Sir Edmund Plowden and the New Albion Charter, 1632-1785

ON JUNE 21, 1634, Sir Edmund Plowden found himself, in theory, the possessor of a vast tract of land which would today contain half of Delaware and Maryland, two thirds of New Jersey, and the southern half of eastern Pennsylvania, including the city of Philadelphia. He had just received from Charles I a charter under the Irish Crown which created him an earl palatine and erected the province of New Albion as a county palatine. History has, in the main, passed over Sir Edmund and his New Albion charter because his one attempt at colonization ended in mutiny and failure. Greater names and events have all but obscured the fact that prior to the coming of William Penn’s colonists there had been a serious attempt to plant a British settlement on the banks of the Delaware.

Plowden’s charter was one of the most unusual ever granted to an English subject. It contained almost all the regal powers of government that Lord Baltimore’s patent possessed. Its land boundaries were extensive, and appear, by design, to overlap Maryland’s northern territory. The charter’s economic and religious clauses were also as liberal as those found in the Baltimore instrument. In short, Plowden’s New Albion charter was, perhaps, next to the Maryland charter, the most powerful bestowal of authority in British North America.

Edmund Plowden was born about 1590 at Shiplake, Oxford. His father, Francis Plowden, was a member of an outstanding Catholic family, and his grandfather, for whom Edmund was named, was one

1 Over the years, Judge Philip Plowden of Mayfield, Sussex, has generously assisted the authors in this research. All dates referring to Plowden’s activities are Old Style; other dates are New Style.
of the leading lawyers of the Elizabethan era. Of Edmund’s early years, we know little. A search of the alumni rolls of Oxford, Cambridge, and Trinity Dublin has failed to cast any light on his education. He may have been educated on the Continent, for his father had obtained a pass to reside abroad during the years when Edmund would have been of university age. About 1614, he wed Mabel Marriner, a wealthy heiress, who brought with her a considerable income from landed property, and a personality which was to come into sharp conflict with her husband’s. They were habitually in violent argument, chiefly over her fortune which Plowden attempted to use to further his colonizing activities. On the death of his father-in-law, his seat of Wanstead, Hampshire, became Plowden’s residence.

By family and association Plowden appears to have been on good terms with the Stuart party. His sister Anne married the son of Sir Thomas Lake, a secretary of state under James I. Sir Edmund himself entertained Secretary of State Edward Conway at Wanstead in 1628 when Charles I was staying with his court at the neighboring manor of Southwick. On that occasion, Plowden met the King, and later petitioned him for redress of a grievance. Plowden’s elder brother Francis fought for the Crown in the Civil War, was besieged in Shiplake Court, and was with Charles I at Oxford in 1646.

Edmund was in Dublin in 1630 when he was knighted by Charles I, who had revived the old law requiring compulsory knighthood for all who owned land worth forty pounds a year. Plowden held official positions in Ireland under the Earl of Cork and Viscount Loftus, the Lords Justices, and later under the Earl of Strafford, Lord Deputy of Ireland. It was during this period that he first petitioned the King

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3 Edmund Plowden served as treasurer of the Middle Temple from 1566 to 1572; he is best known for Plowden’s Commentaries, generally recognized as the first reliable compilation of law reports. Queen Elizabeth offered him the Lord Chancellorship if he would renounce his Catholicism, but this he refused to do. Barbara M. Plowden, Records of the Plowden Family (London, 1887), 18.

4 Issued on May 16, 1604, for three years’ travel “beyond the seas” for Francis Plowden and two servants, who could have been his two sons. P.R.O. (Public Record Office), S.P. 38/7.

5 P.R.O., C. 321/30. Such income would include rents, and moneys from timber, water, and mineral rights.

6 Calendar of State Papers, Domestic (1628–1629), 378.

7 Barbara Plowden, 52–53.

in 1632 for his New Albion charter. While in Ireland, he became acquainted with Lord Baltimore and his son Cecilius, and although there is no positive proof that the elder Baltimore discussed his colonizing plans with Plowden, the events of 1632 concerning the petitions of both men, and the similarity of their final charters, tend to reinforce the belief that there was considerable exchange of information and ideas between the two.

Sir Edmund Plowden appears to have possessed few qualities that set him apart from the average well-to-do country gentlemen of the pre-Civil War period. He was acquainted and connected with some people of influence. He was a member of a highly respected Catholic family, although this became a liability when the Crown's non-parliamentary government drove the gentry into the Puritan party. On the other hand, Plowden was a second cousin of the great Puritan peer William Fiennes, Lord Saye and Sele. This man who played so large a role in the Puritan party, and who was so important a figure in colonizing ventures, may have been the reason that Plowden, a Catholic Royalist, was treated so fairly by the Puritan government. As a man, Sir Edmund endeared himself to none. Although possessing an unfortunate personality and a violent temper, he was a man of tremendous energy and great ambition. Doubtless, he was both a bully and a coward, for he was not above beating the pregnant wife of an Anglican curate, one of his tenants, whom Plowden illegally attempted to force from a leasehold. Sir Edmund's contentious nature is reflected by the number of lawsuits to which he was a party. A search of court records discloses that between 1620 and his death in 1659, he was party to seventy actions in England and forty-two in Virginia. His English total does not include any conflicts before the local justice of the peace at special or quarter sessions; his legal activities in Ireland are unknown because the early records were destroyed in the Four Courts Fire in Dublin during 1921.

12 Calendar of State Papers, Domestic (1637–1638), 469.
All things considered, one would never expect Plowden to petition for a charter—he was clearly not an outstanding man, with the qualities of leadership possessed by a Baltimore, Saye and Sele, or Warwick. But, not only did the King grant Sir Edmund’s request, he actually enlarged the powers of government petitioned for. What lay behind this anomaly? First, Plowden had a rich wife and a poor king; second, the Dutch on the Hudson were rapidly becoming both an economic and military threat to the English plantations in North America.

Charles I’s finances during his eleven years of nonparliamentary government (1629–1640) were always in a hazardous condition. Tonnage and poundage, ship money, compulsory knighthood, revival of ancient forest laws, and meaner work by the Court of Wards were all employed to fill the treasury, but by July, 1635, Charles I was £1,730,000 in debt. It is certainly not beyond reason that Plowden got his charter because he paid for it. During this period, Sir Edmund and his wife were on good terms, and it appears that he had full access to her fortune. A study of their joint holdings, income from land and other investments, judged in part through court records, wills, and conveyances, revealed a minimum income of £500 a year. It is impossible to say exactly how much money it cost a man to receive a charter. In 1663, for example, it cost £106 11s. 6d. to pass a duplicate of the first Carolina charter through the seals. In addition to regular fees, it was necessary to influence such important officials as the attorney general, the secretaries of state, and the privy councilors. Since the New Albion patent carried only the King’s personal seal, Charles I would have received most of the money himself.

Not only was there the initial cash payment to be considered, but the potential income from increased receipts of tonnage and poundage from New Albion. Moreover, New Albion was not granted in free and common socage as were most of the colonial grants; it was held in capite of Charles I’s Irish Crown, or by knight service. This form of tenure bound the grantee as the king’s man, burdened him with all feudal dues and obligations, and allowed the Crown greater

profits if it so desired.\textsuperscript{16} The Crown possibly had its eye on the trade in beaver pelts with which Sir Edmund was acquainted. Finally, Plowden's title of earl palatine and his tenure \textit{in capite} created a situation whereby the Crown would gain wardship of his children, should he die before they were of age, and the added income from the administration of the Court of Wards and Liveries. If his wife were to die, her sizable fortune would also become liable to Crown control.

