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ARTICLES,  
WILLS AND DEEDS  
CREATING THE  
ENTAIL OF PENNSYLVANIA  
AND THREE LOWER COUNTIES  
UPON DELAWARE  
IN  
THE PENN FAMILY.

---

PHILADELPHIA :

1870.



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# ARTICLES OF AGREEMENT

BETWEEN

JOHN, THOMAS AND RICHARD PENN.

**Articles of Agreement Tripartite** Indented made con- <sup>8th May,</sup>  
cluded and agreed upon the eighth day of May Anno Domini <sup>1732.</sup>  
1732 and in the fifth year of the reign of our sovereign Lord  
George the Second by the Grace of God of Great Britain,  
France and Ireland King Defender of the faith and so forth  
BETWEEN John Penn of Feens in the County of Berks Esq'r  
of the first part Thomas Penn of London Esquire of the second  
part and Richard Penn of London Esquire of the third part  
*Whereas* the said John Penn Thomas Penn and Richard Penn  
are seized of or Intitled unto the seigniory Fee simple and inheri-  
tance of the province of Pennsylvania in America and of the Recitals of  
the Grants  
of Pennsyla  
& lower  
Counties,  
and their  
respective  
shares or  
proportions  
thereof.  
counties of New Castle Kent and Sussex in America commonly  
called the lower Counties lying on the bay and river of Dela-  
ware and adjoining to the said province and of the quit rents  
and of divers lands and Hereditaments and the royalties, fran-  
chises privileges and appurt's in and belonging to the said pro-  
vince and counties respectively and of the royal franchises of  
the government of the said province and of the government of  
the said lower counties (that is to say) of the said province under  
a grant of the same and of the government thereof made by his  
late majesty King Charles the Second to William Penn Esqr  
deceased late father of the said parties hereto and of the said  
three lower counties under such grants as have been thereof  
made by his late Royal Highness James Duke of York after-  
wards James the 2d King of England or any others the said  
John Penn being seized of or intitled unto one moiety of the  
said premises to the use of himself and his Heirs, the said

Charged with  
Debts of Wm.  
Penn;

John Penn's  
share subject  
to the pay-  
ment of  
£1000 to Mrs.  
Freame.

The Estate  
preserved to  
the respec-  
tive Heirs &  
the manner  
in which  
Lands are to  
be disposed  
of.

The survivor  
to sell Lands  
&c during a  
Minority.

Thomas Penn being seized of or Intitled unto one Quarter or fourth part of the said premises to the use of himself and his Heirs And the said John Penn and Thomas Penn IN TRUST for the said Richard Penn and his Heirs being seized of or entitled unto the other Quarter or fourth part of the said premises, But the whole is charged with such Debts of the said William Penn as remain unpaid and the Moiety of the said John Penn is charged or chargeable with the payment of the sum of One Thousand pounds or thereabouts to Trustees for Margaret the wife of Thomas Freame of London Merchant (only sister of the said parties hereto according to certain articles for that purpose NOW THESE PRESENTS WITNESS that in order to preserve the said Estates to the respective Heirs Male of the Bodies of the said parties hereto respectively and for default of such Heirs Male to the survivors and survivor of them the said parties and to the right Heirs of such Survivor of them subject to such charges as are hereinafter mentioned and for the more easy disposing of so much and such parts of the Lands and Hereditaments in the said province and Counties as yet are uninhabited and undisposed of to such persons as shall be minded to purchase the same They the said parties to these presents for themselves respectively and for their respective Heirs Ex'ors and Adm'ors do and each of them doth hereby Covenant promise and agree to and with the others and other of them the said parties and their respective Heirs Ex'ors and Adm'ors And it is hereby mutually covenanted concluded and agreed by and between all the said parties to these presents for themselves respectively and for their respective Heirs Ex'ors and Adm'ors in manner following that is to say that in case of the Death of any or either of the said parties hereto leaving Heirs Male of their Bodies respectively under the age of Twenty one years In such Case the survivors or survivor of the said parties his or their Attorney or Attorney's Agent or Agents during the respective minorities of such Heirs Male shall be and are hereby authorized and impowered absolutely to sell and convey away in fee simple or otherwise any parts or parcels of Lands in the said province and Counties or any or either of them reserving

at least the usual Quit rents and to receive all such Monies and consideration as can be gotten therefore and to receive and give good discharges for all Quit rents and sums of Money and Demands which may be at any time due on account of or relating to the said province Counties and premises and to pay all sums necessary to be paid on account thereof and to manage and transact all affairs and business whatsoever concerning the said premises in the most ample manner but to be accountable annually for the net profits to such person and persons as shall be entitled to demand the same, but at the Age of 21 years such Heir Male of the body respectively shall have possession of the share of his father respectively.

The Heirs  
to be entitled  
&c to his  
Father's  
share, respec-  
tively at the  
Age of 21  
years.

**Item** that neither of the said parties hereto shall by his Will or otherwise dispose of his Estate or Share of or in the said province Counties and premises or any of them to any Child except to his Eldest son in Tail Male with remainder to his second third and other sons successively in Tail male except as to such Charges and provisions as are herein or otherwise than as is herein appointed limited or agreed upon.

The Estate  
to go to the  
Eldest son.

**Provided always** and it is hereby Declared and agreed that it shall and may be lawful to and for any or either of the said parties hereto by his or their last Will and Testament in writing under his and their hand and seal respectively and attested by two or more credible witnesses to charge his or their own respective Estates or Shares of or in the said premises with the payment of what sum or sums of Money he or they shall respectively think fit to or for the benefit of his or their younger Child or Children respectively but in the whole not to exceed the sum of £6000. for the Estate and share of the said John Penn and £3000. a piece for the shares of the said Thomas and Richard Penn respectively and for want of such charge or charges respectively then it is hereby declared and agreed by and between the said parties to these presents That the respective Estates and shares of the said parties hereto shall respectively stand and be charged from their respective deceases with the sums following (that is to say) the Estate and share of the said John Penn of and in the said premises shall at and after his

Power to  
charge their  
respective  
shares with-  
the sums  
therein men-  
tioned.

Death stand and be charged with the payment of £6000 British Money and the respective Estates and shares of the said Thomas Penn & Richard Penn with the respective sums of £3000 British Money each payable respectively to their several respective younger Child and Children equally amongst them and to be paid to the sons at their respective Ages of one and Twenty years and to the Daughters at that age or days of Marriage which shall first happen and to bear Interest at the rate of £4 per Centum per Annum in the mean time to the Maintenance and and Education of such younger Child and Children respectively.

Which sums  
are to bear  
Interest for  
the Education  
of Children.

**Provided** and it is hereby also declared and agreed by and between all the said parties to these presents that in case of the Death of any or either of the said parties leaving Issue Male as aforesaid It shall and may be lawful to and for such of the said parties hereto as shall die leaving Issue male by such last Will or writing as aforesaid attested as aforesaid to charge his or their own respective Estates or Shares of and in the said premises with the payment of such annual Sum or Sums of British Money payable in England as he or they respectively shall think fit to or for his or their Widows or Widow respectively during her or their life or lives only but not to exceed £200 per Ann for the widow of the said John Penn nor £100 p<sup>r</sup> Ann each for the widows of the said Thomas Penn and Richard Penn respectively and for want of such charges or charge respectively then the share of the said John Penn stand and be charged with the yearly payment of £200 British Money to the Widow of the said John Penn from and after his Death for her life and the respective shares of the said Thomas Penn and Richard Penn to stand and be charged with the yearly payment of £100 respectively of like Money in England to their respective Widows during their respective lives and the said premises and shares respectively are hereby Charged accordingly the said Annual Sums and other the Annual Sums hereinafter mentioned being for the provision Maintenance and livelyhood of the said respective widows and in bar of their respective Dowers and right and title of Dower **PROVIDED ALSO** and it is hereby further declared and agreed that in case

£200 per An-  
num for the  
widow of  
John Penn.

any or either of the said parties hereto shall happen to die leaving only one or more Daughter or Daughters but no Son or having a Son or Sons shall die before the Age of 21 years or die leaving no Issue male then in either of the said cases the Estate and share of and in the said premises of the party or parties so dying shall come to the Survivors or Survivor of them the said parties his and their Heirs as the party or parties so dying shall by his or their last will in writing or by any deed in writing executed in the presence of two or more Credible Witnesses but Chargeable & Charged with the payment of any sum not exceeding £10,000 British Money to the daughters of the said John Penn and out of his Estate and Share in case of more than one Daughter of him and of £8,000 to one Daughter of him in case he leave but one, and not exceeding £5000 of like money as to the said respective shares of the said Thomas Penn and Richard Penn in case of more Daughters than one of them respectively and £4000 in case of only one Daughter to their respective Daughter or Daughters in such proportions and in such manner as the said parties respectively shall by any such Will or Deed attest as aforesaid direct and appoint.

If no Heirs Male the Estate to go to the survivors or survivor.

Chargeable with the within named sums for Daughters' fortunes

**Provided also** and it is hereby declared and agreed that in case the said parties to these presents or any or either of them shall happen to die leaving only one or more daughter or Daughters respectively and no so son and shall make no appointment of his or their respective Estate or share of and in the said premises according to the true intent and meaning of these presents that then and in such case such Estates and shares respectively shall come to the survivors and survivor of them the said parties equally and the Heirs Male of their respective Bodies and for want of such Heirs to the survivor and his Heirs but charged as hereinafter mentioned that is to say The Estate and share of the said John Penn charged with any sum not exceeding £8000 to his Daughter if but one and with £10,000 among all his Daughters if more than one as he by will or otherwise in writing shall appoint and for want of such appointment charged with the sum of £8000. to such one Daughter and £10000 equally amongst all the daughters of the said John Penn if more than one equally

£10,000 to John if more than one Daur £8,000 if only one.

payable at 21 years of Age or days of Marriage which shall first happen and the respective Shares of the said Thomas Penn and Richard Penn charged respectively with any sum not exceeding £4000 each to their respective Daughters if but one and with £5000 amongst their respective Daughters if more than one respectively as he or they respectively shall by will or otherwise in writing appoint and for want of such appointment chargeable with the payment of the respective sums of £4000 British Money to such one Daughter and £5000 amongst all their Daughters respectively if more than one equally amongst them at their respective ages of Twenty one years or days of Marriage which shall first Happen the several sums of Money in this proviso mentioned till paid to bear Interest at the rate of £4 p<sup>r</sup> Cent p<sup>r</sup> Annum payable yearly in British Money for the respective maintenance of such Daughter and Daughters as aforesaid and the said Estates and shares are hereby respectively charged with principal Sums and Interest accordingly.

