WASHBURN UNIVERSITY

"DO TO ME AS THOU WOULDST BE DONE TO:"
THE PENNSYLVANIA-MARYLAND-DELAWARE LAND DISPUTE
AND THE FAILURE OF WILLIAM PENN’S "HOLY EXPERIMENT"

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In August 1681, William Markham, the Deputy Governor of Pennsylvania,
delivered to the proprietor of Maryland, Lord Baltimore, William Penn’s correspondence
of April 12, 1681, one that began a turbulent dialogue between the two colonial
proprietors over the boundaries of Maryland and Pennsylvania. Penn wrote: “It haveing
graciously pleas’d the King upon divers good considerations, to make me a neighbour to
Mary-land.”1 He continued, “I only begg one thing...do to me as thou wouldst be done
to.”2 Penn believed that he had the upper hand, due to his relationship with the Stuarts,
and continued to half-threateningly share: “I do so much depend upon the influence &
prevalence the Kings goodness will have upon thee...believing that a great & prudent
man, will always act wth caution & obedience to the mind of his Prince.”3 Penn
concluded with his request that his “cousen & Deputy,” Markham, be given “all dispatch
possible in the business of the bounds,” which began the long and drawn dispute to
determine the boundaries of Pennsylvania and control over port access.

The nature of this essay is to examine the documentary evidence surrounding the
Pennsylvania and Maryland border dispute over New Castle, Kent and Sussex counties in
present day Delaware, and to determine the impact of the conflict upon William Penn’s
“holy experiment.” As historian Edwin Bronner stated, “From the very beginning
Pennsylvania was unpopular with her neighbors to the south.”4 As Penn and Baltimore

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1 Penn is writing to Lord Baltimore, April 1681. Richard S. Dunn and Mary Maples Dunn, eds. The
2 Ibid, 87.
3 Ibid, 87.
4 Edwin B. Bronner, William Penn’s “holy experiment:” The Founding of Pennsylvania 1681-
did "as thou wouldst be done to," each proprietor took action to secure an advantageous boundary location for the fortieth parallel and to gain proprietary control of Delaware. William Markham and Lord Baltimore attempted to settle the dispute in 1681, but with little success. Penn and Baltimore also attempted to compromise in 1682, but the issue was only to be settled by the Lords of Trade in England.

On the surface, Penn’s land policy was not related to the "holy experiment," but the culmination of the Penn-Baltimore dispute in 1684, helped cause irreparable damage to Penn’s utopian dream. Lord Baltimore and William Penn’s quarrel over boundaries began when Penn first petitioned for a colony in the New World, and continued through the passage of the Pennsylvania Charter. By 1683, Penn’s tactics for determining the location of the 40th parallel and the ongoing dispute over the boundaries caused Lord Baltimore to leave for England. Once Penn learned of his departure, he followed in 1684, and unknowingly instigated the failure of his "holy experiment." Penn’s departure resulted in fifteen years of absentee proprietorship. His utopian dream for Pennsylvania was crushed during his absence because the deficiency of the colony’s central figurehead fostered social unrest and the loss of a cohesive Quaker identity.

In order to recognize how Penn’s "holy experiment" failed, it is necessary to understand its’ origins. Penn’s Quaker influence encouraged his endorsement of a colonial enterprise that would tolerate "liberty of conscience." To explain the business practices of Penn, his transition from Quaker dissenter to the authoritative proprietor of Pennsylvania must be examined. Numerous historians have examined the business practice of Penn, and many have attempted to explain the failure of his religious aspirations. However, having examined the unruly situation between competing colonial
proprietors, the “holy experiment’s” failure becomes evident. Penn’s attempt to rule in absentia exemplified how he was forced to abandon his utopian vision to save himself from complete financial ruin. Ultimately, the circumstance of achieving proprietary control of Delaware and the frustration caused by the lower counties consumed Penn.

In a 1681 letter to his friend and fellow Quaker, Thomas Janney, Penn explained that through “opposition of envious great men” and patience he obtained the charter to his colony. 5 Penn wrote to fellow Quaker James Harrison:

“I eyed the Lord, in obtaining it; and more was I drawn inward to look to him, and to owe it to his hand and power, than to any other way;...that I may not be unworthy of his love; but do that, which may answer his kind Providence, and serve his truth and people: that an example may be set up to the nations: there may be room there, though not here(England), for such an holy experiment.”6

Penn discussed his opinions regarding the potential of Pennsylvania, and demonstrated his belief that God was instrumental in granting him the charter to Pennsylvania. Furthermore, he desired that his colony would operate with the highest Christian ethic. Penn wanted Pennsylvania to serve as a model for England and all of humanity to signify what was achievable on earth by putting themselves in the hands of God.

