

Colonial *and* Revolutionary Families *of* Pennsylvania

Genealogical and Personal Memoirs

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Joseph Fox was apprenticed by his widowed mother to James Portues, a prominent and wealthy carpenter of Philadelphia. Possessed of ability and application, he devoted himself to the interest of his employer, whose warm attachment he secured and held. Mr. Portues, (who so spelled his own name, and not Porteus, as generally printed), died unmarried, at the age of seventy-two years, on January 19, 1737, and left the bulk of his estate to be equally divided between his two executors, Edward Warner (who had also been an apprentice under him), and Joseph Fox.

To Edward Warner he gave his negroes, Jack and Peter; to Joseph Fox all his household goods and his Indian slave Maria and her son Scipio. He says: "It is my will and desire that the slaves be used with humanity and kindness (as I expect they will), more especially the said Jack and Maria. That they may have necessary subsistence befitting their condition as slaves, and as being aged and infirm."

According to instructions in the will, Mr. Portues was buried in the piece of ground which he says: "I formerly appointed for a burying place in the said city, between the Quaker's burying ground and third street, which piece of ground I

bought of Samuel Richardson, cordwainer." Reference is made to the *Pennsylvania Magazine*, volume iv, page 411, for the following: "The place of burial back of Nos. 46 and 48 N. Third Street is that of James Porteus [sic], who died, 1743. This is the only interment there. His double house, still standing, [1880], was at the time of his death not quite finished, and the funeral passed up the six-foot alleyway on its south side. Great additions to the rear of the building have left but a few feet in width for the grave, which can only be seen from the Arch Street Meeting grounds. The inscription on the massive gravestone was some years ago recut." The date in the above is incorrect, for the will of James Portues, dated November 30, 1736, was proved January 22, 1736, which according to present reckoning would be January, 1737. The grave is also mentioned in Watson's Annals, volume ii, page 421, where one reads: "A *Grave Stone* to James Porteus, dated July, 1736, now actually heads his grave in a city yard, say in Fox's lot in North Third Street."

James Portues had been a founder of the Carpenters' Company, one of the earliest associations in Pennsylvania, perhaps the oldest now existing. The company has maintained "an uninterrupted organization since the year 1724, about forty years after the settlement of the Colonial Government by William Penn. Among the early associates are many whose names are prominent in colonial history, and whose architectural tastes are impressed on the buildings that yet remain, memorials of that early day. James Porteus, second on the list of members, designed and executed Penn's Mansion on Second Street above Walnut; and the lively interest he felt in the association with his fellows, induced him at his death to bequeath to it his works on architecture."

Both Joseph Fox and Edward Warner were members of the Carpenters' Company. In 1763 Joseph Fox was chosen Master of the company and continued to hold the position until his death. In 1768 the lot on Chestnut street on which Carpenters Hall now stands, was purchased. The building, which has much historic interest, was erected, 1771. Joseph Fox was chairman of the committee to secure the lot, and a generous subscriber to the building fund.

His share of the Portues bequest brought to Mr. Fox much valuable real estate in and around the city. To him came the lot on the west side of Third street below Arch, on which stood the carpenter shop where he had served his apprenticeship, and the ground in which James Portues was buried. After purchasing the adjoining property he either built the large house thereon or added to the one already standing, and there resided for the remainder of his days. The house, the home of succeeding generations, stood until about the year 1890, and from Portues he inherited the estate later known as "Champlot," which will be referred to hereafter.

Joseph Fox became owner of a large amount of real estate outside the city. His name appears upon the records of Philadelphia and Bucks counties as the holder of mortgages to a very considerable amount. His business undertakings prospered and he accumulated a goodly estate, becoming one of Philadelphia's most prominent property holders. He was frequently called upon to act as executor, guardian and trustee of large estates. In 1760 he was trustee of the estate of Robert Shewell. Joseph Fox, Benjamin Franklin and Joseph Galloway were named as executors and guardians in the will of William Masters in 1761.

With James and Israel Pemberton he was an executor of the will of John Jones, who married, 1760, Elizabeth, daughter of James Fox.

