Six large sheets of vellum lay on Lord Baltimore’s table in his house on Grosvenor Square. Printed on the left-hand margin of each parchment was a map showing parts of Virginia, Maryland, Pennsylvania, and the whole of the Three Lower Counties, as Delaware was usually called. This map illustrated an agreement concerning the boundaries separating the Penn and Baltimore proprietorships. The clock sounded eleven on this appointed day of May 10, 1732, but where was Lord Baltimore? Casually late was his lordship for this meeting which he himself had called, yet in good humor and affable in his apologies on arrival. The company proceeded to business.

* The author’s interest in the Agreement of 1732 stems from his visit to Cliveden, the Chew House, in April, 1962, when Mr. and Mrs. Samuel Chew and Mr. Benjamin Chew received the Walpole Society. On this occasion, the Walpilians were shown the Chew copy of the Agreement, as well as other documents bearing on the Mason-Dixon Line. The sight of these great manuscripts suggested a comparison with holdings of the Historical Society of Pennsylvania, and has resulted in the following account.

A lawyer selected one of the parchment skins and read the agreement aloud. Since this document had been nearly eleven months in preparation, its contents were well known and satisfactory to the four men who had come to complete it. The reading finished, they stepped forward to affix their signatures and seals.

First came Charles Calvert, sixth Lord Baltimore, a slender man of thirty-three years. Unlike the other signers, he was accustomed to a life of pleasure, which he carried to the point, it has been said, of “riotous living.” He signed his name “Baltimore” and then made way for the senior of three Quaker brothers, whose appearance and manner must have contrasted sharply with that of the courtier.

John Penn was known as “the American” because he was the only one of William Penn’s many children to have been born in Pennsylvania. A year younger than Baltimore and inclined to corpulence, he was an amiable, religious soul. Together with his brothers, he had been brought up in modest circumstances and had had to engage in trade as a linen draper for his support. But by now, John had retired to the country where he lived a quiet, inconspicuous life. In John Penn was vested one half of the Pennsylvania proprietorship. His two brothers each owned a one-quarter interest.

Thomas Penn, the second brother, was the businessman of the family, and lately a merchant. Precise in appearance, precise in thought, he was not the sort of man who made many close friends, but he was sound. Richard, the youngest brother, lacked Thomas’ strong character. An attractive-appearing man from his portrait, he always did as Thomas told him, and never achieved any position whatsoever, other than siring two governors of Pennsylvania.

No one watched the signing ceremony with greater interest than Ferdinando John Paris, the man who had done most to bring the Agreement to a head, and who was subsequently to devote years of labor to force Baltimore’s compliance with it. Paris, a lawyer, had known William Penn slightly, and in 1722 had become solicitor for Penn’s grandson, Springett Penn. On Springett’s death in 1730, he was employed by Springett’s younger brother, William Penn, 3rd.

2 Maryland Historical Magazine, XVI (1921), 57–58.
3 In 1732, Richard Penn (1706–1771) was a London woolen draper. His portrait by Joseph Highmore and Highmore’s portrait of John Penn (1700–1746) both hang at the Historical Society of Pennsylvania.
4 The senior branch of the Founder’s family was descended from William Penn, Jr., who was born in 1681 and who died at Liège, Belgium, in 1720. He had two sons, Springett (1701–
It was also in 1730 that Paris was appointed by the Pennsylvania Assembly to be its London agent. As a result of his involvement with the Agreement of 1732, he became solicitor for the Penn proprietors, a role he was to fill for the rest of his life. During the framing of the Agreement, however, he merely acted as a friendly agent for the proprietors, actuated by his interest in the affairs of their nephew, his client William Penn, 3rd, whose lands in Pennsylvania would sell more readily if the boundary question was settled.  

Paris was one of the witnesses who signed his name on the reverse side of each of the Agreements, testifying that the documents had been executed in his presence. Among the other witnesses were Baltimore’s solicitor, John Sharpe, and Abraham Taylor and John Georges, both of whom were soon to sail for America with Thomas Penn. Georges was Penn’s secretary.

While the witnesses set their names to the six parchment copies of the Agreement—three of which were for Baltimore and the other three for the Penn brothers—the principals congratulated each other on a happy conclusion to an old family quarrel. Baltimore was most gracious in expressing his pleasure that this troublesome affair was at an end. True, friends in Maryland had written him that he could have had better terms, but Baltimore was satisfied. Now that all their difficulties had been so well settled, the Penns and Baltimore dined together in high good humor.

The Agreement which they had signed was a momentous one, a state paper of the highest historical importance, specifying boundaries essential to the geographical outlines of three provinces. Failure to reach such an amicable arrangement a half century earlier had robbed William Penn of his anticipated happy life in the colony he had founded. In 1682, shortly after his arrival in Pennsylvania, Penn found that he and the then Lord Baltimore were at loggerheads.  

1730) and William Penn, 3rd (1703–1747). This line inherited Penn’s Irish estates and only a modest amount of land in Pennsylvania. The proprietorship of the colony passed to the sons by Penn’s second wife.

5 Most of these facts about Paris are to be found in the Breviate. According to his statement in Penn v. Baltimore, Depositions (London, 1740), 195, Paris was born in 1693 or 1694.

6 Abraham Taylor was a prominent Pennsylvanian who served on the governor’s Council from 1741 to 1751, when Thomas Penn, with good cause, ordered his dismissal.

7 Paris maintained that the reason it took so long to conclude the Agreement was that Baltimore sent it to Maryland for the opinion of his agents.

8 Breviate, 84.
Chief among their disagreements was Baltimore's insistence that the Three Lower Counties were part of Maryland, and that the Duke of York's grant of that territory to Penn was invalid.9

Since there was no settling this controversy in America, Penn and Baltimore fought it out in London, and there, after a long contest, the King in Council ruled on October 17, 1685, that the Three Lower Counties belonged to Penn, not to Baltimore. On November 13, 1685, it was decreed that "the tract of land lying between the River and the Eastern Sea on the one side & Chesapeake Bay on the other be divided into equal parts by a line from the latitude of Cape Hinlopen to the fortieth Degree of Northern Latitude." The half on the Delaware side was to belong to Penn, that on the southern side to Baltimore.10

Boundary matters remained quiescent until 1708, when Baltimore petitioned to have the order of 1685 set aside. His petition was dismissed. In 1709, he again reopened the affair by obtaining a hearing before the Queen in Council. Once more his case failed, for Queen Anne ordered that the decree of 1685 be forthwith carried into execution. "I have had an hearing before the Queen and Council against Lord Baltimore, who drew it upon me, in which I have my old order of 13 9br. 1685, in all its parts and points ratified and confirmed, which has laid those walking ghosts," wrote Penn. "Can my wicked enemies yet bow? They shall, or break and be broken to pieces, before a year from this date comes about, and my true friends rejoice..."11

For a variety of reasons the ghosts were not laid, the boundaries were not run, and land titles were necessarily clouded. This situation was the most serious one with which the Penns had to contend. Should Baltimore make good his claim to a Maryland-Pennsylvania boundary line at the fortieth parallel, one half of the richest settled area of Pennsylvania would be lost. Moreover, the Calverts had not abandoned their interest in the Three Lower Counties. As a consequence, no one in Delaware paid his rent to the Penns, and, while settlers agreed to purchase lands in the disputed areas, they would

not pay the proprietors for them until the boundaries were determined. Instead of Pennsylvan ia supplying a substantial revenue to William Penn's sons, very little American money trickled into their pockets.

It so happened that early in 1731 Charles Lord Baltimore met his long-time acquaintance Ferdinando John Paris and mentioned to him that he and the Penns were both suffering greatly from the undetermined state of their boundaries. Baltimore wished that matters could be accommodated. Deeply concerned over the affairs of his client William Penn, 3rd, whose American estate was affected by the controversy, Paris decided to serve as mediator. He sought out John and Thomas Penn, and on June 3, 1731, brought them into a meeting with Baltimore at the Ship Tavern near Temple Bar.\(^{12}\)

Both Thomas Penn and Baltimore produced manuscript maps of Pennsylvania, Maryland, and parts adjacent. There was no material difference between these maps; in particular, they agreed on the names of the capes at the entrance to Delaware Bay, Cape May on the Jersey side and Cape Cornelius opposite to it.\(^{13}\) About twenty miles south of Cape Cornelius they located another well-defined cape, Cape Henlopen, which marked the latitude from which the southern boundary of Delaware was to be measured. Using a ruler and pencil, Baltimore traced boundary lines on his map. Although he marked off Delaware in favor of the Penns, he ran Maryland's northern boundary to within fifteen miles of Philadelphia. John Penn insisted that the line was too high; it should be twenty miles south. Another meeting a few days later failed to break the deadlock, and Paris' friendly effort to settle matters ended in failure.\(^{14}\)

But Baltimore was determined to reach a solution. On July 1, 1731, he petitioned the King to order the Penns to join with him in settling the boundaries, and in case they refused he requested His Majesty to hear the case. The Penns thus found themselves threatened with another legal contest, the very course they had indiscreetly told Baltimore they dreaded because of its expense. The Pennsylvan ia

\(^{12}\) Breviate, 83. Lord Baltimore and Paris were well known to each other, having had business dealings since 1725 in various legal causes.

\(^{13}\) In 1742, Paris stated that the manuscript map Baltimore produced contained both Cape Cornelius and Cape Henlopen, so named, and that this map corresponded in such particulars with Thomas Penn's. Penn v. Baltimore, Depositions (London, 1740), 282.

