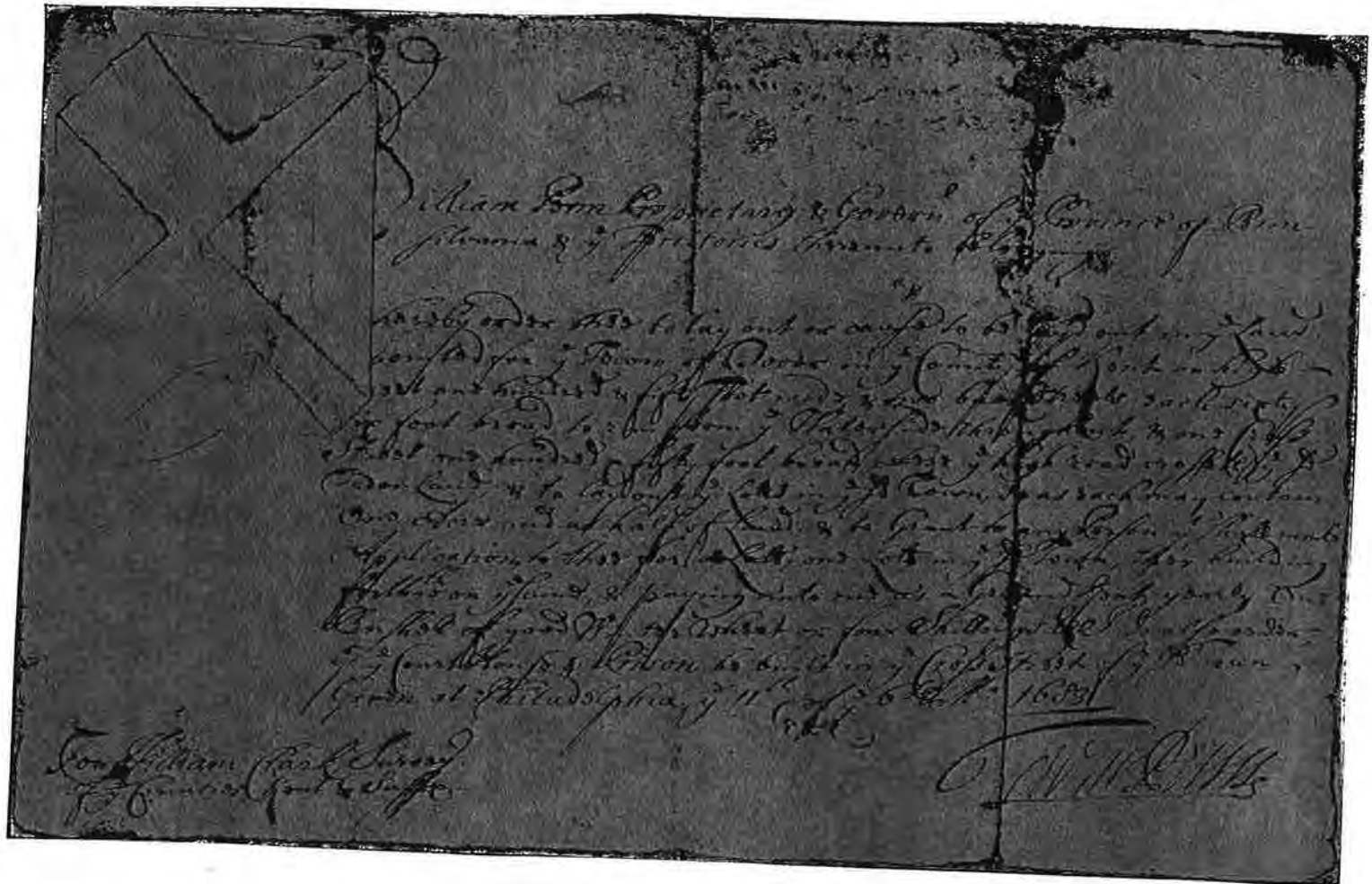


WILLIAM PENN'S ORDER TO LAY OUT THE TOWN OF DOVER



Transcription

William Penn Proprietary & Govern<sup>r</sup> of y<sup>e</sup> Province of Penn-  
sylvania & y<sup>e</sup> Territories thereunto belonging.