So far as discovered, Mr. Fox's first public office was that of City Commissioner, to which he was elected October, 1745. In 1748 he was chosen one of the city assessors. In 1750 he began a long and active career as a member of the Assembly of the Province of Pennsylvania. On October 15th of that year he and his colleague, William Clymer, took their seats as the two burgesses, or representatives, of the city of Philadelphia. Clymer died before the expiration of his year of service, his place being filled by Benjamin Franklin, who, up to that time, had acted as Clerk of the House, with no voice in its deliberations.

Mr. Fox's being at once named for various important committees, is evidence of the assured place he already held in public confidence. In most of the business transacted during the sittings of this Assembly he appears to have taken an active part. Noticeable among the matters presented for consideration at this time was the establishment of Pennsylvania Hospital, which was favorably received, carefully considered and finally acted upon. Mr. Fox was one of the earliest contributors for its foundation and gave it active support in later years.

Of the next election, John Smith, James Logan's son-in-law, writes in his journal:

"Eighth month 1st. 1751: We got home (from Burlington) in the Dark of the Evening. Found the people in a foam of Politicks.

"2d. Obtained a List of the votes for Officers yesterday;" which he proceeds to give, ending with:

"Joseph Fox, 330,
"Benja. Franklin, 40."

The list was for members of the Assembly for Philadelphia county. Both Fox and Franklin were unsuccessful competitors. Mr. Smith continues:

"I am told some people met & agreed to put Jos: Fox in the County, * * * There was some strife about the choice of Burgesses. The tickets on counting them stood thus:

"Benjamin Franklin, 495,
"Hugh Roberts, 473,
"Joseph Fox, 391,
"William Plumsted, 303."

As but two Burgesses, or Members for the City were to be elected, Joseph Fox was again on the losing side, although receiving more votes, counting those given for him as a county member, than did Franklin, whose supporters were not so divided. In 1753 Mr. Fox again took his seat; this time and each succeeding year thereafter until 1772, representing Philadelphia county.

Immediately after the opening of Assembly in 1750, he was appointed on the "Committee of Accounts." Again in 1753, and in each succeeding year of his long service, he was thus chosen, for many years holding the position of chairman of this most responsible committee. The single exception to his appointment was the year in which he was chosen speaker at the opening session of the House. His associates on this committee were the most capable and influential members of the Assembly. It devolved upon them to audit and settle the accounts of the General Loan-office and all other public accounts, to sink and destroy the Bills of Credit received in exchange; to count all the moneys and report, together with the said accounts, the sum they should actually find in the hands of the trustees, with

power to send for persons, papers and records. In 1763 he, with others appointed by the House, examined Franklin's accounts for the time the latter acted as agent for the colony in Great Britain, and certified to their correctness.

Mr. Fox was frequently one of the commissioners for the disbursement of the large sums voted by the House for the defense of the Province or for the use of the government. Even after his connection with the Assembly was at an end, he acted in this capacity. One of the items in the account of September, 1774, is the sum paid Joseph Fox, Esq., for his services as a commissioner of the province. In 1770 Mr. Fox was serving on the corporation for the relief of the poor, as Henry Drinker, in writing to his partner, Abel James, says that William Fisher had been elected a manager in place of Joseph Fox.

Another committee on which Mr. Fox served uninterruptedly for many years was that known as the committee of Grievances or Aggrievances, which listened to complaints brought to Assembly for settlement. These were investigated (and probably some of them adjusted,) before being formally presented to the House. For eight of the twelve successive years in which Mr. Fox served on this committee, he acted as its chairman. As long as Franklin remained here he served as one of its members, being succeeded by Galloway, whose legal knowledge made him especially valuable for the position.

It is an evidence of his acknowledged tact, that Mr. Fox was so frequently selected as one of those to wait upon the governor with messages from the Assembly. Owing to the strained conditions which almost invariably existed between the two, this could not have been an agreeable task. On one occasion the Governor vented on the messengers, of whom Mr. Fox was one, such an uncalled-for tirade that his remarks were noted on the minutes, where they may be seen to this day.