**Provided also** and it is hereby declared and agreed that in case the said John Penn shall die Intestate without Issue Male and leaving one or more Daughter or Daughters that then and in such case his Widow if any in case he leave but one Daughter shall have £300 per Annum and in case he leaves more than one Dau'r then only £200 British Money Annually for her life payable in England and that in case the said Thomas Penn and Richard Penn or either of them respectively shall die Intestate without Issue Male and leaving one or more Daughter or Daughters respectively that then and in such case their respective Widows in case they respectively leave but one Daughter shall have £150 and in case of more than one Daughter respectively then only £100 British Money Yearly for their respective lives payable in England and the said respective Estates and shares of the said parties are hereby respectively charged accordingly and to be in bar of Dower as aforesaid.

**Item** it is hereby declared and agreed that in case any or either of the said parties shall die without any Issue then and in such Case he and they shall leave or appoint his or their respective share or Estate to the other of the said parties or either of



them as he shall think fit and shall have liberty by any Will or Deed to be attested as aforesaid to charge the same with the respective Sums following that is to say the said John Penn to charge his Estate and share with £6000 British Money and the said Thomas Penn and Richard Penn respectively to charge their respective Estates and shares each with £3000 British Money payable to such person or persons as such party or parties shall by such Will or Deed as aforesaid appoint And that in case the said John Penn shall die without Issue It shall and may be lawful to and for him by such Will or Deed as aforesaid to charge his Estate or share with the payment of any annual Sum not exceeding £200 British Money to his Widow during her life over and above Yearly Sum or Sums respectively before provided for such widow during her life and that in case the said Thomas Penn and Richard Penn or either of them shall happen to die without Issue it shall and may be lawful for them or either of them respectively dying without Issue by such deed or will as aforesaid to charge their respective Estates and shares in the said premises with the payment of any Annual Sum respectively not exceeding One hundred pounds British Money to their widows respectively for life over and above such yearly sums as are hereinbefore for such widows respectively provided and the said several Estates and shares are hereby charged accordingly and to be in bar of Dower as aforesaid.

**Item** it is hereby declared and agreed by and between the said parties hereto that in case any or either of them shall die without Issue and without making any appointment or Devise of his or their respective Estates or shares to any other of the said parties hereto or of any Money out of the same except the Sum or Sums respectively which he or they have severally power hereby to appoint for his or their respective widow or widows that then and in such case the said Estates and shares of the party and parties so first dying shall go to the survivors and survivor of them and his and their Heirs but charged the s<sup>d</sup> Estate and share of the said John Penn with the payment of £100 per Annum and each of the Estates and shares of the said Thomas Penn and Richard Penn respectively with the payment

of £50 per Ann British Money annually to Letitia Aubrey widow daughter of the said William Penn for her life and charged also the Estate and share of the said John Penn with the payment of £4000 and the Estates and shares of the said Thomas Penn and Richard Penn respectively with the payment of £2000 each the whole of such last mentioned sums as shall happen to accrue to be raised to be paid to Silvanus Bevan of London Apothecary and Thomas Jackson Citizen and Vintner of London or the survivor of them or the Executors or administrators of such survivor one half to be put and placed out at Interest on good Government or other good security to be paid equally to and amongst all the Children of the said Margaret Freame the shares of the sons at their respective Ages of 21 years and of the Daughters at their respective Ages of 21 years or days of Marriage which shall first happen and in the mean time the Income and Interest of such Moiety to be paid towards the Maintenance and education of such Child or Children and towards putting them or any of them out to some profession or trade as the said Margaret Freame shall by writing appoint and for want of such appointment to and for their maintenance equally and the other Moiety of such last mentioned Sums as shall happen as aforesaid to be by the said Silvanus Bevan and Thomas Jackson the Trustees paid to such person or persons as the said Margaret Freame shall by any writing without her husband direct or appoint her husband being not to have any controul thereof or any thing to do therewith.

**Provided also** that in case any or either of the said parties hereto shall be minded to sell or dispose of his or their respective Estate or Estates share or shares of or in the said premises that then the other or others of the said parties shall have the preemption or refusal thereof and in case he or they shall offer to give for the same as much as any other person or persons shall offer then he or they the other of the said parties shall be the purchasers and the same shall be conveyed to him or them on his or their paying the Consideration Money for the same within 6 Months after the Contract made and in case of such Sale All and every the provisions hereinbefore made out of the Estate or

Share of the party selling shall be void—PROVIDED ALSO and it is hereby declared and agreed by and between the said parties that all and every of the provisions and agreements herein contained are subject to the Debts of the said William Penn Deceased by his will provided for and to all such Debts and incumbrances whereto the said province and premises or any of them are otherwise subject PROVIDED ALWAYS and it is hereby declared and agreed by and between all the said parties to these presents that it shall and may be lawful to and for the said parties at any time during their joint lives by any writing under their hands and seals attested by two or more credible witnesses to revoke determine and make void these presents and all and every or any the Clauses provisoes and agreements herein contained any thing herein to the Contrary thereof in any wise notwithstanding.

**Provided also** and it is hereby also declared by and between the said parties to these presents that in case one or two of the said parties hereto shall happen to die leaving no Issue Male respectively that then and in such case and cases it shall and may be lawful to and for the survivors and survivor of the said parties by any writing under their respective hands and seals to alter revoke and make void these presents and every clause provisoe and agreement herein contained, But so as not to prejudice any provision Devise or appointment which may have been by the party or parties first dying made in pursuance of these presents **In witness whereof** the said parties to these presents have hereunto interchangeably set their hands and seals the day and year first above written.

JOHN PENN  
THOS PENN  
RICHD PENN

Sealed and Delivered, being  
first duly stamped in the presence of }

JOHN GEORGES  
JOHN STREUBART,  
JOHN PAGE  
JOHN PATTERSON

Acknowledged by the said Thomas Penn Esqr and Richard Penn Esqr 21<sup>st</sup> March 1750, before me—

THOMAS BENNETT

**This Deed** was shewn to John Page Gent at the time of his Examination taken in Chancery on the part and behalf of John Penn and others Complainants against Charles Calvert Esquire Lord Baltimore in the Kingdom of Ireland Defendant

EDWARD NORTHERLY JP

**Enrolled** in the High Court of Chancery of our sovereign Lord King George the second the 21 day of March in the 24<sup>th</sup> year of his reign and in the year of our Lord One Thousand seven hundred and fifty being first duly stamped according to the Tenor of the Statute made and provided in the Sixth year of the reign of their late Majestys King William and Queen Mary by

GEORGE ECKERSALL

LAST WILL AND TESTAMENT  
OF  
JOHN PENN, ESQ., DECEASED.

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**Considering** the Certainty of Death and Uncertainty of the Time thereof, I, John Penn now of Hitcham in the County of Buckingham Esquire being of sound mind memory and Understanding do hereby revoke all former Wills and Testaments by me at any Time heretofore made, and do declare this to be my last Will and Testament I appoint separate and distinct Executors for the respective parts of my personal Estate in manner hereinafter mentioned, As to and for my Personal Estate in that part of Great Britain called England I appoint my good Freinds William Vigor of London Merchant Joseph Freame Citizen and Banker of London and Lascelles Metcalf of Westminster Esquire Executors thereof in Trust and do give and bequeath to them and their Executors All my Moneys and Shares in the Public Stocks Annuitys Life Annuitys or other Funds in Great Britain All my Money due to me upon Bonds Notes or other Securitys in Great Britain and all my ready Money Plate Household Goods and Furniture in Great Britain I also give and bequeath unto them and their Executors All such Monys Goods and Effects as shall belong to me in America (howsoever the same may have arisen) which before such Time as my death shall be heard of in y<sup>e</sup> City of Philadelphia shall have been Collected and received by any receivers Collectors or other Agents there

and shall have been actually sent or remitted to any part of Europe or Shipt on Board any Ship or Vessel for sending or remitting to any part of Europe or invested in Goods Effects or Bills of Exchange in order to be sent or remitted to any part of Europe on my own Account or Jointly with my Brothers All the which matters last mentioned and the produce of the same I will shall be paid to my English Executors and be considered as part of my English Personall Estate I also devise and bequeath unto my said English Executors their Heirs and Assigns All my Messuages Lands Tenements Rents Ground Rents and other Hereditaments Situate lying being or arising in and near to the City of Bristol and in or near to the County of Gloucester in the Kingdom of Great Britain and all the Rents and arrears of Rents Issues and Profits thereof which shall be due at my decease and which shall thereafter arise or grow due for the same And do direct & Impower my said English Executors or any two of them (altho' all the three Executors should then be living) or any one of them (altho' two of them should then be Living) forthwith to sell and Convey y<sup>e</sup> said real Estates and the Fee Simple and Inheritance thereof and all my Estate and Interest therein either intirely or in parcells to any purchasor or purchasors for the best price that may reasonably be gotten for the same and such Purchase Moneys together with the Rents & Profits untill Sale shall also be paid to my said English Executors and be likewise considered as a further part of my English personal Estate And it is my Will and Intent that my English personal Estate (to be made up of such several matters as aforesaid) be applied and disposed of in y<sup>e</sup> following manner First that my English Executors shall and may deduct their necessary Costs & Charges in the Execution of their Trusts out of the same and pay the few Debts that I shall owe at my decease and the Charges of my Funerall and also the Legacys hereinafter mentioned, AND next I do direct that my said English Executors do & shall at the Time when it shall be proper to name a Person for whose Life a certain Annuity or certain Annuitys amounting to one hundred and twenty Pounds a Year lately bought by me should be payable Name & incert in the orders and other



Instruments proper on that Occasion the name of my dear Sister Margaret Freame (if then living and if not before done by me in my own Life time) and deliver or assign such annuity to her my s<sup>d</sup> Sister to the intent that she may enjoy the same and all the benefit that ever can arise therefrom and unto her I hereby give and bequeath the same, But in Case at the Time when it shall be proper after my decease to Name a life for such last mentioned Annuity or Annuitys my said Sister should happen to be Dead then that my said English Executors do and shall immediately sell such last mentioned Annuity or Annuitys for the best price that can be obtained and turn the same into Money to make part of my English personall Estate AND UPON FURTHER TRUST That my said English Executors by and out of the other part of my said English personal Estate (consisting of such matters as aforesaid) do forthwith pay unto my Servant John Travers if living with me at the time of my decease the Sum of One hundred Pounds of lawfull Money of great Britain which I give to him for his faithful Service, and I desire that each one of my said English Executors would please to accept of y<sup>e</sup> sum of One hundred Guineas which I leave to each of them as a small token of my regard for them And then that my said English Executors do and shall purchase or make up & compleat what I may have at my decease the Quantity of ten thousand Pound Stock in some of the three per Cent Annuitys Established by the parliament of Great Britain so as to produce a Yearly Income of three hundred Pounds and such Ten thousand Pounds Three per Cent Annuitys & the said Yearly Income of Three hundred Pounds or other the Profits thereof shall be upon the following Trusts that is to say FROM TIME TO TIME as the Interest or dividends shall be received each half Year one Clear half Yearly Sum of Seven Pounds ten shillings shall be paid to my Old and worthy Servant Thomas Penn for and during all his Natural Life and one other Clear half yearly Sum of Seven Pounds ten shillings shall be paid to my old Servant Hannah Roberts for and during all her Natural Life The which I give to them for their faithful Service to me And also one other Clear half Yearly sum of Five Pounds shall be paid to

