

William Penn and English Politics in 1680-81

NEW LIGHT ON THE GRANTING OF THE PENNSYLVANIA CHARTER*

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THE classic explanation why Charles II made a grant of the charter of Pennsylvania is well known. “[Penn] inherited from his father”, writes Janney, “a claim on the British government for money advanced and services rendered to the amount of sixteen thousand pounds, and in the year 1680 petitioned Charles II to grant him, in lieu of this sum, a tract of country in America, lying north of Maryland”¹ This story, like a hardy perennial, is always cropping up; it is found in President Sharpless’s history,² in Rayner Kelsey’s recent biographical sketch of Penn,³ and in numerous other works, including elementary school textbooks in history.⁴ The vogue that this story has enjoyed is easy to explain as soon as it is understood that William Penn himself was its author. That genial old antiquary and gossip of Restoration times, John Aubrey, in a few notes on Penn in one of his *Brief Lives*, has this to say: “His majestie owing to his father 10 000 li., 16—, (which, with the interest of it, came not to lesse than 20 000 li.,) did, in consideration therof, grant to him and his heirs a province in America which his majestie was pleased to name Pennsylvania, the 4th day of March 1680/1, to which he is now going this next September 1681.”⁵ From the context of this note it is clear that Penn gave this explanation to Aubrey not more than a few months after the grant of the charter.

One may accept Penn’s story and yet at the same time wish to have a fuller understanding of the circumstances under which the grant was made. It is the historian’s

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business to seek for unsuspected connections, to search for unity in a world of apparent diversity. Was the King's action in creating Penn a proprietor and colonial magnate effected without reference to the historical movements of the time? This is what Penn would have one think, and the universal acceptance of his story has led to the neglect of certain particulars highly relevant to the earliest phase of Pennsylvania history. So soon as one begins to probe, however, various questions arise. Why did Penn wait ten years after his father's death before asking the King to repay the loan? In 1680 the Crown was hard pressed for funds indeed; but in 1674 and 1675 Charles II was enjoying a generous revenue, based on prosperity in trade. Odd, then, that Penn did not apply for redress when the chance of obtaining it was brightest.⁶ Another question that one cannot help asking is, why, after all, did Charles deign to grant Penn's request? The King was not always so scrupulous about paying his just debts, yet on this occasion he more than satisfied his creditor. What if, for one reason or another, the King decided that it was to his certain advantage to make Penn this princely gift?

So far as it goes, Penn's explanation is true; that it is a full explanation is herein challenged. One may believe either that the grant of the Pennsylvania charter was an isolated historical event or, on the contrary, that it was vitally associated with currents of contemporary English politics. The thesis set forth herein is that William Penn applied to the Crown for a tract of land on the Delaware River as a result of the threatening political situation in England in June, 1680. It is maintained further that Charles II favoured Penn's petition because in March, 1681, he shrewdly conceived such action to be to his political advantage. Accordingly, the traditional view appears merely as a pleasant story by which Penn, who dared not reveal the whole truth in 1681, cleverly obscured the real motives which prompted his petition. So well did this expedient of politicly masking the truth succeed that from that day to this historians have been content to accept Penn's pretty fable at its face value. Meantime, the deeper reasons have lain neglected in the background.

English party politics in late Restoration times hold many facts of significance for the present purpose. Although

Penn was personally a friend of Charles II and of his brother, James, Duke of York, the great Quaker was no upholder of royal prerogative. On the contrary, he was a political thinker holding views that for that time were quite advanced. He was, in his general outlook, a Whig, and yet his Whiggism was shot through with republican ideals which were more advanced still. Penn co-operated politically with Whig leaders like Lord Essex, the Marquis of Halifax, the Earl of Shaftesbury, Lord Russell, and William Sacheverell.⁷ He gave a worthy expression to his enlightened opinions when he published in 1679 *England's Great Interest in the Choice of This Parliament*. Earlier he had worked hard for the election to Parliament of Algernon Sidney, the foremost living English republican. Sidney, in December, 1678, had stood for election at Guildford, a constituency where Penn had some influence, but met with defeat. At a general election held in the autumn of 1679, Sidney stood again, this time at Bramber, but the Tory party found means of keeping this lofty idealist out of the national council, and a second time he had to accept Penn's consolation.⁸

Penn's deep interest in religious toleration served strongly to impel him into Whiggish circles. The Whig party in 1680 consisted of a combination between a part of the great land-owning interest (the future "Whig oligarchy" of the eighteenth century) and the bulk of the class that prospered by trade. Landed gentry and yeoman farmers linked hands with merchants and shopkeepers of the towns. The objects of this political alliance were sharply defined: to tear political power from the Crown and to force the Church of England to grant toleration to Dissent. A great Whig leader, the Earl of Shaftesbury, made explicit the Whig political principles: security of the Protestant religion, toleration for Protestant Dissenters, liberty of the subject and supremacy of Parliament in the constitution.⁹ When Penn supported Algernon Sidney for Parliament, he therefore supported one who championed these principles; and when he published his book in 1679, he expressed his adherence to the same ideas.