\(^{14}\) Breviate, 83.
proprietors were loaded with debt at this time, including the sum of £7,000 which they owed mostly on their father's account. There was, therefore, only one avenue open to them—a resumption of conversations with Baltimore leading toward a private settlement.\footnote{Penn Papers, Penn v. Baltimore, II, 32; John Penn to Thomas Penn, Mar. 4, 1733/4, Penn Papers, Correspondence of the Penn Family (1732-1767), 21.}

And so the proprietors met in July at the Bedford Head Tavern near Covent Garden. Once again they debated the location of the Maryland-Pennsylvania line, Baltimore still insisting that it be placed fifteen miles south of Philadelphia and John Penn pleading for twenty. But Baltimore was in the stronger position; noncompliance with his demands could bring on a suit, as he several times hinted. So, John Penn compromised at eighteen miles, then at seventeen, and, finally, at fifteen and a half. Baltimore would not give an inch. At length, Paris persuaded the reluctant Penns that the course of wisdom and prudence was to accept the fifteen-mile line.\footnote{Breviate, 83.}

Baltimore then drafted the principal points to be contained in the compact, and it was on the basis of these points that Paris drew an initial contract. Paris took great care in defining the location of Cape Henlopen, which determined the southern bounds of the Three Lower Counties. Referring to Thomas Penn's map, he located it "at the place in the sd. Drt. or Mapp called Cape Hinlopen wch lyes below Cape Cornelius & at the point of the sd Cape." Then, on second thought, he strengthened this line by inserting after Cape Cornelius the words "upon the Eastern side of the peninsula towards the Main Ocean."\footnote{Paris endorsed this first draft, "Foul Drt. Agreemnt Between Ld Baltemore & Messrs Penn 1731. It was not right alter'd by Mr. Ryder & others." Penn Papers, Penn v. Baltimore, I, 73.}

Paris submitted this draft to the learned Dudley Ryder,\footnote{Sir Dudley Ryder (1691-1756) was called to the bar in 1725, entered Parliament in 1733, was appointed solicitor general in 1734, attorney general in 1740, and was knighted in 1740. In 1754, he was made lord chief justice of the King's Bench. Dictionary of National Biography (DNB).} who recast much of it. "Below Cape Cornelius" was changed to the more precise "south of Cape Cornelius." The phrase "at the point of the sd Cape" came in for much discussion and was very nearly deleted.\footnote{Paris endorsed Ryder's draft, "Drt. Agreement Between Lord Baltemore & Messrs Penn 1731. . . Had this from Mr. Ryder 14 Augt. 1731, F.J.P." Penn Papers, Penn v. Baltimore, I, 78.}
Counsel for the Penns appeared uneasy about this wording. Could it be that despite the prominent point of Cape Henlopen, as shown on Thomas Penn’s map, the Penns were aware that there was no point of land there?

Ryder returned the corrected draft on August 14, 1731, and two days later Paris held a consultation with Thomas Penn “upon a doubt about beginning ye Line at ye point of Cape Henlopen.” This talk led to Paris’ taking the draft of the Agreement to Baltimore’s solicitor for the purpose of leaving it with him “& to see Ld Balts Map.” One look at the map reassured Paris—the questionable words were allowed to remain.20

The map was really the key to the Agreement. At an early stage of the negotiations, it was realized that it would be difficult to set down the boundaries clearly in writing without using a map as a guide. Both Thomas Penn and Baltimore had offered their maps for this purpose,21 and Baltimore’s had been selected at his insistence. Baltimore had implicit faith in his map because, as he said, it had been sent to him many years before by one of his agents in Maryland. Consequently, it was Baltimore’s map—no other map would do—which was ultimately taken to the Fleet Street shop of the engraver and “mathematician” John Senex, and there engraved on copper by one of his journeymen, Thomas Hutchinson.22

In the Penn Papers at the Historical Society of Pennsylvania is a copy of this map which bears the following endorsement in Paris’ hand: “This is the first proof of the Plate to describe the Bounds between Pensilvania & Maryland. Graved 3 Feby, 1731 [1732] by Mr. Senex.” This proof does not show the southern boundary of Maryland, and much other detail which was put in later, but it does show an inscription and mileage scale which were deleted before the plate was approved. At the lower left-hand margin of the proof is the line, “A Scale of one Degree, or 69½ English Statute Miles,” and under it the scale itself running up to 69½ miles. Uneasiness about this calculation soon led to its being erased. However, every impres-

20 Paris’ memorandum, ibid., IV, 25.
21 Thomas Penn’s map, which was later produced as evidence in the case, is probably the map endorsed “A Little Hand Map or Scheme to shew roughly how the two Provinces lye to each other.” Original map used in the suit, Penn v. Baltimore. Edw. G. Allen, Americana Curiosa. A Collection of Old and Curious Books, Maps . . . and the final Remainder of the Penn Papers (London, 1871), 18, item 327.
22 Breviate, 85.
sion taken from Senex's copperplate shows traces of this rejected engraving.\(^{23}\)

![Image of the Agreement between Pennsylvania and Maryland, 3 Feb., 1731]

Months dragged by while the Agreement lay in Baltimore’s hands, or in those of his counsel. During this time, Baltimore offered several amendments to the contract and, although prejudicial to the Penns, they were accepted. One of these amendments was that the measurement of miles should be in English statute miles. The Penns believed that the miles should be geographic miles, but did not dare to protest even though Baltimore’s definition cost them territory. Whenever the Penns seemed reluctant to accede to his demands, Baltimore spoke of renewing his claim to the Three Lower Counties, and thereby frightened the Penns into a settlement of his choice.\(^{24}\) As John Penn was later to write, “It was an agreement for Peace which we were desirous to buy at his own price.”\(^{25}\)

In its final form, the Agreement represented a compromise, for, if the Penns had consented to various of Baltimore’s demands, Balti-

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\(^{23}\) Penn Papers, Boundaries, Pennsylvania and Maryland, XI, 18. In ink now faded nearly beyond legibility, Paris directed numerous changes on the map. He wrote in many place names, designated a line for Maryland’s southern boundary, ordered the deletion of the southern part of the New Castle circle and the dotted line extending eastward through the circle. He also ordered that the westward dotted line be extended to the margin of the map. As for the scale, he crossed it out and wrote underneath it, “Leave out this scale.”

\(^{24}\) Penn v. Baltimore, Depositions (London, 1740), 262.

\(^{25}\) Penn Papers, Penn v. Baltimore, II, 73.
more had formally relinquished his family's long-standing claim to Delaware. To be sure, that claim had been twice ruled against by the highest authority in the land. Nevertheless, it was well to have Baltimore's own acknowledgment that the Penns, not the Calverts, owned that area.

Thus, after many delays and the most deliberate of processes, the Agreement was signed on May 10, 1732. Lord Baltimore expressed much pleasure at the event and spoke of his eagerness to have the lines run as soon as possible. To Thomas Penn, who was on the eve of leaving London for Pennsylvania, he entrusted the papers necessary to spur his Maryland friends into action. Among these papers was one of Baltimore's copies of the Agreement and the commission for the seven Marylanders he appointed to represent him in laying down the boundaries. The Maryland commission was a copy of the one that Paris had prepared for the Pennsylvania commissioners. On the margins of these two parchments was stamped the map engraved from Baltimore's original.26

Arriving in Philadelphia in August, 1732, Thomas Penn lost no time in sending Lord Baltimore's instructions to Governor Samuel Ogle at Annapolis.27 In addition to the Maryland documents, he had brought the commission for the Pennsylvania commissioners and his own copy of the Agreement. Endorsements on it show that Penn had his Agreement proved by witnesses Taylor and Georges on September 23, before Recorder Andrew Hamilton. Five days later, the document was enrolled in the Office for Recording of Deeds for the City and County of Philadelphia.28

A final article in this contract enjoined: "Lastly, that all the parties hereto, and their representatives, shall at all times hereafter use all friendly means and offices to the utmost of their power, to assist and

26 Breviate, 7, 21, 84. The Pennsylvania commission, dated May 12, 1732, is at the Delaware Historical Society.


28 This original copy of the Articles of Agreement bears additional endorsements. One of these is its distinguishing symbol for the case—"ART." A long endorsement dated Philadelphia, Oct. 20, 1740, records that it was shown to Abraham Taylor, one of its witnesses, "At the execution of a Comission issuing out of the Honble High Court of Chancery for examining of witnesses in the Province of Pennsylvania. . . ." After Thomas Penn brought the document back to England, Paris endorsed it, "Abra. Taylor Lib C fo. 477. Int. 113, fo. 478." Cadwalader Collection, Penn Agency, Coates List 82. Taylor's deposition is to be found in Penn v. Baltimore, Depositions (Philadelphia), II, 477-479.
support this present Agreement. . . .” That this injunction was to go in vain was soon made clear to Thomas Penn. Learning late in the year that Lord Baltimore had arrived at Annapolis, he sent him a friendly, informative letter and received, in turn, an insulting reply.29

In March, 1733, Pennsylvania's venerable Governor Patrick Gordon wrote sadly to John Penn:

You will without doubt by this conveyance be fully apprized by the gentleman your brother of the most unaccountable management of Lord Baltimore and his Commissioners. When you are fully informed of their conduct at every meeting you will be astonished, for in my life I never saw or knew such triflers, who have used so mean, weake, and unbecoming shifts and excuses for making void if it was possible the Agreement. They are really such as gentlemen ought to be ashamed of and which must unavoidably expose them to the ridicule of all men of common sense. The unexpected disappointment and treatment your Commissioners have mett with has given all your friends here as well as your humble servant unspeakable concern.30

Thomas Penn did more than write to his brother John about the impasse; he decided to have the Agreement printed so that anyone reading its articles could judge for himself how unreasonably Baltimore's commissioners were behaving. Taking his original copy to Benjamin Franklin's shop, he ordered Franklin to print five hundred copies of it in pamphlet form, together with the map, which Franklin reproduced as a woodcut from the copperplate impression on Penn's parchment. Franklin turned out a fine job, a nineteen-page pamphlet illustrated with a neatly executed map,31 the first map printed in the

30 Penn Papers, Official Correspondence, II, 237.
31 Articles / of / Agreement / made and concluded upon between / The Right Honourable The / Lord Proprietary of Maryland, / and The Honourable The / Proprietaries of Pensilvania, etc. / Touching The / Limits and Boundaries of the Two Provinces. / with / The Commission, / Constituting certain Persons to execute the same. Philadelphia: Printed by B. Franklin, at the New Printing-Office near the Market. M,DCC,XXXIII.