He was convinced that if the colony were filled with virtuous people who lived according to God’s “Light,” his experiment would succeed. Penn expected Pennsylvania to be populated largely with his fellow brethren of the Society of Friends. Historian Edwin Bronner discussed how the Friends grew from the vision of George Fox. The Quaker leader was not satisfied with conventional Christian belief systems, and sought answers to his theological questions. Bronner wrote:

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5 To Thomas Janney, PWP, Vol. II, 106.
“The followers of George Fox believed that the teachings of Christ were meant to be obeyed, not just discussed or agreed to in a passive manner. The Sermon on the Mount was not an ideal towards which a person might gaze, but an actuality to be achieved. Quakers were filled with the conviction that God still spoke to them and that they were to be constantly in communion with divine authority.”

Quakers were zealous in their belief of an inward Christ, or an internal revelation of God’s will. They affirmed that no outward thing can help humanity achieve peace with God. Penn was full of religious fervor and surrounded by people like him who shared his deeply held Quaker convictions.

Historian William Comfort’s 1947 study, *William Penn and Our Liberties*, was concerned with the perfectionist tendencies of Quakers, or that “they felt obligated to leave undone what they ought not to do, and to do what ought not to be left undone.”

The book discussed one other feature of Quaker theology that significantly impacted Penn’s later theory of Government. He wrote that it was “the belief in a ‘continuing revelation’ of God’s will to those who sought to know it. This is the opposite of “a closed revelation, according to which the revelation of God’s nature and purpose in the life of Jesus Christ as recounted in the scriptures was final.”

Comfort continued to expose that “a closed revelation of God’s nature confines our attention to the scriptural portrayal of the historical Jesus, and focuses our desire upon an objective attempt to realize in our times the standards proclaimed by him.” The point was that for Penn, human existence was subject to the divine will, which was not necessarily contained in

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9 Ibid, 32.
10 Ibid, 37.
the teachings of scripture. He will attempt to apply this principle to the institutions of colonialism and proprietorship, because the settling of Pennsylvania was an experiment in theological governance that was intensely spiritually motivated.

The “holy experiment” was motivated by what Bronner called “concrete manifestations of the spirit.” Religious liberty, political freedom, and pacifism were grounded in a deep spirituality, which was fundamental to all aspects of Penn’s early experiment with governance. Bronner wrote: “Once it has been agreed that all of life in the ‘holy experiment’ will have a spiritual basis, it is not difficult to discover the proper pathway to follow…The Quakers believed that perfection was possible, and anything less than perfection was failing.”

In addition to these concrete manifestations, there were more mystical aspects to their expressions of faith. “The Friends expected to live peaceably with one another, living by the teaching of the Sermon on the Mount.” This, argued Quakers, was the highest ethical teachings of the scriptures, and was the measuring stick through which life was evaluated. The people of Pennsylvania were to be filled with the same spirit of love and Christian fellowship that motivated Christians in the days of the Apostolic Church. Penn considered Quakers to be in the tradition of the “Primitive Church,” and the perceived tradition of early messianic Christianity was the essence of the “holy experiment.”

Even after one understands the theological implications of Penn’s “holy experiment,” it remains necessary to examine the beginning of the Quaker movement to

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11 Ibid, 8.
13 Penn’s 1696 Primitive Christianity Revived in the Faith and Practice of the People Called Quakers, which sought to prove to wider society that Quakers are an orthodox Christian body, PWP, Vol. V, 434.
appreciate the seemingly necessary establishment of Pennsylvania in 1682. The Quakers were interested in America for over twenty-five years. According to Comfort: “First to Boston, later through the wilderness from Virginia to Massachusetts they had been doing missionary work on foot and to certain islands of the West Indies to preach the everlasting gospel.”¹⁴ Fox was interested in the New World, and in 1671 he headed a large missionary movement to the Americas. Bronner wrote that: “The friends first went to Barbados, then to Jamaica, recently taken from the Spanish by Admiral William Penn, and on to Maryland and to New England,”¹⁵ which stemmed from their harsh treatment in England.

While the Friends had some influence in the American colonies, the Quakers in England desired a colony for themselves, or at least in their control. The opportunity came in a venture that gave William Penn his first taste at colonial leadership. In 1674, modern day New Jersey was taken from the Dutch in the Second Dutch War. The land was given to Lord Berkeley and Sir George Carteret. The territory was divided between the two men into East and West Jersey. Berkeley later sold West Jersey to John Fenwick and Edward Byllynge, who were both Quakers, who immediately began quarreling over proprietary matters. Penn was chosen as the arbitrator between the two Friends. Byllynge later assigned his right to the land to three trustees: William Penn, Gawin Lawrie, and Nicholas Lucas. It was necessary to have touched lightly upon these beginnings in New Jersey because as Comfort correctly postulated, “the business involved him directly for the first time in the creation of an ideal commonwealth in America and doubtless whetted

his appetite for still greater freedom of control than he could exercise as only one of several trustees.”