Although Whig strenuously opposed Tory, the Whigs were by no means a harmoniously united party among themselves. A question of political expediency tended to keep them divided into two factions, known as the moderate Whigs and the extreme Whigs. Since Charles II had no

legitimate heir of his own body, his rightful successor was James, Duke of York, who unfortunately for the peace of many Englishmen, was a Roman Catholic. The Whigs were agreed that if James became King, the English constitution would be in danger. They were not agreed what measures ought to be taken to safeguard the laws and liberties which the English enjoyed. William Penn's support was given to the moderate Whigs. This allegiance was inevitable, because the expedient that the extreme Whigs, led by Shaftesbury, had worked out to settle the issue led straight on to civil convulsion. Shaftesbury contended that there could be no tranquillity in English politics until Parliament passed a statute excluding the Duke of York from the succession.¹⁰ In affirming that the English constitution would not be safe with James on the throne as King, the Shaftesbury Whigs were correct, for a united nation was afterward to rise and drive James out in December, 1688. But in 1679 and 1680 Exclusion as an issue weakened the Whigs, because it led to a party split, frightening moderate men away. As the extreme Whigs insisted on Exclusion, the moderates were forced to adopt another expedient which they called Limitations. Charles II for his part was resolved not to give in to Shaftesbury's demands. He ranged round his royal person all loyalists, sought by every means to check the Whig extremists, and looked far and wide for allies among the moderates.

The extremists were powerfully led by Shaftesbury. So skilfully did he arrange demonstrations, drum up popular support, shape public opinion, and discipline his party, that it was months before the Tories could make any considerable headway against the strong Whig current. Shaftesbury was willing to use constitutional means as long as possible. But he let it be clearly understood that when constitutional means failed, he would not hesitate to employ the revolutionary method of gaining his party's ends.¹¹ Looking back, one can see that William Penn, pacific Quaker, was in a difficult position. He agreed with the fundamental Whig principles, and wanted to see them written onto the statute book. He could not, however, fight for them, sword in hand, because of his Quaker convictions. If political struggles should lead to outright militancy, if armed strife should succeed angry talk, what then? He could not side with the King's party,

because in his heart he was no Tory. Nor could he with a clear conscience enrol under the banner of the extreme Whigs. As for the moderate Whigs, when the issue appeared in its most threatening form, they went over to the King.

Penn knew, what every practical man then knew, that the Whig party was an alliance between a knot of wealthy leaders and a multitude of plain men, farmers, shopkeepers, apprentices, and other humble members of the English community. In so far as these humble folk were Dissenters, they wanted toleration ; and most of them were Dissenters. They were also folk not well supplied with the goods of this world. Trade was growing less profitable, farming was in poor condition, the perennial problem of unemployment cast a dark shadow in many parts of England. What interest (except toleration) had these plain folk in shouldering guns to support the Whig leaders when they thundered : No Popish King ? Penn perceived that the economic interest of the Whig masses was not identical with the economic interest of the Whig gentry and lords. He perceived that in emigration to America could be found a solution which would guarantee the several ideals heartily cherished by his friends : toleration for Dissent, whether the nonconformists were Quakers or not ; opportunity to advance in life, by exploiting the virgin resources of the Delaware valley ; and a life of peace, remote from the then threatening fratricidal war in England. These humble folk supplied the real voting strength of the Whig party¹² and many of them were destined to be numbered among the first settlers in Pennsylvania.¹³

When Shaftesbury spoke of revolution to enforce his faction's demands, the extreme Whigs applauded, the moderate Whigs shrank back toward the King, the Tories gathered even closer about him, and William Penn began to dream of Pennsylvania.

London was the centre of the Whig party, and at the Green Ribbon Club Shaftesbury sat in state, directing the multifarious activities of his disciplined, martial organization. From the Whig headquarters there poured forth a stream of pamphlets ; at the headquarters the agents prepared demonstrations, practised the methods of working on the spirits of the London mob, thought out new ways of putting Charles on the defensive, and steadily held the political offensive. The leaders let it be known that as a last course they would not

fail to use the sword.¹⁴ Their militant propaganda awoke the humble yeomen, shopkeepers, and other folk to a fresh consciousness of their own place in society. The forgotten men at almost the base of the social pyramid listened to the Whig magnates, found in Whig teachings new reason for their political self-respect. They began to seek liberty that no party in England could as yet see fit to grant them. Years later some of these folk found even Pennsylvania's generous institutions somewhat short of their ardent desires. Shaftesbury lit a flame slow to be extinguished.