Besides these potential financial benefits, the New Albion charter also provided Charles I with a military advantage—a bulwark against the Dutch. It is significant that New Albion was created a county palatine with all the semi-military powers and privileges enjoyed by the County Palatine of Durham which had served as a buffer against the warlike Scots. By 1632, the English were very uneasy about the illegal Dutch trade with Virginia and about their proximity to the Delaware River, which official English circles were coming to believe was the Northwest Passage.\textsuperscript{17} The great northern enlargement in Baltimore's final warrant and charter was aimed at containing the Dutch in their settled areas,\textsuperscript{18} and Plowden may well have been encouraged to petition for his New Albion charter, and received it, for the same reason.

In 1631, Sir Edmund's wife inherited the remainder of her father's estate upon the death of her mother.\textsuperscript{19} Sometime during the first six months of 1632, Plowden petitioned Charles I for a charter.\textsuperscript{20} The


\textsuperscript{17} Capt. Thomas Yong received a special commission from Charles I, dated Sept. 23, 1633, to explore the Delaware to its source, find a navigable passage to the Pacific, and examine the intervening country as to its potentialities for trade and settlement. See "The Aspinwall Papers," \textit{Collections of the Massachusetts Historical Society, Fourth Series}, IX (1871), 81 (note).

\textsuperscript{18} Andrews, \textit{Colonial Period}, II, 281. This reason is given in Baltimore's second warrant when land for the proposed colony was requested north of Virginia. \textit{Ibid.}, 279. Among the papers of Sir John Bankes (Attorney General, 1634-1640, and Lord Chief Justice, 1640-1644) has recently been discovered a petition from Plowden requesting certain changes in the charter. The petition states that the reason for planting New Albion was "to strengtheneth and con"serteth the two other remote and wide Plantations of Virginia and New England being 350 miles distant, Thereby will prevent the incroaching \textit{[sic]} of Dutch and other Aliens who also by settling there may drive all the English out of America." Bankes MSS. 8, Fol. 15, Bodleian Library.

\textsuperscript{19} P.R.O., S.P. 16/309/25.

\textsuperscript{20} Colonial Office Papers, VI, No. 60, P.R.O.; \textit{Calendar State Papers, Colonial (1574-1660)}, 154 (60).
petition was signed by Plowden and by eight other persons who were clearly straw men.\(^{21}\) It requested the grant of "Manitie or Long Isle," on the thirty-ninth parallel, one hundred fifty miles north of James City "within the bounds of Virginia," abutting on the ocean eastward eighteen miles near Delaware Bay, and for "30 miles square of the coast next adjoining." Permission was sought to transport and settle three hundred "condemned or reprieved malefactors," indented servants, and artisans to be employed in making wine, salt, and iron, and for rights of fishing, farming, and herding, and building ships for the royal navy. The territory was to be set up as a county palatine with Plowden as governor, and he requested the same tenure (knight service), dignities, and privileges as had been granted to Baltimore in his Avalon patent. The colony was to be free and separate from the jurisdiction of the governor of Virginia. Accompanying the petition was a list of commodities and economic conditions of "Manitie or Long Isle,\(^{22}\) with emphasis on those which played or could play an important role in English commerce: timber that would supply "pitch and tarr and masts and yeards for ships of 400 tunne"; iron, gold, and copper ore; better fishing conditions than at New Foundland; a long growing season; excellent trade opportunities in beaver, otter, and deer skins. The reader's credulity is challenged by "a race of bufaloes which will be ridden and brought to drawn to plowe and be milked."

Within a few months of his first petition, Plowden presented a second, which was basically the same but included several changes.\(^{23}\) The island was now described as the "Isle Plowden," the number of prospective settlers was increased to five hundred, and the name of the colony was changed to New Albion. The greatest and most important alteration concerned the size and boundaries of the grant. Plowden had first asked for a grant in the form of a square with sides measuring thirty miles in length; he now asked that its dimensions be

\(^{21}\) Five months after the charter was issued, a release was signed on Dec. 20, 1634, assigning their rights to Plowden. See Strafford's Letters and Dispatches, I, 97, reprinted in Ebenezer Hazard, ed., Historical Collections, Consisting of State Papers and other Authentic Documents (Philadelphia, 1792), I, 172-174.

\(^{22}\) Colonial Office Papers, VI, No. 60, P.R.O.; Calendar State Papers, Colonial (1574-1660), 154 (60).

\(^{23}\) Strafford's Letters and Dispatches, I, 72, reprinted in Collections of the New-York Historical Society (New York, 1869), 220 (N.Y.H.S. Coll.).
increased to forty leagues (one hundred twenty miles) to a side, and that it include all other small islands between 39° and 40° latitude.

Speculation and the history of the Maryland charter provides a clue to this request for more territory. Baltimore's efforts to gain his charter were marked by four distinct phases. He made his first application in February, 1631/2, asking for lands bounded on the north by the Chesapeake Bay and the James River and by the Passamagnus on the south. He also asked for the "same conditions of honours and advantages" that he had previously received in his Avalon grant. Friends and members of the defunct Virginia Company protested, the warrant was withdrawn, and a new one was formulated. Four warrants were required before the Maryland charter passed the seals, was signed by the King, and was issued on June 30, 1632. By then, Lord Baltimore had died and Cecilius Calvert, his son, had inherited the title. The final boundaries included a vast northern expansion and ran in the northeast quadrant from Watkin's Point northward, along the west shore of Delaware Bay and River, turned west at the fortieth parallel, and ran to the "first fountain of the River of Pattomock."

There is great similarity between the Maryland and New Albion petitions. Both grantees asked in their original requests for the tenure and honors which Baltimore had received in his Avalon charter; both asked that counties palatine be erected. Baltimore petitioned first in February, 1631/2; the date of Plowden's first petition is listed in Strafford's letters and dispatches simply as 1632, which would place it on or after March 25, the beginning of the new year, Old Style. The two final petitions both request a large expansion of territory, Baltimore's to the north and Plowden's, in general, to the west. Actually, these expansions claim common territory south of the fortieth parallel and west of the Delaware River. Plowden's New Albion patent was ordered issued on July 24, 1632, less than a month after the Maryland charter was granted.

There was unquestionably a connection between the two charters, and the grant of common territory was hardly an accident. Between February, 1631/2, and July, 1632, members of the Privy Council had studied the geography of Delaware Bay and River thoroughly.

Thomas Wentworth, Earl of Strafford, had signed all four of Baltimore’s warrants and had advised Charles I to issue Plowden his charter.²⁵ Wentworth himself must thus have studied the area at least six times.

Moreover, Baltimore and Plowden were both English Catholics who were created Irish peers,²⁶ and were friends. It is entirely possible that Baltimore advised Plowden on how to seek a charter, and that Sir Edmund merely followed Baltimore’s steps. But such a theory does not explain the double grant that resulted. It is reasonable to assume that Baltimore informed Plowden of his first petition which asked for lands farther to the south, and Sir Edmund then made his first modest request modeled on Baltimore’s first warrant. When the great northern enlargement was made in the fourth warrant, Plowden’s first petition must already have come before the King and Wentworth. Although there are no day-month dates for the two Plowden petitions, it seems impossible that two petitions could have been made, and the charter issued, between the last days of June, 1632, when Baltimore’s last warrant was submitted, and July 24, 1632, when Plowden’s charter was granted. One historian believes that the territorial enlargement in the Maryland charter was the work of the King in Council²⁷ and not of Lord Baltimore or his son. Plowden’s second petition may well have been made on the advice of some member of the Privy Council, possibly Wentworth. Thus the enlargements which overlapped were probably the work of the Crown.