Jane Aldridge now the Wife of Henry Aldridge of White Waltham in the County of Berks during all her Natural Life and the residue of such Yearly Income or other Profits to arise from such Ten thousand Pounds Three per Cent Annuitys shall from TIME TO TIME when & as the same shall come in & be received be paid applied and disposed of for the liberal Education Maintenance and better support of my Nephew John Penn during all his Natural life, unless by Vertue of this my Will he shall become intituled to y<sup>e</sup> Possession of my Moiety of the Province of Pennsylvania But as soon as he shall by Vertue of this my Will become intituled to the Possession of my Moiety of the said Province Then the payment of the said Three hundred Pounds Yearly Income or of the residue thereof or of the other profit of such Ten thousand Pounds Three per Cent Annuitys shall cease as to him and shall from time to time hereafter be paid applied & disposed of for the liberal education Maintenance & support of such one person who shall from time to time according to the True intent and meaning of this my Will not be in y<sup>e</sup> Possession of my said Moiety of the said Province but shall be Heir apparent or expectant or intituled to come into Possession of such my said Moiety next after and immediately upon the decease of the Person then in the Possession of y<sup>e</sup> same and that for so long Time as such Heir expectant shall continue in such Situation & Circumstance and for no longer and so from TIME TO TIME thereafter for the benefit in manner as aforesaid of such Heir apparent or expectant when and for so long as he or she shall continue to be such immediate Heir apparent or expectant by Vertue of this my Will and not be intituled to the then present possession of such my said Moiety, But in Case any Future possessor of my Moiety of the said Province intituled thereto under this my Will should think fit either alone by him or herself or in Conjunction with any other person or persons by any Common Recovery or other means whatsoever to barr and dock y<sup>e</sup> Estates Tail hereinafter created of y<sup>e</sup> said Moiety and to defeat the remainders Limited & depending on such Estate Tail Then upon such Estate Tail being docked and immediately thereafter y<sup>e</sup> said whole Capital Ten thousand Pounds Three

per Cent Annuitys and all the future Interest dividends and Profits thereof shall go belong and be transferred Assigned & paid unto the Person who shall at that Time be according to this my Will y<sup>e</sup> immediate Heir Apparent or expectant who would have been intituled to the Possession of my said Moiety next & immediately after the decease of the Person then in Possession of the same in Case such Estate Tail had not been barred or docked and to his or her Executors Administrators and Assigns to and for his or her and their own proper use and benefit for ever PROVIDED ALWAYS That such immediate Heir apparent or expectant shall not have Joined in or done any Act to assist in the barring or defeating such Estate Tail But in Case such Heir apparent or expectant shall have Joined in or done any Act to Assist in y<sup>e</sup> barring & defeating such Estate Tail Then the said three per Cent Annuitys and all y<sup>e</sup> future Interest dividends and Profits thereof shall go belong and be transferred assigned and paid unto y<sup>e</sup> person who shall at y<sup>e</sup> Time such Estate Tail shall be barred be the second Person then in being and intituled to Succeed according to this my Will to my said Moiety of y<sup>e</sup> said Province that is to say next after both y<sup>e</sup> person then in Possession & the person immediately in reversion and it is my Will that during the Infancy of my said Nephew John Penn and also during the respective infancys of every such Heir apparent or expectant as before mentioned my English Executors shall pay and apply such yearly Income as herein before appointed in such manner and to such person or persons as they shall think most proper & fitting for the Liberal Education and for the Maintenance of such respective Infants but after the respective Infancys shall be determined then such appointment shall be paid unto such Heir apparent or expectant in his or her own person or to his or her order, And it is my further Will that in Case by the Tender infancy of any one or more such Heirs apparent y<sup>e</sup> Income or Profits of such three per Cent Annuitys shall during such part of their respective Infancys be in the Judgement of my English Executors too large for their respective Educations & Maintenances then my English Executors shall from TIME to TIME reinvest y<sup>e</sup> Surplus and

savings thereof in like three per Cent Annuitys or some other good Funds the whole of which surplus & savings and y<sup>e</sup> Funds wherein the same shall be invested & the Interest dividends and profits thereof shall in all future Times go and be paid applied and belong to the same person or persons and in like manner as is herein before directed with respect to y<sup>e</sup> said Original Ten thousand Pounds Three per Cent Annuitys and the dividends thereof and in Case my said English Executors shall not have sufficient at y<sup>e</sup> Time of my decease in ready Money to purchase & make up & compleat such Ten thousand Pounds Three per Cent Annuitys Then it is my Will that what shall be deficient of such Yearly Income of Three hundred Pounds a Year shall be made up for the purposes aforesaid by & out of any part of my English personall Estate untill such Ten thousand Pounds three per Cent Annuitys shall be bought & compleated, AND UPON FURTHER TRUST That my said English Executors by & out of other part of my said English personall Estate (consisting of such matters as aforesaid) do & shall forthwith after my decease turn y<sup>e</sup> same into ready Money & lay out & invest y<sup>e</sup> full Sum of six thousand Pounds of lawful Money of Great Britain so far as the same will purchase in some of the Public Stocks or Funds in Great Britain at their discretion & in their Names & that they do and shall pay apply & dispose of the Interest and dividends & likewise y<sup>e</sup> principal & Capital thereof in manner hereinafter directed that is to say THAT for so long during the several Lives of my other Nephew & Neices Hannah Penn Richard Penn & Philadelphia Hannah Freame as they my said Neices shall respectively be under y<sup>e</sup> Age of twenty one Years and unmarried & as my said Nephew Richard Penn shall be under the Age of twenty one Years my said English Executors do pay & apply unto such person or persons as shall from Time to Time have y<sup>e</sup> Care of each of them respectively any reasonable Sum or Sums of Money for the Maintenance and Education of each one of my said three last named Nephew and Neices respectively as my said English Executors shall think proper so as the same do never exceed for each or any one of them y<sup>e</sup> Interest dividends or profitts which shall Arise from

one third part of such six thousand Pounds or the Stocks or Funds to be bought therewith and do and shall reinvest from Time to Time & add to the Capital & accumulate in like securitys Stocks or Funds all the surplus & savings of such Interest dividends & profits and do & shall by & out of my English personal Estate from time to time pay & allow an Interest after the rate of Four pounds by the hundred for each year to be computed from the Time of my decease for such whole six thousand Pounds or so much thereof as shall not be invested in such securitys untill the same shall be invested in such securitys to the intent that there may be an immediate Fund for y<sup>e</sup> Maintenance & Education of my said last named Nephew & Neices and do & shall immediately upon y<sup>e</sup> attainment of the Age of twenty one Years or Marriage of my said Neice Hannah Penn which shall first happen (in case she shall live to Attain such Age or to be married) Transferr Assign and pay unto her her Executors and Administrators the full one third part of such six thousand Pounds or of the Stocks or Funds purchased therewith & of all additions and accumulations made thereto and all future profits of the same To be for and belong to her, her Executors Administrators & Assigns for ever to & for her and their own use and Benefit And do & shall immediately upon y<sup>e</sup> Attainment of y<sup>e</sup> Age of Twenty one Years of my said Nephew Richard Penn (in case he shall live to attain such Age) Transferr assign & pay unto him his Executors and Administrators one other full third part of such Six thousand Pounds or of the Stocks or Funds purchased therewith and of all additions and accumulations made thereto and all future Profits of y<sup>e</sup> same To be for & to belong to him his Executors Administrators and Assigns for ever to and for his and their own Use and Benefitt And do and shall immediately upon the Attainment of the Age of Twenty one years or Marriage of my said Neice Philadelphia Hannah Freame which shall first happen (in Case she shall live to attain such Age or be married.) Transferr assign & pay unto her her Executors and Administrators The other full third part of such six thousand Pounds of the Stocks or Funds purchased therewith & of all additions and Accumulations made thereto and all

future Profits of the same To be for and belong to her, her Executors Administrators and Assigns for ever to and for her & their own use & Benefit PROVIDED that in Case my said Neice Hannah Penn should happen to dye before her Attainment of y<sup>e</sup> full Age of twenty one years & also unmarried Then her Share as to the said Six thousand Pounds and its produce both of Capital & Interest (which would have gone & belonged to her in Case she had lived to attain her Age of twenty one years or Marriage) shall go & belong and be transferred Assigned paid & delivered over to my said Nephew Richard Penn & to his Executors Administrators and Assigns to and for his and their own Use & benefitt for ever at such Time as his Original Share of y<sup>e</sup> said six thousand Pounds and its Interest is to belong and be paid to him that is to say in Case he shall survive her and shall Live to attain his Age of twenty one years but in Case he shall not survive her or shall survive her but shall not Live to attain such Age Then her said share shall be considered and shall go as part of the surplus & residue of my English Personall Estate PROVIDED ALSO That in Case my said Neice Philadelphia Hannah Freame should happen to dye before her attainment of the full Age of twenty one Years and also unmarried Then her share as to the said six thousand Pounds and its Produce both of Capitall & Interest (which would have gone and belonged to her in Case she had lived to Attain her Age of twenty one Years or Marriage) shall go and belong and be transferred Assigned paid and delivered over to my said Nephew Richard Penn and to his Executors Administrators & Assigns to and for his & their own Use and Benefitt for ever at such Time as his Original share of y<sup>e</sup> s<sup>d</sup> six thousand Pounds and its Interest is to belong and be paid to him that is to say in Case he himself shall survive my said Neice Philadelphia Hannah Freame But in Case he shall be dead then entirely to the one only Child if he shall have but one then living or in equal shares & proportions between all & every of his Children in Case any Children or Child of his shall be living at such y<sup>e</sup> de-cease of the s<sup>d</sup> Philadelphia Hannah Freame as aforesaid But in Case neither my said Nephew Richard Penn nor any