To obtain the correct perspective in which to see the granting of the charter of Pennsylvania, one must go back to the first months of the year 1679/80, and follow forward the succession of political events. If one makes the effort continuously to relate the political movements of the time with the several stages in Penn's attempt to procure his charter, it will be seen that the key to the earliest phase of Pennsylvania history lies in an understanding of the English party politics during these exciting months. By piecing together into a larger unity some particulars drawn from English history along with other details relating to early Pennsylvania, one manages to throw new light on both branches of history, and to see the genesis of the colony in sharper relief than it has hitherto been seen. The Anglo-American interpretation, instead of an interpretation either purely insular or purely colonial, serves the purpose best.

Turning now to the political situation in England, one finds that from January to the middle of May, 1680, there existed a balance of parties: Tory checked Whig, Whig blocked Tory. Consequently there ensued a superficial and deceptive peace. Beneath the surface both parties worked feverishly. The Whigs had for months monopolized public attention. They seemed to be carrying all before them. The King nurtured the secret hope that before long a loyalist reaction would come into being, as a natural reaction from Whig excesses. With the purpose of keeping the public mind hostile to the Roman Catholic Duke of York, the extreme Whigs at London made much show with huge demonstrations against Popery.¹⁵ Suddenly in the middle of May, 1680, the complexion of affairs altered, for the King fell sick (13th May). What if the King should die? For a few days popular anxiety was considerable. Would the

Duke try to claim the royal power? And if he tried to do this, would the Whigs oppose him, out of fearing to trust life and fortune to a Catholic prince? No time was to be lost: the extremist leaders met at Shaftesbury's London house. There is every indication that they perfected a plan for action, and looked forward, if need be, to the armed seizure of power.¹⁶

Charles recovered from his illness (21st May), and by the last of May the anxious nation could once more breathe easily. Solemn days these must have been for a moderate Whig, a pacific man like William Penn. Civil war had all but stared him and his co-religionists in the face. How he regarded war we know well. That he should have envisaged himself or his friends taking part in such fratricidal strife is unthinkable. As he could not with confidence or serenity look into a future at home in which civil war, Anglican persecution, and Tory repression threatened, may he not at this crisis have conceived the project of emigration to Pennsylvania?

Some years of colonial experience* on his part lay back of this conjectured decision; many years of experience in dealing with the agents of a persecuting Church. It is not without plausibility, then, to suggest that Penn made up his mind during these critical few weeks, for they were weeks that forced the issue home in stubborn fashion. Would Quakers and other Dissenters, weary of a world where liberties had over-long been struggled for without success, now shake England's dust from their feet and, like the Puritans of Massachusetts in 1629, turn to the plantation world to create a fresh and free life for themselves, or would they stop at home, passive and inert, while the furious partisans exchanged blow for blow? Penn's was the determining decision: a decision that meant the creation of a new way of life and a liberal form of civil society.

Not later than 1st June, 1680, Penn petitioned the Crown for a grant of lands on the Delaware.¹⁷ Thus he took the first step toward realizing the ideal of his "Holy Experiment".

Penn's resolve indicates that he clearly understood the dark and threatening situation in which England then found herself. In order to gauge the sentiment of the times, one may take an extract from a modern historian who has closely studied these stirring times. In 1680 and 1681, writes

* Over West New Jersey.

Keith Feiling, "it was too late for the Whigs to draw back, and the plans of their leaders were those of desperate men. The royal progresses of Monmouth and his touching for the King's evil, the trained intimidation practised by the London mob, Shaftesbury's open threat to treat Ormonde as another Strafford, and Russell's hint that the Duke of York, who was but one man, should die rather than the People—even by the end of 1680 such portents were driving moderates into the Royalist camp. Finally, in 1682-3 came disclosures of an assassination plot, officered by ex-Cromwellians and by London citizens, and of an organization for rebellion planned by the responsible heads of the 'mutineers', Monmouth, Essex, Sidney, Russell, and Trenchard: this at last stampeded the waverers, broke the Whig party, and consecrated the reaction."¹⁸

How different was Penn's course at this extremity! Whereas nearly all the moderates among the Whigs were willing to forgo the pursuit of their political principles in order to keep peace,¹⁹ and therefore now went over to the King, Penn strove for wider satisfactions: he aimed to procure from the Crown an opportunity to live at peace and likewise a substantial grant of political power. If he could obtain from the King a charter for lands in America, a liberal charter conveying in generous measure all the rights to erect a free society on Whig or republican principles, he would be able to make the best of both worlds.