If the true purpose of the Crown was to erect a buffer against the Dutch, it was necessary first to make a legal claim to the Delaware area, and then to take possession. Overlapping grants might actually establish a stronger claim for the English. The grantees, upon learning of the situation, would hasten to send colonists to the disputed area. Thus the river would be secured against the Dutch by one of the grantees, or by both. The purpose of the Crown would be fulfilled,

²⁶ Although the charter created Plowden an Irish peer, no evidence of this is found in Burke’s Peerage, or in Charles R. Mayes, “The Early Stuarts and the Irish Peerage,” English Historical Review, LXXIII (1958), 193–227.
and the English courts could settle any dispute which might arise between Baltimore and Plowden.

On July 24, 1632, Charles I favorably received Sir Edmund's second petition; it was dispatched together with the King's letters patent to the Lords Justices in Dublin. The patent was issued from the court at Oatlands, signed by Secretary John Coke, impressed with the King's seal and enrolled at the Royal Chancery in Dublin. The Lords Justices were instructed to issue Plowden his New Albion charter at once, and to give him every aid in hastening the establishment, settlement, and supply of his colony.28

Despite these instructions, the charter was not issued for almost two years. The reason for the delay is to be found in the complex politics of royal administration. Although Cork and Loftus were the Lords Justices in Ireland in July, 1632, the real power lay in the hands of Sir Thomas Wentworth, Earl of Strafford, who had been appointed Lord Deputy in December, 1631, but did not arrive in Dublin until July 23, 1633, to begin his career of Irish reforms. On accepting the position, Wentworth had extracted the King's promise that no major Irish business would be transacted without his approval.29 Thus Plowden's charter may have waited upon Wentworth's personal action, which was delayed by his struggle to bring order and justice out of the confusion and corruption caused by the administration of Cork and Loftus.30 It is also possible that the corrupt Lords Justices or their servants may have attempted to extract more money from Plowden before they would pass the charter through the Irish seals. Sir Edmund, being shrewd and knowing of Wentworth's honest administration as Lord President of the North in England, would have awaited the Lord Deputy's arrival rather than pay the extra tariff.

The charter was at last formally issued on June 21, 1634, by Wentworth on command of Charles I, in conformity with his letters patent, "signed with our proper hand, and sealed with our seal, dated at Oatlands, the 24th day of July, in the 8th year of our reign."31 The charter, granted on "the advice and consent of our well-beloved and

29 Earl of Birkenhead, Strafford (London, 1938), 96.
31 The translation of the charter used here is found in Chicheley Plowden, 81–90.
faithful cousin and councillor, Thomas, Lord Viscount Wentworth, our deputy-general of our said kingdom of Ireland," was impressed with the Great Seal of Ireland and was properly enrolled in Dublin at the Irish Chancery.\textsuperscript{32} The validity of the charter has been challenged in the past, and its legality is still questioned by some historians today. However, all evidence seems to verify that the province and title it created were legal creations, and were so recognized by both Crown and Parliament.

One historian of the area has maintained that the boundaries between Maryland and New Albion were contiguous and did not overlap. The Maryland line in its northeast corner ran northward along the southern bank of the Delaware Bay and River, and turned westward at the fortieth parallel near the mouth of the Schuylkill; the boundary then ran due west along that parallel "unto the true meridian of the first fountain of the River of Patomoc." It is contended that Plowden was granted "Long Island, and a territory 'forty leagues square,' extending along the shore southward to Cape May, from the Cape on the east shore of the Delaware to the Schuylkill, from there in a straight line due north forty leagues into the country (unto about Stroudsburg in Monroe County, Pennsylvania, or the Delaware Watergap), and from there across New Jersey unto Sand Bay at the mouth of the Raritan River, hence including parts of the five eastern counties of Pennsylvania up to the forty-first degree and almost all of New Jersey."\textsuperscript{33} This interpretation creates a common boundary for Maryland and New Albion, a line running down the middle of Delaware Bay and River, from the bay's mouth to a point near present-day Philadelphia. However, it became clear on studying these boundaries that several of the conclusions were incorrect, largely because of faulty translation.\textsuperscript{34} A new translation of...
that portion of the charter which deals with the boundaries was made
from the Latin text of the document enrolled in Dublin.\textsuperscript{35}

We concede and grant that whole & entire island near the continent or
terra firma of N. Virginia called Plowden Island or Long Island and lying
near or between the thirty-ninth & fortieth degree of latitude, together with
a part of the aforesaid continent or terra firma closely adjoining, which may
be described as beginning from the point of a certain promontory called
Cape Maye, and thence, turning to the west, running for a distance of forty
leagues along the north side of the Gulf of Delaware, closely following its
course,\textsuperscript{36} it ascends right to the spring of a certain stream, where it touches
on the south, with its whole side joining and bordering, the Maryland lands
of the Duke of Baltimore and the Gulf aforesaid. It runs on, unbroken in
course, and curving through a right angle northwards, in a straight line for
a distance of forty leagues, thence turning in the same way in a right angle
to the east [it runs] in a straight line for forty leagues, and running out at
the river and Port of Ratcher Cod it descends to the ocean, touching &
including the summit of Sandhay. And thence, turning through a right
angle southwards, it stretches along the shore of the ocean and of the afore-
said Plowden Island, passing by them and washing them [\textit{i.e. the shores}], to
the point of the promontory of Cape Maye, above mentioned, and ends
where it began.

Using this new translation, the first step was to locate the north-
eastern corner of the grant which had been previously identified as
Sand Bay. The new text reads that the northern line runs “out at
the river and Port of Ratcher Cod.” The eastern terminus of the
northern boundary was thus intended to be at a point where a river
expanded into the port or harbor of Ratcher Cod.\textsuperscript{37} The W.J.A.
Blaeu chart of 1635 shows “a Rivieten Achter Kol,” and the Rod.
Dudley chart of 1648 a “R. Achter Kol,” both placed at the exact
spot where the Passaic and Hackensack rivers empty into present-
day Newark Bay.\textsuperscript{38} There can be little doubt that the boundaries of

\textsuperscript{35} Father Thomas B. Falls of St. Charles Seminary in Philadelphia, and Mr. Stephen
Plowden of King’s College, Cambridge, in 1955 independently translated the Latin text that
was enrolled in Dublin. It is Mr. Plowden’s translation of the New Albion boundaries that is
here cited.

\textsuperscript{36} The subject throughout is the land, more easily thought of as the line running around the
land. “Its” does not refer to the Gulf of Delaware, but to the source of the boundary line.

\textsuperscript{37} The meaning of port or harbor in the seventeenth century was any small body of open
water protected on several sides, such as a small bay at the mouth of a river.

\textsuperscript{38} These charts are in the Stokes Collection of the New York Public Library; they are also
found in I.N.P. Stokes, \textit{Iconography of Manhattan Island} (New York, 1916). The Blaeu map
(Stokes, II, C. Pl. 32) is Dutch and was published in \textit{Blaeu's Atlas} in 1635. It may have ap-
the charter were drawn from a contemporary Dutch chart, or an English copy of a Dutch chart. Ratcher Cod must have been a careless rendering of R. (for river, or _rivieten_) Achter Kol. Thus, the River of Ratcher Cod is either the Passaic or Hackensack River, and the port is where those estuaries flow into Newark Bay. This is the northeastern corner of the grant.