Child of his shall survive her Then her said share shall be considered & shall go as part of the surplus & residue of my English Personal Estate PROVIDED ALSO That in Case my said Nephew Richard Penn should happen to dye at any Time before he shall attain his Age of twenty one Years then his Original share of y<sup>e</sup> said six thousand Pounds & its Interest (which would have belonged unto him had he lived to attain his Age of twenty one years) shall be considered and shall go also as part of the Surplus and residue of my English personal Estate and upon further Trust that my said English Executors do and shall pay assign & deliver over all y<sup>e</sup> rest residue & Surplus whatsoever of my English personall Estate to consist of such severall matters as herein before mentioned (after payment of their own necessary Expences in y<sup>e</sup> Execution of y<sup>e</sup> Trust disposing of the s<sup>d</sup> Life Annuity or Annuitys as before directed payment of my Debts Funerall Charges and before mentioned Legacys purchasing or making up such Ten Thousand Pounds three per Cent Annuitys paying the yearly Income of three hundred Pounds untill such Ten thousand Pounds Three per Cent Annuitys shall be compleated investing such Sum of six Thousand Pounds as aforesaid and paying an Interest for the same as aforesaid untill invested in Case any rest residue or Surplus there shall by any means be of the same unto my Dear Brother Thomas Penn his Executors Administrators and Assigns to and for his & their own use & benefitt, But in Case my English personall Estate to consist of such severall matters as before mentioned should be deficient to answer y<sup>e</sup> severall purposes herein before expressed Then I intend hereafter in this my Will to provide a further Fund for increasing my said English personall Estate so as to make y<sup>e</sup> same sufficient for such purposes, I give devise & bequeath unto my Nephew John Penn my Inheritance Estate & Interest in some private rights & particular Tracts of Land & Hereditaments in y<sup>e</sup> s<sup>d</sup> Province of Pennsylvania & City of Philadelphia, that is to say my Share of the Mannor of Perkassie my Tract of Liberty Land & my High Street Lott (which private & particular rights respectively I claim under some particular Grant or Deed made by my late Father or & and under

the Will of my late Grandfather Thomas Callowhill) and the Rents Issues & Profits and arrears of Rents Issues and Profits of the same To hold unto my said Nephew John Penn his Heirs Executors Administrators and Assigns for ever, I give devise & bequeath unto my dear Brother Richard Penn All my Moiety Inheritance right & Title of in and to all & every or any propriety, Tracts, Lands, Tenements, Rents, Quit-Rents or other Hereditaments situate lying being or arising within the Province of New Jersey in America (both in the Eastern and Western divisions of that Province which I claim under the Will of my late Father) and all my Estate & Interest in the same & all arrears of the Rents Issues & Profits thereof To hold unto my s<sup>d</sup> Brother Richard Penn his Heirs Executors Administrators & Assigns for ever, And I hereby appoint my s<sup>d</sup> Brother Richard Penn Sole Executor of this my Will for such parts of my Personal Estate as at my decease shall be due owing or belonging unto me in any part of the said Province of New Jersey or arising from my said Estate there And I give devise leave appoint & dispose (in Vertue of all rights, Powers & Authoritys whatsoever me hereunto enabling) All my Moiety or half part of the Fee Simple & Inheritance of the said Province of Pennsylvania and of the three lower Countys of Newcastle Kent & Sussex upon Delaware in America and of the Lands Tenements Quit Rents other Rents Hereditaments Royalty Franchises Jurisdictions privileges & Apurtenances anyway belonging to y<sup>e</sup> same Province & Countys and every or any of them and of the Royal Franchises of y<sup>e</sup> Government of y<sup>e</sup> same Province & of the Government of the same three Lower Countys and all my Inheritance Estate right Title Interest & power in to & over the same and every or any part thereof in the following manner that is to say unto my dear Brother Thomas Penn for & during the Term of his natural Life without Impeachment of or for any manner of wast whatsoever & from and after the determination of that Estate unto my good Friends Thomas Hyam and David Bareley of London Merchant & their Heirs during the Natural life of my said Brother Thomas Penn but upon Trust only to support y<sup>e</sup> Contingent Uses or Estates

hereinafter limited from being destroyed or defeated & to do all lawfull Acts & things in Order to that end and from and after the decease of the said Thomas Penn Then unto the first Son of the Body of the said Thomas Penn my Brother lawfully begotten or to be begotten & the Heirs Male of the Body of such first Son lawfully Issuing & in default of such Issue Then to the second third fourth fifth & all and every other Son & Sons of y<sup>e</sup> body of y<sup>e</sup> said Thomas Penn lawfully begotten or to be begotten severally and successively the one after the other as they shall be in Seniority of Age and Priority of Birth and the severall Heirs Male of the several & respective Body and Bodys of all and every such Son & Sons respectively The Elder of such Sons & y<sup>e</sup> Heirs Male of his Body being always preferred & to take before the Younger of the same Sons & y<sup>e</sup> Heirs Male of his or their Body or Bodys & in default of such Issue then unto my said Brother Richard Penn for & during the Term of his Natural Life without Impeachment of or for any manner of Wast whatsoever & from & after the determination of that Estate unto the said Thomas Hyam and David Barclay & their Heirs during y<sup>e</sup> Natural life of my said Brother Richard Penn but upon Trust only to support the contingent Uses or Estates herein after limited from being destroyed or defeated & to do all lawfull Acts and things in order to that end & from and after y<sup>e</sup> decease of my said Brother Richard Penn Then unto my said Nephew John Penn (Eldest Son of my said Brother Richard Penn) for & during the Term of his Natural Life without Impeachment of or for any manner of Wast whatsoever & from & after y<sup>e</sup> determination of that Estate unto the said Thomas Hyam & David Barclay & their Heirs during the Natural Life of my said Nephew John Penn but upon Trust only to support the Contingent Uses or Estates hereinafter limited from being destroyed or defeated & to do all lawful Acts & things in order to that end & from & after the decease of my said Nephew John Penn Then unto the first Son of the Body of my said Nephew John Penn lawfully to be begotten and the Heirs Male of the Body of such first Son lawfully Issuing & in default of such Issue Then to the second third fourth fifth and all and every

other Son & Sons of the Body of my said Nephew John Penn lawfully to be begotten severally and successively y<sup>e</sup> one after the other as they shall be in Seniority of Age and priority of Birth & the several Heirs Male of y<sup>e</sup> several & respective Body & Bodys of all & every such Son & Sons respectively The Elder of such Sons & the Heirs Male of his Body being always preferred & to take before the younger of y<sup>e</sup> same Sons & y<sup>e</sup> Heirs Male of his or their Body or Bodys and in default of such Issue then unto my said Nephew Richard Penn (second son of my said Brother Richard Penn) for & during the Term of his Naturall Life without impeachment of or for any manner of wast whatsoever and from & after the determination of that Estate unto y<sup>e</sup> said Thomas Hyam & David Barclay & their Heirs during the Natural Life of my said Nephew Richard Penn but upon Trust only to support the contingent Uses or Estates herein after Limited from being destroyed or defeated & to do all Lawfull Acts & things in order to that End & from & after the decease of my said Nephew Richard Penn Then unto the first Son of the Body of my said Nephew Richard Penn lawfully to be begotten & the Heirs Male of the Body of such first Son lawfully issuing & in default of such Issue Then to the second, third, fourth, fifth & all and every other Son & Sons of y<sup>e</sup> Body of my said Nephew Richard Penn lawfully to be begotten severally & successively y<sup>e</sup> one after the other as they shall be in Seniority of Age & priority of Birth & the several Heirs Male of the several & respective Body & Bodys of all & every such Son & Sons respectively The elder of such Sons & the Heirs Male of his Body being always preferred and to take before the Younger of the same Sons & the Heirs Male of his or their Body or Bodys & in default of such Issue Then unto all & every other the Son & Sons of y<sup>e</sup> body of my said Brother Richard Penn lawfully begotten or to be begotten severally & successively the one after the other as they shall be in Seniority of Age & priority of Birth & the several Heirs Male of the several & respective Body & Bodys of all & every such Son & Sons respectively The Elder of such Sons & the Heirs Male of his Body being always preferred & to take before the Younger of the same Sons & the

Heirs Male of his or their Body or Bodys & in default of all such Issue Male as aforesaid then unto the Heirs of the Body of my said Brother Thomas Penn & in default of such Issue then unto y<sup>e</sup> Heirs of y<sup>e</sup> Body of my said Nephew John Penn, and in default of such Issue, then unto the Heirs of the Body of my said Nephew Richard Penn and in default of such Issue Then severally successively & respectively unto y<sup>e</sup> Heirs of y<sup>e</sup> Body & Bodys of all & every other the Son & Sons of y<sup>e</sup> Body of my said Brother Richard Penn severally & successively and in default of such Issue then unto my before named Neices Hannah Penn (at present y<sup>e</sup> only daughter of my said Brother Richard Penn) for and during y<sup>e</sup> Term of her natural life without impeachment of or for any manner of wast whatsoever and from & after the determination of that Estate unto the said David Barclay & Thomas Hym and their Heirs during y<sup>e</sup> Natural Life of my said Neice Hannah Penn but upon Trust only to support the contingent Uses or Estates herein after Limited from being destroyed or defeated & to do all Lawful Acts & things in order to that end and from & after the decease of my said Neice Hannah Penn Then unto the first Son of the Body of my said Neice Hannah Penn lawfully to be begotten & the Heirs Male of y<sup>e</sup> body of such first Son lawfully Issuing and in default of such Issue then to the second third forth fifth and all & every other Son & Sons of the Body of my said Neice Hannah Penn lawfully to be begotten severally & successively the one after the other as they shall be in Seniority of Age & Priority of Birth & the several Heirs Male of the severall & respective Body & Bodys of all & every such Son & Sons respectively the Elder of such Sons & the Heirs Male of his Body being always preferred and to take before y<sup>e</sup> younger of y<sup>e</sup> same Sons & the Heirs Male of his or their Body or Bodys & in default of such Issue then unto y<sup>e</sup> Heirs of y<sup>e</sup> Body of my said Neice Hannah Penn & in default of such Issue then to the Heirs of y<sup>e</sup> Body of my said Brother Richard Penn and in default of such Issue then unto my said sister Margaret Freame for & during the Term of her Natural Life without Impeachment of or for any manner of wast whatsoever and from and after y<sup>e</sup> determination of that