In 1763, when Isaac Norris fell ill, Benjamin Franklin was chosen to fill his place as speaker, and while in office aroused so much opposition that he was not elected to Assembly the next year. Isaac Norris, although far from well, was prevailed upon to again accept the position which he had so ably filled for many years. One week served to convince him that he was physically unequal to the strain, and Joseph Fox was "unanimously chosen" speaker. Almost the first business after his taking the chair, was the appointment of Franklin as agent to England.

Among the Norris papers at the Pennsylvania Historical society is a letter written by Dickinson to Isaac Norris, giving an account of the manner in which Norris's resignation as speaker was received by the Assembly. The same unanimity as was shown before, attended the appointment of Mr. Fox as speaker at the opening of the next Assembly, in October, 1765. In 1766 Joseph Galloway succeeded Joseph Fox as speaker, being chosen "by a majority of votes." In May, 1769, Galloway in his turn fell ill, and again Joseph Fox was chosen speaker for the remainder of the term.

While Mr. Fox held his office, in 1764, delegates were chosen for what has since been known as the Stamp Act Congress, when "Mr. Speaker, Mr. Dickinson, Mr. Bryan and Mr. Morton were appointed to that service." The *Pennsylvania Gazette* of September 26, 1765, notes "The gentlemen appointed by the Assembly to assist at the General Congress at New York, we hear set out this Day for that place." Ford says that although appointed, Joseph Fox did not attend the Con-

gress. (See Stille's "Life of Dickinson" vol. ii. p. 182). Coming at the end of the session, and directly before the new election (shortly after which the new Assembly were to take their seats) it was probably necessary for the speaker to remain in Philadelphia.

In 1765 it was "ordered that the Committee of Correspondence do acquaint Mr. Jackson and Mr. Franklin, the Agents in London, the House request that all their letters on public affairs, may be addressed to the present Speaker, Joseph Fox, Esq., or to a majority of the said Committee in order that the same be regularly laid before the House." One of the letters sent according to these instructions still exists, being addressed by Benjamin Franklin to Joseph Fox, Esq., and is dated London, March 1, 1766, notifying him that the Stamp Act is about to be repealed and making mention of another letter sent shortly before. This is doubtless one of many such communications, now lost.

The Committee of Correspondence was another of those on which Fox invariably served, except when holding the position of speaker. It was at first composed of but three members, of whom Franklin, while still in the Province, was one. Franklin was also Fox's associate on the committee to revise the minutes of the Assembly and prepare them for printing. This committee was a standing one, and was at first composed of Joseph Fox and Benjamin Franklin alone. In 1757 Franklin was succeeded by Galloway and the speaker was added to the number, from which time no change was made in the members until 1763, when we find it composed of Fox, Dickinson and the Speaker. Ability in the same line caused Mr. Fox to be frequently called upon to form one of those named for the framing of laws, drafting bills, preparing messages to the Governor, or answers to those sent by him to the Assembly; all requiring the greatest wisdom and prudence.

Mr. Fox attended, by appointment of the House of Representatives, the Indian Conferences at Easton and Lancaster in 1756 and 1757, but declined to act as one of the Commissioners at Fort Pitt in 1768.

He was for many years trustee of Province Island. This was a low island of 342 acres on the southwest side of the Schuylkill, near its mouth, purchased in 1741 by the Province, held as a quarantine station, and on which was established a "pest-house." Besides the buildings used for hospital purposes there were others leased to tenants.

January 22nd, 1757, Joseph Fox was appointed one of the Superintendents of the State House, in place of Edward Warner, deceased. The site for the State House had been selected by Hamilton and Lawrence, the first purchase made by William Allen in his own name, on October 16, 1730. Additional ground was secured by Hamilton in 1732, in the spring of which year the ground was actually broken. In 1762 it was deemed advisable to entrust both State House and grounds to trustees, and accordingly Isaac Norris, Thomas Leech, Joseph Fox, Samuel Rhoads, Joseph Galloway, John Baynton and Edward Penington were appointed.

Watson tells us that the State House square was walled in with a high brick wall, and at the centre of the Walnut street wall was a ponderous high gate and massive brick structure over the top of it, placed there by Joseph Fox.