Commencing from this point, the line runs south between Staten Island and the mainland out into open water. Both translations agree that it touches and includes "the summit of Sand Hay," or Sandy Hook. At this promontory, the line turns southward at a right angle and runs down the coastline embracing Plowden Island. It then continues into Cape May, which is clearly marked on charts of that day and still retains its original name. Cape May is the southeastern corner of New Albion.

Both translations confirm that the line ran from Cape May up the northern (eastern) shore of Delaware Bay and River to a point opposite the mount of the Schuylkill. This distance is almost exactly one hundred twenty miles, or forty leagues. But at this juncture, any argument that uses the Delaware's north shore as the southern boundary line of New Albion commences to break down. The earlier appeared much earlier as a separate map. It is the best contemporary map and possesses a far better representation of the Delaware Bay and River area than do previous Dutch charts. This is the first time that Rivieten Achter Kol appears clearly, although it is shown on Blaeu's Second West-Indische Pascaerte (c. 1621). The atlas was widely distributed, and copies reached England the year it was published (Stokes, II, 143-144). The Rod. Dudley map (Stokes, II, C. Pl. 37) is the first English map extant that notes the river in question. It is obviously a copy of other maps and can easily be traced to Dutch sources (Stokes, II, 145-148). It appears that one of these Blaeu maps figured in the drawing of Plowden's boundaries. Of interest to this study is the Domina Virginia Farrar map (Stokes, II, C. Pl. 47) which appeared in London in 1651. It is a crude copy of John Smith's map of Virginia, and shows Sir Edmund's New Albion and a "Mont Ploydên." Of the Delaware, it says that "this river the Lord Ploydên hath a patten of and calls it New Albion but the Swedes are planted in it and have a great trade of Furrs."

On the Blaeu map, Sandy Hook is called Rodenbergh Holck or Sand Punt. These two may have merged into the modern name, although the early Dutch captain Adriaen Block has left a chart of his voyages along these coasts which contains only four place names, one being Sand Hoek (Sandy Hook). John E. Pomfret, _The Province of West New Jersey, 1609-1702_ (Princeton, N. J., 1956), 5.

The location of Plowden Island or "long isle" has never been determined. It is definitely not Long Island, N. Y., as has been stated by many historians. Plowden in his list of "commodities," located Fort Nassau due west of Plowden Island. It might be Long Beach Island, or some island near Stone Harbor, N. J.
boundary designation draws the line up to the Delaware Water Gap and then southeast to the mouth of the Raritan. Neither of these legs is one hundred twenty miles long, nor do they form a right angle as required by the charter. If, starting from a point opposite the mouth of the Schuylkill, the final two legs of the boundary are constructed as described by the charter, the northern line does not arrive at "the river and Port of Ratcher Cod." It would run out near Saybrook, Connecticut. Neither of these constructions is in the form of a square; neither northern boundary has an eastern terminus at the proper location.

The new boundary translation states that the line runs west "for a distance of forty leagues along the north side of the Gulf of Delaware, closely following its [the line's, not the bay's] course, it ascends right to the spring of a certain stream, where it touches on the south, with its whole side joining and bordering, the Maryland lands of the Duke of Baltimore and the Gulf aforesaid." Drawing the line due west from Cape May a distance of one hundred twenty miles, it finds its western terminus just south of the first falls of the Potomac. These falls could be "the spring of a certain stream." The remainder of the sentence, "where it [the boundary] touches . . . the Maryland lands of the Duke of Baltimore and the Gulf aforesaid," makes sound, if strained, sense, for Lord Baltimore's land and the gulf do lie to the south of this line as well as to the north of it. Contemporary though partisan evidence may be marshaled to buttress this drawing of the southern line, which passes through the middle of Kent Island: Beauchamp Plantagenet's A Description of the Province of New Albion (London, 1649). Although this work was a colonizing tract, it should be noted that in the seventeenth century there were those who claimed that New Albion's southern boundary ran due west from Cape May and not along the northern shore of Delaware Bay and River.

With the present-day city of Washington as the western end of the southern boundary, the line turns in a right angle to the north, and runs for one hundred twenty miles. At this point, another ninety degree turn to the east is made, and the same distance marked off. The eastern terminus of this northern line falls forty-two miles due west of the northern end of Newark Bay. Extending this line, it strikes the water just two miles south of the spot where the Passaic River enters the bay, the port and river of "Ratcher Cod." The
northern boundary line lies almost perfectly on the parallel described in the charter.\textsuperscript{41}

The New Albion charter also provided for the colony’s governmental and economic relationships with England. Sir Edmund was named the hereditary governor and was created an earl palatine, with all the royal rights and privileges that ever had been or would be enjoyed by any Bishop of Durham.\textsuperscript{42} This Bishop of Durham clause

\textsuperscript{41} These calculations were also carried out on the Blaeu map (1635) in English leagues. This map is extremely accurate. All the boundary lines run almost exactly where the corresponding lines on the modern outline map do. The northern boundary of New Albion terminates closer to Newark Bay on the Blaeu map, and its eastward extension runs directly into the river and port of Ratcher Cod.

\textsuperscript{42} For the translation of the New Albion charter used in studying the political and economic aspects of the grant, see Chicheley Plowden, 81–90.
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is highly significant, for it was the basis of the almost unlimited power of both Lord Baltimore and Plowden. The County Palatine of Durham was a quasi-independent state established in northern England as a military bulwark against the Scots. The Bishop of Durham was the lord of this great fief and held it directly of the king. In the fourteenth century the county had grown to the status of a semi-independent kingdom with its bishop as ruler. A parliamentary act of 1536 greatly reduced the bishop's regalia,\(^43\) and from that point on the Crown reasserted its jurisdiction over the county. The prerogatives of the bishops were immense; an old maxim declared that "What the King has without the bishop [of Durham] has within."\(^44\) The Bishop of Durham still wielded tremendous authority when the Baltimore and Plowden grants were issued, and any grant that contained the Bishop of Durham clause must be regarded as an important document.\(^45\)

It has been suggested that Baltimore was well versed in feudal history and purposely sought an any Bishop of Durham clause, which would vest him with all the authority the office had held at its height of power between 1300–1400.\(^46\) Seven years later, when Sir Ferdinando Gorges tried to duplicate the clause as Baltimore and Plowden had received it, the clause bestowed only those privileges the Bishop of Durham possessed at the time of issue,\(^47\) privileges far less absolute than those granted the Catholic lords.

The New Albion charter placed the power of government largely in Sir Edmund's person. He was given the right to make laws for the province, but with the advice and consent of the freemen or their deputies. Who these freemen were to be was not spelled out, but some type of assembly was envisioned. Plowden was given the power to execute the laws, and all judicial power also resided in him. In certain cases he could make ordinances without the permission of the assembly of freemen, provided these did not extend to life, limb, freehold, goods or chattels. The earl palatine had the power to appoint officials to the bench and to the executive branch of govern-

\(^{43}\) Andrews, Colonial Period, II, 283 (note 1).
\(^{44}\) Quoted in ibid., 282.
\(^{45}\) For a full study of the palatinate and the bishops' powers, see Thomas G. Lapsley, The County Palatine of Durham (New York, 1900), Chap. VIII.
\(^{46}\) Andrews, Colonial Period, II, 283 (note 1).
\(^{47}\) Ibid., 294 (note 3).
ment; the designation of freemen may also have been within his prerogative. The only restriction that seems to have been laid upon his rule was a clause that required all laws to be “consonant to reason, and not repugnant and contrary (but as convenient as may be to the matter in question) to the laws, statutes, and rights of our kingdoms of England and Ireland.” Plowden was also required to inform his “subjects” speedily which laws were to “be inviolably observed” and what the penalties would be for noncompliance.48

The Crown expected that New Albion, as a county palatine, would engage in armed disputes. Accordingly, Plowden was granted the right to build fortifications for public defense despite the Statute of Fugitives or any future restrictive enactment. He could levy forces, declare and make war on land and sea, pursue the enemy beyond his province, spare or slay prisoners, and perform all duties that belonged to the office of captain general.