This Franklin imprint was a job order done for Thomas Penn, who paid for the entire printing. Franklin's bill to Penn has been published in Leonard W. Labaree and Whitfield J. Bell, Jr., eds., The Papers of Benjamin Franklin (New Haven, 1959), I, 324, wherein the bill is tentatively identified as for the Articles of Agreement. That it was in fact for this title is proved by an entry in Thomas Penn's Account of Maryland Charges, “June 25, 1733. Pd. Benja. Franklin for paper and printing Arts of Agreement, 19.8.4.” Penn Papers, Penn v. Baltimore, Accounts.

The Union Library Catalogue, Washington, lists eleven libraries as holders of this Franklin imprint. Three other copies are known to the writer, and a survey would turn up others.
ARTICLES
OF
AGREEMENT
MADE AND CONCLUDED UPON BETWEEN
THE RIGHT HONOURABLE THE
Lord Proprietary of MARYLAND,
AND THE HONOURABLE THE
Proprietors of PENNSILVANIA, &c.
TOUCHING THE
LIMITS and BOUNDARIES of the TWO PROVINCES.
WITH
The COMMISSION,
Constituting certain Persons to execute the same.

PHILADELPHIA:
Printed by B. FRANKLIN, at the New Printing-Office
near the Market. M,DCC,XXXIII.
English colonies south of New York, 32 "exactly copied from that drawn in the margin of the original articles," as Franklin was later to advertise a second edition. 33

Efforts to comply with the Agreement went from bad to worse, until on November 24, 1733, the two sets of commissioners representing Maryland and Pennsylvania issued a joint report admitting failure. They had been unable to agree on the New Castle circle. While the Pennsylvanians indignantly maintained that this circle was to be one of twelve miles radius emanating from New Castle, the Marylanders insisted that the twelve miles referred to the circumference of the circle and that its radius was only two miles. Such a construction was favorable to Maryland interests. However, it was not supported by the Agreement, which read: "there shall be the said circle ... drawn and marked out at the twelve miles distance from the town of New-Castle," and engraved on Lord Baltimore's map in the Agreement was a circle with a radius of at least twelve miles. The Maryland viewpoint was understood by Penn adherents to be merely a ruse to void the contract by preventing its execution within the time specified, which ran out on Christmas Day, 1733.

Why had Baltimore turned against the Agreement? The answer can only be conjectured. It seems that his commissioners were less than lukewarm about it from the start, presumably because he had given up Maryland's claim to the Three Lower Counties. According to Pennsylvania commissioner James Logan, Lord Baltimore on his arrival at Annapolis had been vigorously attacked by everyone for entering into the compact. Logan suspected that Governor Ogle, who had taken a personal dislike to the Penns over some fancied slight, was the leader in this movement. Evidently, Baltimore was shown a map which placed the Maryland boundary either miles north of Philadelphia or in line with the city. This was quite a different concept from Baltimore's own line fifteen miles south of the Pennsylvania metropolis. And then there was the southern boundary to the Three Lower Counties, which Baltimore himself had drawn from Cape Henlopen on his own map. To his chagrin, he learned that there was no cape as shown on his map and as printed on the Agreement,

only a false cape. Cape Henlopen was actually at the mouth of Delaware Bay, not twenty miles south. How else, wondered the outraged Baltimore, could he have given away so much territory except through fraud perpetrated on him. He bitterly blamed the Penns for taking advantage of his ignorance.\textsuperscript{34}

If his lordship was irate, John Penn was in despair at Baltimore's attitude. He sought the advice of both the attorney general and the solicitor general of England and received the same disquieting opinion from each. They advised him to file a bill in chancery to compel Baltimore to run the lines according to his promise. But could the Penns afford to prosecute such a case with their limited funds and numerous debts? John wrote to Thomas Penn urging him to sell land, for otherwise their situation was desperate.\textsuperscript{35} From Richard Penn, Thomas learned: "You know what a situation I was in when you left us, and I declare I never wanted a guinea so much as now."\textsuperscript{36} So discouraged were the three Penn brothers at the failure of the Agreement that they tried to sell their province for £60,000. On their behalf, Paris offered the property like any other piece of real estate, and very nearly found a purchaser.\textsuperscript{37}

Since so much of Baltimore's wrath at the Penns stemmed from the area he had let them have between the true Cape Henlopen and the false cape, the Penns seriously considered releasing this section to him if he would go ahead with the rest of the Agreement. Thomas Penn wrote his brother John that the disputed territory was sandy and "very indifferent." "If so," replied John, "I think it a very great fault that so great a stress was laid on the false cape, but this is what we were advised by a very good friend on that side of the water."\textsuperscript{38}

This letter reveals that the Penns knew that Cape Henlopen, as shown on Lord Baltimore's map, was, in some way, a misnomer. They had known all along that there was something unsatisfactory in that designation, but, nevertheless, they had been urged to accept

\textsuperscript{34} James Logan to Paris, May 30 and July 12, 1733, Logan Letter Book, IV, 329, 336.
\textsuperscript{35} John Penn to Thomas Penn, Jan. 24 and Mar. 4, 1733/4, Penn Papers, Correspondence of the Penn Family (1732-1767), 20, 21.
\textsuperscript{36} Ibid., 3.
\textsuperscript{37} John Penn to Thomas Penn, May 12, 1734, Feb. 4 and Mar. 8, 1735/6, Penn Letter Book, I, 119, 132-133, 145.
\textsuperscript{38} John Penn to Thomas Penn, Mar. 4, 1733/4, Penn Papers, Correspondence of the Penn Family (1732-1767), 21.
the false cape as their southern boundary. Probably, their adviser was James Logan, who had formerly been secretary to their father and who was an authority on Penn-Baltimore boundary disputes, as well as on maps and practically every other subject. As a young man, this scholar had been told by William Penn where the Privy Council intended the southern boundary of the Three Lower Counties to be.

Whatever part he may have played in influencing the Penns, Logan seems to have been bewildered at the map printed on the Agreement. "The first article sayes the plan printed in ye margin is a true copy of those that had been sent from Am[eri]ca to ye parties but I doubt it may be difficult to prove this and I rather think the lower part relating to the Capes has been taken from an old Dutch map amongst our late Proprs papers with the lines run on it in black lead, in the same manner we see them drawn in this, which old map I have heard that gent affirm is ye very same the Committee of the Privy Council had before them & made use of in 1685 upon the hearing between him & the Ld Balt. And that these very lines were then drawn by them." Logan urged a reconciliation with Baltimore. Offer him better terms for the Lower Counties, he urged, so that the Agreement could be saved. Baltimore, however, was no longer in any mood to negotiate with the tribe of Penn.39

There may have been a moment when he would have listened to such a proposition. In May, 1733, Baltimore came to Philadelphia, no one knew why, and passed some days there. Unfortunately, his previous behavior to Thomas Penn and Governor Gordon had been such that they refused to call on him. After such treatment, how could men of spirit go cap in hand to bid the visitor welcome? Baltimore would have to make the first overture before friendly relations, which he had summarily destroyed, could be resumed. This the

39 James Logan to Paris, May 30, 1733, Logan Letter Book, IV, 329. Why Logan felt that Lord Baltimore's map was not the sort that would have been sent to England by an American agent is difficult to fathom. He himself drew a map very like it, placing "C. Hinlopen" twenty miles south of the entrance to the bay. This map, which Thomas Penn may have copied, accompanied a fourteen-page treatise on the Maryland-Pennsylvania boundary, which Logan sent to the Penns, and which is endorsed, "J. Logan's Arguments against Lord Baltemore sent From Deal 29th May 1724." Unfortunately, this treatise did not deal with the southern boundary of the Three Lower Counties. Cadwalader Collection, Penn Agency, Coates List 62. Lord Baltimore stated that Thomas Penn's map had been sent to him by Logan. Penn v. Baltimore, Lord Baltimore's Answer, 226.
Maryland proprietor was too proud to do, and no meeting took place at which a compromise might have been worked out.

Lord Baltimore left Philadelphia in a rage, swearing he would never forgive the Penns. He hastened to Annapolis to board ship for England. “Tis now all over,” ruefully wrote James Logan. “The dye is cast, & nothing but war remains.” Logan had some sympathy for Baltimore, although confused about the man’s predicament. “He complains that he has been impos’d on, & I think in one part it may be true, but by whom I cannot imagine since tis positively said that he himself propos’d these very terms that are agreed on.”

To repair the damage done by the failure of the Agreement, John Penn journeyed to Pennsylvania, and it was during his absence from England that Baltimore petitioned the King on August 8, 1734, to confirm the Three Lower Counties to Maryland. Hearings were scheduled before the Board of Trade. Baltimore infuriated Paris by telling people that the map printed on the Agreement was a forgery by which the Penns had tricked him. How could this be, fumed Paris? It was Baltimore’s own map, which Baltimore himself had insisted on using.

Baltimore’s abrogation of the Agreement, his talk of fraud, and his attack on the Penn interests at a time when the two effective proprietors were out of the country and could not defend themselves aroused Paris’ crusading zeal. Making the Penns’ cause his own, he looked for allies to aid him in blocking Baltimore’s effort to take over the Three Lower Counties. Allies in plenty he found among London Quakers, who feared that, no matter what Baltimore might promise, he did not have it in his power to protect the Quaker settlers of Delaware in the civil and religious rights and other privileges which they enjoyed under the Penns. Backed by these formidable merchants and professional men, Paris invaded Baltimore’s hearings in force and gained one postponement after another.