Estate then unto the said David Barclay & Thomas Hyam and their Heirs during the Natural Life of my said Sister but upon Trust only to support the contingent Uses or Estates hereinafter limited from being destroyed or defeated and to do all lawful Acts & things in order to that End & from and after the decease of my said Sister Then unto the first Son of her Body lawfully to be begotten & the Heirs Male of y<sup>e</sup> Body of such first Son lawfully Issuing & in default of such Issue Then to y<sup>e</sup> second, third, fourth, fifth and all & every other Son & Sons of the Body of my said Sister lawfully to be begotten severally & successively the one after the other as they shall be in Seniority of Age & Priority of Birth and y<sup>e</sup> several Heirs Male of y<sup>e</sup> several & respective Body & Bodys of all & every such Son & Sons respectively y<sup>e</sup> Elder of such Sons & the Heirs Male of his Body being always preferred and to take before y<sup>e</sup> Younger of the same Sons & the Heirs Male of his or their Body or Bodys & in default of such Issue then unto y<sup>e</sup> first second third & all every other the Son & Sons of y<sup>e</sup> Body of my said Sister lawfully to be begotten & the Heirs of their several & respective Body & Bodys severally & successively the one after the other as they shall be in Seniority of age & Priority of Birth the Elder of such Sons & y<sup>e</sup> Heirs of his Body being always preferred and to take before the Younger of the same Sons & the Heirs of his or their Body or Bodys & in default of such Issue Then unto my said Neice Philadelphia Hannah Freame for and during the Term of her Natural Life without impeachment of or for any manner of wast whatsoever and from & after y<sup>e</sup> determination of that Estate then unto the said David Barclay & Thomas Hyam and their Heirs during her Natural Life but upon Trust only to support y<sup>e</sup> Contingent Uses or Estates herein after Limited from being destroyed or defeated & to do all lawful Acts & things in order to that End and from & after her decease then unto y<sup>e</sup> first, second, third and all & every other y<sup>e</sup> Son & Sons of y<sup>e</sup> Body of my said Neice Philadelphia Hannah Freame lawfully to be begotten & the Heirs Male of their several & respective Body & Bodys severally and successively y<sup>e</sup> one after y<sup>e</sup> other as they shall be in Seniority of Age

& Priority of Birth the Elder of such Sons and the Heirs Male of his Body being always preferred and to take before the Younger of the same Sons and the Heirs Male of his or their Body or Bodys and in default of such Issue Then unto y<sup>e</sup> Heirs of the Body of y<sup>e</sup> said Philadelphia Hannah Freame and in default of such Issue Then unto y<sup>e</sup> Heirs of y<sup>e</sup> Body of y<sup>e</sup> said Margaret Freame and in default of such Issue Then unto my Nephew (of the half Blood) William Penn of Corke in the Kingdom of Ireland Esquire for & during the Term of his Natural Life without Impeachment of or for any manner of Wast whatsoever & from and after y<sup>e</sup> determination of that Estate Then unto the said David Barclay & Thomas Hyam and their Heirs for & during his Natural Life but upon Trust only to Support y<sup>e</sup> Contingent Uses or Estates herein after Limited from being destroyed or defeated and to do all lawful Acts and things in order to that End and from & after the decease of y<sup>e</sup> said William Penn Then unto Springett Penn (the present Eldest Son of the said William Penn) for and during his Natural Life without Impeachment of or for any manner of Wast whatsoever and from & after the determination of that Estate then unto the said David Barclay & Thomas Hyam and their Heirs for & during y<sup>e</sup> Natural Life of y<sup>e</sup> said Springett Penn but upon Trust only to Support y<sup>e</sup> Contingent Uses or Estates herein after Limited from being destroyed or defeated and to do all lawful Acts & things in order to that End and from & after the decease of y<sup>e</sup> said Springett Penn Then unto the first, second, third & all & every other the Son & Sons of y<sup>e</sup> Body of y<sup>e</sup> said Springett Penn lawfully to be begotten & y<sup>e</sup> Heirs Male of their several & respective Body & Bodys severally & successively the one after the other as they shall be in Seniority of Age & Priority of Birth the Elder of such Sons & the Heirs Male of his Body being always Preferred and to take before the Younger of y<sup>e</sup> same Sons & the Heirs Male of his or their Body or Bodys and in default of such Issue then unto the first, second, third and all & every other the Son & Sons of the Body of the said Springett Penn lawfully to be begotten and the Heirs of their several and respective Body & Bodys

severally & successively The one after the other as they shall be in Seniority of Age and Priority of Birth the Elder of such Sons and the Heirs of his Body being always preferred and to take before the Younger of y<sup>e</sup> same Sons & the Heirs of his or their Body or Bodys & in default of such Issue Then unto the Heirs of the Body of the said Springett Penn and in default of such Issue then unto Christiana Gulielma Penn (the only present Daughter of y<sup>e</sup> said Wm Penn for and during the Term of her Natural Life and from & after the determination of that Estate Then and unto y<sup>e</sup> said David Barclay & Thomas Hyam and their Heirs during her Natural Life but upon Trust only to Support the Contingent Uses or Estates hercin after Limited from being destroyed or defeated and to do all lawful Acts and things in Order to that End and from & after her decease Then unto the first, second, third and all & every other the Son & Sons of her Body lawfully to be begotten and the Heirs Male of their severall & respective Bodys severally and successively the one after the other as they shall be in Seniority of Age & Priority of Birth The Elder of such Sons and the Heirs Male of his Body being always preferred and to take before y<sup>e</sup> Younger of y<sup>e</sup> same Sons and y<sup>e</sup> Heirs Male of his or their Body or Bodys and in default of such Issue, then unto the first, second third and all and every other the Son and Sons of y<sup>e</sup> Body of the said Christiana Gulielma Penn lawfully to be begotten and the Heirs of their severall and respective Body & Bodys severally and successively y<sup>e</sup> one after the other as they shall be in Seniority of Age and Priority of Birth The Elder of such Sons and the Heirs of his Body being always preferred and to take before the Younger of y<sup>e</sup> same Sons and the Heirs of his or their Body or Bodys and in default of such Issue then unto the Heirs of the Body of the said Christiana Gulielma Penn and in default of such Issue Then unto the Heirs of the Body of y<sup>e</sup> said Wm Penn and in default of such Issue then unto my Grand Nephew (of the the half Blood) Robert Edward Fell the only Son now living of Gulielma Maria Fell deceased for and during the Term of his natural Life without Impeachment of or for any manner of Wast whatsoever & from and after the determination of that Estate then unto y<sup>e</sup> said



David Barclay & Thomas Hyam and their Heirs during y<sup>e</sup> natural Life of the said Robert Edward Fell but upon Trust only to support the Contingent Uses or Estates herein after limited from being defeated or destroyed and to do all Lawful Acts & things in order to that End and from & after the decease of y<sup>e</sup> said Robert Edward Fell Then unto y<sup>e</sup> first, second, third and all & every other the Son & Sons of the Body of y<sup>e</sup> said Robert Edward Fell lawfully to be begotten & the Heirs Male of their severall and respective Body and Bodys severally and successively the one after the other as they shall be in seniority of Age and Priority of Birth The Elder of such Sons and the Heirs Male of his Body being always preferred and to take before the Younger of the same Sons and the Heirs Male of his or their Body or Bodys and in default of such Issue then unto the first, second, third and all & every other the Son and Sons of the Body of the said Robert Edward Fell lawfully to be begotten & the Heirs of their severall & respective Body & Bodys severally & successively, the one after y<sup>e</sup> other as they shall be in Seniority of Age & priority of Birth The Elder of such Sons and the Heirs of his Body being always preferred and to take before the Younger of y<sup>e</sup> same Sons and the Heirs of his or their Body or Bodys & in default of such Issue then to the Heirs of the Body of y<sup>e</sup> said Robert Edward Fell and in default of such Issue then unto my great Neice Mary Margaretta Fell (Eldest daughter now living of the [said] Gulielma Maria Fell deceased) for & during the Term of her Natural Life without Impeachment of or for any manner of wast whatsoever and from & after the determination of that Estate then unto the said David Barclay & Thomas Hyam and their Heirs for and during the Natural Life of y<sup>e</sup> said Mary Margaretta Fell but upon Trust only to support y<sup>e</sup> Contingent Uses or Estates herein after limited from being defeated or or destroyed and to do all lawfull Acts and things in order to that End and from and after the decease of the said Mary Margaretta Fell Then unto the first, second, third and all & every other the Son and Sons of the Body of the said Mary Margaretta Fell lawfully to be begotten and y<sup>e</sup> Heirs Male of

their severall and respective Body & Bodys severally and successively the one after the other as they shall be in Seniority of Age and Priority of Birth The Elder of such Sons and the Heirs Male of his Body being always preferred & to take before the Younger of y<sup>e</sup> same Sons and the Heirs Male of his or their Body or Bodys and in default of such Issue Then unto the first, second Third and all & every other Son & Sons of y<sup>e</sup> Body of y<sup>e</sup> said Mary Margarett Fell lawfully to be begotten & the Heirs of their severall and respective Body & Bodys severally & successively y<sup>e</sup> one after the other as they shall be in Seniority of Age & Priority of Birth The elder of such Sons and the Heirs of his Body being always preferred and to take before the Younger of the same Sons and the Heirs of his or their Body or Bodys & in default of such Issue Then unto y<sup>e</sup> Heirs of y<sup>e</sup> Body of y<sup>e</sup> said Mary Margarett Fell and in default of such Issue Then unto my other Great Neice Gulielma Maria Frames Fell (the only other Daughter now living of the said Gulielma Maria Fell deceased) for & during the Term of her natural Life without impeachment of or for any manner of Wast Whatsoever and from after y<sup>e</sup> determination of that Estate then unto y<sup>e</sup> said David Barclay & Thomas Hyam & their Heirs for & during y<sup>e</sup> Natural Life of the said Gulielma Maria Frames Fell but upon Trust only to support the Contingent Uses & Estates herein after limited from being defeated or destroyed and to do all Lawful Acts & things in order to that End and from & after y<sup>e</sup> decease of y<sup>e</sup> said Gulielma Maria Frames Fell Then unto the first, second, third and all & every other the Son & Sons of y<sup>e</sup> Body of y<sup>e</sup> said Gulielma Maria Frames Fell lawfully to be begotten and y<sup>e</sup> Heirs Male of their severall and respective Body & Bodys severally & successively The one after the other as they shall be in Seniority of Age and Priority of Birth The Elder of such Sons & y<sup>e</sup> Heirs Male of his Body being always preferred and to take before the Younger of y<sup>e</sup> same Sons and the Heirs Male of his or their Body or Bodys and in default of such Issue Then unto y<sup>e</sup> first, second, third and all and every other the Son & Sons of y<sup>e</sup> Body of y<sup>e</sup> said Gulielma Maria Frames Fell lawfully to be begotten & y<sup>e</sup> Heirs of their severall & respective Body &