The Friends had distinctive characteristics and values that helped to shape the course of politics in the Delaware Valley, but the Quaker response to the conditions of the New World were not unlike other English people in North America. The Quaker system of beliefs did not prevent social and political discontent in the early stages of settlement, and Pennsylvania was not significantly different Puritan New England, Dutch Reformed New York, Catholic Maryland, or Anglican Virginia. Historian Gary Nash wrote: “social dislocation, political instability, decentralization of government, materialistic urge, and an erosion of the spirit of community were prominent features in the early history of these colonies.” Despite similarities with the other colonies, the spirit of toleration was not nearly as present as in West New Jersey and eventually Pennsylvania.

The Quaker philosophy of government is actually that there was no philosophy of government for all Friends. Penn’s Quaker influence is shown in The Concession and Agreements of the Proprietors, Freeholders and Inhabitants of West New Jersey in America, which was unequaled in liberality, tolerance, and the protection of individual rights.

Historian Sally Schwartz focused her study of Penn on his active encouragement of toleration. Schwartz wrote, “The colony established by William Penn in 1681 became noted for the variety of religious beliefs and forms of worship practiced by its settler’s

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diverse ethnic and linguistic backgrounds.¹⁸ Penn's central argument was that persecution was illegal, immoral, and contrary to reason and nature. Forced belief, she argued, subverted true religion and the fundamental components of English rights, liberty and property. Penn advocated a balance of interests among the various churches and sects, because various forms were tolerated, the competition among them would lead to greater security for the interests of all by preventing the destruction of liberties that occurred when one faction dominated.¹⁹

The "holy experiment" was not only Penn's, but the Society of Friends' utopian dream to live according to the righteous law of God. The colonial venture of Pennsylvania did not fail, but its original "holy" intentions were marred by commercial affluence and a lack of spiritual discipline in the absence of Penn. The religious intentions of Penn and the Friends cannot be dismissed, but Penn's historical significance as a champion for toleration and liberty, religious or political, did not rest solely on his religious convictions.

Equally influential on his career were the mercantile inheritance and political connections of his family. According to historian Mary Geiter, his authority in the colony was derived from his status in England. Penn was an Englishmen first and, therefore, bore dynastic responsibility to his family. The decisions he made regarding his assets and inheritance arose from his awareness of his position in society. However, Pennsylvania did not owe its origins to the desire for a religious utopia, nor was it just another colonial adventure. It was according to Geiter, a "genesis" derived from religious and political

¹⁹ Ibid, 300-305.
ambitions. The granting of the Pennsylvania charter provided Penn the opportunity to extend his commercial interests, as well as combine his business practice with his religious belief.

One of the most interesting factors in determining the historical significance of Penn was how he obtained his title and charter to Pennsylvania. The conventional explanation of Penn’s charter is that his father, the Admiral, left William fifteen hundred pounds in rents from his estates. Moreover, Penn inherited a debt owed to his father from the Crown for “sixteen hundred pounds for unpaid salary, money advanced by the Admiral, and for accumulated interest.” Although this is historically accurate, the situation of Penn’s charter is significantly more complicated. Other explanations for the charter were described through the model of Quaker persecution in England having caused their exodus to the New World, which lacks in offering the political context of England during the 1670s and 1680s. The final partial understanding of Penn’s charter assumed that Charles II granted Penn a charter to rid him of political dissenters.

Mary Geiter oversimplified these impressions of Penn in American history by writing: “In this view the establishment of the colony was the work of a single individual with a religious purpose, and the grant of a charter was a solution to certain of the king’s religious and financial problems.” Nevertheless, she countered these impressions having provided an interesting point: The Quakers were not being persecuted in England at the time. Conversely, when Penn applied for his charter in 1680, Quakers and other

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dissenters were enjoying a reprieve with a toleration bill that was introduced into the House of Commons. The bill did not pass, but it sheds some light on the political situation for Quakers in 1680. The explanation for the granting of Penn's charter lies in the complex relations between his pedigree and his role in the politics of the period. The background of friendship between the Stuarts and Penns began when Penn's father accepted the cause for a restoration monarchy. This culminated in the Stuart's promise to look after his son.  

Penn solicited for his charter seven years before it was conceded. He solicited Thomas Osborne, who was the earl of Danby and lord treasurer, in 1674 to aid in presenting his case for a proprietary colony in lieu of the 16,000 pounds owed to his father. The fact that Penn waited seven years suggests that Danby responded unfavorably to Penn's initial request. In 1679, the crisis that arose from the "Popish Plot of 1678," which was when Catholics were implicated in a conspiracy to assassinate Charles II to allow his Roman Catholic brother James II to succeed to the throne, brought about Osborne's fall.

The demise of the earl of Danby produced an opportunity for Penn to press his case and he emerged as a spokesman for his fellow Quakers and Protestant dissenters, alike. It also resulted in the reorganization of the Privy Council, which provided for the creation of the committee for trade and plantations. Geiter wrote that Penn's "friend from his youth, Robert Spencer, earl of Sunderland, is sometimes seen as the most involved in the processing of the charter since he introduced the petition on behalf of

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24 Ibid, 32-35.
Penn's political clout became readily visible as Penn was also “assisted by two constant attendees of the committee: Leoline Jenkins and Henry Hyde, earl of Clarendon.” Penn's personal connections had considerable influence in the granting of the Pennsylvania charter. The eventual persuasion of King Charles II and James, the Duke of York, for a charter for Pennsylvania can be attributed to the changing political climate. The crisis to the monarchy allowed Penn to utilize his political clout to further his desires for toleration and economic interests.