To John Penn, Paris wrote: “In order to expose Baltimore’s most unjust attack upon you in your absence, I have printed his Agreement & the Commission to run the lines, & also the parting minute of the Commissioners.”

1735, Paris was in daily consultation with Quaker leaders. He read proof on the new printing of the Agreement and its attached documents on New Year's Day, 1735, and ordered from John Senex several hundred more copies of Lord Baltimore's map, printed from the same copperplate which had stamped the map on the original Agreement, as the erasure in the lower left-hand margin shows. Still bristling over the charge that the map was a forgery, Paris endorsed nearly every one of them: "This is Lord Baltimore's own plan, annexed to the Acts of Agreement of 10 May 1732." At considerable expense, Paris obtained from Senex a composite of John Smith's map of 1606 pieced out with a section covering the Delaware area and New Netherlands from a Dutch map of 1650. This was the type of information available to those who had formulated the decree of 1685 and had specified that the southern boundary of Delaware be run from the latitude of Cape Henlopen. The composite map supported in detail Lord Baltimore's map, because it, too, established Cape Henlopen some twenty miles south of Cape Cornelius; and it was in harmony with the words of the Agreement, which read, "at the place in the said draught or map called Cape Hinlopen, which lies south of Cape Cornelius, upon the eastern side of the said Peninsula, toward the main ocean."

The pamphlet Paris prepared came to seven pages. Laid in most of its copies were Lord Baltimore's map and, in some others, the Smith-Dutch composite as well. There was no title page, merely a heading, "Articles of Agreement etc," but the pages were intended to be folded in three, exposing on the reverse side of the last sheet a docket title headed True Copies. Armed with this material, committees of Quakers called on all the principal officers of state and won

42 Paris' itemized accounts with the Penns for 1733-1736, Penn Papers, Penn v. Baltimore Accounts. Paris permitted a reuse of the composite map by Capt. Fayr Hall, and it appeared in his London, 1735, pamphlet, A Short Account of the First Settlement of the Provinces of Virginia, Maryland, New-York, New Jersey, and Pennsylvania by the English. . . Hall took the liberty of adding explanatory comment along the lines of the 39th and 40th parallels of the map, in which he advocated such extravagant land claims in favor of the Penns that they were displeased.

43 True Copies / of / I. The Agreement between Lord Baltimore and / Messieurs Penn, dated 10 May 1732. / II. The Commissions given to the Commissioners / to mark out the Lines between Maryland, and / Pensilvania and the Three Lower Counties on / Delaware. / III. The Return / or Report of the Commissioners / on both Sides, made 24 Nov. 1733. Shewing / for what Reasons the Lines were not mark'd out / within the Time appointed for that Purpose [London, 1735].
First Proof of the Senex Map
"Lord Baltimore’s Own Plan"

with final corrections from the Senex proof
the delay so necessary for the Penns,\textsuperscript{44} who now had to accept the recourse of going to law as their only hope. John Penn hurried home to manage the affair.

Before his departure from Philadelphia, John had undoubtedly received one of the \textit{True Copies}, together with Paris' letter of January 28, 1734/5, urging him to steel the settlers against Baltimore's overtures, and to warn them that Baltimore could not make good his promises to protect them in their privileges. "It will be proper that you should endeavor to cultivate such notions in the Lower Counties, especially among the Quakers," Paris advised. "You cannot be too earnest in that matter, for he will certainly endeavor to draw them off by promises which are not in his power to perform."

What better course could Penn adherents pursue in following this injunction than to publish an American edition of \textit{True Copies}? In their estimation, these documents told the tale of Baltimore's duplicity. Perhaps they still had many of Franklin's 1733 \textit{Articles of Agreement} on hand, but it did not contain the commissioners' revealing report of November 24, 1733. Another reason not to circulate Franklin's pamphlet for this purpose, assuming it was still available, was Paris' criticism of its format. Paris wanted a printing that could be folded like a brief.

In short order, a new edition of \textit{True Copies} appeared, identical in content and form with the first edition, but lacking the maps. It, too, folded in three and displayed a docket title, the lines of this title, however, not scanning in precisely the same way as in the London issue.\textsuperscript{46} That Franklin printed this second \textit{True Copies} appears cer-

\textsuperscript{44} Paris to John Penn, Jan. 28, 1734/5, Pennsylvania Miscellaneous Papers, Penn v. Baltimore (1735-1739), 135.

\textsuperscript{45} The Quakers in Pennsylvania and Delaware became highly alarmed at Baltimore's disavowal of the Agreement and at his effort to obtain not only confirmation of his title for the Three Lower Counties but of vast areas of Pennsylvania as well. See letter written by the Philadelphia Yearly Meeting in September, 1735, to the Meeting for Sufferings in London. Philadelphia Yearly Meeting Minutes (1681-1746), 389-399, Department of Records, Philadelphia Yearly Meeting, 302 Arch St., Philadelphia.

\textsuperscript{46} The docket title of this issue reads \textit{True Copies, / of / I. The Agreement between Lord Baltimore / and Messieurs Penn, dated 10 May 1732. / II. The Commissions given to the Com- / missioners to mark out the Lines between / Maryland, and Pensilvania and the Three / Lower Counties on Delaware. / III. The Return or Report of the Com- / missioners on both sides, made 24 Nov. / 1733. Shewing for what Reasons the / Lines were not mark'd out within the / Time appointed for that Purpose [Philadelphia, 1735].
tain. All the type ornaments used in it were also used by Franklin in his 1733 printing of the Agreement, and in much the same way. Moreover, the type face used was also one that Franklin owned.47

Meanwhile, events in London took a favorable turn. In May, 1735, Lord Baltimore’s petition was set aside to give the Penns an opportunity to proceed in a court of equity to test the validity of the Articles of Agreement of 1732. His principal clients three thousand miles away, Paris went feverishly to work, assisted by his counsel, the distinguished William Murray.48 In four weeks’ time, Paris composed and filed a bill of enormous length,49 praying to have the Agreement carried into execution. The great Penn-Baltimore chancery case had begun. Baltimore obtained a delay by referring the bill for scandal and impertinence. Ten months later, in mid-1737, Master Francis Elde, reporting on this complaint, found that the bill, although not as well drawn as it might have been, was neither scandalous nor impertinent. Paris then amended the bill so as to avoid any criticism.50

While various delays were taking place in the Penn-Baltimore struggle, Franklin advertised in his Pennsylvania Gazette of January 27–February 3, 1736/7, that he had “Just Published” a pamphlet with a map, which, from its title, appears to have been a second edition of his 1733 printing of the Agreement for Thomas Penn, with the addition of the commissioners' report of November 24, 1733.51 Since

47 Edwin Wolf 2nd has identified the type as Franklin’s Long Primer No. 1 from C. William Miller’s “Benjamin Franklin's Philadelphia Type,” Studies in Bibliography, Papers of the Bibliographical Society of the University of Virginia, XI (1958), Plate I. Mr. Miller, who has examined True Copies, has declared that Franklin printed it.
48 William Murray (1705–1793), 1st Earl of Mansfield, was called to the bar in 1730. Noted as a remarkable orator, he was made solicitor general in 1742. DNB.
49 A copy of his petition of 1735, written on 456 sheets, comprises a volume of the Penn Papers.
51 Just Published. The Articles of Agreement made and concluded upon May 10, 1732, between the Right Honourable the Lord Proprietary of Maryland, and the Honourable the Proprietaries of Pennsylvania, &c., touching the Limits and Boundaries of the Two Provinces. With the Commission constituting certain Persons to execute the same by running the Lines, &c. Also the Report of the Commissioners on both Sides, made at New-Castle, Nov. 24. 1733, shewing for what Reasons the Lines were not mark’d out within the Time appointed by the Articles. To which is prefixed a Map of the two Provinces exactly copied from that drawn in the Margin of the original Articles, by the help of which the Articles are to be the more easily explain’d and understood. Printed and sold by B. Franklin, price 6d.
TRUE COPIES

OF

I. The Agreement between Lord Baltimore and Meffieurs Penn, dated 10 May 1732.

II. The Commissions given to the Commissioners to mark out the Lines between Maryland, and Pennsylvania and the Three Lower Counties on Delaware.

III. The Return or Report of the Commissioners on both Sides, made 24 Nov. 1733. Shewing for what Reasons the Lines were not mark'd out within the Time appointed for that Purpose.

DOCKET TITLE OF THE SECOND PRINTING OF THE AGREEMENT
LONDON, 1735

TRUE COPIES,

OF

I. The Agreement between Lord Baltimore and Meffieurs Penn, dated 10 May 1732.

II. The Commissions given to the Commissioners to mark out the Lines between Maryland, and Pennsylvania and the Three Lower Counties on Delaware.

III. The Return or Report of the Commissioners on both Sides, made 24 Nov. 1733. Shewing for what Reasons the Lines were not mark'd out within the Time appointed for that Purpose.

DOCKET TITLE OF THE THIRD PRINTING OF THE AGREEMENT
BENJAMIN FRANKLIN, PHILADELPHIA, 1735

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Franklin kept his "Just Published" notice running over a period of nine weeks, it is reasonable to suppose that he actually printed and sold this pamphlet, yet no copy of it has been found. The several bibliographers who have listed the publication have done so on the evidence of the advertisement alone.\textsuperscript{52}

For want of a boundary between Maryland and Pennsylvania, disorders and riots—virtual warfare—ensued while the case in chancery moved ponderously on. These outrages becoming intolerable, the King ordered that a temporary boundary, similar to the east-west Maryland-Pennsylvania line in the Agreement, be surveyed, and this was done to restore and preserve peace between the two colonies.