In 1764, when the Christian Indians with their Moravian missionaries were taken to Philadelphia for protection from border settlers, the "Paxton Boys" bent on their destruction followed, and at Germantown Benjamin Franklin and other citizens held a parley with them and persuaded them to return home. The Indians

were ordered to New York, and William Logan and Joseph Fox, the barrack master, gave them blankets and accompanied them as far as Trenton, but they were sent back. This incursion from the back settlements so alarmed the community that according to the journal kept by Samuel Foulke, "The house, Apprehensive of ye prenicious Consequences which wou'd accrue to the Community from such daring acts of inhumanity & Contempt of All Laws, Divine, Moral, Civil & Military, as the bloody Massacre at Lancaster, if the Miscreant perpetrators were not brou't to Condign Punishment,—prepared a bill for passing a Law to Apprehend them & bring them to trial before ye Judges of Oyer & Term'r in Philada." This bill was framed by Benjamin Franklin, Joseph Fox and John Morton.

The name of Joseph Fox stands third in the list of signers of the Non-importation Agreement in 1765.

This summary does not begin to enumerate all of Mr. Fox's activities as a representative. The minutes show him taking part in a large majority of the measures which came before the House. Small matters as well as great received attention. He was on committees to regulate the size of loaves of bread, to regulate the nightly watch of the city, to consider the petition against the firing of guns on New Year's Eve, etc.

But the long years in the Assembly came to an end at last. The election returns, October, 1772, do not show the name of Joseph Fox. Benjamin Franklin writing from London to Abel James under date of December 2, 1772, says:

"I do not at this Distance understand the Politics of your last Election, why so many of the Members declin'd Service, and why yourself and Mr. Fox were omitted (which I much regret) while Goddard was voted for by so great a number. Another Year I hope will set all right. The People seldom continue long in the wrong, when it is nobody's Interest to mislead them. * * * And tho' it may be inconvenient to your private Affairs to attend Publick Business, I hope neither you nor Mr. Fox will thro' Resentment of the present Slight decline the Service when again called upon by your Country."

When it became necessary to erect barracks in Philadelphia for housing the soldiery, the House resolved, on May 3, 1758, "that Joseph Fox be made Barrack Master, with full power to do and perform every matter and thing which may be requisite for the comfortable accommodation of his Majesty's troops within the Barracks lately erected in the city." This position he held until the time of the Revolution. On November 1, 1775, the Assembly directed that Mr. Miles and Mr. Dougherty should deliver to Joseph Fox, barrack master, the order that required him hereafter to comply with such orders as the Committee of Safety should issue as to providing necessaries and quartering the troops. "These directions mark the period when, from the occupancy of the regular British troops the barracks passed into the tenancy of the soldiers who were opposed to them." Mr. Fox replied that the barracks would be ready for the troops in about ten days. His salary as barrack-master was paid to February, 1776. Major Lewis Nicola succeeded to the position as early as the middle of March of that year. Until the delivery of the orders, as above, Mr. Fox appears to have had unlimited authority in this position. From time to time there were reported sums spent for disbursements of clothing, firewood, candles, vinegar, small beer, bedding and the like; for quarters put up and furnished for the officers, etc., but more frequently the amounts expended were given without detail. In testimony of the manner in which these duties were performed is the following:

"July 23, 1774. Mr. Speaker laid before the House a Letter from Major *Hamilton*, Commanding Officer at the Barracks of this city, which was read by order, and is as follows:

Philadelphia, July 21, 1774.

Sir: I take the liberty to inform you that his Majesty's troops under my command stand much in need of the aid of the Legislature of this Province; their bedding utensils and apartments, require inspection and want repairs. I have had the pleasure of knowing this Barrack these seven years, and shall always be happy in declaring, that no troops have been better supplied, nor any applications from commanding officers more politely attended to than here; from which I am encouraged to hope, that the House of Assembly will, during this sitting order the necessary inspection, and afford such a supply as their generosity and judgment shall dictate. I have the honour to be, with great respect,

Your most obedient humble servant,
Isaac Hamilton."