In keeping with the feudal nature of the charter, there was a section that dealt with titles, corporations, and subinfeudation. Sir Edmund could confer honors upon the inhabitants of the province by means of titles and dignities, provided these did not usurp any then used in England. Plowden actually availed himself of this privilege and created a number of New Albion titles, including those for his children: Francis Lord Plowden, Governor and Baron of Mount Royal; Thomas Lord Plowden, High Admiral and Baron of Roy-mount; Winifred, Baroness of Uvedale; Barbara, Baroness of Richneck; and Katherine, Baroness of Princeport.49 He could also create corporations, transform villages into boroughs and boroughs into cities. As a tenant in capite of the Crown, Plowden was not affected by the statute Quia Emptores and could create new tenures held of himself and not of the king.50 He could also erect manors. Although the charter spells out all these feudal prerogatives, Sir Edmund already possessed them by virtue of the any Bishop of Durham clause.

Since New Albion was held in capite of the Crown, the king stood to gain by feudal profits if the venture was successful. The economic

48 Plowden, like Baltimore, was not required to send his new laws to England for confirmation by the Crown.
49 Chicheley Plowden, 78.
50 James A. Casner and Barton W. Leach, Cases and Text on Property (Boston, 1951), 260.
and social provisions of the charter were therefore intended to encourage emigration and the development of the province. Since emigration was thought to be a cure for England’s supposed over-population and pauperism in the early seventeenth century, the new colony promised to be a means of alleviating pressing social problems. In addition to English emigrants, the charter provided that Irish subjects, both artisans and laborers, could transport themselves, food, supplies, animals and household goods to New Albion, unless they had been “speciall interdicted.” It was emphasized, however, that they would continue as liege subjects who would receive all the benefits, and owe all the obligations, of subjects in the mother country. This was to be true as well of all persons born in New Albion. Plowden himself was allowed to transport all his goods, arms, and warlike weapons as long as he first procured a license from the King’s treasurer of Ireland or England.

Economically, the charter contained many embryonic features of the imperial system that was to evolve under Puritan rule and after the Restoration. Although the charter appears favorable to prospective settlers, it is well to note that the Crown clearly regarded the colony as outside the English fiscal system, and that merchandise exported to the colony or imported from it was subject, after a certain date, to customs duties. As an incentive to agriculture and industry, the charter exempted from taxation, imposition, subsidy and customs for ten years all goods carried to England and Ireland. When this period had expired, the colonists were guaranteed that duties laid upon their goods would be the same as those paid by other British subjects. Typical of provisions of later navigation acts was the stipulation that goods or produce still unsold in England or Ireland after one year could be reshipped free of duty to a foreign country.

Plowden received all fishing and mineral rights within his jurisdiction. Owing to the tenure of the grant, the usual demand was not made for a rent of one fifth of the gold and silver mined annually, and Irish and English subjects were allowed to dry their fish along the coasts. Plowden could impose no tax on this produce, but was permitted to levy taxes and impositions on goods carried in or out of

52 Ibid., 101.
his province from or to any of the king’s dominions. So that trade could be carried on more easily, he was allowed to build seaports. The king promised never to lay direct taxes on the inhabitants of New Albion, nor upon any merchandise that might be loaded or unloaded in its ports. British customs were collected in England. All revenue collected in the colony was the concern and privilege of the earl palatine. As a semi-autonomous state, New Albion was expected to exist on its own revenues. Finally, this highly liberal grant of official powers concluded with a clause stating that the charter would always be construed in favor of Sir Edmund and his colony.

The main economic reason for English colonial expansion was to ensure a source of supply and to make England economically independent of other nations. As early as 1600, there was a “clearly defined tendency toward the creation of a self-sufficient commercial empire.” New Albion was to be a part of this plan, and the Crown therefore took pains to see that control of emigration and commerce remained firmly in its hands. The new province was to be a trade as well as a military buffer against the Dutch. Its goods and produce were destined only for British markets; no foreign commercial intercourse would be tolerated. New Albion was to be encouraged, but it must also conform.

Most historians who have studied Plowden’s charter claim that it was a mere copy of Lord Baltimore’s patent; some even state that it was a forgery. As both men petitioned for the same powers and dignities, it is logical that Crown officials would draft similar documents. A comparative study of the two charters reveals that, despite much exact or similar wording in certain corresponding clauses, there were important differences between the instruments.

Early English charters cautioned the grantee to view and settle only those lands “not already possessed of any Christian prince or people.” Thus, it would appear that “the English crown, far from
asserting a right to a territory by discovery, seems to have laid a great stress upon the fact of possession."\textsuperscript{57} As unclaimed land in the New World became more scarce, this clause was altered to restrict colonization to those parts of America "hitherto uncultivated" and unoccupied by Europeans. This famed *hactenus inculta* (hitherto uncultivated) clause, which appeared in the Maryland patent and played such an important role in the Penn-Baltimore struggle over the three lower counties, now the state of Delaware, was not included in the New Albion charter.\textsuperscript{58} The Crown here broke sharply with tradition. The king's letter of 1632 speaks of Isle Plowden "wherefore neither we nor any of our Royal Progenitors have hitherto made any grant either of the whole or any part thereof,"\textsuperscript{59} but in no way qualifies the mainland grant. Even this partial gesture was excluded from the final New Albion patent. Inasmuch as the traditional clause was omitted two years after the Maryland grant, it would appear that Charles I was aware that he was bestowing territory already occupied or granted.

In economic matters, too, there were variations between the charters. The inhabitants of Maryland, for example, were allowed to trade with the Indians, but Sir Edmund was deprived of this privilege. The Crown itself may have planned to control the anticipated lucrative fur trade of New Albion, and thereby replenish its depleted treasury.

As already noted, the Crown usually waived any customs payments on goods imported into or exported from the American plantations for a limited period of time in order to stimulate the development of new settlements. Some grantees received a guarantee that when the exemptive period ended, no duties would exceed the customary five per cent subsidy.\textsuperscript{60} Sir Edmund Plowden received a ten-year period of grace. Strangely enough, the principal exception to this benevolent policy was the Maryland charter, which carefully stated that all English duties should be collected on goods from or exported to Lord Baltimore's domain. Only Heath's Carolina patent

\textsuperscript{57} Ibid., 102.

\textsuperscript{58} For the final word on this noted conflict, see Nicholas B. Wainwright, "The Missing Evidence: Penn v. Baltimore," *PMHB*, LXXX (1956), 227–235.


\textsuperscript{60} Beer, 107.
of 1626 and Gorges' Maine grant of 1639 were also devoid of the typical exemption clauses.\textsuperscript{61}

The final major difference in the two charters concerned the tenure by which each grant was held. Plowden held New Albion of Charles I's Irish Crown by knight service, or \textit{in capite}. Lord Baltimore had held his Avalon grant by this tenure, and his original warrant for Maryland also requested this form. But "as one familiar with the intricacies of chancery procedure, he was able to obtain the kind of patent he wanted and to introduce into the original petition the most favorable terms—that is, a maximum of rights with a minimum of obligations."\textsuperscript{62} Thus, Baltimore received Maryland in free and common socage and was relieved of the heavy obligation of tenure \textit{in capite}. Perhaps Sir Edmund attempted the same thing and failed.