Penn's petition asking for an American grant was dated about the 1st of June, 1680. It was speedily referred to the Committee for Trade and Plantations for action,²⁰ and from the very first it is evident that Penn had powerful support. The Earl of Sunderland, an old University friend and travelling companion, was now Secretary for State: his aid was forthcoming. James, Duke of York, cleared obstacles from that path that might otherwise have been unsurmountable; the Duke, in his capacity of proprietor of New York province, and as lord of the tiny settlement already established at Newcastle on Delaware, could have crushed the project. He chose rather to waive his rights and made Penn several valuable concessions. Indeed, the smooth facility with which the business advanced stage by stage to its final happy conclusion breeds the suspicion that the King blessed the plan with his favour from the first.²¹ That royal politician

understood well enough that Penn's project suited the interest of the Crown, as matters then stood, to perfection. Why not make use of a prominent Dissenter like Penn to draw away from the realm countless hundreds of Whigs and nonconformists, contentious folk at the best offering only passive obedience? The more Shaftesbury cried havoc, therefore, the more certain, it seems, was Penn of receiving his grant.

Once the petition had been registered, events moved swiftly. Towards the end of June, 1680, the extreme Whig leaders indicted the Duke of York before the Grand Jury of Middlesex County as a popish recusant.²² Even by this early date, the Crown's agents had made progress with Penn's affair; they had written to the representatives of Lord Baltimore and the Duke of York.²³ Conferences followed. While Monmouth toured the West of England in regal state during July, August, and September, with the aim of rousing enthusiasm in the provinces, the Whig leaders in London struggled hard. By October the Exclusionists had secured a firm grip on the political machinery of the City, so that "for the next two years, the capital was in a state of covert rebellion".²⁴ The Tories were the more downcast as they perceived the popularity of the Whig cause. On 16th October, the Duke of York's secretary wrote the government's agent that his master would not hinder the Quaker's scheme.²⁵ Penn, one gathers, had conferred with the Duke in the very nick of time, for His Royal Highness was on the eve of departing from England. The temper of the Whig extremists where the Roman Catholic royal Duke was concerned had risen to fever heat. A new Parliament, with a Whig majority, was about to meet. Reluctantly but wisely, Charles II exiled his brother to Scotland on 20th October.²⁶ The very next day the King opened Parliament in state. The Whigs of course promptly introduced their darling bill, the measure to exclude James from the throne, and they carried it in the Commons. While the debates on Exclusion raged, the Lords of Trade in Whitehall were reading Penn's petition once more, and on 1st November he wrote them, requesting that a day be appointed for preparing the grant to him of the lands he desired in America.²⁷ The affair went steadily forward during November.²⁸ In the middle of this month, the extreme Whig cause reached high-water mark,

for the House of Lords refused to pass the Exclusion bill sent up by the Commons. Great was the rage of the Whig extremists at this check!²⁹

Charles could now breathe easier, since, for the moment, the Whigs were weakened in the parliamentary field. The King's aim was to play for time, to detach waverers if he could, and to foil the Whig resolve to withhold supply by furnishing himself from another source. Charles was a magnificent opportunist, and he had an expedient for every danger. If the Whigs would not allow Parliament to grant him funds, he would try Louis XIV's ambassador. If the Whig leaders excited the land with their constant excursions and alarms, he would count on time to bring about the inevitable reaction. And if Whig rank and file made trouble, he would see what influence William Penn had in drawing them away from the party leaders.

The Whigs in the House of Commons next threatened Charles with the passage of a bill for the formation of a Protestant Association which in effect meant the establishment of a private army under Shaftesbury's control.³⁰ Though these were times that tried men's souls, the King nevertheless thought he detected a slight stiffening of Tory sentiment abroad in the nation. On 10th January, 1680/81, he prorogued Parliament for ten days. He clearly took a great risk. "The Protestant Association seemed about to take shape from the alliance of the City and the Dissenters with Monmouth and the Whigs. Experienced observers agreed that at no time since the Restoration had civil war been so likely, while the superstitious recalled that it had been on 10th January, 1642, that Charles I had left London to oppose his people in arms. Indeed, there was a project among the extreme Whigs . . . to defy the prorogation and to retire to the City, but it was not adopted."³¹

Filled with suspicion and threatening violence, the Whig leaders held off for the King's next move. They did not witness it, for it was made in the secrecy of a government office. The Committee for Trade and Plantations were quietly making satisfactory progress with Penn's project. On 15th January, the Lord Chief Justice settled the question of the boundaries of Penn's proposed grant, and the Committee voted that the whole patent should be read a few days later.³² On 18th January, Charles struck at the Whigs

again : he dissolved the prorogued Parliament and ordered fresh elections. The new Parliament was summoned to meet at Oxford, traditional home of English loyalism, where the King thought the political atmosphere would be less heated and less hostile to the Tory cause.³³

On 22nd January, Penn's patent was read in the Committee on Trade and Plantations, and it was ordered that the patent be looked over to see if it were consistent with the King's interests and the settlers' encouragement.³⁴ These stipulations forcibly indicate that the Crown expected, and desired, something to come of this grant. It was well understood that the surest way of stimulating a large migration of discontented English was to deal liberally with Penn in rights of government. There was to be given him ample room on the Delaware for that freedom which Tories could not stomach at home.³⁵

A campaign followed the dissolution—Tory and Whig were busy with electioneering during the last of January and the early part of February. During this brief period nothing occurred to Penn's affair. It would therefore appear as though Charles were watching carefully to see what the result of the general election would be before pressing on with his plan to endow a Whiggish Dissenter so liberally with American lands.