I hereby order thee to lay out or cause to be lay<sup>d</sup> out in y<sup>e</sup> Land  
appointed for y<sup>e</sup> Town of Dover in y<sup>e</sup> County of Kent one high  
street one hundred & fifty foot wide & two back streets each sixty  
six foot broad to run from y<sup>e</sup> Water side through & one Cross  
Street one hundred & fifty foot broad where y<sup>e</sup> high road crosseth y<sup>e</sup> s<sup>d</sup>  
Town Land; & to lay out y<sup>e</sup> Lotts in y<sup>e</sup> s<sup>d</sup> Town, so as each may contain  
One Acre and an half of Land; & to Grant to any Person y<sup>t</sup> shall make  
Application to thee for a Lott, one Lott in y<sup>e</sup> s<sup>d</sup> Town, they building  
forthw<sup>th</sup> on y<sup>e</sup> Same, & paying unto me as a Ground Rent, yearly One  
Bushell of good Winter Wheat or four Shillings & I do also order  
y<sup>t</sup> y<sup>e</sup> Court House & Prison be built in y<sup>e</sup> Cross Street of y<sup>e</sup> s<sup>d</sup> Town  
Given at Philadelphia, y<sup>e</sup> 11<sup>th</sup> of y<sup>e</sup> 6<sup>th</sup> M<sup>o</sup>. 1683.

Wm Penn

To William Clark Survey<sup>r</sup>.  
of y<sup>e</sup> Counties Kent & Sussex.

of Burlington. Budd sided with Samuel Jennings against Edward Byllynge and Thomas Mathews in 1683; see doc. 120, n. 5. By 1690 he had moved to Philadelphia, where he became a supporter of George Keith and died outside the Society of Friends. Budd published several polemical works, first against Edward Byllynge in 1685, and then in support of George Keith between 1692 and 1697. At his death he was one of the wealthiest merchants in Philadelphia. Besse, 2:578, 580-82, 587-88, 609; Nash, *Quakers and Politics*, pp. 152, 283-85; Pomfret, *West New Jersey*, pp. 87, 89, 106, 129-31, 136, 138-41, 145-46; Smith, pp. 330-31; *NJA*, 22:70-71; doc. 145, below.

3. John Gosling (d. c. 1686), of Burlington, was elected to the West Jersey council in 1683. He had a large estate at his death. *NJA*, 22:191.

4. Henry Stacy (d. 1684), a merchant from Spitalfield, outside London, owned a one-eighth share of West Jersey. He also owned 500 acres of land near Sepassincks Island, over which WP and West Jersey were contesting. Stacy was a brother-in-law of James Nevill, WP's agent in the Salem tenth. Pomfret, *West New Jersey*, pp. 130, 286; *NJA*, 22:436-37; doc. 119, n. 7, above.

5. Mark Newby (d. 1684), an Irish Quaker and an agent for the investors in the "Irish tenth" in West Jersey, was elected to the West Jersey Council in 1682 and 1683. Pomfret, *West New Jersey*, pp. 123, 130; *NJA*, 22:338.

6. The minutes of the Pennsylvania Council meeting of 20 June 1683 do not record any discussion of this matter. *Minutes of the Provincial Council* (Philadelphia, 1852), p. 76.

7. Pithy and earnest. *OED*.

8. See doc. 120, nn. 4-6, above.

9. WP is asking the West New Jersey government to repudiate false rumors that attack Pennsylvania without mentioning Lord Baltimore. Thus Baltimore's claims to land along the Delaware would be given no appearance of public acceptance.

10. Lord Baltimore's armed supporters had attempted to assert Maryland's authority over Whorekill in 1671 and in 1673. See doc. 143, n. 7, below.