Late in 1741, Thomas Penn returned to London, taking with him his parchment of the Agreement as well as a multitude of depositions on boundary questions. The year 1742 found Paris engaged in writing what he hoped would be his definitive brief for the chancery case. With Thomas Penn's material in hand, Paris noted on February 18, 1741/2: "Drew out rough Abstract of several thousands of Exhibits, proved in Pensilva, & sent over in the great Box." Paris was his usual thorough self, and when at last he completed the brief it came to four hundred and sixty-four pages. A minimum of six clean copies were needed, each costing £58.\textsuperscript{53} Here was a heavy expense. More worrisome than that, however, was the brief itself. Even Paris had to admit that in its manuscript form it appeared so awesomely long that no one would read it.

Paris consulted with Henry Woodfall, a prominent London printer, and found that it would be much cheaper to print the brief. Moreover, in printed form it would come to only one hundred and sixteen pages (albeit one hundred and sixteen huge pages crammed with fine print). There were other advantages to be gained by printing. The briefs would be uniform in appearance and easier to read, and the Penns could have as many copies as they wanted to give to friends or to preserve for posterity.\textsuperscript{54} Consequently, Paris ordered

\textsuperscript{52} Charles R. Hildeburn, \textit{The Issues of the Press in Philadelphia, 1685-1784} (Philadelphia, 1885), I, 119; Charles Evans, \textit{American Bibliography} (Chicago, 1904), II, 118.

\textsuperscript{53} A large part of Paris' manuscript of this brief is in Penn Papers, Penn v. Baltimore, IV. Six copies were necessary, three going to the three men retained as counsel, one for an opening counsel, one for the Penns, and one for Paris.

\textsuperscript{54} Paris' account with the Penns for 1742, Penn Papers, Accounts, I, 60. Woodfall's ledger, if it still exists, would be of interest. Printed extracts from it refer only to literary works. "Woodfall's Ledger, 1734-1747," \textit{Notes and Queries} (London, 1855), XI, 418-420.
Woodfall to print the material in an edition of sixty copies.\textsuperscript{55} The impressive large folio volume which Woodfall turned out is commonly known as the \textit{Breviate}.

Two maps accompanied this exhaustive presentation. The first was a reissue of Lord Baltimore's map taken from the original copper-plate, as the still clearly distinct erasure shows. The second map was engraved from a carefully drawn draft by Benjamin Eastburn, surveyor general of Pennsylvania, and depicts in great detail basically the same area as the Baltimore map.\textsuperscript{56} It eliminates the appearance of a cape at Fenwick's Island, but still labels the place "Cape Henlopen." Up at the real Cape Henlopen at the entrance to Delaware Bay is the name "Cape Cornelius formerly so called." This map Paris thought to be "extremely material for the understanding of the case."\textsuperscript{57} And lest anyone fail to recognize certain of the more important boundary lines on both maps, he had them drawn over in red ink. There was, of course, an extra charge "For Ruling & marking 120 Printed maps with Vermilion."

In January, 1742/3, the printing of the \textit{Breviate} was completed. Paris corrected proof on the index and title page on January 21, and during the next few days paid more than a dozen visits to bookbinder Jeremiah Reason of Fleur de Lis Court, Fleet Street,\textsuperscript{58} who bound the volume stoutly in leather. Three special bindings in green morocco, elaborately tooled, with silk ties ornamented with gold fringes, and all edges gilded, were prepared for the Penn brothers.\textsuperscript{59}

\textsuperscript{55} The size of the edition is based on the number of maps ordered to accompany the \textit{Breviate}. On Nov. 10, 1742, Paris paid Senex's establishment for "60 Maps of Pensilva & 60 Lord Baltimore's maps." Lines on both maps in the \textit{Breviate} were overdrawn in red and the charge for so doing placed the total number of maps at 120. Penn Papers, Accounts, I, 60.

\textsuperscript{56} This map is an outgrowth of Eastburn's 1737 map of the Lower Counties, showing "Cape Cornelius, and from the said Cape the Sea Coast to Cape Heenlopen." Puttick & Simpson, \textit{Catalogue of Books, Manuscripts, Maps, Charts, and Engravings, From the Libraries of William Penn, Founder of Pennsylvania, and His Descendants} (London, 1872), 52, item 570. In 1739, Eastburn drew another map to show the temporary boundary line. Finally, he produced the map dated "Philadelphia 20th Octr. 1740," which is printed in the \textit{Breviate}. For his 1739 map, see Edward B. Mathews, \textit{Report on the Resurvey of the Maryland-Pennsylvania Boundary, Reports of the Maryland Geological Survey} (Baltimore, 1908), VII, 166.

\textsuperscript{57} \textit{Breviate}, 74.

\textsuperscript{58} Penn Papers, Accounts, I, 61. Jeremiah Reason's father, William Reason, was also a bookbinder, but appears to have retired from that trade before 1743. Ellic Howe, \textit{A List of London Bookbinders, 1648-1815} (London, 1950), 80. Citation courtesy of William A. Jackson.

\textsuperscript{59} One of these special copies, probably Thomas Penn's, was given to the Library Company of Philadelphia in 1865 by Thomas' grandson, Granville John Penn. Another Penn copy was purchased by the Princeton University Library from a London dealer in 1902.
The *Breviate* contains a complete printing of the Agreement and was prepared in at least two ways. Copies designed for counsel were printed on rectos only of one hundred and sixteen sheets, the left-hand page remaining blank for notes. Other copies were printed on one hundred and sixteen pages and are only half as thick as the first type. That there was evidently yet a third variety is seen in Paris’ note of a visit on February 19, 1742/3, to his senior counsel: “Attd, at Atty & Soll Genls abot their chusing out a Brief, from 3 sorts left with them.”

The title page of the *Breviate* reads as follows:

In Chancery.

*Breviate.*

John Penn, Thomas Penn, and Richard Penn, Esqrs; Plaintiffs.
Charles Calvert Esq; Lord Baltimore Defendant.
in the Kingdom of Ireland,
For the Plaintiffs.

Upon a Bill to compell a Specifick Execution of Articles of Agreement entred into between the Partys for setting the Boundarys of the Province of Pensilvania, the Three Lower Countys, and the Province of Maryland, and for perpetuating Testimony, &c.

Mr. Attorney General Sir Dudley Ryder.
Mr. Sollicitor General Murray.
Mr. King’s Council Noell."

Paris and Weston Sollicitors.

The promotion to seats of power of Sir Dudley Ryder, who had done much to draft the Agreement of 1732, and of William Murray, who had served some years as counsel for the Penns in this very case, was a happy coincidence for the Pennsylvania proprietors and for their hard-working solicitor Paris.

60 Penn Papers, Accounts, I, 61.
61 The *Breviate* has been reprinted in full in *Pennsylvania Archives, Second Series*, XVI. Many original copies of the *Breviate* have survived. Classifying them as Type I (116 pages), and Type II (116 sheets), copies of Type I are located at the Library Company of Philadelphia (proprietor’s copy), Princeton University (proprietor’s copy), Historical Society of Pennsylvania, Maryland Historical Society, New York Public Library, John Carter Brown Library, John Work Garrett Library of the Johns Hopkins University, Library of Congress, Harvard University, Pennsylvania State Library (Harrisburg), British Museum; copies of Type II are owned by Thomas W. Streeter, Chapin Library at Williams College, and the Historical Society of Pennsylvania.
62 William Noell (1695-1762) was called to the bar in 1731. In 1738, he became a king’s counsel, and later a judge. Horace Walpole thought him a pompous man of little weight. *DNB*.
63 Hampdon Weston, a young associate of Paris'.
Unfortunately, Sir Dudley soon had Paris in despair. He refused to master the *Breviate*. Complaining that it was too long, he demanded a summary of the case. On March 18, 1743, poor Ferdinando plaintively noted "Attd Atty & Soll again. The Atty now (again & again) insists that he will have a case drawn; which I do not know how to go abt." By mid-April, however, he had reformed the basic material in the *Breviate* into a short brief, which Thomas Penn liked so well that he ordered it printed. Paris' entry in his charge account for working up the new brief described the task as "Drawing as short a state of the case as I can, which took me above 3 weeks time, working early & late & amoted to 37 Brief Sheets." When printed by Woodfall, this brief, usually called *The Plaintiffs Case*, boiled down to thirteen pages. Copies of it were delivered to counsel in August, 1743.

With their brief now in more comprehensible form, the situation brightened for the plaintiffs. On October 13, 1743, Thomas Penn wrote to his trusted Philadelphia agent, Richard Peters: "Our cause is still fixed for the first in Term and the council continue to like it well, indeed the better the more they look into it, and say tis the clearest they ever saw, so that I am pretty easy about the issue." Expenses, of course, were horrifying: "such briefs and fees I believe were never known there before."

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64 Penn Papers, Accounts, I, 61. Paris first worked up the new brief by heavily editing sheets from the *Breviate*, some of which are to be found in Penn Papers, Penn v. Baltimore, III, 17–19.

65 The heading on the first sheet of this large folio issue, which was printed on rectos only of thirteen sheets, reads *In Canec* John Penn, Thomas Penn, and Richard Penn, Esqrs, Plaintiffs. Charles Calvert Esq; Lord Baltimore in the Kingdom of Ireland, Defendant. *The Plaintiffs Case*. Paris did not order any maps for it, but evidently used available overruns to accompany it. Many separate copies of the two maps made by Senex are at the Historical Society of Pennsylvania.

The *Plaintiffs Case* appears to be rarer than the *Breviate*. Three Penn copies of it, one of them with marginal notes by the attorney general, were advertised by Edwd. G. Allen, *The Penn Papers* (London, 1870), 19, item 165. Another Penn copy was sold in 1872 by Puttick & Simpson. This copy was accompanied by the large copperplate map dated "Phil. 20th Octr. 1740." Copies are located at the Maryland Historical Society, Library of Congress, and the John Work Garrett Library of Johns Hopkins University. The copy at the Historical Society of Pennsylvania lacks leaves 6 and 13. The two copies owned by the British Museum are identical despite the statement in *PMHB* (1905), 67, which resulted from faulty cataloguing at the British Museum, since corrected.

