-
 “ tion of a Claim which has long lain dormant,
 “ and surely, that Claim ought to be established by
 “ proper authority, before you can, with any Degree
 “ of Propriety, think of extending your Jurisdiction
 “ over a Country which hath been legally possessed;
 “ and where the regular Jurisdiction of another Go-
 “ vernment hath taken Place, long before your Co-
 “ lony had concluded to prosecute their Claim to
 “ it.

“ As I cannot, for the Reasons assigned, accede
 “ to the Proposal of a temporary Line of Jurisdiction;
 “ so neither can I foresee any Means that appear to
 “ me likely to effectuate Peace and Order, and to
 “ prevent for the future such violent Outrages as
 “ have been lately perpetrated in that Part of the
 “ Country where the People of *Connecticut* are now
 “ settled, but their entirely evacuating the Lands
 “ in their Possession until a legal Decision of our
 “ Controversy may be obtained.

“ AND

“ AND when it is considered, that this Possession
 “ was effected by armed Bodies of People, in an
 “ hostile Manner expelling from their lawful Posses-
 “ sions those who had purchased their Lands and
 “ settled them under the Sanction of this Govern-
 “ ment, and that this was done without any War-
 “ rant or Authority from the Colony of *Connecticut*,
 “ nay long before that Colony had ever avowed a
 “ Claim to these Lands, I cannot but think it highly
 “ reasonable that such a tortious and unjustifiable
 “ Possession should be relinquished by the Colony,
 “ at a Time when they are pursuing a Claim on
 “ the Principles of Right and in a legal Way.
 “ Indeed I cannot conceive, from the Measures that
 “ have been adopted by the Colony of *Connecticut*
 “ since they have made their Claim, that they can
 “ wish to avail themselves of a Possession extorted
 “ by such lawless and violent Proceedings, or that
 “ they can imagine themselves under the least Obli-
 “ gation to support or abet a Sett of People who
 “ have been capable of acting in so outrageous and
 “ unjustifiable a Manner.—I am therefore induced
 “ to hope, Gentlemen, that when this Matter comes
 “ to be coolly considered by your Government, if
 “ their Views are like mine directed to a speedy and
 “ peaceable Decision of this Dispute, they will use
 “ all possible Means to withdraw the People thus
 “ settled, in the most expeditious and effectual Man-
 “ ner.

“ I OBSERVE, Gentlemen, you have not thought
 “ proper to say any Thing in Answer to that Part
 “ of my letter where I propose that you should
 “ exhibit a Petition to His Majesty, and that, on
 “ the first Notice, the Proprietaries would appear
 “ and answer such Petition, and expedite a De-
 “ cision. I therefore think it necessary to inform
 “ you, that in Case there should be any Delay on
 “ your Part to exhibit such Petition, as your Colony
 “ have at Length adopted a Claim which they have
 “ always heretofore declined, the Proprietaries of
 “ *Pennsylvania* will immediately make their Applica-
 “ tion to His Majesty to take the Matter under
 “ his Royal Consideration.

“ I am, Gentlemen,
 “ Your most obedient humble Servant,
 “ J O H N P E N N .”

To which we rejoined in this Manner.

“ *Philadelphia, 24th of December, 1773.* ”

“ S I R,
 “ IT is with great Satisfaction that we receive the
 “ Assurances contained in your Favor of Yesterday,
 “ that you do not decline the Proposal we made, of
 “ an amicable Settlement of the Controversy between
 “ the Colony of *Connecticut* and the Proprietaries of
 “ *Pennsylvania* ; nor a joint Application to the Crown
 “ to appoint Commissioners to decide it, with a
 “ View of protracting the Time or enhancing the
 “ Expence

“ Expenſe of a Deciſion. We can therefore only
 “ lament that you ſee this Affair in a very different
 “ Light from that in which it preſents itſelf to our
 “ Minds ; as, notwithstanding the additional Obſer-
 “ vations you have made, we are ſtill clearly of
 “ Opinion, that much Time, Expenſe and Trouble
 “ might have been ſaved by a Reference to Gentle-
 “ men in *America*, or a joint Application to His
 “ Maſteſty ;—ſince with Reſpect to the former, we
 “ do not apprehend that His Maſteſty will determine
 “ a Controverſy of this Magnitude and Importance,
 “ without firſt iſſuing a Commiſſion to hear and
 “ examine in *America*, reſerving an Appeal to him-
 “ ſelf in Council ; ſo that the whole Expenſe and
 “ Delay of ſoliciting ſuch Commiſſion and of the
 “ ſubſequent Appeal, which muſt be very great,
 “ would have been ſaved in the Mode we propoſed.
 “ And that both the Colony and the Proprietaries
 “ would have acquieſced in the Deciſion of ſuch
 “ Referrees, we cannot Doubt—In Point of Honor,
 “ neither of them could have receded from the
 “ Determination of impartial Judges of their own
 “ appointing. And with Reſpect to the latter, we
 “ imagine we foreſee Difficulties, unneceſſary now to
 “ be mentioned, of great and real Weight, which
 “ will attend an adverſary Suit by either Party,
 “ which would have been totally obviated by a joint
 “ Application.

