This Indenture made the Twentieth day of July in the year of our Lord one thousand seven hundred and seventy eight between William Lewis in the Township of Armstrong in the County of Armstrong and Jonathan Lewis who is also in said Township and County in the State of Pennsylvania this 20th day of July 1778 for and in consideration of the sum of five pounds and ten shillings British money being the full and just and true rent and quit-rent of the said premises to be paid annually at the State of Pennsylvania for the term of one year first after date and in each year annually at the said time of rental and in such manner and at such place to be named in or by the said premises, do hereby grant and convey unto the said Jonathan Lewis and his heirs and assigns forever the above mentioned premises to have and to hold the said premises forever. To have and to hold the said premises forever.
WILLIAM PENN OF WORMINGHURST MAKES HIS FIRST SALES OF LANDS IN PENNSYLVANIA

BY HUBERTIS M. CUMMINGS*

WILLIAM PENN of Worminghurst, County of Sussex, England, Esq., owner of a fine house, inheritor of a father’s estates which yielded him an income of £1,500 a year, husband of wealthily dowered Gulielma Springett, and father of her two lovely children, son Springett and daughter Laetitia, was enjoying in 1680 all the material prosperity of a landed English country gentleman. But many an event during the past five years had broken into his idyllic life; he had been drawn away from home by many an occasion.

Although never interrupted in them by authorities, all too often circumstances kept him from preaching his Quaker sermons at the Blue Idol Meeting House at Coolham in Sussex, four miles away from Worminghurst. In 1678, when her parents were still rejoicing in the arrival of little Laetitia, the furies and frenzies of the so called Popish Plot led to new persecutions of the Quakers; and William Penn had to hasten off to the defense here or there of this or that member or group of the Society of Friends. In 1679 he was deeply immersed in his friend Algernon Sidney’s campaign for a seat in Parliament, and he suffered keenly at the defeat of that valiant champion of liberties for Englishmen.

During that same bitter year he scored for himself as an apologist for social and civic freedom two earnest pieces of dignified prose: *An Address to Protestants*, an article lucid, simple, straightforward in its plea for human charity; and *England’s Great Interest in the Choice of this New Parliament*, a longer work which sought to impress Englishmen that they had three

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*Dr. Cummings was research associate of the Pennsylvania Bureau of Land Records, some of whose holdings he discusses in this article. He wrote various articles on William Penn, the present one being among the last works he completed before his recent death.
fundamental rights: the right of property; the power of making laws; and the power of administering laws, particularly by the safeguard of the jury system, now too long infringed upon by the Conventicle Act of a latter-day Parliament.

In brief, Penn had been thinking and growing all the while that Worminghurst was his home.

So it was that late in 1680 William Penn decided he would seek remuneration from King Charles II for the monarch's debt to Admiral William Penn, owing to him as his father's heir for the long decade since 1670—and he would seek it in a cause. Accordingly he now took measures to procure a province of his own, a province in America not hampered like West Jersey by the claims of earlier proprietors or of lieutenants of proprietors, but a province virgin and new, a tract of land held direct from the English Crown and to be governed by himself, undominated by others, in the interest of a new and free society of men. With such a purpose in mind he addressed a petition to Charles,¹ in response to which came the Charter of March 4, 1681.

Prompting his petition also was what Penn would have called a new and lively desire for a tract of land west of the Delaware River in America, belonging he believed to neither the Lord Baltimore nor the Duke of York, and on which he could encourage a great settlement of men eager for political liberty and freedom of religion, and where by gentle practices among them Englishmen could convert Indians into Christians.

But whatever the idealism of Penn's thought in the matter, the historian in 1963 has only to glance through the manuscript volume *Lease and Release A-I*, held in the Pennsylvania Bureau of Land Records, Department of Internal Affairs, in the Capitol at Harrisburg, to realize that the great Quaker founder of the Province of Pennsylvania lost no time after receiving his Charter before becoming a forthright honest-to-heaven business seller of lands belonging to him.

This volume, beautiful in its chirography as the famous Ellemere *Chaucer*, reveals Penn at work with all the promptitude of a modern promoter—albeit with not the same addictions to brash and extravagant promise. Directly from March 15, 1681, one day

after Penn's third surviving child William Penn, Jr., was born by Gulielma, into late August, 1682, leases and releases are recorded in it in a very considerable number.