When barracks were established at Lancaster, Mr. Fox was the first barrack-master appointed. The active part he took in the preparation for the struggle at the time of the Revolution is evidenced in the minutes of the Committee of Safety. On August 18, 1775, it is recorded that "Joseph Fox, one of the Commissioners for this County, waited on this Board acquainting them that it was found impossible to get completed in any reasonable time the firelocks for this County, unless it be permitted that they makè use of such locks as they can procure." On October 7, 1775, it is reported that a copy of yesterday's minutes of the Board relative to the making of the arms ordered by the Assembly was presented to Joseph Fox, who assured them that he would communicate it to the Board of Commissioners and Assessors, and that he would use his best endeavors to promote the necessary business. On the 23rd of the same month Mr. Fox reported that he was ready and desirous to employ persons to make the number of firelocks required by vote of Assembly, but could not get workmen to undertake to make them. He afterward made application for five hundred pounds to advance to the gunsmiths.

When Paul Revere, after his famous ride from Boston, reached Philadelphia, May 20, 1774, a meeting was called at the City Tavern, where a Committee was appointed to act as a general committee of correspondence, and also particularly to write to the people of Boston assuring them of sympathy, commending their firmness, declaring their cause to be that of all the colonies, and promising to stand fast for the right. This committee consisted of John Dickinson, William Smith, Edward Penington, Joseph Fox, John Nixon, and others. The next day they delivered a letter to Mr. Revere to take back to Boston.

Christopher Marshall informs us that Joseph Fox was spokesman for the committee which, January 18, 1775, waited on the Carpenters' Company for the use of their Hall for the Meeting of the Provincial Committee. The price asked was ten shillings a day. Marshall also writes under date of October 4, 1776: "Some day this week Joseph Fox and John Reynolds refused to take the Continental Money for large sums due them by bond, mortgage, etc., as it is said." Perhaps this is why, in Scharf and Westcott's "History of Philadelphia," it is said that Joseph Fox developed Tory proclivities. On the other hand, Robert Morton, who kept a diary in Philadelphia in 1777, while the city was occupied by the British, writes on November 22: "They have destroyed most of the houses along the lines except William Henry's, which remains entire and untouched, while J. Fox and Dr. Moner and several others are hastening to ruin."

There is no evidence that Mr. Fox had taken part in public affairs for some time before he took the oath of allegiance to the State of Pennsylvania on the 25th of

July, 1777. It was in form as follows: "We, the subscribers, do swear (or affirm) that we renounce and refuse all allegiance to George Third, King of Great Britain, his heirs and successors, and that we will be faithful and bear true allegiance to the Commonwealth of Pennsylvania as a free and independent State, and that we will not at any time do or cause to be done anything that will be prejudicial or injurious to the freedom and independence thereof, as declared by Congress, and also that we will discover and make known to someone Justice of the Peace of the said State all treasons and conspiracies which we now know or hereafter shall know to be formed against this or any of the United States of America." His son Joseph subscribed to the same two days later.

Strong as the above may seem, it was concluded that it did not cover all the ground required. In the autumn of the following year, both Joseph Fox, Gentleman, and Joseph Fox, Jr., subscribed to this form: "I (the subscriber hereof) do solemnly and sincerely declare and swear (or affirm) that the State of Pennsylvania is, and of right ought to be a free, sovereign and Independent State, and I do forever renounce and refuse all allegiance, subjection and obedience to the King or Crown of Great Britain; and I do further swear (or solemnly, sincerely and truly declare and affirm) that I never have since the Declaration of Independence directly or indirectly aided, assisted, abetted or in any wise countenanced the King of Great Britain, his generals, fleets, armies or their adherents in their claims upon these United States, and that I have ever since the Declaration of Independence thereof demeaned myself as a faithful citizen and subject to this or someone of the United States, and that I will at all times maintain and support the freedom sovereignty and independence thereof, so help me God."

In 1777, while the British occupied Philadelphia, the city was for a time so closely surrounded that the troops suffered for want of blankets and provisions, in order to procure which a petition to the citizens was signed by a great number of the residents who had remained in the city, Joseph Fox being among them.