“ Yours

“ YOUR Want of full Powers from the other
 “ Proprietor of the Province, We acknowledge is a
 “ real Difficulty, which might have prevented an
 “ immediate Settlement of the Controversy ; but
 “ were your Desires to effectuate such a Settlement
 “ as ardent as those with which we are impressed,
 “ such is now the Facility of Communication be-
 “ tween this Country and *Great-Britain*, that the
 “ Delay which would attend the obtaining of full
 “ Powers would have been of very short Duration.

“ WE do not yet see that the Admission of our
 “ Claim, whether just or imaginary, so far as to join
 “ in an Application to His Majesty for Commissio-
 “ ners to decide it, could in any Respect prejudice
 “ the Proprietaries. And the Impropriety or the
 “ implied Acknowledgement you apprehend it would
 “ carry with it, seem to be founded in too narrow
 “ an Idea of the Powers to be applied for.—We do
 “ not apprehend that the Commission to be issued
 “ upon this Occasion, should be simply to settle
 “ Boundaries, though this too must be included ;
 “ but a Commission delegating a compleat Jurisdic-
 “ tion to hear and adjudge the whole Controversy in
 “ whatever Light it may present itself.—To this
 “ Purpose it is clearly enough, that the Colony
 “ claim as their Right, a large Country which the
 “ Proprietaries conceive belongs to them.

“ In the Idea you inculcate, that it is not at all
 “ material at this Time to enter into the Merits of
 “ the Dispute any farther than respects the most
 “ eligible Mode of deciding it; we very fully con-
 “ cur;—If we have done more, we very freely ac-
 “ knowlege it was totally improper; and we beg
 “ Leave to assure you, that we should have said
 “ nothing upon the Merits of our Claim, had not
 “ the Settlement in 1664 seemed to have been un-
 “ derstood by you, as being of so decisive a Nature
 “ as absolutely to preclude all further Controversy,
 “ and been stated in your Letter as a conclusive
 “ Objection against your entering into any Negotia-
 “ tion upon the Subject. It was necessary therefore,
 “ for us, if we hoped to succeed in any Measure in
 “ the Negotiation with which we were charged, if
 “ possible, to remove that Objection;—In this Light,
 “ and to this Purpose only, it was, that we took
 “ the Liberty to submit to your Consideration the
 “ short Hints we threw out upon that Subject, sen-
 “ sible that the full Discussion of it must be referred
 “ to another Time and another Occasion, before a
 “ proper Forum.

“ It is for the like Reason only, that we will not,
 “ upon this Occasion, make any Strictures upon
 “ the other Objections, you have hinted at, to the
 “ *Connecticut* Title, to all which the most satisfactory
 “ Answers may be given;—it were only to observe,

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“ over which we thus Claim a Jurisdiction, which
 “ is also a Question of Policy, and yet, has, in
 “ Fact, in one Instance at least, in *America* been
 “ found to be attended with no Difficulty of any
 “ Consequence——That the Acquiescence of the
 “ Colony under the Grant of *Pennsylvania*, is of no
 “ more Force than the Acquiescence of the Propri-
 “ etaries under the Grant to *Connecticut*, and can
 “ have little Weight on either Side, since ’till very
 “ lately the *Indians* refused to give up the Country
 “ to either, and neither can be considered as having
 “ suffered their Claim to have lain culpably dor-
 “ mant under the particular Circumstances of the
 “ Case and the Situation of the Country, and espe-
 “ cially that this cannot be imputed to *Connecticut*,
 “ whose Grant was expressly for the Purpose of Set-
 “ tlement, but without Limitation of Time, and
 “ they had not, ’till within a very few Years past,
 “ settled the Country to the Eastward of *New-York*,
 “ and consequently could not, upon any proper
 “ Grounds, sooner pursue their Claim or attend to
 “ the actual Settlement of this Western Part of
 “ their Colony.