11. For Thomas Mathews's "Reflections" on WP, see Mathews to George Fox, 11 June 1683, *PMHB*, 17:195-99.

12. The patents to New Jersey that specify the colony's western boundary are those from Charles II to the duke of York, dated 12 Mar. 1664, and from James, Duke of York, to John Lord Berkeley and Sir George Carteret, dated 23 and 24 June 1664. See *NJA*, 1:4, 9, 11.

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FROM WILLIAM CLARKE

Dover River<sup>1</sup> the 21<sup>th</sup> 4/mo [June]; 1683;

Govern<sup>r</sup> Penn;

These may sarve to Advise thee that I arrived at Lewis the Last first day;<sup>2</sup> some After severall of the neighbourhood Cam to my house and told me that the Lord Baltimore did the Last thurd day<sup>3</sup> Cause A proclamacon to be read publiquely in sumersett County<sup>4</sup> Court; that all persons that would seat Land in Either the whor Kill or Jones Countys;<sup>5</sup> That he would procure them Rights at one hundred pounds of Tobacco per Right, and that they should pay but one shilling for every hundred Acres of Land yearly rent,<sup>6</sup> And if the Inhabitents of both these Countys would Revolt from william Penn and owne him to be their proprietary and Govern<sup>r</sup> that they should have the same termes;<sup>7</sup> Reports ware also given out that the Lord Baltimor did Intend shortly to Com with A Troop of horse to tak[e] possession of these Two Lower Countys; which Caused greate fear to a Rise in the

peoples mindes; Cheifely Because most of the Inhabited Land of the Lower Countys that are seated, Are Claimed by some of the Inhabitents of Mary Land whoe had pattons for it when the Ld Baltimore had the place,<sup>8</sup> he gave to any of his own provience pattons for what Land here that they Could desier All though never Cam to Injoye it; which Caused them to be very earnest in their Enquirey of me; how things went at the meeting of Govern<sup>r</sup> Penn and the Ld Baltimore;<sup>9</sup> And for the Quieting of the peopls minds I saw an nessesetye Lye upon me to Let them know; That the Ld Baltimore was soe fer from Expecting to have these Countys that he had offered Govern<sup>r</sup> Penn; That if he would Let him have these Two Lower Countys; That he woud give him as much at the Head of Chasepeak Bay more then what would fall into our Govern<sup>rs</sup> Line; And that I hard our Govern<sup>r</sup> say that at the same time that he parted with these Two Countys he would part from Pensilvania also; And Likewise I Told them that these kinde of proceedings ware no new things with the Ld Baltimore he haveing declared the Like offerture to the people and Inhabitant[s] about Two or three years sence; which gave the Inhabitents great satisfacion; And the Last thurd day I Coming here to Kent County Court the Like Reports ware here from Choptanck dorcett and Talbott Countys;<sup>10</sup> And the Like fears had seized upon the Minds of the people which Caused them to be very desierous to know of me how things stood betwene the Two proprietaryes; I gave them the Like Answer as in the other Countyes; which Caused them to banish all fears; And After that I being willing to Lay as strong obligacons and Tyes upon the people as I Could to binde them to be and Continou faithfull to thy Intrest; I put them upon peticoning to the Govern<sup>r</sup> for A Charter to Incorporate the Towne of Dover,<sup>11</sup> which they Radyly Complied with and desiered me to draw A peticon for them; as also to take Care to get the Charter for them; upon which I drew the enclosed peticon which they radyly voted to have it sent to the Govern<sup>r</sup> and signed unto it Expressing that they feared not Baltimor or what he Could doe to them; I hear that John Sharp whom thee ware pleased to favour; when here and passe by many offences Committed by him in thy Govern<sup>mt</sup> <sup>12</sup> Have Evill Rewarded thee in Maryland by Runing up and downe as it ware open Mouth telling the people that William Penn have forfeited his patton or Charter by deneying him an Appeale;<sup>13</sup> Our Friende Richard Michall<sup>14</sup> was here at Court and tells me that the Ld Baltimors (party) give out in Mary Land that he never saw any person Carrie himsef soe Lofty and with soe much Maties as Govern<sup>r</sup> Penn ded to him at new Castle; And that thee put as great A slit<sup>15</sup> upon him as if he had bene much thy Inferiour; And that After thee did Com to new Castle; Govern<sup>r</sup> Penn did take halfe an hours time to Repose himsef pretending the Extremety of the heat at his owne Lodging; And that Instead there of staid away three or foure hours and in the meanetime was Advise-