Aside from these differences, both instruments were remarkably similar. The most important section commonly possessed was, of course, the \textit{any} Bishop of Durham clause that vested vast regal powers in the proprietors. It is sufficient to say that these powers were somewhat diminished by the fact that both grantees were required to call a council of freemen. In different ways, the right of subinfeudation was presented to both Plowden and Baltimore. The Maryland charter specifically stated that the statute \textit{Quia Emptores}, or any similar law, was to be inoperative. Plowden's tenure allowed this privilege, for the courts had ruled that a direct tenant of the King was not affected by the statute. Sir Edmund was thus specifically provided with the power to erect manors and create new tenants.

Finally, both charters granted religious freedom to all Christian churches. It has been said that Maryland held "a unique place in the history of English colonization" because "in no other colony of the period was the experiment ever tried of Roman Catholics and Protestants living side by side on terms of equality, amity and forbearance."\textsuperscript{63} Lord Baltimore was given the patronage of all Christian churches, with license "to build and found churches, chapels and

\textsuperscript{61} Ibid., 107-108, 108 (note 1).


\textsuperscript{63} Ibid., 391.
oratories" in convenient places within the limits of his province.\textsuperscript{64} Plowden received the same right, but with an important reservation. The religious toleration clause was effective only "within the limits of the said islands."\textsuperscript{65} Again, as in the King's letter of 1632, the mainland grant was not included, possibly because religious toleration was already in effect there under Baltimore's charter.

The question naturally arises as to whether New Albion was planned as a refuge for Irish and English Catholics.\textsuperscript{66} Sir Edmund undoubtedly was motivated by economic self-interest, not religion. His Catholicism could not have been very strong, since in 1650 before the Committee for Compounding he vigorously denied belonging to the Church of Rome.\textsuperscript{67} Also, Plowden's first colonizing prospectus was signed in 1641 by William Claiborne, who was one of the most vehement anti-Catholics in the colonies, and who especially hated the Calverts. He had forced the elder Baltimore to leave Virginia, went to England in 1630 to prevent the issuance of the Maryland charter, and during the Puritan Revolution seized Maryland from Cecilius Calvert.\textsuperscript{68} Although much of Claiborne's enmity for the Baltimores was economic, he genuinely abhorred Catholics; it is ex-

\textsuperscript{64} The rest of the religious clause reads: "and causing the same to be dedicated and consecrated according to the ecclesiastical laws of England." Baltimore was given the power to do this, but in reading the whole sentence it becomes evident that although the grantee could erect any Christian church, he did not have to put into effect the last part of the clause. This was the exact wording that appears in Baltimore's Avalon charter that was given him when he was a member of the Church of England. There was nothing to compel Baltimore to consecrate churches in the latter faith. Obviously, therefore, the proprietor could allow any Christian church to be established. When the Maryland grant was made, this clause must have been carefully studied because Baltimore was then a Catholic. Its reappearance indicates some agreement between Charles I and Baltimore. Probably Charles I agreed not to interfere with the Catholic Church in Maryland if Baltimore would allow no interference with the Protestant religion by his Jesuit priest. Samuel Rawson Gardiner, \textit{The Personal Government of Charles I, 1628-1637} (London, 1877), II, 287-290. Plowden's charter does not even mention the ecclesiastical laws of England, and would therefore seem to be even more tolerant than Lord Baltimore's.

\textsuperscript{65} The islands are Plowden Island and all those within ten leagues of the mainland grant.

\textsuperscript{66} For an able discussion of this question and the nature of Plowden's faith, see Father William Keller, "Sir Edmund Plowden and the Province of New Albion, 1632-1650," \textit{Historical Records and Studies of the United States Catholic Historical Society}, XLI (1953), 42-70.

\textsuperscript{67} \textit{Calendar of Committee for Compounding} (1642-1660), 253, 438, 439, 2372, 2373, and 2374. During the Civil War, to meet military expenses, the Committee for Compounding seized the property of the Royalists and assessed fines for its recovery.

\textsuperscript{68} Andrews, \textit{Colonial Period}, 292, 310.
tremely unlikely that he would have associated with Sir Edmund Plowden if the latter had actually envisioned New Albion as a Catholic haven.

A period of eight years elapsed between the granting of the New Albion charter and Sir Edmund's departure for the New World in 1642. While the Swedes were settling along the Delaware, Plowden was engaged in lawsuits with his tenants, creditors, debtors, and his wife. From the start, Plowden had attempted to persuade her to go with him to New Albion. By 1637 he must have grown desperate, for he tried to gain her consent and financial support by physical threats. The Archbishop of Canterbury thought the matter serious enough to grant her separate maintenance and alimony through an order from the Court of the High Commission. But in 1639 Plowden was not complying with Archbishop Laud's decree, and she again appealed for aid. Sir Edmund was instructed to support his wife, or go to jail. He refused, and was confined in the Fleet in November of that year, being released only under £1,500 bond and the condition that his wife would be supported properly. Upon his release, true to his nature, Plowden promptly sued the warden of the Fleet for false imprisonment.

A colonizing tract extolling the virtues of New Albion appeared in 1641. Historically, the pamphlet is of interest because it included a description of the Delaware signed by Captain Claiborne and Robert Evelyn, both of whom figured prominently in early Maryland and Virginia history. Also published was a letter from Evelyn to Mabel Plowden which contained an accurate account of the country and inhabitants of her husband's province.

Plowden sailed for New Albion in August, 1642, at the outbreak of the English Civil War. Instead of proceeding to the Delaware, however, he took his settlers to Virginia. When he visited Boston in 1648 on his way home, he told Governor Winthrop that his detour had been caused “for want of a pilot.” Because of the Civil War, Plow-

69 P.R.O., S.P. 16/309/25.
70 P.R.O., S.P. 16/415/23 (Mar. 23, 1638/9).
71 P.R.O., C. 54/3254/27 (close roll).
72 Calendar State Papers, Domestic (1640-1641), 387.
73 The only known copy is now in the Henry E. Huntington Library.
den was able to bring over only a handful of indentured servants, but all his family, except his eldest son Francis, came with him. In Virginia, Sir Edmund ran short of money and became entangled in his usual law suits. Then his indentured servants, whose terms of service were for New Albion only, sought their freedom in the Virginia courts, which ordered Plowden either to begin his venture or release the plaintiffs from their bonds.

Rumors that New Englanders had settled in New Albion had caused Sir Edmund to petition Charles I for relief in the fall of 1641. The petition stated that some English subjects without “warrant and commission” had “unlawfully entered, builded, and settled them[elves] within Delaware Bay or Charles River.” The King issued an open letter to all New Englanders, Swedes, and Dutch who had “intruded themselves and without our warrant and commission” upon the county palatine lawfully presented to “our loving cozen Sir Edmund Plowden,” warning them that their statutes would be void and that colonists would be removed and “declared as [public] enemies.” Armed with this letter and a Parliamentary order which required the governor and council of Virginia “to give speedy and real assistance” to the New Albion project, Plowden approached Governor Berkeley of Virginia for help. Berkeley acted upon these instructions on March 18, 1642/3, and addressed a protest to Governor Johan Printz of New Sweden in which the history of England’s claim to the Delaware was advanced. Printz was to submit to the English Crown and to “recognize the title and dominion” of Sir Edmund Plowden. Thus, by the winter of 1643, the validity

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75 Virginia Records, also called “Minutes of Virginia Court and Council.” These were destroyed in the burning of Richmond in 1865, but copied by Sebastian F. Streeter and included with his unpublished manuscript, “New Albion and Its Proprietary Sir Edmund Plowden” (1855), 125, Streeter Manuscripts, Maryland Historical Society.