“ But these, and many other Circumstances and
 “ Considerations, tending to elucidate and to establish
 “ the Claim of the Colony beyond all Contradicti-
 “ on, we will make no Mention of, as proper only
 “ to be explained and enforced before a Tribunal
 “ competent to the Determination of the whole
 “ Controversy.

“ But

“ BUT as the Application to such a Tribunal,
 “ whether on the Part of the Colony, or as you
 “ propose, by the Proprietaries (to which we have
 “ no Objection) will necessarily take up much Time,
 “ we are extremely sorry to find, that you cannot
 “ agree, in the mean Time, to the Methods we have
 “ proposed for preserving Peace and good Order
 “ among the Inhabitants in that Part of the Coun-
 “ try,—neither to that of a personal Distinction, for
 “ the Purpose of Jurisdiction, of the Claimants
 “ under the several Titles, by entering their Names
 “ in some proper Office, which we offered at the
 “ Conference with you on *Saturday* last, nor that
 “ of a temporary Line of Jurisdiction, which we
 “ proposed in our Paper of the 18th Instant, and
 “ that nothing less will satisfy you, than a total
 “ Evacuation of the Country by the Settlers under
 “ *Connecticut*.—This is a Measure which we do
 “ not think ourselves authorised by the Colony to
 “ consent to, and which we have no Imagination
 “ that they will adopt.

“ WE consider therefore our Negotiation with
 “ you as at an End, and have only to console
 “ ourselves, that whatever happens, we have on our
 “ Part faithfully endeavored, not only to terminate
 “ the Controversy with all possible Dispatch, but
 “ also to provide for the Quiet of the Country
 “ while the Dispute shall be depending.

“ GIVE us Leave, however, at Parting, to remark,
 “ in Answer to the Reasons you mention for not
 “ acceding to our Proposals, that we never imagined
 “ that it was in your Power, by your own Au-
 “ thority, to controul the Jurisdiction erected in
 “ that Part of the Country, or to prohibit or restrain
 “ the Purchasers from settling under the Grants
 “ actually made to them under this Province ;—but
 “ we did imagine, and this we have yet no Doubt
 “ of, that the Legislature of the Colony, of which
 “ you are a Part, would, at your Desire, have ad-
 “ ded the Sanction of their Authority, to any
 “ Agreement you had thought proper to have come
 “ into for preserving the Peace of the People ;—
 “ Your Want of Power in your personal Capacity,
 “ or as one of the Proprietaries of the Province,
 “ can therefore, with us, form no Objection why
 “ you should not have accepted one or other of our
 “ Proposals, since we are persuaded that the Assem-
 “ bly of the Province would have given every Aid
 “ in their Power to so salutary a Design.

“ IT is with much Concern, that we find your
 “ Attention so strongly turned towards the Pro-
 “ ceedings of the *Susquehanna* Company in settling
 “ under the *Connecticut* Title, and that you have
 “ conceived so ill an Opinion of those Proceedings.
 “ This is a Subject which we were not instructed
 “ to discuss, and which we waved entering into,
 “ particularly in our former Papers ;—But since you
 “ recall

“ recal our Attention to it, in the Manner you
 “ have done, we cannot forbear observing to you,
 “ that the primary Possession of the People under
 “ *Connecticut* was taken at a Time when the Country
 “ was intirely a Wilderness, under an *Indian* Pur-
 “ chase, approved of by the Colony and under their
 “ Title of Preemption from the Crown, when there
 “ was no Person upon the Land ; much less, any
 “ Body holding under the Proprietaries ; and of
 “ Course could not be attended with any Force or
 “ Violence. This Possession was interrupted by the
 “ *Indians* of the far Nations, in open War, and
 “ again, without Force, resumed in 1762, and was
 “ only suspended while the Matter could be laid
 “ before His Majesty, in Consequence of a Letter
 “ from the Earl of *Egremont*, one of His Majesty’s
 “ principal Secretaries of State, founded upon Re-
 “ presentations made by the Governor of this Province,
 “ transmitted by Sir *Jeffery Amherst*, Commander in
 “ Chief of His Majesty’s Forces in *North-America*,
 “ suggesting that the Settlement was disagreeable to
 “ the *Indians*, and might occasion an *Indian* War,
 “ and the Devastation of the Frontiers. When that
 “ Representation to His Majesty had been made,
 “ and all Apprehensions of Displeasure from the
 “ *Indians* were effectually removed by their Resigna-
 “ tion of the Country at the Treaty of Fort *Stanwix*,
 “ they apprehended they might very justifiably re-
 “ sume their Possessions, which they attempted to
 “ do in a peaceable Manner, but were, as we are
 “ advised,