ing with his Council; And although Govern<sup>r</sup> Penn pretended to excuse himselfe by being Asleep he had them there that Informed him of his proceedings; And he Crys out much Against thee for breache of thy word to him;<sup>16</sup> And that thee Cam with about sixty horse men better Armed and Aquitered<sup>17</sup> then his party; with a Trumplt sounding befor thee; And the greate Guns firing at thy Goeing out and Comin[g] Into the Towne[;] He said that thee offered to Render unto him these Two Lower Countys on Condition that he would Let thee have A Landing at the Head of his Bay, which is sounded up and downe Mary Land Like A Trumplt; And those Friends that ware Intended to Com from thence to ~~Mary~~ settle here and have purchiased Land for that purpos are much discouriged; this friende also tells me that Baltimore Begins to bring sufferings upon friends in Mary land for Refusing to Trayne and Tells them that William Penn Can Com with A Trumplt and armed men and fire great Guns and friends have sence bene (sumoned or) warned to Trayne and great fines Laid upon them for Refusing;<sup>18</sup> to all these things I gave this friende good satisfaccon; Telling him that thee ordered thy man to Call thee when the Ld Baltimore was rady to goe to dinner if within halfe an hour which thy man nedglected; Att which I saw thee much Troubled Lest the Ld Baltimore should tak[e] an offence at it; And as to thy party being Armed there ware seve[ral] [illegible] people that vollintarily went with thee; that went in their owne way; And as for the firing of the Greate Guns I hard thee Reprove Cap<sup>t</sup> Aldrick<sup>19</sup> whoe was as I thought the occation of it; for soe doeing; And that as for the Trumplt thee Knew nothing of it but I supposed it to be one that belong to A Ketch or ship that Rode befor the Towne that made use of it; without any order from thee; And that as to fighting; he Knew friends princcals soe well that I should not need to say anything to that; the friende R M have [torn] Coppies of Two of the proclaimacons that I brought and sett up here for the Quickening and Requiring of the Ministers of Justices to put the Laws in Execution Against disorders and deborcherys;<sup>20</sup> which he say will be great satisfacon to friends in Mary land & Vergenia[;] many Intend for this place he say from Vergina; Thus haveing as in duty bound Communicated these things to thee; that soe thee may know how Ell thy pretended friende Baltimore make use of thy friendship and Respect [for] him I shall take Leave to subscribe my selfe thy True and faithfull Friende

Wm; Clarke

ALS. Executive Proprietary Papers, Division of Historical and Cultural Affairs, Hall of Records, Dover, Delaware. (*Micro.* 4:245). Addressed: This | For William Penn | Proprietary & Govern<sup>r</sup> | of the Provience | of Pensilvania & | [Territories?] Thereunto | Belonging at | Phelidelphia deliver | with speede. Docketed; W<sup>m</sup> Clark | the 21 4<sup>th</sup>/mo 1683. Docketed further in another hand: of L<sup>d</sup> Bs {fruitless} Endeavrs to prevail w<sup>th</sup> the Inhabit<sup>ts</sup> of | Sussex &c to acknowledge him their Land<sup>l</sup> | and his Officers.