In contrast with the more serious occupations of Mr. Fox, are the mentions found in Hiltzheimer's Diary. Under date of December 30, 1765: "Dined at Garlick Hall on invitation of Robert Erwin, with Joseph Fox, Thomas Willing, William Parr, Joseph Wharton," etc., and through this Diary are many mentions of Joseph Fox's meeting with the men of his time in social converse. One dinner was given at a rather peculiar place, for, August 20, 1766, Hiltzheimer records that Robert Erwin gave a beefsteak dinner at the Bettering House to J. Fox, Jacob Lewis, etc. The Bettering House was a kindlier name for the Alms House in the early Philadelphia Quaker Days. On January 1st, 1767, "Very, very cold, Delaware frozen over. Three sleigh loads of us went to Darby to Joseph Rudolphs—Joseph Fox, Robert Smith, Robert Erwin and wife, etc.," and on February 27, Hiltzheimer, Fox and others went to a barbecue at Robert Smith's. Under date of September 27, 1770: "This afternoon went to Town meeting at State House, where it was agreed that further non-importation was necessary, a few articles only excepted. Joseph Fox, who was chairman, requested Charles Thompson to speak for him." This request was certainly not because of any lack on his part, but in recognition of Charles Thompson's remarkable ability. The meeting was called in response to an advertisement which was published in the papers and distributed in hand bills around the city and suburbs. The call was as follows: "Many respectable Freeholders and Inhabitants of this City, justly

alarmed at the Resolutions formed by a Number of the Dry Goods Importers, on Thursday last, at Davenport's Tavern, which reflect dishonour on this City and Province, earnestly request the Freeman of this City and County to meet in the State-house, this Afternoon, at 3 o'Clock, to consider and determine what is proper to be done to vindicate the Honour of this City, and to avert the danger that threatens their Country." In consequence of the advertisement, "a large Body of respectable Inhabitants assembled at the Time and Place appointed, and having unanimously chosen Joseph Fox, Esq., Chairman," they passed nine resolutions, the first of which was, "That the Claim of Parliament to tax the Colonies, and particularly the Act imposing Duties on Tea, &c., for the Purpose of raising a Revenue in America, is subversive of the constitutional Rights of the Colonies."

On October 20, 1770, Hiltzheimer again dined at Greenwich Hall with Joseph Fox, Samuel Swift, John Cadwalader, John Biddle and others. Unfortunately there is a lapse in the diary by which we probably lost much that would have been of interest. When the entries again begin we find the dinners still continued at intervals. "On November 6, 1773—Went down with Mr. Lawrence and Allen to Robert Erwin's place called Primfield, to dine on beefsteaks with a number of gentlemen," of whom was Joseph Fox.

At Greenwich Hall, that favorite resort, Mr. Fox dined with others, February 5, 1774, and three days later Mr. Hiltzheimer invited Timothy Matlack and Joseph Fox to go with him to see weighed the carcass of his great six-year-old steer, Roger. The weight, we are told, was 1332 pounds. On February 12, Mr. Fox was one of the guests at Mullins', on the Schuylkill, where they dined on "Roger" beefsteaks. On March 1, of the same year, Joseph Fox, Michael Hillegas and others went to Province Island to attend the vendue of Samuel Penrose and dined at the Ferry House. The last item in this connection which the Diary gives is under date of September 10, 1774, when a part of the new goal opposite the State House was raised. Joseph Fox and Edward Duffield, the managers, gave the workmen a supper and subsequently asked a few of their friends to dine with them in the northeast corner of the building.

Joseph Fox was an early member of the Fort St. David's Fishing Company, a social club of the times, afterwards merged with the State of Schuylkill Fishing Company, an organization which still exists.

Trivial matters these, perhaps, yet they serve to complete the picture and give a sense of nearness to the life and times of which they treat.

It is from Hiltzheimer and similar sources that must be gleaned anything of the personal life of Joseph Fox, for he left no records, and indeed, as far as is known, there is not even a letter written by him in existence; some signatures to public documents and a few pieces of furniture owned by him are the only things that can now be associated with him and his life of many activities.

Joseph Fox was a member of Society of Friends at the time of his marriage, and his death is noted in their Meeting records, but in 1756, when a number of the Quaker members resigned from Assembly, Fox was not among them. He was evidently remonstrated with by the meeting, for he is recorded as "having violated our testimony against war," and was disowned in consequence on 4mo., 30, 1756.