The news soon began to filter into London from the country : the Whigs had carried the election ! A furious effort well executed had won the day. In the end, the malcontents swept the King's enemies together in such goodly numbers that it was known in short order that the new House would be even more hostile to Charles than its predecessor had been.³⁶ With this political certainty well to the fore in his mind, Charles signified to his Committee for Trade and Plantations that they were to prepare a draft of a charter on Penn's behalf for the royal approbation. The news of the result of the new elections was known at Court by the middle of February, perhaps even a bit earlier. The King's request regarding Penn's charter was replied to by the Committee for Trade and Plantations on 24th February, and by this date the matter was practically settled.³⁷ On 4th March, 1680/81, the King signed Penn's charter. By royal direction the new province was to be called Pennsylvania. But when Charles gave Penn to understand that

this name was in memory of the Admiral, his father, was the King losing sight of the fact that in Dissenting circles, and in the humbler Whig circles, the name Penn was not valueless as an advertising token? Charles II as a political leader lost sight of rather few significant particulars.

The Whigs had won the elections, it is true, but they had not yet won the constitutional contest with the King. Charles was now taking the offensive, did they but know it. He had already summoned Parliament to meet at Oxford, where the London mob could not be used to intimidate his Tory supporters. He had already matured his project to weaken Whig mass support by drawing off to Pennsylvania multitudes of moderate Whigs, plain men and Dissenters, who thought like Penn and the Quakers on the issue of imminent civil war. He now suspected, and rightly, that Louis XIV would give him enough money so that he could dispense with a parliamentary grant. The decisive week at last came on. On 21st March, 1680/81, the last Parliament of Charles's reign met at Oxford. It was the shortest Parliament in English history.³⁸ The King knew what he could expect from this gathering of the people's representatives. The day after Parliament met Charles played his trump: he concluded a secret, verbal treaty with the French King, which assured him of an ample supply of funds for three years to follow.³⁹ Now let Parliament do as it pleased, but the King and his most intimate advisers understood who held the whip hand this time. On 24th March, the Commons were organized and ready for business. All innocent that Charles had duped them, they speedily introduced their Exclusion bill and let it be known that the King was to have no supply unless he conceded this fundamental point.⁴⁰ But this time the King neither conceded nor dallied in the matter. Calling the astounded Commons to meet with the Lords, he donned his robes and surprised all except a handful who were in the secret by dissolving the Parliament. It was the end of popular government in this reign: for the rest of his life Charles ruled as a dictator. On 28th March, 1681, the Whig cause in England went down in defeat.

Before the month was out, Penn's advertising circulars which told of the waiting riches of Pennsylvania were being drawn up, and the months that followed saw a steady stream of proposals broadcast. There was an impressive output

of advertising between the first week of March, 1681, and the last of September, 1682—a space of eighteen months.⁴¹ Whether judged by the number of the items, the variety of the appeals, or the well-calculated timeliness of their appearances, this literary campaign of propaganda for Pennsylvania is quite unmatched for the time. It is indeed the theoretically and practically most perfect accomplishment of the sort in the colonial annals of the second half of the seventeenth century. Penn was losing no time in striving to attract colonists. Charles not unnaturally wanted Penn to forge ahead with his work; Penn himself wanted his “Holy Experiment” to succeed. The greater the publicity about Pennsylvania, the more successful the effort (from the King’s point of view) in neutralizing the common man’s interest in Whig politics and Whig ideals in England. Every settler who contracted to go out with Penn, even every man who turned the offer over in his mind, was in some measure a man detached from the Whig cause.⁴² There exists a very intimate connection, therefore, between the destruction of the first Whig party and the genesis of Penn’s “Holy Experiment”.