1. St. Jones's River; see the map on p. 257.
2. 17 June 1683.
3. 12 June 1683.
4. The southernmost county on Maryland's Eastern Shore; see the map on p. 257.
5. Sussex and Kent counties.
6. Clarke was not exactly correct on this point. On 15 May 1683, Lord Baltimore announced new rates for taking up land: for the right or grant of fifty acres in Maryland, 100 pounds of tobacco and two shillings annual quitrent; and for fifty acres on the "Sea board side or the whore kills," fifty pounds of tobacco and one shilling annual quitrent. When challenged later by WP, Baltimore explained that he issued this proclamation only to remedy abuses of the headright system; he contended that proclamations claiming the lower counties of Delaware had often been issued by himself and by his father, Cecil Calvert, and that the rents for the lower counties had always been set at half the rate of Maryland. *Md. Archives*, 5:390-91, 394-95. WP's annual quitrent for lands in the lower counties was 1d. per acre, over four times the amount Lord Baltimore set forth in this proclamation. See doc. 103, n. 6. But see also the comparison of taxes paid by residents of each colony, in doc. 178, below.
7. Lord Baltimore's proclamation of 15 May 1683 did not specifically mention WP or encourage the inhabitants of Delaware to revolt, although anyone purchasing land in the lower counties from Lord Baltimore would by implication be repudiating WP's government. *Md. Archives*, 5:394-95.
8. Lord Baltimore claimed title to the lower counties by right of the 1632 Maryland charter, but the area was first settled by the Dutch and Swedes and then in 1664 was granted by Charles II to the duke of York. The closest Baltimore came to possession was in 1671-1672, when he sent surveyors into the lower counties. See doc. 143, n. 7.
9. At New Castle, 29 May 1683; see the headnote to doc. 115.
10. The Choptank River, which flowed into the Chesapeake from Maryland's Eastern Shore, divided Dorchester and Talbot counties; see the map on p. 257.
11. WP responded to this petition by issuing orders to lay out the town of Dover and to survey lots for himself in the town (see WP's Order to Lay Out the Town of Dover, and WP's Order to Lay Out his Lots in Dover, both 11 Aug. 1683, Division of Historical and Cultural Affairs, Hall of Records, Dover, Delaware). The town was not, in fact, laid out until 1717.
12. John Sharpe, a Kent Co. landowner, was ordered by the county court in Aug. 1682 to ask public forgiveness for slandering William Darvall and William Bourn, to fulfill his contract for digging a cellar, and to pay Darvall 380 lbs. of pork. WP's decision on his case is unknown, as the records for the Apr. 1683 session which WP attended have not survived. Leon deValinger, Jr., ed., *Court Records of Kent County, Delaware 1680-1705* (Washington, D. C., 1959), pp. 59, 74, 78-80.
13. There is no record of Sharpe's case in the minutes of the Provincial Council, which heard appeals from county courts. Sharpe could have taken his case directly to the king, who reserved the right to receive, hear, and determine "the appeale & appeales of all or any person or persons of in or belonging to the Territories aforesaid or touching any Judgment to be there made or given" (see p. 66). *Minutes of the Provincial Council* (Philadelphia, 1852), 1:57-77.
14. Richard Mitchell (d. 1685) was appointed high sheriff and deputy-surveyor of Kent Co. in 1684. Leon deValinger, Jr., ed., *Calendar of Kent County Delaware Probate Records 1680-1800* (Dover, 1944), p. 12; *Governor's Register, State of Delaware* (Wilmington, 1926), 1:3.
15. Slight.
16. Lord Baltimore apparently claimed that WP had recognized Baltimore's rights to Delaware in the mid-1670s when John Fenwick asked WP to buy the colony from the duke of York; see doc. 132.
17. Accoutered, or equipped.
18. Throughout the colonial period, Quakers in Maryland were liable for punishment for refusing to join the militia. In June 1683, Friends on both the Eastern and Western Shores responded to this persecution by setting up committees to assist those who had suffered and to keep a record of their sufferings. Kenneth Carroll, *Quakerism on the Eastern Shore* (Baltimore, 1970), pp. 64-65.
19. Peter Alricks; see doc. 87, n. 2.

Heirs, from whom the said adjacent Lands were so adjudged and taken.