76 Virginia Records, Streeter Manuscripts, 126. Plowden was forced to sue for the return of some of his servants who had fled to Maryland. Archives of Maryland, IV, 224.

77 Quoted in Johnson, Swedish Settlements, I, 216.

78 A copy of the King’s letter is in the Royal Archives, Stockholm; Dr. Johnson obtained a photostat of it for Mr. Lewis in 1940, from which these quotations have been taken. See also Johnson, I, 216–217.


80 Gov. Berkeley to Gov. Printz, Mar. 18, 1642/3, Copenhagen Academy, Copenhagen, Denmark.

81 Johnson, I, 216.
of Plowden’s grant had been recognized by the King, Parliament, and the governor of Virginia. Unfortunately, Printz did not concur. Although he did not accede to Berkeley’s demand, Printz did render service to Plowden in May, 1643. According to Printz’s account, Sir Edmund left Virginia for New Albion with sixteen of his people. The captain of the vessel fell in with the dissatisfied indentured servants, and they mutinied against the earl, who, with two young pages, was set ashore on an island off Cape Charles. The mutineers then sailed to Fort Elfsborg, a Swedish stronghold on the Delaware, arriving there on May 6, 1643. Because they had no passes, Printz grew suspicious when they inquired about ships to England. Upon learning the truth, Printz had them thrown in chains and turned over to Plowden who had been promptly rescued. Plowden returned to Virginia where he pardoned “the foremost of these traitors.”

Thus ended the only recorded attempt by Plowden to settle his New Albion grant. He was again caught up in legal actions, and appeared in forty-two suits in Elizabeth City, Accomac (now Northampton) and York counties, Virginia. His few settlers drifted away, and one writer claims that his wife returned to England by way of New Amsterdam in the fall of 1643. Five years later Sir Edmund himself departed with his family, planning to return the following year with settlers and supplies. His exit license, signed by Governor Berkeley, stated that Plowden’s suits were to be recessed until November, 1649. Dutch records state that he stopped in New Amsterdam; Winthrop reported him in Boston on June 4, 1648. In both cities, Plowden proclaimed his intention of returning, refurnished and strengthened, to drive out the Swedes and take possession of New Albion. Plowden arrived home in October, 1648, after first

83 Virginia Records, Streeter Manuscripts, 125, 126 (3), 142-A, 148, 157, 158, 159, 160 (2), 161 (2), 163 (2); Northampton County Court Records (1642-1645), 214, 215, 233, 234, 237, 313, 337, 370-379; (1645-1651), 16, 24, 76, 88; (1651-1654), 64-85; York County Court Records (1638-1646), 111, 213, 328, 329, 345.
85 York County Court Records (1638-1646), 345.
visiting Holland. Shortly thereafter, a colonizing tract entitled *A Description of the Province of New Albion* appeared over the signature of Beauchamp Plantagenet in which much of the 1641 tract was incorporated. Plowden apparently did not write this prospectus; the author remains a mystery.

If Sir Edmund is to be believed, early in 1649 he had assembled four hundred and fifty settlers for New Albion and had chartered a ship. But once again, a lawsuit ruined his plans in April of that year. Although the outcome of the case—a suit for rent that Plowden allegedly owed—is unknown, the delay had finished the expedition.

Law suits now became frequent. Plowden sued for rents due him during his American sojourn, and was sued by merchants in return. But Sir Edmund did not abandon hope, and in 1650 the *Description* was reprinted. On March 21, 1649/50, Plowden petitioned the Committee for Plantations for permission to transport guns and ammunition to New Albion, promising at the same time not to use them against the Puritan government. In the spirit of growing imperialism, the Council of State issued the pass on May 27, 1650. There the matter rested, and there is no further record of Sir Edmund ever again attempting to settle New Albion.

Plowden’s declining years were spent in legal controversies with the Committee for Compounding and with his wife. They were finally separated, and he was ordered to pay her alimony by the Lords Commissioners in March, 1653/4. For a second time in his life, he landed in jail. When the Committee for Compounding sent for him in the Fleet for questioning, he had escaped, but was back in confinement by December, 1654. During this month he wrote his will. He disinherited his eldest son Francis, who was then living com-

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88 Chicheley Plowden, 69.
89 Chancery Proceedings before 1714, Hamilton Division, P.R.O., C. 7/281/27. Plowden mentions in the court record that he had assembled nearly 500 settlers; elsewhere he places the figure at 450.
90 Domestic Interregnum Book, I, 64, P.R.O.
91 Ibid., 393.
92 Calendar of Committee for Compounding (1643–1660), 253, 438, 439, 2372, 2374.
93 P.R.O., C. 24/787.
94 Calendar of Committee for Compounding (1643–1660), 2373, 2374.
fortably off his father’s land income, and named his second son Thomas as his heir. To Thomas went the New Albion grant and title.

Sir Edmund Plowden died in London in July, 1659. His last years continued to be involved with legal actions over land rents, and it is not known if he had regained his freedom at the time of his death. His last wish was to be interred in his native parish churchyard at Lydbury North, Salop. But in death as in life he was thwarted, and he was buried in unfamiliar ground at St. Clement Danes, London, on July 20, 1659.95

Although Sir Edmund Plowden never settled his province in America, other Englishmen were to use the charter as a basis for claims to the Delaware region. Even before his death, a group of New Haven settlers who had planted an abortive colony on the east bank of the Delaware River, south of present-day Camden, New Jersey, used Plowden's name in an effort to resist Swedish efforts to dislodge them. In the absence of their leader, George Lamberton, they informed Governor Printz that they “were willing to leave Lamberton and to accept as their lord a knight [Edmond] Pleimund [Plowden, by name].” Later, however, they changed their minds and said “they would be inclined to allegiance to the Swedish Crown” if they were allowed to remain.96

After the turn of the century, the charter was mentioned in several disputes over the Delaware River region. On June 18, 1654, Edward Lloyd, a representative of Maryland, officially protested to Swedish officials at Fort Christina that they were trespassing on Lord Baltimore’s land. Lloyd partially based his argument on the fact “that Sir Edward Ployde and Earl of Great Albion had a special donation of this river from King James.”97 Four years later, the Dutch, having supplanted the Swedes on the Delaware, sent representatives to a meeting of the Council of Maryland at Patuxent on October 6, 1659. The issue again was Maryland’s claim to the Delaware region.98 Augustine Heerman insisted that the hactenus inculta clause in the

95 Burial Records, St. Clement Danes Church, London.
98 Archives of Maryland, III, 373, covering “Proceedings of Council of Maryland, 1636-1637.”
Maryland charter excluded that region from Baltimore's sovereignty because the Dutch had settled there before the grant was made. Moreover, Heerman turned their own argument against the Marylanders, stating "that Sir Edm. Ployten had in former times, set up a claim to Delaware Bay and, therefore, one claim must be as good as the other." Philip Calvert replied "that Ployten had had no commission, and lay in jail in England on account of debts, relating that he had solicited a patent for Nova Albion from the King, but it was refuse him, and thereupon applied to the Viceroy of Ireland, from whom he had obtained a patent, but it was of no value." 99