Is it not apparent that Charles II had made use of Penn with masterly political skill? Was it not astute to defend prerogative government at home by permitting a quasi-republican experiment on the Delaware? And was it not a counsel of subtlety to oppress the Whig-Quaker interest at home, while endowing it with a rich abundance in America? The grant of Pennsylvania thus has a wide significance. It helped to bring about the weakening of the anti-prerogative forces, so that Charles could rule as a dictator (after March, 1681) to the end of his reign. His leading opponents fled the realm, languished in jails, or plotted till royal agents surprised them. The Whig cause petered out in flares of baffled anger. A second consequence of the grant was that English political liberalism, now endangered at home, made haste to take refuge in America. Much of what Shaftesbury wanted to see engrafted upon the oak of English liberty was carried overseas by the proprietor of Pennsylvania and his emigrants. It is an amazing thing, for example, to find on the pages of the forgotten public records of early West New Jersey, a Quaker colony, the fullest and boldest manifesto of early Whig ideals that is to be found anywhere.⁴³

As for the government that Penn instituted for his province, it embodied much that a plain Whig might have desired to see established at home. A final result was that the grant of territory in America in some respects weakened the Quaker movement. It split the Society into immense fractions, geographically remote one from another. Thousands went to Pennsylvania, and this movement of people eventually had its effect at home. In the century following it was remarked that if Quakerism was at a lower ebb than it had been formerly, one of the reasons for that condition was the settlement of so many Friends in America.

A word of speculation may not be out of place. Penn chose to explain the King's grant to him by putting it on an unexceptionable basis: that it was a recompense for money owed the Admiral by the Crown. To hint at a political or a religious explanation would in 1681 have been tactless and injurious. Penn cannot have been ignorant why the King saw fit to concede him a vast estate and liberal rights to government: he would not have cared to give that secret away. And, moreover, he cannot have wished to antagonize the Whig leaders by exposing an aim which was to result in weakening the mass support of their party. To do so would be to convert the magnates into most violent detractors and to draw down on the head of infant Pennsylvania every calumny and objection that an age fertile in urging objections could invent. What tale so innocent, then, as the one he diplomatically contrived in 1681?

Finally there emerges the comforting reflection that, after all, Charles's expedient of chartering Dissent on the Delaware did not weaken the Whig cause permanently. Let the Crown tell off its smaller triumphs: the arrest, imprisonment, and flight of Shaftesbury, the agony of Algernon Sidney and Lord Russell on the scaffold, the detection of the Rye House conspiracy,⁴⁴ the quiet passage from life into eternity of Charles himself. Prerogative dictatorship in England had outlived its day and though deferred, the Exclusionist Whigs enjoyed a greater triumph than Charles had known, when the Glorious Revolution of 1688/89 struck down the old principle of kingship in favour of more congenial doctrines. The times moved too fast for Charles to be wholly successful, but a monument to his shrewdness—all in vain—is to be seen in the founding of the Quaker "Holy Experiment".⁴⁵

NOTES

¹ Samuel M. Janney, *The Life of William Penn* (Philadelphia, 1852), p. 163.

² Isaac Sharpless, in Rufus M. Jones, *The Quakers in the American Colonies* (London, 1911), p. 419; and Sharpless, *A History of Quaker Government in Pennsylvania* (Philadelphia, 1900), vol. I, p. 19.

³ *Dictionary of American Biography* (New York, 1934), vol. XIV, p. 434.

⁴ Allen C. Thomas, *A History of Pennsylvania* (New York, 1913), pp. 18-19.

⁵ John Aubrey, *Brief Lives* (Oxford, 1898), vol. II, p. 133.

⁶ Charles II's combined revenue before 1672 had never amounted to more than £900,000. For 1674 and 1675 it rose to over £1,400,000. These years were peaks in the trade cycle; a cyclical depression was to follow not too long afterward.

W. A. Shaw, ed., *Calendar of Treasury Books 1672-75* (London, 1909), p. xix.

⁷ See Penn's letter to Algernon Sidney in Janney, *op. cit.*, pp. 154-5.

⁸ See the *Dictionary of National Biography* (London, 1897), vol. 52, pp. 206-7, and the *Dictionary of American Biography* (New York, 1934), vol. XIV, p. 434.

⁹ Vernon Harcourt Simms, *The Organization of the Whig Party during the Exclusion Crisis (1678-81)*. MS. Master's thesis (1934) on deposit at the Library of the University of London, South Kensington. This is an excellent piece of work which deals intensively with the development of party politics at this time. I have levied heavy tribute on this work because Mr. Simms furnishes a richly minute, almost day-to-day, chronology which has been very useful in preparing this article. Mr. Simms confines himself to English internal history, and does not deal with Penn's colonial project.

¹⁰ For a survey of the general English political situation, consult Sir Richard Lodge, *The History of England from the Restoration to the Death of William III (1660-1702)* (London, 1912), especially chaps. VIII and X. A recent study of the period is David Ogg, *England in the Reign of Charles II* (Oxford, 1934), 2 vols. Chap. XVI ("The Popish Plot, 1678-81") and chap. XVII ("The Stuart Revenge, 1681-85") supply an admirable background.

¹¹ V. H. Simms, *op. cit.*, p. 255.