Penn petitioned Charles II for a grant of land in May, 1680. He petitioned for “a grant of a tract of land in America lying north of Maryland, on the east bounded with Delaware River, on the west limited as Maryland is, and northward to extend as far as plantable.” Charles II responded favorably to Penn's petition as he conferred at Windsor Court on June 1, 1680 that, “His majesty being graciously disposed to gratify the petitioner in his humble suit, is pleased to referre the consideration thereof to the...Committee of Counciell for Trade and forraign Plantations to report what may be fit for his majesty to doe in it.” Within two weeks the petition was considered by the Lords of Trade, before whom Penn agreed that “Whereupon Mr. Penn is called in and being asked what extent of Land hee will bee contented with Northerly, declares himself satisfied with three Degrees to the Northwards” from Maryland. Copies of the petition were then sent to “Sir John Werden in behalfe of his Royal Highness, and unto the Agents of the Lord Balemore; to the end they may report how farr the pretensions of Mr.

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27 Ibid, 35.
30 Ibid, 34.
Penn may consist with the Boundaries of Maryland or the Duke’s Proprietary of New-York." 31 Before the end of June, the agents of both James and the Lord Baltimore had replied, and the origins of the Pennsylvania-Maryland land dispute became evident.

Sir John Werden wrote to William Blathwayt, the Secretary of the Lords of Trade, in objection to Penn’s boundary proposal when he wrote “that by all which I can observe of the Boundaryes mentioned in Mr. Penn’s Petition, they agree well enough with that Colony…which hath beene highterto held as an Appendix & part of the Government of New Yorke, by the Name of Delaware Colony, or more particularly New Castle Colony.” 32 The agents of Lord Baltimore had the following principal concern, they wanted to ensure that the southern boundary of Penn’s colony was specifically set at the latitude passing through “Sasquahana Fort,” and that “Lord Baltimore’s Council be allowed a sight of the grant before it be passed.” 33 The northern limit of Maryland was not, however, as clearly defined as Baltimore’s agents suggested in their letter to William Blathwayt.

The Susquehanna Fort was not a recognized landmark for the boundary. The first Maryland charter, which was laid aside when the first Lord Baltimore, George Calvert, died before he received his grant, specified the 38th and 40th degrees of latitude as the colony’s southern and northern borders. The second Maryland charter of 1632 agreed to the northern border at 40th degree of latitude. 34 The chief problem in settling the boundary dispute between Pennsylvania and Maryland was that no one knew the actual location of the 40th degree of latitude before 1682.

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33 Ibid, 37.
The boundaries were neglected by the Lords of Trade until October, 1680. In the short time Penn responded to the committee's request by applying for clearance from Werden's objection to the grant of Newcastle Colony. This was unnecessary, because Penn had already discussed the project with his royal friend. As James departed for Edingburgh, Werden wrote to William Blathwayt, and informed the Lords of Trade:

"Mr. Pen hath represented to the Duke, His Case & Circumstances... As that His Royal Highness Commands Me to Lett You know... that He is very willing Mr. Pen's request may meeete with Successe:... That He may have a Graunt of that Tract of Land which lyes on the North of Newcastle Colony & on the West side of the DeLaWare River."\(^{35}\)

Penn had gained the Duke of York's consent in late October 1680, and continued to move his patent through the committee. On November 4, the Lords of Trade again met and read Werden's letter and Penn presented a draft of his proposed charter.

The proposed charter was sent to the agents of Lord Baltimore, then on November 18, 1680, the secretary of the Lords of Trade set another meeting with Baltimore's representatives. They apparently made no further objections to the granting of land, but still believed that there were unresolved issues concerning the boundary with Delaware. Several days later, Werden wrote the Lords of Trade to offer his understanding of where the fortieth parallel existed. He wrote:

"I beleev the Description by Lines of Longitude & of Latitude, are very uncertain... But it being the Dukes Intention, that Mr. Pen's Grant be bounded on the East Side by Delaware River, & that his South Limmitt be 20. or 30. Miles beyond Newcastle (which Colony of Newcastle, is Northwards & distinct from Maryland.)\(^{36}\)

Penn was concerned with this boundary because "he shall have soo little of the River left, as very much to prevent the hopes he hath of Improveing the Rest with his

\(^{35}\)Sir John Werden writing on behalf of the Duke of York to the Lords of Trade. _PWP_, Vol. II, 44.
\(^{36}\) John Werden writing to the Lords of Trade on November 20. _PWP_, Vol. II, 48.
Pattent; but on the other Side, He is willing that 12. English miles north of Newcastle be his boundary. It was necessary for Penn to negotiate his boundaries to be close to the mouth of the Delaware Bay. He wanted his colony to be able to have a shipping lane into the Atlantic Ocean without having to ship through Maryland colony and the Chesapeake Bay.