66 Cadwalader Collection, Penn Agency, Box 2; Penn to Gov. Thomas, May 3, 1743, Penn Letter Book, II, 40.
Baltimore’s arguments for setting aside the Agreement of 1732 did not appear too formidable, but one of his charges impugned the honor of the Penns and of necessity called up all the heavy artillery Paris could muster. Baltimore had accused the Penns of deceiving him by permitting the lines to be laid down on a forged map which they knew to be grossly inaccurate. How it was that Baltimore himself had produced the map was never satisfactorily explained, his assertion being that it had come into his agent’s hands through an unnamed Pennsylvania source. The Penns did all they could to force Baltimore to disclose this source, but to no avail, for he evaded the question. His Lordship’s reticence on this point evoked Paris’ sarcasm. “The great instance of deceit and imposition, which the defendant insists is put upon him, is, by the placing or describing, in his own map, Cape Hinlopen too far south, down to the sea, below Cape Cornelius; For that, as he says, there is no such thing as a cape there, but the true Cape Hinlopen, anciently and originally so called by the Dutch, and so described in their maps, was at the place we call Cape Cornelius, at the very mouth of Delaware Bay, and, there, it was that the south bounds of the Lower Counties should have been.” Paris derided Baltimore for the “most mighty pother” he had raised in his effort to break the Agreement “which he himself proposed, solicited, dictated, and forced us into.”

True, there was no cape where Baltimore’s map showed Cape Henlopen to be. And, equally true, was the fact that Cape Henlopen was the name of the cape at the south entrance to Delaware Bay. But that was not the point. Where was Cape Henlopen thought to be in 1685 when it was designated as the southern bounds of the Three Lower Counties?

67 On Feb. 24, 1750/1, Thomas Penn wrote Richard Peters: “I do not know how Lord Baltimore came by the map he produced, but drew up interrogatorys to make him prove how he came by it, but he avoided to answer them. It was not exactly the same as ours, being a larger scale, but I suppose done from one his agent got from Philadelphia, and on which he had drawn many lines & observations for Lord Baltimore’s direction in making an agreement, so that his information was fully sufficient. We wanted him to produce this map at the hearing, & served him with notice to do it, but he avoided it, I suppose because that would have proved he could not be ignorant as the former would that we had not put any map upon him. His agent took it I suppose as one fit to describe the country, and made use of it to avoid the trouble of making another. . . .” Penn Letter Book, III, 51–52.

68 The Plaintiffs Case, 2, 7. For Baltimore’s explanation, see Penn v. Baltimore, Lord Baltimore’s Answer, 224.
SECTION OF COMPOSITE MAP MADE FOR FERDINANDO JOHN PARIS
BY JOHN SENEX, 1734

The Historical Society of Pennsylvania
Manuscript Cartouche signed by Mason and Dixon

The Cartouche as engraved by J. Smither
In his preparation for this case, Paris became an antiquarian. He haunted the old bookstores, buying rare volumes and maps. He browsed for hours in Sir Hans Sloane’s great library and steeped himself in the early literature relating to America. From James Logan in Philadelphia he received valuable advice, strengthened by the depositions of Sussex County farmers who knew the traditions of the Cape Henlopen area. And so he was well armed to deal with the question of Henlopen’s location, which was indeed the crux of the chancery case, the point which Paris called “the gist of the cause.”

A historical treatise was necessary to explain the matter, and Paris outlined the background with careful documentation. It appears that a Dutch captain, sailing up from the south toward Delaware Bay, descried a bold headland, but on closer view “it proved deceitful, it run away, it vanisht, it disappeared.” For this reason, he called the false cape “Cape Heenlopen,” which in his language signified Cape Run-Away, or Cape Vanishing, or Cape Disappearing. The Dutch skipper may have been Cornelius Mey, who entered Delaware Bay in 1614 and named its northern cape Cape Mey (May) and the southern entrance Cape Cornelius.

This account was corroborated by a book Paris introduced in evidence—John De Laet’s *The New World*, first published in Dutch in 1625, and in 1633, in Latin. Of Delaware Bay, De Laet wrote: “This Bay has two capes or headlands, that toward the North is called Cape May & that toward the South Cape Cornelius . . . four miles [leagues] off of this Cape lyes another Cape, which we call Cape Hinloopen.”

Since the territory comprising the Three Lower Counties was acquired by William Penn from the Duke of York, who held it by right

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69 *Breviate*, 114.
71 Cadwalader Collection, Penn Agency, Coates List 25. Thomas Penn learned of De Laet through an American source in 1743, and promptly began buying all the editions of this work that he could find. Penn Letter Book, II, 69.

In one of his copies of the 1633 De Laet is pasted the armorial bookplate of “William Penn, Proprietor of Pennsylvania, 1703.” Penn’s descendants did this to a number of books William Penn never owned. This copy contains the following manuscript inscription on the map of “America”: “This book was shown to Paul Vaillant and Charles Davis at the respective times of their examinations taken in Chancery in behalf of Thomas Penn and Richard Penn. . . .” Puttick & Simpson, 45, item 515.
of conquest from the Dutch, it was pertinent to know what lands the Dutch had bought from the Indians. Records in New York showed that on July 15, 1630, Dutch authorities purchased from three Indian chiefs, whose town was "scituate on the South Corner of the Bay of the South River [Delaware]," certain lands "on the south side of the said Bay, called by us the Bay of the South River, stretching, in length, from Cape Hinloop, to the mouth of the said South River, about eight large miles [leagues]." Paris cited this evidence not only to demonstrate that Cape Henlopen was eight leagues south of the mouth of the bay, but that all onetime Dutch territory should be contained in the Duke of York's grant.

The first maps of this area of any consequence had been made by the Dutch. By the mid-seventeenth century a whole series of them had been published by Nicolas Joannis Visscher. All these maps showed Cape Cornelius at the mouth of Delaware Bay, and south of it a well-defined headland named "Cape Hinlopen." At least one of these maps had enjoyed an English circulation, because it had been included by John Ogilby in his *America: Being the Latest and Most Accurate Description of the New World*, London, 1671. Ogilby, "His Majesty's Cosmographer, Geographick Printer, and Master of the Revels in the Kingdom of Ireland," was a man of reputation. His work could well have influenced the thinking of the Privy Council when, in 1685, it designated Cape Henlopen as a boundary point. Paris entered Ogilby's map as evidence.

He also brought forward one of the original Dutch maps, a Visscher map of 1651-1655, entitled *Novi Belgii Novaque Angliae Nec Non Partis Virginiae Tabula*. Cape Cornelius and Cape Henlopen were there shown exactly as Lord Baltimore had placed them on his own map. In 1743, Paris, exercising the mordant wit he often used, informed his counsel that Baltimore had yet to find a map printed before 1685 which showed Cape Henlopen at its modern position. Indeed, Baltimore had yet to produce a map of any date.

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72 Cadwalader Collection, Penn Agency, Coates List 59.
74 *The Plaintiff's Case*, 6. The decretal order of 1750 recites the evidence entered by Paris in the case.
Baltimore's defense appears to have been ineptly handled. He was unable to prove that the name Henlopen had been transposed at a very early date from the false cape to the true cape, where it displaced the name Cornelius. A map made by the Swede Peter M. Lindstrom from surveys of 1654-1656 places "Caput Hinlopen" opposite to "Caput May." But this map was not published until 1696, too late a date to help Baltimore. Although Baltimore must almost certainly have known of Augustine Herrman's large map of Virginia and Maryland published in 1673, he did not use it to counter Paris' evidence. This is astonishing, for Herrman's map showed "Cape Hinlop" at the mouth of Delaware Bay, where by then it properly belonged, and made no mention of the false cape or of Cape Cornelius. By 1685, six other English maps in agreement with Herrman's had been published. 75

Instead of producing maps, Baltimore's lawyers stressed the language in the Duke of York's grant to Penn, which, they said, conclusively demonstrated that the Three Lower Counties were not intended to stretch south of the real Cape Henlopen. The Duke of York's grant gave Penn lands on the Delaware "south to Cape Henlopen, otherwise known as the Whorekills, being at the mouth of Delaware Bay." Paris weakly contended that the Whorekills represented an entire area and extended to the false cape. 76

This allegation is not confirmed in the words of the Act of Union of December 7, 1682, which united the Lower Counties to Pennsylvania. In this document, the Delaware area was described as "from twelve miles northward of New Castle, on the River Delaware, down

to the south cape, commonly called Cape Henlopen, and by the proprietary and governor now called Cape James, lying on the west side of the said river and bay.” This Act was accompanied by a paper which read, in part, “all that tract of land lying on the west side of the River Delaware, beginning from twelve miles above New Castle, upon said river, northward, and extending to the south cape, commonly called Cape Henlopen, making the mouth of the Bay of Delaware.”

If, then, Cape Henlopen was at the mouth of the bay, how could it also be twenty miles south?

Evidently, William Penn had early found historic reasons for pushing it south. He took possession of the territory down to the false cape, where a mark of his ownership was placed, and in this area granted out land. In 1685, when the Privy Council ruled in favor of his ownership of the Three Lower Counties, their lordships wanted to see where Cape Henlopen was, since that was the southern anchor of the grant acquired by Penn from the former Duke of York, now James II. Penn, not Baltimore, produced a map on this occasion, and lines were drawn on it to designate the area that was to be Delaware. Since the map of Penn’s choosing happened to be the Visscher map of the same issue which Paris later introduced into the cause, Cape Henlopen was shown at the southern location, although by 1685 that area was simply called the false cape. However the equity in the matter may be judged, it was on that point—old Cape Henlopen—that the Privy Council settled Delaware’s southern bounds. When this formality was accomplished, Penn endorsed his ink-lined map: “The Map by which the privy Council 1685 Settled the the [sic] Bounds between the Lord Baltimore & I, & Maryland & Pennsylvania & Territorys or annexed Countys. W. P.” Rightly or wrongly,
those who framed the decree of 1685 intended that Penn’s territory run south of the present Cape Henlopen to the false cape.