¹² *Ibid.*, pp. 372-5.

¹³ Sharpless, *A History of Quaker Government in Pennsylvania* (Philadelphia, 1900), vol. I, p. 20; p. 49.

¹⁴ Simms, *op. cit.*, pp. 344-7; p. 255.

¹⁵ *Ibid.*, pp. 243-6.

¹⁶ *Ibid.*, p. 255.

¹⁷ The original petition is not known to be extant. A copy of a form of the petition, sadly mutilated, is supplied by Samuel Hazard, *Annals of Pennsylvania*, 1609-1682 (Philadelphia, 1850), p. 474. As the fragment bears no date, it is impossible to assert flatly when Penn made his request. In *State Papers, Domestic*, 44, Entry Book, 55, fol. 89 (Public Record Office) is found the entry in the Earl of Sunderland's hand, recording that Penn has petitioned the King, and that His Majesty has been pleased to refer the matter to the competent authority. The entry is dated June 1, 1680. It is abstracted and printed in *Calendar of State Papers, Colonial, America and West Indies*, 1677-80 (London, 1896), No. 1373.

¹⁸ K. Feiling, *A History of the Tory Party, 1640-1714* (Oxford, 1929), p. 179.

¹⁹ Mr. Feiling succinctly describes this turn in Whig opinion: "The violence of the Shaftesbury-Monmouth wing brought over to the Crown's side a powerful reinforcement of moderates, who had done all in their power [earlier] to break the Danby Government. Sir William Coventry and his political disciples, the great Halifax, Sir Thomas Thynne . . ., Littleton, Danby's old enemy at the Admiralty, the great lights of the old 'country' school—Garroway, Vaughan, Lee, and Meres—joined hands to defeat Exclusion and Monmouth, with the Musgraves, the Finches, and the Hydes." Feiling, *op. cit.*, p. 179.

²⁰ On 14th June, 1680. See *Calendar of State Papers, Colonial, America and West Indies*, 1677-80 (London, 1896), No. 1390.

²¹ The progress of the petition can be followed in *Cal. S.P. Col.*, *op. cit.*, consulting these items: Nos. 1403-4, 1544, 1566, 1574, 1580, 1584, 1592, 1593, 1594, 1595, 1599, 1609, 1618; this concludes the list down to the end of 1680.

The compliance of the Duke of York in this matter was only temporary. Philadelphia had not been long founded before a vigorous boundary dispute broke out between the Duke's representative, Governor Dongan of New York, and Penn's agents, in September, 1683, concerning the northern limits to Penn's province. Vital interests relating to the fur trade were at stake in this. In 1685 Dongan also sought to weaken Penn's hold on the territory of Delaware. See Rev. Henry Allain St. Paul, S.J., M.A., "Governor Thomas Dongan's Expansion Policy", in *Mid-America, An Historical Review* (Chicago, 1935), vol. XVII, no. 3, pp. 176-84.

²² Simms, *op. cit.*, p. 255.

²³ Nos. 1403-4.

²⁴ Simms, *op. cit.*, pp. 258-66.

²⁵ No. 1544.

²⁶ Simms, *op. cit.*, pp. 276-7.

²⁷ No. 1566.

²⁸ Nos. 1574, 1580, 1584, 1592, 1593, 1594, 1595, 1599.

²⁹ Simms, *op. cit.*, p. 300.

³⁰ *Ibid.*, p. 306.

³¹ *Ibid.*, pp. 334-5.

³² *Calendar of State Papers, Colonial, America and West Indies, 1681-85* (London, 1898), No. 6.

³³ Simms, *op. cit.*, p. 334 ; p. 336.

³⁴ No. 8.

³⁵ For text of charter see : Staughton George, Benjamin M. Nead, and Thomas McCamant, eds., *The Charter to William Penn and Laws of the Province of Pennsylvania, Passed between the Years 1682 and 1700* (Harrisburg, 1879), pp. 81-90.

³⁶ Simms, *op. cit.*, pp. 349, 350.

³⁷ No. 29.

³⁸ Simms, *op. cit.*, p. 351.

³⁹ Feiling (*op. cit.*, p. 187) dates this event as of 22nd March. Simms (*op. cit.*, p. 368) dates it on 24th March. There is little real difference.

⁴⁰ Simms, *op. cit.*, p. 369.

⁴¹ Penn and his associates lost no time and spared no pains in circulating information concerning the proposed colony :

1. *A Map of Some of the South and east bounds of Pennsylvania in America* (London, 1681) ; letter-press description annexed. Published late in March, 1681.

2. *A brief Account of the Province of Pennsylvania* (London, 1681). Published in April, 1681.

3. *Some Account of the Province of Pennsylvania in America* (London, 1681). Published in April, 1681.