On February 24, 1681, William Blathwayt submitted Penn's draft of the Charter of Pennsylvania to the Lords of Trade. Sitting in on the committee meeting was Chief Justice Lord North, who greatly curtailed Penn's document. Penn's charter contained provisions that gave him semi-regal powers, but he was forced to negotiate the terms of his proprietorship under Lord North. Penn made enough concessions to his charter that it was finally approved by the Committee of Trade, and on February 28, a warrant was sent to the Privy Seal Office to make Penn's land grant official.

"His majesty is pleased to grant unto William Penn Esquire his Heires and Assignes for ever, a certain Tract of Land in America, to be erected into a province and to be called by the name of Pensilvania." Penn had finally received a seal to his charter, and despite making many concessions toward his ability to govern he still believed he had the opportunity to develop a thriving colonial enterprise and further his religious experiment.

In spite of this, Penn still had not fully negotiated the southeasterly bounds of his colony. The Newcastle colony was situated on the east edge of Maryland and on the west bank of Delaware Bay. With his charter in hand, Penn plunged into the work of advertising his land for settlement and investment, but to fully develop his colony he

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37 John Werden to the Lords of Trade on November 23. PWP, Vol. II, 49.
knew that he had to control as much of the entrance to the Delaware River as possible.\textsuperscript{39} Upon receiving his charter Penn began negotiating for the land of Newcastle colony and the lower counties, which was controlled by the Duke of York for over a decade. Due to the Popish Plot, James was in exile in Scotland and Penn utilized his Quaker connections through Robert Barclay to gain entrée to the Duke. There was a problem with soliciting the land of Newcastle colony from James because he had no patent confirming his right to control and govern Newcastle and the lower counties. James had simply asserted this right since he was granted New York and New Jersey in 1664.\textsuperscript{40}

Penn utilized Barclay to communicate with James, but James refused to do anything unless Penn dealt with him personally. Barclay wrote to Penn: "I Judge it may be worth thy paines to make a suddain step here to Visit him ere thou goe...for besides the influence such ane oblidging act might have to procure all thou could desire in that affair to the furtherance of thy desein."\textsuperscript{41} Barclay continued to advise Penn to speak with James personally before the Scottish Parliament convened and the current political climate worsened. In July, Penn received a letter from John Werden that informed him that James had come to no conclusion about granting the colony of Newcastle to Penn's proprietorship.

Outside of negotiating with the Duke of York for Newcastle, Penn triggered a controversy with the Lord Baltimore when he wrote a letter that claimed jurisdiction over all inhabitants of Maryland who lived within what is now the northern quarter of that state. Penn wrote:


\textsuperscript{41} From Robert Barclay, \textit{PWP}, Vol. II, 95.
“I am equally a Stranger to you all, but your being represented men of substance & reputation in that part of the bay, which I presume falls within my Patent. I chose to take this opertunity to begin our acquaintance, & by you with the rest of the people on your side of my Country & do assure you & them, that I will be so farr from takeing any advantage to draw great profits to my selfe, that you shall find me & my government easy free & Just.”

Penn had requested the people’s allegiance to his government based on the boundaries as he perceived them. Penn instigated retaliation from Maryland when he asked “that none of you pay any more Taxes or Sessments by any order or law of Maryland; for if you do it will be greatly to your own wrong as well as my prejudice.”

Penn’s letter created considerable turmoil in Maryland, as many of the residents refused to pay their taxes to Maryland. This letter was written while Penn was still in England, and with Markham was handling his affairs in the colonies. Penn was misinformed because in his November letter he understood the boundaries to be 12 miles north of New Castle, but was setting the bounds 20 miles south of that town. Penn’s letter alarmed Lord Baltimore and escalated the land dispute that consumed much of Penn’s time and energy.

Markham and Lord Baltimore were working civilly to secure the location of the 40th degree, but when Penn’s letter to the Maryland planters arrived in 1682, the friendly atmosphere evaporated. In June of 1682, Lord Baltimore wrote to Markham concerned that he was putting off their meeting to set the bounds, and had “dispatcht some Gentlemen away to meet you at the time Appointed.”