Bodys severally & successively the one after y<sup>e</sup> other as they shall be in Seniority of Age & Priority of Birth y<sup>e</sup> elder of such Sons & the Heirs of his Body being always preferred and to take before the Younger of y<sup>e</sup> same Sons & y<sup>e</sup> Heirs of his or their Body or Bodys And in default of such Issue then unto the Heirs of y<sup>e</sup> Body of the said Gulielma Maria Frames Fell and in default of all such Issue Then y<sup>e</sup> remainder in Fee unto my own right Heirs & their Heirs & Assigns forever PROVIDED ALWAYS and upon Condition nevertheless and it is my express Will and intent and accordingly I do hereby devise the same so as that in Case upon the failure of all such Issue as aforesaid my own Right Heirs should happen to be two or more females & likewise in Case by means of any of the limitations herein before expressed to the Heirs of the Body of any of the several Persons herein before named or described any such Heirs of y<sup>e</sup> Body of any such Person or Persons shall happen to be two or more Females Then & in all and every one of such Cases the First or Eldest of such two or more Females and she only & solely and the Heirs of her Body shall have & enjoy the whole of my said Moity to herself alone and to y<sup>e</sup> Heirs of her Body without Partition or division And on failure of such Issue of the First or Eldest of such Females, Then y<sup>e</sup> same shall in like manner Succeed and remain whole and entire without Partition or division to the second or next Eldest of such two or more Females and to the Heirs of her body and so from Time to Time in like manner as often as that Case shall happen, PROVIDED ALSO and upon further Express Condition That every Person becoming intituled under this my Will to my said Moity and likewise the several Persons Marrying with any Female who shall be or shall become intituled by this my Will to my said Moity shall from Time to Time when and as they shall become intituled to the same take & use the surname of Penn and that only and no other surname therewith and shall also bear my Arms Nevertheless my said Moity of y<sup>e</sup> said Province of Pennsylvania and three lower Countys herein before disposed of and limited as aforesaid shall notwithstanding any the foregoing Limitations or dispositions thereof stand and be charged and chargeable

with and subject & lyable to the raising & payment unto my English Executors out of the Quit Rents, other Rents, Issues & Profits which shall or may arise therefrom of the full sum of Six thousand Pounds of lawful Money of Great Britain which last mentioned Sum of six thousand Pounds I will shall be applied in the manner following that is to say so much thereof as shall be wanting (if any shall be wanting) to answer the several particular purposes for which I have herein before appropriated what is to be deemed my English personal Estate shall be paid to my said English Executors to enable them to answer those several Purposes and y<sup>e</sup> whole of such Six thousand Pounds (if no part thereof shall be wanted for such particular purposes) or the whole residue of such six thousand Pounds whether the same shall be raised during the Life Time or after y<sup>e</sup> decease of my Brother y<sup>e</sup> said Thomas Penn shall belong & be paid unto my Brother the said Thomas Penn or to his Executors & Administrators as part of his personal Estate AND WHEREAS I am desirous and believe it to be best that the Lands & Profits of my said Moiety of y<sup>e</sup> said Province of Pennsylvania and of the said three Lower Countys should be intailed in manner aforesaid But am sensible that my Moiety of the said Province and Countys is an Estate of a very different nature from y<sup>e</sup> Estates in this Kingdom & that y<sup>e</sup> same is not to be Leased out at Rack Rents or for short Interests or Terms of Years as may be done with respect to Lands and Tenements in this Kingdom but that the further Improvement and Settlement of the Lands in those Flourishing Colonies (which I most earnestly wish for) must necessarily be carried on by making grants of Lands there in Fee Simple or for other durable and lasting Estates which without some particular power and authority a Bare Tennant for Life or even Tennant in Tail might not be enabled to grant and not only so but the Settlement and determination of the Extent Limits & Boundaries of y<sup>e</sup> same Province & Countys and y<sup>e</sup> appointment of Governors or Deputy Governors or Lieutenant Governors and other Officers and the carrying on and exercising of y<sup>e</sup> Government Franchises and Jurisdictions of the same and the making & concluding Treatys either with the native Indians

in those parts or with any other Persons whom it may Concern and many other great & General Publick Occasions may arise wherein a meer Tennant for Life or Tennant in Tail of my Moiety might not without some special power & authority be enabled to do y<sup>e</sup> several great & Public Acts relating to the said Province & Countys which may be requisite & necessary to be from Time to Time done executed & performed AND WHEREAS it was not nor is it my Will or Intention by any such devises Limitations or Intails as are herein before contained touching the said last mentioned six thousand Pounds to clogg or fetter my Moiety of y<sup>e</sup> said Province and Countys in such manner as that there should be any defect of Power or want of Authority in y<sup>e</sup> Possessor of my said Moiety of y<sup>e</sup> said Province & Countys for the Time being or any other impediment delay or obstruction given to the full & perfect execution and performance of every Matter and thing whatsoever which may be any way necessary fitting or proper to be done with relation to the Settlement of the Lands fixing the Extents Limits & Boundaries appointment of Governors Deputy Governors or Lieutenant Governors & other Officers and carrying on y<sup>e</sup> Governments & Jurisdictions of y<sup>e</sup> said Province and Countys or to y<sup>e</sup> making and concluding any such Treatys as before mentioned or any other great and General Publick Occasions which may arise and which may require in the Possessor for the Time being of my said Moiety of the said Province & Countys as much Larger degree of Power or Authority than is yet expressly given herein THEREFORE I do hereby make this full declaration of my Will and Intention in the Premises and do fully authorize and Impower each and every Person who by Vertue of this my Will shall at any Time be in Possession of my said Moiety of the said Province & Countys when and during the Time that such person shall so be in Possession of the same to do execute & perform all lawful Acts Deeds Matters and things whatsoever necessary for all every or any the several purposes herein after mentioned that is to say for y<sup>e</sup> conveying and granting out for any Estate or Estates how large soever of any Lands or other Hereditaments whatsoever in y<sup>e</sup> said Province & Countys on reserving in each such grant or

Conveyance of any Lands as much Quit Rent in proportion and y<sup>e</sup> like Services as have been of late generally reserved on other Lands granted out by myself & Brothers unless it shall be found necessary for the general Service of y<sup>e</sup> said Province to make Settlements on the Frontiers whereby its great distance from the then present Inhabitants the like Quit Rents cannot be reserved as in the more settled parts of the said Province and then for the Conveying and granting out (for y<sup>e</sup> General Service only & not for the private Utility or benefit of such Possessor or his Family) of any Lands on Reservation of such Rent and Services only as to the Possessor for the Time being shall seem proper so as in such last mentioned Cases no Fine or purchase Money be taken on any such grant as last mentioned and my Will is that my Moiety of all such Quit Rents and Services to be reserved on every such grant shall descend remain and go along with and be considered as part of my Estate & Inheritance according to y<sup>e</sup> Limitations herein before expressed and declared But that all fines and Purchase moneys to to be raised upon such grants where any such Fines or purchase moneys may be raised according to this my Will shall (as to my Moiety of y<sup>e</sup> same) belong to the possessor for the Time being of my said Moiety of y<sup>e</sup> said Province and Countys as his own Proper money and Estate for the Settlement & determination of the extent Limits and Boundaries of the same Province & Countys for the appointment of Governors Deputy Governors or Lieutenant Governors and any other Officers whatsoever of the same Province and Countys for the carrying on & exercising of the Governments Franchises and Jurisdictions in y<sup>e</sup> same for the making and concluding of any Sort of Treatys either with the Native Indians in those parts or with any other persons whom it may concern and for the performance of every other great and General matter power Authority and Jurisdiction granted by the Crown with the same Province and Countys or any of them and which may upon any Publick Occasion be proper or fitting to be done for the General Service and benefit of the same province and Countys and that and those in as full perfect absolute and Effectual manner as if such Possessor for the Time being of my said

Moiety of the Province and Countys was the absolute and perfect owner and Proprietor of my said Moiety in fee simple and because I would have my said Moiety of the said Province and Countys to be entirely discharged and released from the said Charge or burthen relating to y<sup>e</sup> said last mentioned Sum of six thousand Pounds if any manner of occasion should require the same and to the intent that no Obstruction may ever from thence arise I do hereby authorize Impower desire and direct that all or any single one or more of the persons herein before named for my English Executors and all or any one or more of their or of any or either of their Executors or Administrators do and shall immediately on request to be made in that behalfe by the person who shall for the time being be according to this Will in the Possession of my Moiety of the said Province of Pennsylvania and three lower Countys fully & absolutely release and discharge my said Moiety of y<sup>e</sup> said Province and Countys and the Quit Rents other Rents Issues and Profits of the same of and from y<sup>e</sup> said whole Charge of Six thousand Pounds and every part thereof and all Claims and demands in respect of the same And that whether the said six thousand Pounds or any part thereof shall have been or shall not have been then raised or received on taking such Bond Covenant Personal Security or other distinct security (not to affect the said Province and Countys) from the Possessor for the Time being of my Moiety of the said Province and Countys as he or she shall be able to give and as the Person or Persons giving such release or discharge shall think proper to accept for the answering and making Good such last mentioned six Thousand Pounds or y<sup>e</sup> residue thereof to my English Executors for the several purposes hereinbefore declared relating to such Six thousand Pounds AND I do hereby give and bequeath unto my said Brother Thomas Penn All my share of Fines and purchase Moneys arising from or out of y<sup>e</sup> said Province of Pennsylvania and three Lower Countys which shall any how be secured or due owing or belonging unto me at the Time of my decease and the Interest and arrears of Interest thereof and all my share of Rents & Quit Rents and Arrears of Rents and Quit Rents arising from or out

of the said Province of Pennsylvania and three Lower Countys and which shall be due owing or belonging to me at the time of my decease and the Interest and Arrears of Interest thereof and all other Sum or Sums of Money and all other Goods Chattels Rights Credits Effects and personall Estate which shall belong to me at y<sup>e</sup> time of my decease and which shall then be within y<sup>e</sup> said Province of Pennsylvania and the said Three Lower Countys and every or any of them (such matters and things as I have hereinbefore declared to be considered as part of my English personal Estate only excepted) To HOLD to my said Brother Thomas Penn his Executors Administrators and Assigns to his and their own proper Use and benefit forever and do hereby make and appoint my said Brother Thomas Penn my sole Executor for all my Personal Estate in y<sup>e</sup> said Province of Pennsylvania and three Lower Countys of Newcastle Kent and Sussex upon Delaware It is my Will that no one or more of my said Trustees and English Exccutors shall be answerable either for the Act Default or Omission of the other or others of them nor (notwithstanding Joynt receipts may be given) for any more money than what shall be Actually left in each of their own several and respective Hands Nor for the defect of any security bona fide taken for the Trust Money or any part thereof nor for the Stocks or Funds in which the same shall be invested become of less Value than when at first bought if that should happen to be y<sup>e</sup> Case nor for any other Involuntary loss that may happen in depositing by any of the Trustees in any Bankers Hands of any part of the Trust Money LASTLY as this my Will was hastily and suddenly drawn I make it my earnest request to my dear Brothers that in Case any defect should be found in point of Law so as to render the same not sufficient to answer my plain Intentions herein before expressed they would do every matter and thing in their power to make y<sup>e</sup> same compleat and Effectual to answer such my Intentions and I Trust and confide that they will do so from y<sup>e</sup> Brotherly Love and Affection that has subsisted between Us And I do entreat them that they will not permit any Suits or disputes to be commenced touching this Will now by me made IN WITNESS



WHEREOF I have to this my Last Will and Testament of which there are two parts Each of the like date & Tenor Set my hand and seal which Seal Encloses the Silk with which all the sheets of paper are fastened together this twenty fourth day of October in the Twentieth Year of the Reign of our Sovereign Lord George the second by y<sup>e</sup> Grace of God of Great Britain France and Ireland King defender of the Faith and soforth and in the Year of our Lord one thousand seven hundred forty and six.