A side light is thrown on the character of Joseph Fox by letters of James Tilghman and William Allen to Thomas Penn. In 1766 Mr. Tilghman writes:

"Honored Sir

"A case has lately occurred, the first of the kind since I had the Secretary's Office, in which I must begg leave to trouble you for your Direction—

"Mr. Joseph Fox, a Member of the Assembly, a person of some Influence in the City, and I believe at present not indifferent to the Government, a good many years ago, purchased some old Rights of Liberty Lands * * * and now he applies for a warrant to take up the Liberty Lands * * * I shall not do anything in the affair until I can be instructed. * * * Mr. Fox pressed the matter very much, and thought hard to wait an Answer from you, and intimated a design to do himself Justice, upon which some Warmth passed between us, since which I have not heard of the matter. I shall be obliged for your instructions as soon as it may be convenient to you."

Whether Thomas Penn paid attention to this or, (as was the custom with the descendants of the Founder,) he left the matter to right itself, we do not know, but Fox, having made his claim, did not suffer it to rest, for William Allen, two years later, writing from Philadelphia, February 27, 1768, on the subject says:

"Sir:

"Since writing a long letter by this opportunity I have recollected something that has frequently been the subject of conversation between Mr. Tilghman and me, which he says he mentioned to you some time since, and on which he promised again to write to you, and desired me to do the same, which is an application to the office from Mr. Joseph Fox, who was Speaker of the Assembly two years ago. The case stands thus. He conceiving that he had right to use some liberty-land had made a bargain with a man who has overplus lands within his lines, and having improved the land, and not caring to have any future disputes was desirous to buy rights to cover the overplus.

"It seems the liberty-land of some old right belonging to Mr. Fox had not been surveyed within the liberty, but, as it is said, was included in the surveys made in the usual way in other parts of the Country, which fact Mr. Fox conceives no way clear, but admitting it had been so, he conceives, and is so told by his lawyer, that by the words of your father's grants, the purchasers are intitled to lots on liberty land. There are precedents both ways in the office; Though, of late, chiefly again him. He is a man of wealth, but no way avaritious, of great spirit, and esteemed a very honest man; he at present heartily wishes he never had been entangled with the bargain; but as he has entered into it, he thinks his reputation is concerned in the affairs, as he may be reflected on of having sold lands for which he had no title, for which reason he has it much at heart to compleat his bargain on the foot of the claim he makes. * * *

"The precedent of your allowing him to laying his rights in the manner he desires cannot be injurious to your interest, as that matter is now over, but may rather be of service with regard to overplus-land in other parts of the Country, as that a man of his Character Thought it but right to cover Overplus land with other rights.

"I would not have presumed to have troubled you on this head, but as I have, and perhaps for some short time longer may be engaged in our Political disputes, and Mr. Fox has zealously Cooperated with me in our Assembly in opposing the extravagant conduct of a malignant party among us, I think he has in this great merit; he formerly had been as well as many others, lead away by the specious pretences of that party. But for near four years past, having seen into their designs, he has frequently told them that their schemes were so bad that an honest man could not act with them. He has shown himself, to the great regret of the party, one of the warmest friends of the Government; was greatly instrumental in restoring peace for this two years past, for which they outed him from the Speaker's chair, and he is at present, except myself, the most obnoxious to them of any person: They have this present session used many arts to bring him into their measures, fawned, cajold and threatened him, but he laughs them to scorn, and in our late disputes opposed their violent and truly ridiculous measures with a becoming zeal.

"I need not hint to you that in Government affairs some things may be done prudentially, and I hope and request that this matter may be seen at least in this light, and that an honest man, though he should be mistaken in what he conceives to be his right, should be rather encouraged than otherwise, to persist in his duty.

"I should not have presumed to have said so much upon this head, but I conceive your readily assenting to his application may be of use to your friends and tend to strengthen their hands, and can be no way prejudicial to you."

The will of Joseph Fox was dated April 20, 1779, at which time he was "in good bodily health." It was proven, March 22, 1780. His death is recorded in Friends' Meeting records, and he was probably buried in their grounds.