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42 A letter to the residents of Cecil and Baltimore Counties. PWP, Vol. II, 112.
43 Ibid., 112.
“Speedy Settling of our bounds,” and refuted Penn’s letter to the Maryland planters. Baltimore claimed that Penn had wrote a letter:

“To Severall Gentlemen of not that are Certainly within my Province...hinting to them that he was confident they would come within his Government a thing not kindly taken and to be plaine, not according to the Goulden rule Mentioned in Mr. Penns Letter to me, Doe to thy neighbor as thou wouldst he should doe to thee. Now certainly such proceedings were not Neighbour like and ...for these reasons Sir I must begg leave to say I will not admit of any further delay.”45

Baltimore voiced his disdain for Penn’s current land policy and sent commissioners to meet with Markham on June 10, 1682 in Cecil County, unfortunately Markham had already left for New York to purchase land. When Baltimore’s representatives found no Pennsylvania representatives in Cecil County, they proceeded to New Castle, where they used an instrument known as “Morris’s sextant” and with it found the latitude of “New Castle town to be 39 degrees and 40 odd minutes.”46 It was later determined between Markham and Baltimore that the 40th degree ran about twelve miles north of Upland, which is north of New Castle. Baltimore demanded possession of the area, but Markham rejected his claim because the Pennsylvania charter specifically granted Penn all the lands on the Delaware, beginning twelve miles north of New Castle.

At last, Penn arrived in Pennsylvania in August, 1682. Before departing for the New World, Penn obtained deeds from James for New Castle and the lower western shore of the Delaware. The Duke of York signed four documents transferring New Castle colony to Penn. James wrote in the deed:

“Doth Bargain sell enfeoffe and confirm unto the said William Penn his heires and Assignes forever All that the Town of Newcastle otherwise called Delaware And all that Tract of Land lying within the Compasse or

46Ibid, 258-259.
Circle of Twelve miles about the same scituate lying & being upon the river Delaware in America.\textsuperscript{47} The documents included a ten-thousand year lease and an absolute deed for the area within a twelve mile radius of New Castle, as well as two similar transfers for the area south of the twelve-mile circle, to Cape Henlopen, including the islands in the Delaware. The document also included a provision for a charter for Delaware within seven years. This indenture assured a river port and free access to Pennsylvania along the Delaware, regardless of the location of the 40\textsuperscript{th} parallel.\textsuperscript{48} This settlement proved crucial for the commercial viability of Pennsylvania.

Lord Baltimore asserted his right to the land because it was included within the bounds of his 1632 charter. A doubtful claim because the Dutch first settled the territory in 1631, and Baltimore’s patent entitled him only to the lands uninhabited by Europeans.\textsuperscript{49} In 1683, the lower counties of New Castle, Kent and Sussex became the major focus of the Maryland-Pennsylvania land dispute. Although Penn’s deed granted him no political authority, it was obvious Penn was going to exercise these powers in Delaware. Penn had committed himself to an extension of the “holy experiment.” Penn understood that he needed to win the support of the colonists living in Delaware, so they would not want a return to the governance of the Duke or side with Lord Baltimore.

Throughout 1683, Penn wrote to Lord Baltimore and their correspondence shows how hostile the relationship had grown between the two. In March, Penn wrote Baltimore

concerned with the Maryland proprietor’s secrecy in exploring the location of the fortieth parallel. For example, Penn declared:

“A story Came the other day to my Ears, that the Lord Baltimore was with Capt Conway at Capt wards, there takeing an observation, as also up the Sasquehanagh River; but I gave no Credit to it, takeing it for graunted That I should have had notice of so neer an approach from the Lord baltmores order.”

In gentlemanly terms, Penn reprimanded Baltimore for his unannounced encroachment and Penn wrote again in April concerned with the same incident. Penn wrote:

“The Lord Baltimore knows better then any body how much it had been Convinceing, & whether the Contrary may not leave some Jealousy & Soreness of minde…that I am of opinion, that Palmers Isle is not many more miles distant from Philadelphia than Capt wards…But the occasion of this Privat observation touches me most of all, not in honour, for I am whole Innocent; I mean, in the Curiosity of Robert Hopper.”

Hopper was a Quaker ship captain who had taken a measurement at the mouth of the Susquehanna, was observed by another Quaker loyal to Lord Baltimore. Penn continued, “I hate such plots Informers & witnesses. I am a man of a more open for head…This is to lett the Lord Baltimore Know, What I am for a man.” The dual accusations of both proprietors illustrates the tactics each implemented in trying to independently determine the southern boundary of Pennsylvania, and the friction that it caused between them.

By Summer 1683, Penn was fully entrenched in the struggle for proprietary control in the southeastern corner of Pennsylvania. In order to alleviate this, he had dispatched lobbyists in London to seek a patent from Charles II to his brother, James.

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The patent for the Duke was necessary to legitimize his control of the Delaware counties and River. Penn had commissioned John Tucker to solicit the patent from Charles II, and he was largely unsuccessful. However, the patent from the King for the twelve mile radius and southward to Cape Henlopen passed the seals on March 22, 1683. It was halted by the Lords of Trade until the dispute with Lord Baltimore could be resolved.\textsuperscript{53}

By this time it was clear, through the findings of Penn and Baltimore, the southern boundary of Pennsylvania did not intersect with the twelve mile circle around New Castle. In order to protect himself from Lord Baltimore, Penn needed to secure the area lying between the northern boundary of New Castle and the 40\textsuperscript{th} latitude. In their December 1682 meeting, the two proprietors discussed the locations to measure the southern boundary and Penn had offered to buy land from Baltimore at the mouth of the Susquehanna. Baltimore considered a trade for Kent and Sussex counties for the land on the Chesapeake. Penn rejected this proposal and the two men met again in May 1683 at New Castle, but neither had changed their positions.