JOHN PENN [SEAL.]

Signed Sealed published and declared by the beforenamed John Penn Esquire for and as his Last Will and Testament in y<sup>e</sup> Presence of us who at his request and in his presence and in y<sup>e</sup> Presence of each other of us have hereunto set our hands as Witnesses. JOHN CORMELL FORD, JOHN PARIS, ROBT. GWYN.

Examined with the Original Will of John Penn Esquire deceased by

HEN: STEVENS.

**John** by Divine Providence Arch Bishop of Canterbury Primate of all England and Metropolitan do by these presents make known unto all Men That it hath been Alleged Before the Worshipfull Robert Jenner Doctor of Laws Surrogate to the right Worshipfull John Bettesworth also Doctor of Laws Master Keeper or Commissary of our prerogative Court of Canterbury Lawfully constituted That John Penn late of Hitcham in y<sup>e</sup> County of Bucks Esquire deceased whilst he was of perfect sound Mind Memory and understanding did make his last Will & Testament in writing and did therein appoint William Vigor of London Merchant Joseph Freame Citizen and Banker of London and Lascelles Metcalf of Westminster Esquires, Executors IN TRUST as to and for his personall Estate in that part of Great Britian called England and afterwards departed this Life And we further make known That on the twelfth day of November in the Year of our Lord one thousand seven hundred and forty six at London before the said Surrogate the said Last

Will and Testament of the said John Penn deceased (hereunto annexed) was proved approved and registered the said deceased having whilst living and at y<sup>e</sup> Time of his death Goods Chattels or Credits in divers Diocesses or Jurisdictions by reason whereof the proving and registering y<sup>e</sup> said Will and the granting Administration of all and singular the Goods Chattels and Credits of the said deceased and also the auditing allowing and final discharging y<sup>e</sup> Accompt thereof are well known to appertain only and wholly to us and not to any Inferior Judge and That Administration of all and singular the Goods Chattels and Credits of y<sup>e</sup> said deceased in that part of Great Britain called England and any way concerning his said Will was granted to the said Wm Vigor, Joseph Freame and Lascelles Metcalf Esquires the Executors named in the said Will for the purpose aforesaid the said Wm Vigor and Lascelles Metcalf being first Sworn and the said Joseph Freame having first made the Solemn & Sincere declaration or Affirmation according to Act of Parliament well and faithfully to Administer the same and to make a True and perfect Inventory of all and singular the Goods Chattels & Credits of the said deceased in that part of Great Britain called England and to exhibit y<sup>e</sup> same into the Registry of our said Court on or before y<sup>e</sup> last day of May next ensuing and also to render a Just and True Accompt thereof.

GIVEN at the Time and Place above written and in the Tenth Year of our Translation.

Ex<sup>d</sup>  
pr P: H:

[SEAL]

WM: LEGARD  
PET: STELOY  
HEN: STEVENS, )

*Deputy  
Registers*

Proved in County of Sussex sur Delaware,  
September 1<sup>st</sup> 1747.

Proved at Burlington, New Jersey,  
August 3<sup>d</sup> 1747.

Registered at Philadelphia, Penn<sup>a</sup>, in Will book II. p. 295, &c.

## ARTICLES OF AGREEMENT

BETWEEN

## THOMAS AND RICHARD PENN.

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**Articles of Agreement** indented made and concluded <sup>31st</sup> and agreed upon the 31st day of January in the 24th year of <sup>January,</sup> the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King Defender of the faith and so forth and in the year of our Lord 1750. Between Thomas Penn of Hitcham in the County of Buckingham Esquire of the one part and Richard Penn of Stanwell in the County of Middlesex Esquire of the other part in the manner and form following, vizt:

WHEREAS certain Articles of Agreement tripartite were heretofore intended concluded and agreed upon bearing date on or about the 8th day of May which was in the year of our Lord 1732 and made between John Penn of Fenns in the County of Berks Esquire of the first Part the said Thomas Penn (by the description therein contained) of the second part and the said Richard Penn (by the description therein also contained) of the third part In which said Articles of Agreement Tripartite it was recited to the following Effect namely that the said John Penn Thomas Penn and Richard Penn were seized of or entitled unto the Seignory Fee Simple and Inheritance of the Province of Pennsylvania in America and of the Counties of Newcastle Kent and Sussex in the America commonly called the three lower Counties lying on the Bay and River Delaware and adjoining to the said Province and of the Quit Rents & divers Lands and Hereditaments and the Royalties Franchises Privileges and Appurtenances in and belonging to the said Province and Coun-

ties respectively and of the Royal Franchise of the Government of the said Province and of the Government of the said lower Counties that is to say of the said Province under a Grant of the same and of the Government thereof made by his late Majesty King Charles the 2d to William Penn Esquire deceased late Father of the said Parties to the said Articles of Agreement Tripartite and of the said three lower Counties under such Grants as had been thereof made by his late Royal Highness James Duke of York afterwards James the 2d King of England or any others, the said John Penn being seized of or entitled unto one Moiety of the said Premises to the use of himself and his Heirs the said Thomas Penn being seized of or entitled to one Quarter or fourth Part of the said Premises to the use of himself and his Heirs and the said John Penn and Thomas Penn IN TRUST for the said Richard Penn and his Heirs being seized of or entitled unto the other Quarter or fourth Part of the said Premises But that the whole was charged or chargeable with such Debts of the said William Penn as remained unpaid and that the Moiety of the said John Penn was charged or chargeable with the Payment of the Sum of £1000 or thereabouts to Trustees for Margaret the Wife of Thomas Freame of London Merchant (only Sister of the said Parties to the said Articles of Agreement Tripartite) And by which said Articles of Agreement (after writing to the Effect herein before mentioned) IT WAS WITNESSED that in order to preserve the said Estates to the respective Heirs Male of the Bodies of the said Parties thereto respectively and for Default of such Heirs Male to the Survivors and Survivor of them the said Parties and to the right Heirs of such Survivor of them (Subject to such Charges as were therein-after mentioned) and for the more easy disposing of so much and such Parts of the Lands and Hereditaments in the said Province and Counties as were then uninhabited and undisposed of to such Persons as should be minded to purchase the same they the said parties to the said Articles of Agreement for themselves respectively and for their respective Heirs Executors and Administrators and each of them did thereby covenant promise

and agree to and with the others and other of them the said Parties and their respective Heirs Executors and Administrators And it was thereby actually Covenanted declared and agreed by and between all the said Parties to the said Articles of Agreement for themselves respectively and for their respective Heirs Executors and Administrators in manner there following Amongst which Covenants and Agreements there following are contained (over and besides sundry other Clauses Provisoos Charges Declarations and Agreements made for the Purpose of providing for the Children and Relations of the said Parties to the said Articles of Agreement and for other the Purposes and Persons therein mentioned and expressed) Sundry Clauses Provisoos Charges Declarations or Agreements relative to the making Provision for the Widow or Widows of all and each of the said Parties to the said Articles of Agreement respectively which last mentioned Clauses Provisoos Charges Declaration or Agreement or some of them are therein contained in the Words or to the Effect hereinafter for that purpose mentioned and expressed that is to say) ITEM that neither of the said Parties hereto shall by his Will or otherwise dispose of his Estate or Share of or in the said Counties and Premises or any of them to any Child except to his Eldest Son Intail Male with Remainder to his Second third and other Sons successively intail Male except as to such Charges and Provisions as are herein or otherwise than as is herein appointed limitted or agreed upon PROVIDED and it is hereby also agreed and declared by and between all the said Parties to these Presents that in case of the Death of any or either of the said Parties leaving Issue Male as aforesaid It shall and may be lawful to and for such of the said Parties hereto as shall die leaving Issue Male by such last Will and Writing as aforesaid attested as aforesaid to charge his or their own respective Estates or Shares of and in the said Premises with the Payment of such annual Sum or Sums of British Money payable in England as He or they respectively shall think fit to or for his or their Widow or Widows respectively during her or their Life or Lives only but not to exceed two Hundred Pounds per Annum for the

Widow of the said John Penn nor one Hundred Pounds per Annum each for the Widows of the said Thomas Penn and Richard Penn respectively and for Want of such Charges or Charge respectively then the Share of the said John Penn to stand and be charged with the Yearly Payment of £200 British Money to the Widow of the said John Penn from and after his Death for her Life and the respective Shares of the said Thomas Penn and Richard Penn to stand and be charged with the Yearly Payment of £100 respectively of like Money in England to their respective Widows during their respective Lives and the said Premises and Shares respectively are hereby charged accordingly the said Annual Sums and other the Annual Sums hereinafter mentioned being for the Provision maintenance and Livelihood of the said respective Widows and in Barr of their respective Dowers and Right and Title of Dower PROVIDED also and it is hereby declared and agreed that in Case the said John Penn shall die Intestate without Issue Male and leaving one or more Daughter or Daughters that then and in such Case his Widow if any in Case he leave but one Daughter shall have £300 per Annum and in Case he leave more than one Daughter then only £200 British Money annually for her Life payable in England, and that in Case the said Thomas Penn and Richard Penn or either of them respectively shall die Intestate without Issue Male and leaving one or more Daughter or Daughters respectively that then and in such Case their respective Widows in Case they respectively leave but one Daughter shall have £150 and in Case of more than one Daughter respectively then only £100 British Money Yearly for their respective Lives payable in England and the said respective Estates and Shares of the said Parties are hereby respectively charged accordingly and to be in Barr of Dower as aforesaid.