4. *A Brief Account of the Province of Pennsylvania in America, lately granted under the Great Seal of England to William Penn, etc.* No date or place. Conjectural date, summer of 1681. Broadsheet ; not the same item as 2.

5. George Fox : *An Epistle to all Planters and such who are Transporting Themselves into Foreign Plantations in America.* Dated at London 22. 9 Mo. 1681, i.e. 22nd Nov., 1681 ; published early in 1682.

6. W. L[oddington] : *Plantation Work, the Work of this Generation . . . To all such as are weightily inclined to Transplant themselves and Families to any of the English Plantations in America.* London, 1682, published early in the year.

7. *Articles, Settlement and Offices of the Free Society of Traders in Pennsylvania.* London, 1682, dated 25th March, 1682.

8. *A Brief Account of the Province of Pennsylvania.* London, 1682, published after 7. Not the same as 2. or 4. in this series.

9. *The Frame of the Government of the Province of Pennsylvania in America*. London, 1682, published after 5th May, 1682.

10. *Proposals for Clearing Lands in Carolina, Pennsylvania, East- and West-Jersey*. London, 1682, published 9th August, 1682.

11. *William Penn's Last Farewell to England*. London, 1682. Three editions. Dated 30th September, 1682.

The "Last Farewell" tracts signaled his departure for the Delaware.

⁴² Penn must have begun selling Pennsylvania land at once. The oldest deed on record in Bucks County, Penn., is for the purchase of a thousand acres. It is dated 22nd March, 1681. A shoemaker of Somersetshire bought 500 acres in July, 1681. S. Hazard, *Annals of Pennsylvania*, p. 501.

⁴³ As an illustration of how Shaftesbury's Whig doctrines found a refuge in America while in danger of proscription at home, an episode from the history of West New Jersey, a Quaker colony, is offered. West New Jersey in 1680 and 1681 was being populated by English refugees. Whiggery was the prevailing political outlook, as the following notice shows. Shaftesbury's penman Ferguson could not have drafted a more lucid, pithy manifesto of "sound doctrine" than that adopted by the Quaker legislators at Burlington, N.J., on 25th November, 1681.

These "Fundamentals of West New Jersey" opening with a preamble referring to the utility of "mutual consent and agreement, for the prevention of innovations and oppression", then proceed to lay down ten propositions as law which in the England of the day were thus far only political ideals as yet unrealized. One may summarize the ten points of this manifesto thus:

1. Annual elections and annual sessions of the legislature.
2. The governors shall not suspend or defer laws made by the legislature.
3. It is not lawful for the governor or council to go to war, without the consent of the legislature.
4. Orders in council or legislation by proclamation are not legal.
5. The legislature is not to be prorogued or dissolved without its own consent. [This speaks volumes in view of recent events in England! F.M.]
6. The governor or council are not to raise any tax, etc., without consent of the legislature.
7. All officers of state or trust shall be accountable to the legislature.
8. Foreign policy and foreign relations are to be subject to the superintendence of the legislature. [Had the Whigs been able to enforce this doctrine before 1681, Charles II would have been deprived of Louis XIV's subsidies. F.M.]

9. No grant of supply by the legislature shall extend for more than one whole year.

10. Liberty of conscience is granted to all who live peaceably in the province ; none are to be rendered incapable of office in respect of faith and worship.

The concluding clause declares that the sitting legislature accepts and receives Samuel Jennings as Deputy Governor, " Upon the governor's acceptance and performance of the proposals herein before expressed." In other words, the legislature enters into a *compact* to recognize the governor (or deputy governor) *on condition* that he assents to the manifesto. In this small theatre in a remote part of the English empire the Whig principles of compact and consent were being applied not only at a time when they were being repudiated at home, but even some years before they attained their classic literary formulation at the hands of Whiggism's political philosopher, John Locke.

For the text of the West New Jersey statement of Whig principles see Samuel Smith, *History of Nova-Caesaria or New Jersey* (Burlington, N.J., 1765), pp. 126-9.

There is deep irony in the circumstance that in London Shaftesbury, now a prisoner in the Tower, was put on his trial, charged with high treason, the very week in November, 1681, that his principles were meeting with legislative approval in West New Jersey.

⁴⁴ For the Baptists' share in resisting Charles II at this period, see W. T. Whitley, *A History of British Baptists* (London, 1923), pp. 145-53.

The militant rôle of a " fanatick " Presbyterian is well chronicled by James Ferguson in his *Robert Ferguson the Plotter, or the secret of the Rye-House Conspiracy and the story of a strange career* (Edinburgh, 1887).

⁴⁵ The writer acknowledges his debt to Walter Adams, Esq., for calling Mr. Simms's dissertation to his attention ; and to Raymond P. Stearns, Esq., for his kindly and constructive reading of this essay in manuscript form.