The day after Penn and Lord Baltimore met in New Castle, Penn wrote to request:

"That he will excuse my importunity for his speedy & final resolve; having upon serious thoughts determined with myselfe, to embarque for england by the first Conveniency, If the Lord Baltimore is not pleased to receive any of the beformentioned proposals; much more if he should Continue to think of any claime to any of thoes Lower Countys."\textsuperscript{54}

Penn was frustrated with the land negotiations with Lord Baltimore and understood the Lords of Trade to be the only authority in the matter. Penn did not return to England until August of 1684, but this threat was taken very seriously by Lord Baltimore. In June of 1683, the Penn-Baltimore dispute reached a zenith. A letter from a

fellow Quaker and Justice of Sussex county, William Clark, told Penn that Lord Baltimore had issued to Kent and Sussex counties “A proclamacon to be read publiquely in sumersett County Court that all people living in Kent and Sussex counties would be procured Rights at one hundred pounds of Tobacco per Right, and that they should pay but one shilling for every hundred Acres of Land yearly rent.” Clark’s letter continued to inform Penn that Baltimore’s proclamation instigated direct opposition to Penn’s patent and that “the Lord Baltimor did Intend shortly to Com with A Troop of horse to take possession of these Two Lower Countys; which caused greate fear to a Rise in the peoples mindes.” Lord Baltimore had proposed to take the lower counties by military force and attempted to obtain the loyalty of the inhabitants.

Penn immediately protested Lord Baltimore’s proclamation by issuing orders to lay out the town of Dover and to survey lots for himself in the town. In July, Penn sent to William Markham, James Harrison, and William Clarke, a letter that commissioned them to go to Maryland and protest to Lord Baltimore. The letter contained a list of six detailed instructions for the negotiation process, each one a response to the possible scenarios that might arise during the meeting. The most interesting, the fifth, asked the men:

“Mention the indecent Reflections of late made upon me & my late Entertainment also upon my Secretary’s by Major Sawyer, both Moore & Leman which you know of; These things, if by him sufferd, will make all further Correspondence impossible & impracticable between us.”

Penn instructed these men to inquire about comments that Lord Baltimore had made concerning his treatment by Penn at their meeting in New Castle in May, 1683. The

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56 Ibid, 400-402.
Sophomoric concerns of this letter serve the purpose of demonstrating how the land dispute brought neither man to his best.

Penn hoped to resolve the dispute with Maryland by June or July of 1683, but a letter from Penn to Charles II in August indicated this would not be the case. He wrote the King to take him in his favor on the dispute with Maryland, but one day after writing the King, Penn learned of a narrative that Lord Baltimore had sent the Lords of Trade. Lord Baltimore’s letter requested the Lords put off hearing the case until he could personally defend his position. Penn wrote the committee to protest the narrative sent by Charles, Lord Baltimore, and to inform the Lords of Trade that “this narrative was taken by this lords order without my consent or Knowledge.”

Penn went on to offer an account of his interpretation of the dispute and why it had not been resolved. He wanted Lord Baltimore to measure his boundaries to the scale of how they were determined in his charter of 1632, which would allow him sufficient port access to both the Delaware and Chesapeake Bays.

By Fall 1683, the two proprietors had reached a stalemate over the disputed boundary line. A letter to Markham laid forth Penn’s major lines of argument against Lord Baltimore’s claims. In September 1683, Penn had already dispatched William Markham to England to argue his position. Penn had gathered evidence that the Dutch had Delaware before Lord Baltimore received his patent and Baltimore had never marked his northern bounds. Penn also argued that the Lords of Trade should draw his southern boundary below the 40th parallel and adhere to the boundary that was in the Maryland charter.

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58 Letter to the Lords of Trade, August 1683. PWP, Vol. II, 432.
After Markham left, news came that Lord Baltimore had “arrived at the head of the bay & that he hath run a line piercing into part of your lands.” Lord Baltimore sought to combat the arguments that Penn raised, and both men engaged in landlord warfare by offering less quitrents and cheaper land to the residents living in the disputed areas.

Penn’s worst fears were realized in early 1684. Lord Baltimore’s competing claims worked and a percentage of the Delaware residents rejected Penn’s government and sided with Lord Baltimore. In March 1684, Lord Baltimore made his most aggressive maneuver in the boundary dispute, as he ordered his agent, George Talbot, to claim area south of the 40th parallel and to come to Christina Bridge “where He was Erecting of a Fort…” in central New Castle county. “Since which I raised the Posse Comitatis…Some of this town I am of opinion knew of his being there & on purpose Absented themselves,” wrote Penn, which confirmed that Delaware residents were in favor of Lord Baltimore.