*Signed by Order of the House,*

JOS. ENGLAND, *Speaker.*

*Examined,*

B. CHEW.

*An ACT appointing Persons to lay out Two Hundred Acres of Land in Lots adjoining to the Court-House of the County of Kent, and to dispose of the same to the Use of the Publick.*

**N**OTHING being of more Consequence to a Preamble.  
Country than the Improvement thereof by the Addition of Tradesmen, and others, in such Measure as may not be of great Expence to the new Settlers; BE IT THEREFORE ENACTED by the Honourable *William Keith, Esq;* by his Majesty's royal Approbation Lieutenant-Governor of the Counties of *Newcastle, Kent, and Sussex, on Delaware, and Province of Pennsylvania,* by and with the Advice and Consent of the Freemen of the said Counties, in General Assembly met, and by the Authority of the same, That it shall and may be lawful, and it is hereby made lawful for *Benjamin Shurmer, William Brinkloe, and Richard Richardson,* or any two of them, to survey and lay out into Lots a certain Tract of Land in the County of *Kent,* adjoining to the Court-House of said County, and purchased by the People thereof, and commonly called the Town of *Dover,* in such Measures and Proportions as to them shall seem meet and convenient, and the said Lots so surveyed and laid out, as aforesaid, to dispose of and sell to such Persons as are willing to purchase and buy; and further, that it shall and may be lawful, and is hereby made lawful for the Persons above-mentioned, to grant, execute and perform Deed or Deeds, Conveyance or Conveyances, Bargains or Sales, for the said Lot or Lots, to any such Person or Persons as shall purchase the same; which said Deeds, Conveyances, Bargains or Sales, shall be good and valid in Law to the Parties purchasing, to them, their Heirs and Assigns for ever.

*Benjamin Shurmer, &c. impowered to lay out into Lots a Tract of Land in the Town of Dover,*

And to re-  
cover the Mo-  
ney for said  
Lots,

AND BE IT FURTHER ENACTED  
by the Authority aforesaid, That the above-mentioned  
*Benjamin Shurmer, William Brinkloe, and Richard Richard-  
son*, or any two of them, may and are hereby impowered  
to sue for, ask, levy and recover every such Sum or Sums  
of Money, as shall arise due from the Sale of the said Lot  
or Lots.

And render  
an Account of  
the Money re-  
ceived, &c.

AND BE IT FURTHER ENACTED,  
That the said *Benjamin Shurmer, William Brinkloe, and  
Richard Richardson*, shall and are hereby made liable,  
upon all Demands hereafter, to render an Account of Mo-  
ney or Monies received on Account of the aforesaid Lots,  
to any Person or Persons whom the Justices of the Peace  
for the Time being, and Grand Jury of said County, shall  
appoint; whose Receipt shall discharge the said above-  
mentioned Persons from any farther Demand: And the  
said *Benjamin Shurmer, William Brinkloe, and Richard  
Richardson*, are hereby allowed, and it may be lawful for  
them to reserve for themselves out of the Monies so as  
aforesaid to be received, every such Part or Proportion of  
the same, as by them, and any other three Persons, whom  
the Court and Grand Jury shall nominate for the said pur-  
pose, shall agree upon and think fit.

PROVIDED ALWAYS, and it is hereby meant  
and intended, That the said Survey and Allotment, and Lay-  
ing-out, shall be finished and compleated at or before the  
*Tenth Day of March* next.

*Signed by Order of the House,*

JOHN FRENCH, *Speaker.*

*An ACT obliging all Non-Residenters within  
this Government, to give Security to the Pro-  
thonotaries of these Counties, before any Writ  
can issue from the said Offices, for the Payment  
of the Costs.*

BE IT ENACTED by the Honourable *William  
Keith, Esq;* by and with his Majesty's royal Appro-  
tion Lieutenant-Governor of the Counties of *Newcastle,  
Kent,*

*Kent, and  
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By Attachment, The first Court, Continued; [Hugh Willsons Executors v. Thomas Everett] By Attachment, The first Court, Continued; [Richard Willsons Executors v. John Keble] Not Serued; [Robert French v. Thomas Everett] By Attachment, The first Court, Continued; [Stephen Nowell v. Abigail Cook] Not Serued; [Thomas Nickolls v. Matthew Willson] The plaintiff not appearinge is Nonsuited; [William Trippit v. Peter Taylor] By Attachment, the first Court, Continued; [George Peacock v. Phillip Hunings] The plaintiff not appearinge, a Nonsuit is granted; [Robert French v. Nathaniell Lewis Executrix] Continued till next Court; [John Hall v. Robert Halls Administratrix] Neither plaintiff nor defendant appearinge, the Court orders a Nonsuit; [John Dubrois v. James Browne] By Attachment, the third Court. This Action is still Continued the plaintiff not being present.