“ advised, interrupted and opposed by Persons claim-
 “ ing under the Proprietaries. Then it was that
 “ Violence commenced and Force was opposed to
 “ Force—on the one Hand to regain, on the other
 “ to prevent an actual Occupation of the Lands ;
 “ on neither Side, perhaps, justifiable in the Degree,
 “ but on both founded on a real Idea of Right,
 “ and therefore not meriting the severe Construction
 “ that has been put upon it, or the harsh Epithets
 “ you have applied to it.—When you add to this,
 “ that they were advised, as in Fact they were,
 “ that they could not try their Right or the Title
 “ of the Colony of *Connecticut*, but upon the Ground
 “ of an actual Possession, which should put the
 “ Proprietaries to such an Action at Law for the
 “ Recovery of the Possession, as might bring the
 “ Title in Question——That the first Possession and
 “ the subsequent Struggles to regain and maintain
 “ their Possession, was with the avowed Purpose of
 “ trying the Title in the most regular and effectual
 “ Manner——That they expressly offered, both here
 “ and in *Europe*, to submit to, and be concluded
 “ by, a legal Decision——That their Situation was
 “ such that they could bring no possessory Action
 “ themselves, and that the Proprietors and those who
 “ held under them, refused, or, at least, neglected,
 “ to bring any Action of that Nature on their
 “ Part, but on the contrary repeatedly harrassed these
 “ unfortunate People with criminal Prosecutions in
 “ which the Title could not come in Question, and
 “ even

“ even in those Cases, when a Plea to the Juris-
 “ diction of the Court was offered, it was absolutely
 “ rejected, and that with Circumstances of Con-
 “ tempt !

“ WHEN you consider these Circumstances, and
 “ many others, which are capable of the clearest
 “ Proof, we cannot but hope you will entertain, in
 “ future, more favorable Sentiments of the *Connecticut*
 “ Settlers and their former Proceedings than have
 “ been attempted to be impressed upon you by the
 “ Representations of interested Individuals, willing
 “ to magnify past Services or procure future Favors ;
 “ and will not be surprized that the Colony should
 “ be content to avail themselves of a Possession
 “ which began and has been continued with such
 “ Views and under such Circumstances, or be willing
 “ to take under their Protection, a People, who
 “ have uniformly claimed under their Title, and
 “ labored indefatigably to bring it to a legal De-
 “ cision.

“ WE cannot, finally, omit to remind you, that
 “ the established Jurisdiction under this Province, of
 “ which you avail yourself, and to which you wish
 “ our People to submit, was erected, not only after
 “ the Possession above referred to, but after it was
 “ publickly known that the General Assembly of
 “ *Connecticut* had directed a State of their Claim to
 “ be drawn up and laid before learned Council in
 “ *England*.

“ *England*, for their Opinion, and was, perhaps,
 “ precipitated to prevent, if possible, the probable
 “ Consequences of that Measure. Upon the Whole,
 “ though we thought it our Duty, drawn to it by
 “ some Expressions in your Letter, to mention some
 “ of these Circumstances, and the Grounds of the
 “ former Proceedings in this Matter, yet we wish
 “ not to dwell upon them, or to recal to Mind
 “ Occurrences which can afford no Pleasure in the
 “ Review, and will have little Influence upon the
 “ Case in it's present State, - since it must finally be
 “ determined, not by these incidental Circumstances
 “ and Occurrences, but upon great and general
 “ Principles ;—By them we are content to stand or
 “ fall, and will be finally decided when the Cause
 “ shall be duly adjudged.—In the mean Time, we
 “ beg Leave to return you our sincere Thanks for
 “ the Politeness and Candor you have discovered
 “ upon this Occasion—of which, and every other
 “ Circumstance of the present Negotiation, we assure
 “ you we will make a faithful Report to our
 “ Constituents, and are, with very great Esteem
 “ and Respect,

Your Honor's most obedient,

And most humble Servants,

“ ELIPHALET DYER,

“ WILLIAM-SAMUEL JOHNSON, } Commissioners.”

“ JEDIDIAH STRONG,

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