Indeed, one lease to William Smith, Yeoman of Bromham House, County of Wilts, is drawn on March 1, 1681; and oddly enough, it is followed by a properly worded release to Yeoman Smith, dated March 2, 1681, the latter document bearing the long standard quotation from the Charles II Charter which enumerates the boundaries of Pennsylvania. It would seem that in it Penn was selling 1,250 acres of land not yet possessed by him for £25 lawful English money. The indenture phrasing the transaction actually presents in full the date of the Charter, March 4, 1681.

After March 15 and March 22, 1681, leases and releases less paradoxically worded flow fast and full. Procedure in volume A-r becomes plain and obvious. It involves always two documents: a lease and a release, the second of the two accompanied by a third legal form or receipt. The lease is really only an agreement for sale and purchase, the monetary consideration in it being one to five shillings and a peppercorn to an ear of Indian corn annual quit-rent; yet the lease is always drawn at great length. The release is commonly an even more formidable document. It names the persons between whom the indenture is drawn, William Penn always being entitled as of Worminghurst, County of Sussex, Esq., and the residence and occupation of "the other part" always being clearly written down. It describes in detail the boundaries allowed to Penn by King Charles's Charter. It directs that the acreage of the purchased land be measured and computed according to the dimensions of acres mentioned and appointed in and by the Statute Quia Emptores, made in the three and thirtieth year of the Reign of King Edward the First (which would have been the year 1305 A.D., although the Statute Quia Emptores terrarum historically became law in 1290). It makes wholly clear the actual cost of the purchase, commonly £20 for 1,000 acres.

Particularly interesting is a tripartite arrangement of lease, release and receipt indicated on pages 156 to 161. By this arrangement, dated March 22, 1681, for the lease, and March 23, 1681, for the release and the receipt, £400 sterling was paid to William Penn for 20,000 acres of land in Pennsylvania. The amount, we
may note in passing, equals one-fortieth of the debt of £16,000 which was owing to Penn by the monarch. But the significance of this particular transaction does not stop with £400 sterling.

The constituency of "the other part" is striking, being made up of nine men: Nicholas More of London, Doctor of Physick; James Claypoole, Philip Ford, William Shardlow of London, Merchants; Edward Peirce of London, Leather-Seller; John Symcock and Thomas Brassey of Cheshire, Yeomen; Thomas Barker of London, Wine-Cooper; and Edward Brooks of London, Grocer. Four of these men would presently have varied eminence in William Penn's new province; one would become a minor nuisance in its government; another would in course of time prove to be an authentic evil genius to dog the proprietor's life and fortune. Two would build a record of honor for themselves in Pennsylvania.

Nicholas More would have several distinctions: within the next year he would be the first president of the Free Society of Traders, an organization many of whose members would be among the first settlers in the province and the first citizens of Philadelphia. In May, 1683, on the proprietor's appointment, More would become the first functioning Secretary of Penn's new Land Office; and two years later than that, May 15, 1685, he would be dismissed from that appointment for the performance of "divers Evils and Mischiefs." Notwithstanding his dubious behavior and sad dismissal, More's name would live long in the two townships of Upper and Lower Moreland, Montgomery County, Pennsylvania, whose spacious 10,000 acres were indentured to him for £200 sterling by Penn on October 18, 1681.

Philip Ford, Sr., trusted friend of the proprietor, would prepare by his scheming and hypocrisy a far more bitter concoction of disillusionment and chagrin. Monetary returns from the province would be slow in coming to Penn in England during the 1690's. The trustful proprietor would borrow funds more and more indiscreetly from Ford. Before his second visit to his province in 1699-1701, he would mortgage the whole of his Pennsylvania property to Ford, not suspecting the usurer's fangs readying to close on him while he offered as security the rent of the province. Once Penn was back in England and the elder Ford

\(^2\) Colonial Records of Pennsylvania (Philadelphia, 1852), I, 135.
had died, his widow and Philip Ford, Jr., true chip off the old block, would build, by an unscrupulous and extortionate arithmetic, the father's claims on Penn into a fantastic debt of £14,000 still owing them, they claimed, after Penn had borrowed £16,000 and paid back £17,859.3 Rescue of Penn from his predicament by Friends who loved him, his own honorable taking refuge in the Debtor's Prison in England, the final exposure of the frauds of the Fords in the English courts and the decision of Lord Chancellor Couper against them would never quite take the taste of wormwood from the mouth of William Penn, would never quite restore his repute as a businessman. It was unfortunate that Philip Ford, Sr., should have been among the purchasers of March 22, 1681.