Mary Nayler Widdow and Executrix of John King deceased by her Attourney William Anmand Came into Court and Acknowledged one deed for three hundred Acres of Land Called Troy for the proper use and behoofe of Robert French his heirs and Assignes for Ever.

Thomas Wells, John Wells and Katherine Wells by their Attourney Samuell Berry Came into Court and Acknowledged one deed for two Severall tracts of Land viz<sup>tt</sup>: the one for five hundred acres of Land called Berry fortune and the other for one hundred Seventy five acres Called Shrewsberry, Unto William Rodeney for the proper use and behoofe of Griffith Jones of Philadelphia County merchant his heirs and assignes for Ever.

Ordered that William Morton doe forthwith Lay out the Towne Land Called Dover, at the head of Dover river Containinge in all Two hundred Acres, for a Towne [namely], that is to say, fifty acres part thereof and on the back part thereof to be Laid out for a Common, And two Acres more to be laid out in a Square, next adjoyninge and round about the Court house for a market place and other publick uses, And that the remaininge part being one hundred and forty Eight Acres be Laid out into one hundred and twenty Lotts, and Streets Convenient which Streets are to be Sixty foot wide, and the said Towne to be Laid out as aforesaid with what Convenient Speed may be, and modelled in the best and most regular and uniforme manner that it Can be to the Scituation of the place.

Ordered that Elizabeth Shurley Widdow, being a poore and Indigent woman, haue the Sume of Eight pounds per annum Allowed her, out of the publick Stock of this County, towards her maintenance, for the future, to be paid to her or her order.

Proclamation made that the Justices are ready to proceed Upon Layinge the County Levys, And that the grand Juriors and all other persons Concerned are required to giue their Attendance, as the Law directs, And thereupon they proceeded, and Calculated the publick charges of this County and made a rate or Assesment Accordingly for defrayinge the same.

transcription



Thomas Webb. John Webb & Nathaniel Webb by their  
Attorney Samuel Gray came into Court & declared that  
one used for two several tracts of land viz<sup>t</sup> the one for said  
Andrew Bess of said county. 3224y Returns and the other for  
one hundred seven by five acres of said Shroton 3224y. 2510 -  
Phillim. Thomas for the proper use and behoof of the said  
County of Philadelphia County more than his heirs and assigns  
to save

\* I do say that William Mather do forthwith pay out the several  
said Lands Doves, at the hand of Doves since Collinings in all  
the hundred Bess, for a shrove viz. that is to say. Fifty acres  
part thereof and on the back part thereof to be paid out for a  
portion. And two acres more to be paid out in a square, meet  
adjoining and bound about the best houses for a mainst place  
and of the publick use, and that the remaining being one hun-  
dred & fifty eight acres be paid out into one hundred & twenty  
lots, and the said several tracts shall be sold with what con-  
venient. Some may be and modest in the best & most convenient  
and convenient manner that it can be to the Satisfaction of the  
the publick

I do say that the said Shroton Doves, being apportioned into  
several several, from the Survey of Eight hundred & twenty  
Returns the, all of the publick use of this County, to be sold  
the maintenance for the future, to be paid to the said order

I do say that the said publick use be sold to the said  
upon annexing the County survey, and that the said lands  
and all other necessary purposes be required to give the  
Attendants, as the said order, and the survey the  
be sold, and taken into the publick charge of this County  
and made as is or otherwise according to the order  
the said

This Court is adjourned to the second  
Tuesday in February next