The thought naturally arises that Penn produced his Dutch map as a shrewd effort to push Cape Henlopen back to its obsolete location, miles south of where the Duke of York had designated it in his grant, thereby giving Penn an area to which he was not entitled. However, this surmise is probably unsound. Penn’s entire case before the Privy Council in 1685 rested on his proving that Europeans had settled the Delaware area before the Calvert grant of 1632, by which such lands were excluded from the Calverts. Penn was, of course, successful in this effort, and, since the Dutch had purchased the area between the true and false capes in 1630, the Privy Council, logically withholding that territory from Maryland, had little recourse except to give it to Penn, even though it was not included in the grant gained by Penn from the Duke of York. The only other interested party was the King himself, to whom the area could have reverted, but he approved the Privy Council’s recommendation in favor of the Quaker.

Astonishing as it is that Baltimore failed to produce Augustine Herrman’s map as a corrective to Paris’ outdated Dutch map, it is equally astonishing that Paris did not enter William Penn’s map in evidence. It might seem that that map would conclusively prove where the southern bounds should be, and prove it in favor of the Penns. The map was not lost. Thomas Penn in discussing the Delaware boundary made an unmistakable reference to it in 1735: “The map upon which the draft of the division was made my brother has.” Paris’ reason for not capitalizing on this map remains a mystery, but, in any event, he had produced enough evidence for his clients without it.

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as item 440 at $3,750. Rosenbach probably continued as its owner for ten years, and then sold it to Herschel V. Jones of Minneapolis, who illustrated it in his book *Adventures in Americana, 1492-1897* (New York, 1928), 116. In 1939, Rosenbach purchased the Jones collection en bloc, thus reacquiring the map, which he subsequently sold to John Work Garrett of Baltimore. The map now forms a part of the John Work Garrett Library of the Johns Hopkins University.

80 Penn was informed in a letter of Apr. 16, 1684, from Nicholas Bayard of New York about the Indian deed of 1630 to the Dutch. Cadwalader Collection, Penn Agency, Penn-Baltimore, Box 4.

81 Penn Papers, Penn v. Baltimore, II, 62. Penn was discussing page 7 of the chancery bill of 1735. See *ibid.*, 52.
The case was not won in short order, for proceedings in chancery are lengthy, a fact which John Penn knew and dreaded. In its first phase, the Penn-Baltimore cause took fifteen years before Philip Lord Hardwicke, Lord Chancellor of Great Britain, determined the issue. In May, 1750, he sat in Westminster Hall for six days listening to the pleadings. According to Thomas Penn, Baltimore's proofs "turned out so bad, that they forbid their solicitor to produce any more, as they generally were of greater service to us than my Lord." Writing to Pennsylvania's Governor James Hamilton, Penn continued:

My Lord Chancellor, when the Solicitor General had ended his reply [on behalf of the Penns] . . . took some time to look over his notes, and make his Decree, which he pronounced yesterday [May 15, 1750], after a speech of more than two hours, in which he considered and answered every objection offered by my Lord Baltimore in the pleadings, or as matter of argument by the Council. I should have told you at the beginning of his speech he declared he did not take time to consider this matter from any doubt he had on which side the equity of the case lay, but as it was a matter of great extent and consequence and which rather deserved the consideration of a Roman Senate than a single judge, he was willing to consider it in all its parts.

Not only did the Lord Chancellor dismiss all the reasons advanced by Baltimore in his effort to invalidate the Agreement of 1732, he assessed the charges of the suit and the expenses of the Penn boundary commissioners of 1732-1733 against Baltimore. In handing down a minute of his decision, he declared "That the Articles of Agreement of the 10th May, 1732, are valid and obligatory . . . and that the said Articles ought to be specifically executed and performed."

Baltimore and the Penns promptly issued new commissions to the agents whom they appointed to supervise the running of the lines. The Lord Chancellor's minute and the commission authorizing the Pennsylvania commissioners to proceed were printed later in the year in a fifteen-page pamphlet by Franklin and Hall on order of Richard Peters, who was one of the Pennsylvania commissioners. The pamphlet was intended for the use of the commissioners and surveyors.

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83 "To Cash paid Franklin and Hall for printing minutes on hearing Tuesday the 15th of May last, in Chancery, relating to the Boundaries of Maryland & Pennsylvania, and for printing the Commission of the Proprietaries of Pennsylvania, and binding them in Half
Not until October 27, 1750, was the decretal order itself issued, enforcing Baltimore's compliance with the Agreement of 1732, and sternly warning him, "fail not at your peril."  

Some surveying was done in 1750 and 1751 on the line from Cape Henlopen or Fenwick's Island, but the death of Lord Baltimore in the latter year brought the work to a halt, and it was not resumed for another ten years. Frederick, the new Lord Baltimore, refused to be bound by the Agreement of 1732, a stand which furnished grist to the legal mill. Thomas Penn hoped for an amicable settlement, but was adamant on the old terms. To Richard Peters, he wrote in 1754, "You may be assured I shall not consent to the removal of the Cape one hairs breadth to the northward." Two years later, he was able to inform Peters: "My Lord Baltimore being weary of law has proposed to submit to the Decree against his father on condition that we release him from the payment of our costs. This we have consented to on his agreeing to leave the line already run from Fenwick's Island to Chesapeake Bay [as] the south boundary of the Countys."  

A new agreement was now necessary, not to supplant the basic Agreement of 1732, but to implement it. The years rolled by while this additional compact lay in the hands of the lawyers. Paris did not live to see it concluded. On December 16, 1759, he died, deeply mourned by Thomas Penn, who lamented the passing of his "old friend and honest agent." "We shall never find a man of half his application," wrote Penn, mindful of Paris' habit of working twelve to eighteen hours a day seven days a week.  

At long last the necessary terms were agreed to and engrossed on parchment, six sheets being necessary for each copy. Impressed on the left-hand margin of the first page of these contracts was John Senex's familiar map with its faint erasure. Baltimore and the two surviving Penn brothers signed these documents on July 4, 1760, binding for the use of the Commissioners and Surveyors, £3.0.0.  

84 A copy of this decree, covering thirty-nine newspaper-size sheets of vellum, is in the Penn Papers.  
85 Penn to Peters, July 31, 1754, and Oct. 9, 1756, Penn Letter Book, III, 362; V, 21.  
86 Penn to Peters, Sept. 14, 1746, Jan. 12, 1760, and May 10, 1760, ibid., II, 170; VI, 200, 236.
and the next day completed the commissions, on which Senex’s map again appeared, appointing agents to run the lines.  

The renewed efforts to establish the boundaries were not successful. Rival sets of surveyors appointed by the two colonies quarreled, and the commissioners themselves were often in disagreement. Technical difficulties to do with the equipment and skill of the surveyors became apparent. Thomas Penn was disgusted: “It is amazing that the surveyors were so ignorant as to run the Meridian Line with a wooden telescope that was left abroad in wet weather.”

To solve the dilemma, Penn suggested to Baltimore in 1762 that they join in hiring English experts to do the job. But Baltimore was traveling in Europe at this time and was not available for business. At length, on June 18, 1763, Penn wrote his commissioners: “As we found it was almost impossible to keep the surveyors of Maryland from starting unreasonable objections to the proposals made by you and our surveyors, we intended to persuade Lord Baltimore to join us in sending some very able surveyors that were skilful in making celestial observations from hence. To this proposal we never got any consent of his ’til two days since, when he declared his approbation of the proposal.”

A formal contract was soon executed by Baltimore’s legal representative, the two Penn brothers, and the surveyors, Charles Mason and Jeremiah Dixon. Space was left on the parchment for Lord Baltimore’s map, but, instead of printing the map, as had been done in the past, a paper copy of it was pasted on the document. After having been put to the press in 1732, 1734, 1742, and 1760, Senex’s copperplate was spared further impressions on vellum.

Mason and Dixon finished the surveys, for which their names are famous, late in 1767, thereby establishing boundaries which had been in contention since 1681. On December 26, 1767, the commissioners ordered them to “make out from your minute books an exact and true plan and survey of the boundary lines by you run . . . giving in

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87 Original copies of this agreement and of the commission to the Pennsylvania commissioners are at HSP. The copy of the agreement sent on July 10, 1760, to Gov. Hamilton is with the Chew Papers at Cliveden. Penn Letter Book, VI, 277. A third copy was presented to the Historical Society in 1860, and was turned over to the Commonwealth in 1866.
88 Penn to Gov. Hamilton, ibid., VII, 270.
89 Ibid., 183, 292.
90 A copy of the Mason and Dixon agreement with the proprietors is at HSP.
such plan the most exact and certain descriptions that can be given of said lines and country through which they pass."\(^{91}\)

The surveyors promptly drew a meticulous strip map of the boundaries, artistically indicating and naming geographical features for three miles on either side of the line. They did their work in two parts—the long west line and the L-shaped Maryland-Delaware boundary. An attractive cartouche was provided for each part, and under each cartouche they signed their names.

On February 9, 1768, Commissioner Benjamin Chew wrote Thomas Penn: "The Surveyors are discharg'd from our service and as soon as they have measured a Degree of Latitude according to the directions of the Royal Society will I suppose embark for Engld. They have drawn & sign'd a very curious map of all the lines which will be annexd to our report."\(^{92}\)

The engraving of this map in Philadelphia presented problems. The eastern part could be fitted onto a single copperplate, but the western line was three times too long to fit. Consequently, the western line was divided into three parts, which were engraved one under the other. To fit the entire map together, it was necessary to cut out these three strips, join them together, and paste them onto large sheets of paper which, in turn, were joined to the eastern section of the map.