Happily, however, no particular stigma would attach itself to either Merchant James Claypoole or Yeoman John Symcock in Pennsylvania. Both became settlers in Philadelphia. Claypoole served Penn as a Commissioner of Property in 1684-1685; was commissioned as Judge by the Provincial Council in September, 1685; was appointed Register General of the Province and the Territories on Delaware by the same body in November, 1686; and died a respected Quaker and officer in May, 1687. Symcock became a member of the first Council of the province on March 1, 1682/1683; was of a committee to treat with the Indians for a purchase of land in September, 1685; acted as a Deputy Lieutenant Governor of the Province for Penn in December 1687/8; and always retained his credit with the proprietor.

But the transactions of William Penn of Worminghurst in the sale of lands in 1681 neither began, as we have seen, nor ceased with the notable one of March 22. On the same day, indeed, arrangements were initiated for the sale of 5,000 acres for £100 to Joseph Fisher, Yeoman of Dublin, Ireland, and completed with a receipt next day. On March 22 also Penn initiated his transactions with two other subjects of the king who resided in Ireland. Robert Turner, Dublin merchant, had of him for £100 sterling 5,000 acres; Thomas Holme, Gentleman of the City of Waterford, had another 5,000 acres for another £100.

3 For the Fords, their arithmetic and account-making see Bonamy Dobrée, William Penn, Quaker and Pioneer (Boston: Houghton Mifflin, 1932), 401.
Nor does the £700 received from a total of four sales on March 22 represent the whole amount sterling acquired by that date by William Penn. To the £700 should be added the £25 received by him from William Smith on March 2, and the £70 received from three other sales made to Charles Pickering on March 15, to James Kennerly and Henry Maddock on March 21, and to George Bownal on the last date. Altogether, by March 22 the Proprietor had received £795.

More significant, however, than the fact that by then William Penn had recovered about one-twentieth of the debt owing to him by Charles II, is it that he had recruited to serve with him in his “Holy Experiment” a number of prospective landholders who would distinguish themselves for better or worse in the area of his still unbuilt city on the Delaware. And not the least of his purchasers in March, 1681, was that authentic Quaker worthy Thomas Holme, destined in 1682 to become Pennsylvania’s first acting Surveyor General and first eminent map maker.

Records of other transactions in the year 1681 abound in volume Lease and Release A-I. Penn made further sales on March 23, in May, and in every month from August through December. By the 21st of the latter month he had bargained with George Rogers, Samuel Clarridg, William Wade, James Claypoole (in a second individual lease and release), Richard Davies, Enoch Flower, Francis Fincher, John Thomas, Edward Jones, Edmund Bennett, John Love, Edward Martindale, Edward Jefferson, William Bowman, Richard Crostly, Griffith Jones, Joseph Hastings, Benjamin East, Nicholas More (for his 10,000-acre manor), Samuel Jobson, William Powell, Christopher Taylor, Robert Toomer, and James Boyden. Tracts of 1,000, 1,500, 5,000 and 10,000 acres had been sold. Yet there were two more bargains before the year 1681 Old Style closed. On January 24 Benjamin Chambers purchased 1,000 acres for £20; and on the same day Samuel Fox paid £30 for 1,500 acres. Within twelve months of his receiving his Charter, then, Penn’s sales had amounted to £2,200 sterling, a good start, we must admit, towards his securing compensation for the £16,000 which King Charles owed him as the heir of Admiral Penn.

Before August 30, 1682, when William Penn, Esq., of Worminghurst, County of Sussex, embarked from Deal, England, on
the ship Welcome for Pennsylvania, the total of his sales would rise further, according to the evidence of Volume A-I: Lease and Release, by £700 to £2,920. He had had a busy time between March 4, 1861, and his sailing date. But on the other hand the £700 acquired in the first whole eight months of 1682 was not more than he had acquired during the month of March in 1681; and a total of £2,920 by August 30, 1682, was hardly a pledge that the financial means available for founding a province would be adequate to meet all demands.

Indeed, William Penn needed far more than a businesslike approach to the founding of a government. Fortunately for modern Pennsylvania and the United States of America he had something more.

On the March day on which his Charter had been finally granted him, he addressed his friend Robert Turner, Merchant of Dublin, Ireland, beginning, “My true love in the Lord salutes thee”; told of the king’s insistence on the name Pennsylvania in honor of Admiral Penn; and, all vanity aside, concluded his letter:

It is a clear and just thing, and my God, that has given it to me through many difficulties, will, I believe, bless and make it the seed of a nation. I shall have a tender care to the government, that it be well laid at the first.
No more now, but dear love in the truth.4

For, to whatever errors and occasional misjudgments he was prone, Penn possessed above all things a tender, firm and convincing faith—and with it a power to convince many others, a gift without which no governor or government can succeed.