Other Englishmen were not so critical of Sir Edmund and the New Albion charter. In 1675, the New Albion grant was listed as a basis for the Duke of York's charter, and in a memorial prepared for Governor Andros of New York it was noted that "ye King of England granted a comison to Sir. Edward Layden 100 to plant these parts calling them New Albion & ye Dutch submitted themselves to ye English Goverm't." 101

The final mention of Sir Edmund Plowden occurred in London during the final stages of the Penn-Baltimore dispute. The question of the ownership of present-day Delaware was being decided by the Lords of Trade and Plantations. William Penn's claims were based on a donation from the Duke of York, who, in turn, claimed Delaware by right of conquest from the Dutch in 1664. The Maryland charter clearly placed Delaware within Maryland, provided the disputed territory had not been cultivated and occupied by other Europeans. 102 On October 8, 1685, Charles Calvert, the third Lord Baltimore, attempted to prove that the area was uninhabited as late as ten years after the Maryland charter was issued. Calvert presented "an account that in the year 1642 one Ployden sailed up the Delaware River and did not see any house there at that time." 103 The name of Plowden failed to move the Lords of Trade and Plantations, and they


100 A misspelling of Plowden.


102 Wainwright, 228.

103 Archives of Maryland, V, 453.
awarded Delaware to Penn, who had presented depositions of three old New Amsterdammers who swore that the Dutch were settled on the Delaware prior to 1632. Thus, ironically, the “proof” that Lord Baltimore possessed was the word of a man whose reputation and charter had been challenged a few years earlier by Calvert’s uncle.

Although the grant to the Duke of York in 1664, which included the New Jersey and Pennsylvania portions of New Albion, destroyed the charter as an effective instrument, certain members of the Plowden family failed to recognize the fact. A hundred years later the charter reappeared in colonial history for the last time. Thomas Plowden had received the actual charter as part of his father’s estate, but did nothing with it. He made no further colonizing attempts, nor did he protest the grant of 1664. In 1698 he devised New Albion to his son Francis in a will that stated “the patent is now in the custody of my son-in-law, Andrew Wall of Ludshott—who has these several years wrongfully detained it to my great loss and hindrance.”

Shortly after this date, the original of the charter vanished.

In 1773, a great-great-grandson of Sir Edmund, Francis Plowden, Powis Arms, Welshpool, revived the New Albion claim which had lain dormant for more than a hundred years. The year before, Francis had discovered the charter enrollment in Dublin, and on strong legal advice petitioned the King in Council that he “be restored to the benefit advantage and enjoyment of the said Island, Tract of land, and territory and may receive Compensation and Satisfaction for the same.” The memorial included a summary of the most important sections of the charter. The petition was referred to the Lords of the Committee of Council for Plantation Affairs, and that body, failing to act upon it, on August 26, 1773, passed it on to the Lords Commissioners for Trade and Plantations. Evidently, it reached the Lords Commissioners on October 26, 1773, and was pigeonholed, for extensive research has failed to reveal any further mention of Francis Plowden’s petition among official British records. The clouds of the American Revolution were gathering, and Crown

104 Wainwright, 230-235.
105 Chicheley Plowden, III.
106 Colonial Office Papers, No. 1334, 129-138, P.R.O.
107 Ibid., 127-128.
108 Board of Trade Journals (London, 1897), XXCI, 143.
officials were more concerned with their own problems than those of the 5th Earl Palatine of New Albion.

Following the Revolution, Francis Plowden renewed his efforts to reap some profit from the grant. During the winter of 1784, a pamphlet of some thirty pages was published in London, entitled, in part, *The Finest Part of America to Be Sold or Lett, From Eight Hundred to Four Thousand Acres, in a form, All that Entire Estate, called Long Island, In New Albion, lying near New York.* It was probably printed for Francis Plowden as part of his attempt to revive the New Albion claim.\(^{109}\)

About the same time, Plowden sold to Charles Varlo, an English attorney, a part interest in New Albion, appointed him governor of the hypothetical colony, and sent him to America as an agent.\(^{110}\) Varlo arrived in Philadelphia on July 23, 1784, bringing with him many documents to prove his claim, together with a supply of the 1784 New Albion pamphlets for distribution.

The actual purpose of Varlo’s mission was not to recover New Albion for Francis Plowden. That republican Americans would have honored a feudal grant made by a king of England one hundred and forty years earlier was, of course, ridiculous. Plowden had issued Varlo a warrant to sue for all back rents from his unsuspecting tenants in New Jersey, or to discharge and release them for a consideration.\(^{111}\) To aid his agent in his task, Plowden printed a broadside, addressed to the people of “the Province of New Albion,” informing them of Varlo’s mission and outlining the charter. The tract was highly republican in tone and assured the people of New Albion that the proprietor had no designs on their land. But, wishing to

\(^{109}\) The following documents were contained in the tract: conditions for selling or leasing New Albion lands; a true copy of the charter; a lease by Sir Edmund Plowden to Sir Thomas Danby of 10,000 acres in New Albion; a release by several co-grantees to Plowden (dated Dec. 20, 1634); and “The address of the Right Hon. Lord Earl Palatine of Albion to the Public” (1784). Only six copies of the 1784 pamphlet have been located. These are at the Huntington Library (the only copy with a title page), the Historical Society of Pennsylvania, New York Public Library, Library of Congress, Boston Athenaeum (George Washington’s copy). One is now privately owned.

\(^{110}\) Chicheley Plowden, 113.

\(^{111}\) From Varlo’s warrant, dated Dec. 24, 1783. Mr. Lewis made a photostat in 1940 of the original document which is owned by Mrs. Clifford S. Sims of New York, who is a descendant of Capt. Edmund Plowden (1751–1804) of Bushwood, St. Mary’s County, Maryland, with whom Varlo left certain papers in 1785, at the conclusion of his American tour.
free them from numerous law suits resulting from bad land titles, he was sending Charles Varlo among them to issue good titles and releases.\textsuperscript{112}

New Jersey landowners were not quick to take advantage of Plowden's kindness. The \textit{Pennsylvania Packet}, on July 31, 1784, answered the "New Albion" broadside by printing Plowden's English tract, which offered New Jersey property for rent or sale. Varlo found business very slow indeed. He visited Captain Edmund Plowden in Maryland,\textsuperscript{113} George Washington at Mount Vernon, and William Rawle, the noted Philadelphia attorney, who advised him that the New Albion claim was hopeless. But the Englishman did not give up at once. On July 30, 1785, a notice appeared in a Philadelphia paper warning the inhabitants of New Jersey that the Earl of Albion was preparing "not only to maintain the chartered right for the future, but to cause a refund for such property as has been received by the sale of lands, &c, in said province under false titles."\textsuperscript{114} This was the last recorded act of Charles Varlo in America, and the final attempt to use Sir Edmund Plowden's New Albion charter.

The document slipped into the mists of family legend; feudalism was brushed aside by the Age of Reason. It is ironic that the charter which began as an instrument of empire should have been employed in the end by a huckster lawyer. Even so great a lover of the courts as Sir Edmund Plowden might have spared the New Albion charter so ignoble a fate. In a sense, the grant's career paralleled that of the grantee. Both seemed destined for fame; both perished unnoticed and unmourned.

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\textsuperscript{112} "New Albion" broadside of 1784, filed with other broadsides of the period in the Division of Manuscripts, Library of Congress.

\textsuperscript{113} Capt. Edmund Plowden was the grandson of Sir Edmund's grandson George, who settled in St. Mary's County in 1684. Sir Edmund's other grandson, Francis Plowden, also came to America, settled in South Carolina, and was killed fighting the Spanish in 1702.

\textsuperscript{114} \textit{The Pennsylvania Packet}, July 30, 1785.