Henry Dawkins, a competent engraver, undertook the task of engraving Mason and Dixon's drawings, but gave up the job before it was completed. His successor, James Smither, who finished the map, is given full credit as its engraver. By mid-August, 1768, two hundred copies of it had been printed.\(^{93}\)

In passing, it is worth recording that both Mason and Dixon's signed drawings of the map have recently come to light. The drawing for the eastern sheet was given to Princeton University in 1953, has drawn comment in print, and has been twice illustrated.\(^{94}\) In January, 1963, the western section was identified among the Chew papers at

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\(^{91}\) Minutes of the Commissioners, Chew Papers, HSP.

\(^{92}\) Chew Papers, Cliveden.


\(^{94}\) Cummings, 69, 100; *The Princeton University Library Chronicle*, XVI (1955), 97–99.
Miraculously, the entire manuscript map prepared by Mason and Dixon has survived.

Although the engraved map was approved on August 27, not until November did the commissioners agree "on the form of a certificate to be written on the plans of the Lines which are to be transmitted to their constituents." This certificate, ordered engrossed on a number of copies of the map, stated that the surveys had been run "pursuant to the plain intent, and true meaning of certain articles of Agreement, bearing date the tenth day of May in the year of our Lord, one thousand seven hundred and thirty two." The commissioners "Do certify that this map is a true and exact plan, and survey of such parts of the said circle lines and boundaries as have been marked, run out, settled, fixed, and determined, according to the said respective Articles of Agreement."\(^{96}\)

On November 9, 1768, they subscribed their names and affixed their seals to the several copies of the map on which the certificate had been placed. Among the commissioners for Pennsylvania was Benjamin Chew, who presumably drafted the certificate, and it was Chew who a few days later forwarded a copy of the map to Thomas Penn, a map which represented the final triumph of the Agreement of 1732.\(^{97}\)

So, at long last, the boundary lines were run, and the thirty-six-year-old Agreement was concluded. By then, two of its four signers were dead, six of the seven original Pennsylvania commissioners had gone to their reward, and even the indefatigable Paris had failed to see the job through. Thomas Penn had reason to call his solicitor's

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\(^{96}\) On Jan. 8, 1963, while Benjamin Chew and the author were comparing a copy of the map with a long strip map of the western line only, a strip signed under its cartouche by Mason and Dixon, Mr. Chew noticed that the cartouche on the strip map differed from that on the other copy. It was soon realized that the strip map, despite its superficial appearance of being an engraving, was actually a manuscript. On Jan. 15, this map was compared at Princeton with the other manuscript part signed by the surveyors. There was no doubt in any of the viewers' minds that both were drawn by the same hand, presumably that of Charles Dixon. The Princeton part of the manuscript map was acquired by the family of its donor in 1864. No doubt, Benjamin Chew, 3rd, who is known to have given away a set of the map to John McAllister in 1863 (Streeter 32), gave a set to another friend, not realizing that the eastern sheet he selected for it was part of the original manuscript.

\(^{97}\) Certificate signed by the commissioners on the Chew copy of the map at HSP. Another executed copy is at the Maryland Historical Society.

Chew to Penn, Nov. 13, 1768, Penn Papers, Official Correspondence, X, 184.
Map of the Mason-Dixon Surveys, Eastern Sheet
death a “great loss,” for Paris more than anyone else had cleared the Penns of the ugly charges that Baltimore had made. In this controversy, Paris had the stronger side of the case, because the Penns actually had not been guilty of a fraud, nor had they improperly taken advantage of Baltimore. At the outset, Thomas Penn had been prepared to demand land south to Fenwick’s Island, where the name Henlopen had originated. But Penn never had to state this demand because Baltimore himself had obligingly placed the boundary mark there, and had then gone on to be not so obliging about the northern boundary.

Had Baltimore been more knowledgeable, he would have located Cape Henlopen at the mouth of the bay, and the Penns would have had to accept that boundary, just as they had felt it necessary to accept all of Baltimore’s demands. Through ignorance, Baltimore had not pressed his advantage, and thus voluntarily relinquished a tract representing about a third of present-day Delaware. Cape Henlopen, not the Penns, had proved deceitful to him. In fine, Baltimore’s unaccountable ignorance of the territory he claimed to own had placed him at the mercy of Cape Henlopen, and that false cape had justified its name by running away from him.

Having fought so hard to abrogate the Agreement of 1732, the Calverts could scarcely have had any sentimental interest in the three original signed copies which Baltimore once owned. Evidently, these three parchments have been destroyed. The Penn copies, on the other hand, have fared better.

One of them was sent to Philadelphia by Thomas Penn in 1750, accompanying the commission for the men Penn had designated to run the boundary lines. Since this was not Penn’s own copy, it was probably John Penn’s. John had died in 1746 leaving his entire interest in Pennsylvania to Thomas, who thus acquired John’s papers, including his copy of the Agreement. In the course of time, this document was placed in the hands of Commissioner Benjamin Chew, the

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98 The Calvert Papers do not exist in the bulk and degree of completeness of the Penn Papers. [Maryland Historical Society], Fund Publication, No. 28: The Calvert Papers (Baltimore, 1889). To avoid any question, it should be noted that Lawrence Henry Gipson in his Lewis Evans, 47 (note 26), writes, “An original copy of the Agreement is among the Calvert Papers, No. 299”; however, No. 299 is merely an unengrossed, unexecuted copy.
official selected as custodian of the Mason-Dixon survey records. This copy of the Agreement has remained with the Chew papers at Cliveden.

The next copy to make Philadelphia its home was Thomas Penn’s. It had first come to Philadelphia with him in 1732. There it had been recorded, and there Benjamin Franklin transcribed it in 1733 for its first printing, and also copied its map. Penn took this document back to England in 1741. For many years it was shelved with his papers in the various safe places he carefully arranged for them, and, ultimately, at his son’s countryseat, Stoke Park. In 1804, twenty-nine years after Thomas Penn’s death, the family’s American representative visited Stoke, searching for materials to support Penn claims in an impending suit with the state of Delaware. This man selected basic title deeds and pertinent papers, which he inventoried: “List of papers taken from England by John R. Coates agent for the Honble John & Richd Penn, 1804.” And what a list it was! It even included the original grant for Pennsylvania which Charles II had bestowed on William Penn. Number 82 on the list was the “Agreement of 10th May 1732 between Lord Baltimore & Messrs Penn.”

So it was that Thomas Penn’s copy again crossed the ocean, returning to Philadelphia, where it has ever since remained. In 1817, Coates delivered it, together with the rest of his Penn papers, to Thomas Cadwalader, who had superseded him in the Penn agency. For the next one hundred and twenty-two years it was stored in the Cadwalader law office. At length, in 1939, it came to a new home, the Historical Society of Pennsylvania, as part of the Cadwalader family’s munificent gift of manuscripts.

Thus, John and Thomas Penn’s copies of the Agreement of 1732 have survived, but what of Richard Penn’s copy? Some evidence of its history is available. In connection with the Penn-Baltimore cause, Paris had shown it to a witness in 1742, and it had figured in testimony by the identification symbol “PAR No 7,” which Paris endorsed on it. In 1760, a few months after Paris’ death, Thomas Penn

101 Cadwalader Collection, Penn Agency, Coates List.
102 Although obligated to return the charter to the Penns, Coates gave it in 1812 to the Commonwealth of Pennsylvania. It is now on exhibit in the State Museum, Harrisburg. Nicholas B. Wainwright, “The Mystery of Pennsylvania’s Royal Charter,” PMHB, LXXIII (1949), 415-428.
delivered "PAR No 7" to Henry Wilmot, the new solicitor.\textsuperscript{103} Since this manuscript was not among the Penn papers when they were summarily offered for sale in 1870, it may be assumed that Wilmot never returned it to the Penns.

Should the document continue to exist, other assumptions must follow. First, it must be supposed that after Wilmot ceased to represent the Penns, "PAR No 7," doubtless with other legal papers, fell into the hands of the Hanrotts of London, who served as solicitors for the last two generations of the Penns, and who were on the job when the final Penn died in 1869. Next, it must be concluded that on the settlement of the estate of this last Penn, the Hanrotts delivered a mass of family documents, which had accumulated in their office for more than seventy years, to the Penn heir-at-law, William Stuart. The search for "PAR No 7" consequently centers on the Stuarts, the Stuarts of Tempsford Hall, Bedfordshire. Unfortunately, this mansion of theirs burned to the ground with virtually total loss of contents in 1898. Worse yet, the direct line of the Stuarts of Tempsford Hall has since died out.

Efforts to locate the missing document appeared hopeless. Then, a new lead opened up. The Shire Hall in Bedford, England, houses a large collection of Penn deeds and leases deposited there in 1948 by the collateral descendant of the Stuarts who had inherited Tempsford Hall. The description of one of these papers, while not conclusive, held forth the strong probability that it was an original copy of the Agreement of May 10, 1732. If it was the missing Penn copy, its identity could be easily proved. Early in 1963, an inquiry was sent to Shire Hall. Did its parchment catalogued as WY874 bear the endorsement "PAR No 7"? In reply, the county archivist wrote: "WY874 is endorsed 'PAR No 7,' in answer to your letter of 1 February. I am intrigued to know what lies behind your query."

Durable witnesses to a compact of historic importance, the Penn copies of the Agreement have all three defied the ravages of time. In their phraseology and in the map printed on their left-hand margins, they record the curious consequence of a cape that would not sit still.

\textit{Philadelphia} \hspace{1cm} \textbf{Nicholas B. Wainwright}

\textsuperscript{103} Penn v. Baltimore, Depositions (London, 1740), 307; Penn Letter Book, VI, 228, 270.