Penn wrote to the Duke of York to plead his frustration with Lord Baltimore’s assertion over Delaware. His letter to James also informed that “the Commander & Soldiers threatening to fire upon & kill all such as shall endeavour to demolish that Blockhouse, & say, they have express Command so to do from that Lord.” Penn hoped his letter to James would lead to a reprimand of the Maryland proprietor because “if I am not mistaken I shall be able to make evident by Law, he hath almost cancelld his Allegiance to the King herein, & exposed himself to his Mercy.” Penn was convinced

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that this was a deliberate attempt to slow his return to England, which it did. Kent County was on the verge of revolt, and Penn had to send emissaries there to win back the defectors and arrest Lord Baltimore’s agents.

With the aid of New York Governor Thomas Dongan, the dissidents were subdued and a petition was signed to acknowledge Penn’s governance over the colony. The tensions calmed for the moment and Penn sailed for England in August of 1684 to defend his colony against Lord Baltimore. Penn planned a quick return to Pennsylvania, but when he reached England in October 1684, he realized that his evidence against Lord Baltimore was left in Pennsylvania. Penn wrote to James Harrison:

“Phil Lemain has most carelessly left behind, the york papers...& should have come as the ground & very strength of my coming, so that I am now here with my finger in my mouth. He could not have done me a wors injury no balti a greater service, if he had the bribe of 10000 to do it.”

Phil Lemain was Penn’s secretary, and due to incompetence was fired and replaced by William Markham in 1685. Penn instructed Harrison to have the documents sent and “be quickened to send them by the first ship that comes out of Maryland or Virginia; & lett him goe express away with it & search the first ship, & endorse on the letter to me, for his Royall highness service.” Penn claimed he was representing the Duke of York against Lord Baltimore, but his lack of physical evidence kept him from presenting to the Lords of Trade until Summer, 1685.

Despite a victory over Lord Baltimore with the Lords of Trade, Penn remained in England until 1699 in order to secure toleration for English Quakers and entertain his influence at the court of James II, after the death of Charles II in 1685. He also experienced the hardships of the Glorious Revolution, and due to his relationship with

64 Ibid, 601. Letter to James Harrison, October 1684.
James II was considered by many English as a Catholic plotter. On the surface, Penn's land policy was not related to the "holy experiment," but the absenteeism created by the Penn-Baltimore dispute in 1684 caused irreparable damage to Penn's utopian dream. Penn's tactics for determining the location of the 40th parallel and the ongoing dispute over the boundaries caused Lord Baltimore to leave for England. As Penn learned of his departure, he followed in 1684, and instigated the failure of his "holy experiment."

Penn's departure resulted in fifteen years of absentee proprietorship. His utopian dream for Pennsylvania was crushed because the dispute over control of Delaware and port access on the Chesapeake and Delaware bays resulted in the absence of the colony's central figurehead, which fostered social unrest and eventually the financial ruin of Penn.

By the end of the seventeenth century, Penn was trying to divest himself of the Pennsylvania property, while holding on to the lower counties. Penn had expected the colony to be pervaded with a spirit of dedication to the Will of God and a desire to operate as a model for England and the rest of Europe. His absence from the colony made it difficult to maintain a constructive relationship with his people in Pennsylvania and Delaware, which should have been the cornerstone of a successful "holy experiment."  

Penn incessantly harped on money issues and asked that the freemen send him what was owed to him. Penn adopted a patronizing tone in his letters to the colonists and became inconsistent in his policies for Pennsylvania and Delaware.

The colonists also failed to accept their responsibilities. The uplifting quality of Quakerism had been observable among the persecuted in England, but was missing where they lived in freedom in Pennsylvania. It was immediately apparent upon Penn's

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departure that his colony was unwilling to contribute their time and thought into making the experiment succeed. They refused to participate in the government and complained of their responsibilities to paying the quitrents. As Quakers they respected the omnipotence of God, but were skeptical of authority on earth. They had learned to assert their rights and as people who were making a success of their venture they had developed a financial independence which wrought havoc for a feudal proprietor. Even the Society of Friends experienced turmoil in the absence of Penn, as they were split by the Keithian Schism. Pennsylvania was aligned against Delaware on several matters, and the tumult grieved Penn, as it did all true followers of Quaker principles, because George Fox and his followers had always stressed the value of peace and friendship. 66

Despite the efforts of Penn to govern in absentia, the original utopian dream for Pennsylvania disintegrated as he was consumed by legal and monetary issues. The land dispute with Lord Baltimore occurred during the crucial stages of colonial development. Charles, Lord Baltimore had protested Penn’s proprietorship through the stages of patent and charter and throughout the settling of Pennsylvania. The reality of proprietorship is more complex than utopian planners think, but Penn could not have foreseen the negative reception he would receive from his neighbor to the south. The Pennsylvania-Maryland-Delaware land dispute caused Penn to leave the New World, which caused his “holy experiment” to fail.