ITEM It is hereby declared and agreed that in Case any or either of the said Parties shall die without any Issue Then and in such Case he and they shall leave and appoint his or their respective Share or Estate to the other of the said Parties or either of them as be shall think fit and shall have Liberty by

any Will or Deed to be attested as aforesaid to charge the same with the respective Sums following that is to say The said John Penn to charge his Estate and Share with £6000 British Money and the said Thomas Penn and Richard Penn respectively to charge their respective Estates and Shares each with £3000 British Money payable to such Person or persons as such Party or Parties shall by such Will or Deed as aforesaid appoint and that in Case the said John Penn shall die without Issue it shall and may be lawful to and for him by such Will or Deed as aforesaid to charge his Estate or Share with the Payment of any annual Sum not exceeding £200 British Money to his Widow during her Life over and above the Yearly Sum or Sums respectively before provided for such Widow during her Life and that in Case the said Thomas Penn and Richard Penn or either of them shall happen to die without Issue It shall and may be lawful for them or either of them respectively dying without Issue by such Will or Deed as aforesaid to charge their respective Estates and Shares in the said Premises with the Payment of any annual Sum respectively not exceeding £100 British Money to their Widows respectively for Life over and above such Yearly Sums as are hereinbefore for such Widows respectively provided and the said several Estates and Shares are hereby charged accordingly and to be in Barr of Dower as aforesaid PROVIDED also and it hereby declared and agreed by and between all the said Parties to these Presents that it shall and may be lawful to and for the said Parties at any time during their joint Lives by any writing under their Hands and Seals attested by two or more credible Witnesses to revoke determine and make void these Presents and all and every or any of the Clauses Provisoes and Agreements herein contained anything herein to the Contrary thereof in any wise notwithstanding PROVIDED also and it is hereby declared by and between the said Parties to these Presents that in Case one or two of the said Parties hereto shall happen to die leaving no Issue Male respectively that then and in such Case and Cases it shall and may be lawful to and for the Survivors and Survivor of the said parties by any writing under

their respective Hands and Seals to alter revoke and make void these presents and every Clouse Provisoe and Agreement herein contained But so as not to prejudice any Provision Devise or Appointment which may have been by the Party or Parties first dying made in pursuance of these presents as by the said Articles of Agreement Relation being thereunto had may (amongst sundry other Clauses Provisoes Declarations and Agreements therein contained) appear AND WHEREAS since the time of making entering into and executing of the said Articles of Agreement the said John Penn one of the parties to the same departed this Life to wit in or about the month of October which was in the Year of our Lord 1746 a Bachelor without leaving any Widow or any Issue of his Body having some short time before his Death by his Will duly attested devised his Moiety of the said Premises and charged the same and having given such Special Powers and Authorities to the Possessor of his Moiety of the Premises for the time being as in such Will are mentioned AND WHEREAS the debts of the said William Penn which remained unpaid at the time of the entering into the said Agreement have since been paid off and the Income and Profits of the Premises are increased and improved in value since the said Agreement was entered into and the said Thomas Penn and Richard Penn parties hereto being the Survivors of the Persons who were parties to the said recited Articles of Agreement have upon due Consideration agreed to alter the Provision which was made and charged or agreed or intended to be made or charged by the said recited Articles of Agreement out of their own respective Quarter Parts or fourth parts of the said Estate and Premises for their respective Widows (the Moiety of the said John Penn being devised in and by his Will so that it is apprehended the same is not capable of receiving any Alteration or additional Charge thereon) and have now agreed and do intend that a farther and larger Power shall be reserved (to themselves respectively and severally and also to the several other persons who are hereinafter mentioned and described) to make and charge a better and larger Provision if they respectively shall



hereafter see fit so to do out of the said several and respective Quarter parts or out of some part or parts of the same) for their several and respective Widows ALL such charges to be hereafter made and in such Cases and in such particular and different Manners and under such different Circumstances and at such particular times and under such Restrictions (with respect to the several different Persons who shall severally and respectively make the same as are hereinafter for those purposes severally and respectively mentioned AND HAVE ALSO now agreed and do intend that all such future charges and provisions for all such Widows shall be made and charged upon and issue out of the said Province of Pensylvania and the Quit Rents and other Rents Issues and Profits of the same only, but, not upon or out of the Government of the said Province or upon or out of any other Part whatsoever of any of the Premises which were mentioned or comprized in the said recited Articles of Agreement Tripartite and have likewise now agreed and do intend notwithstanding the strict Intail of the Premises and of the beneficial Interest of the same which may be intended to be made either by the said former Articles of Agreement or any otherwise and notwithstanding any Charge or Burthen upon the same for Widows or any other Persons that the Possessor for the time being of their several and respective Quarter Parts of all and every of the Premises comprized or mentioned in the said recited Articles of Agreement Tripartite shall be vested by these presents with Special Powers and Authorities over the said whole Quarter Parts respectively of every the Premises comprized in the said recited Articles of Agreement Tripartite in some Special and particular Cases and for some Special and particular Purposes in regard that the Parties hereto conceive it may become necessary that in an Estate of such Nature and so circumstanced as theirs is the like Powers and Authorities as are already given by the Will of the said John Penn deceased to the Possessor for the time being of his Moiety of the same Estates and Premises should likewise be given to and vested in the Possessor for the time being of their respective Quarter Parts of the same

Premises and in Consequence of such of the said parties present Agreements and Intentions they have now further agreed and do intend effectually to alter revoke and make void the said recited Articles of Agreement Tripartite and every Clause Proviso and Agreement therein contained which is and so far and so much of the same as is in any wise contrary and repugnant to or derogatory of or inconsistent with the Agreements hereinafter contained or any of the same At the same time corroborating and confirming the said recited Articles of Agreement and every Clause Proviso and Agreement and every part of every Clause Proviso and Agreement therein contained which is not and so far and so much of the same as is not contrary or repugnant to or not derogatory of or inconsistent with the Agreements hereinafter contained or any of the same NOW THEREFORE THESE PRESENTS WITNESS that the said Thomas Penn and Richard Penn being the two Survivors of the Persons who were parties to the said recited Articles of Agreement Tripartite have and each of them HATH altered revoked and made void and by these presents DO and each of them DOTI in pursuance of such their present Agreements and Intentions as aforesaid and by virtue and in pursuance of the powers reserved and contained in the said former recited Articles of Agreement AND by virtue of all pursuance of the Powers reserved and contained in the said former other Powers Authorities Estates Rights and Interests whatsoever them hereunto enabling hereby alter revoke and make void the said recited Articles of Agreement and every Clause Proviso and Agreement and every part of every Clause Proviso and Agreement therein contained which is and so far and so much of the same as is in any wise contrary or repugnant to or derogatory of or inconsistent with the Agreements hereinafter contained in these presents or any of the same but no further or otherwise nor in any other manner AND THESE PRESENTS ALSO WITNESS that the said Thomas Penn and Richard Penn parties to these presents for themselves respectively and for their respective Heirs Executors and Administrators DO and each of them DOTI hereby covenant promise grant and agree to and with the other

of them the said parties hereto and his respective Heirs Executors and Administrators do and it is hereby mutually and reciprocally covenanted promised granted declared and agreed by and between the said Parties to these presents for themselves respectively and for their respective Heirs Executors and Administrators in manner and form following (that is to say) that it shall and may be lawful to and for the said Thomas Penn respectively and to and for the said Richard Penn respectively by any their or his respective last Will and Testament in writing or by any writing or writings to be by them respectively at any time or times hereafter duly made signed and sealed in the presence of and attested by two or more credible Witnesses whether such Deed or Deeds or Will or Wills to be made by them or either of them shall be made before Marriage or after Marriage to charge their several and respective Quarter Parts of the said Province of Pennsylvania and of the Quit Rents and other Rents and other Rents Issues and Profits of the same only (but not the Government of the said Province nor any other part whatsoever of any of the Premises which are mentioned or comprized in the said recited Articles of Agreement) with the several and respective yearly Sums for a provision for their own several and respective Widows in the several and respective Cases hereinafter mentioned or with any severally yearly Sums altogether not exceeding the several and respective yearly Sums in the several and respective Cases hereinafter for that Purpose mentioned that is to say such of the said two parties to these presents as shall die leaving Issue Male of his Body or shall die leaving no Issue Male of his Body but leaving two or more Daughters may in either of those two Cases charge as aforesaid his own respective Quarter Part (of such only of the Premises as aforesaid) with a provision of one or of several yearly Sums in the whole not exceeding the Sum of £300 of lawful Money of Great Britain for his or for their own respective Widows and such of the said two Parties hereto who shall die leaving no Issue Male of his Body and leaving one Daughter only and no more may charge as aforesaid his own respective

Quarter Part (of such only of the Premises as aforesaid) with a provision of one or of several Yearly Sums in the whole not exceeding the yearly Sum of £400 of like lawful Money for his and for their own respective Widows and such of the said two Parties hereto as shall die leaving no Issue Male of his Body and also leaving no Daughter may charge as aforesaid his own respective Quarter Part of such only of the Premises aforesaid with a Provision of one or of several yearly Sums in the whole not exceeding the yearly Sum of £500 of like lawful Money for his or for their own respective Widows the said several and respective yearly Sums or Provisions of or not exceeding £300 or £400 or £500 which ever of the same shall be respectively charged in any of the several and respective Cases herein before mentioned pursuant to these presents to be in recompence and Satisfaction for and in Bar of all Dower and thirds which such respective Widows severally shall or may or can possibly claim out of or into any and every the Franchises Lands Tenements and Hereditaments of the said Thomas Penn in America and the said Richard Penn in America severally and respectively and to be payable and paid to such respective Widows in London by Quarterly Payments without any deduction or abatement out of the same for or in respect of any Taxes Charges Assessments Remittances or any other account whatsoever and the first quarters Payment of the same to be paid at the end of three Calendar Months to be computed from the day of the decease of the said Thomas Penn and of the said Richard Penn severally and respectively and so to continue payable and be paid at the end of every three calendar Months then ensuing for and during the whole natural Life or Lives of such several Widows respectively or for and during such part and so long of the several natural Lives of such Widows respectively after the decease of their respective Husbands as the said Thomas Penn or the said Richard Penn shall respectively so charge the same for AND the said parties hereto do hereby mutually and reciprocally covenant and agree as aforesaid that they respectively have not hitherto devised or charged nor will charge nor attempt

to charge their respective Quarter Parts of any part whatsoever of the Premises comprized or mentioned in the said recited Articles of agreement save only of the said Province of Pennsylvania and of the Quit Rents and other Rents Issues and Profits of the same with any yearly or other Sum or with any payment charge burthen or provision whatsoever for their or for either of their several several and respective Wives or Widows AND that they the said parties hereto severally and respectively will in no Case charge or attempt to charge their several and respective Quarter parts of the said Province of Pennsylvania or of the quit Rents or other Rents Issues or Profits of the same with any further or other Sums or payment or other charge burthen or provision whatsoever for their several and respective Wives or Widows than only according to the Agreements and in the several Cases hereinbefore contained in these present articles of agreement AND that after the respective deceases of the said parties hereto no Widow of either of them respectively shall be entitled to or shall lay claim or pretend to any Dower or Thirds or any Right or Title to Dower or Thirds out of any part whatsoever of the Franchises Lands Tenements or Hereditaments of the said respective parties hereto in America but on the contrary shall and will at any time or times upon demand to be made by or on behalf of the other party hereto or on behalf of any of his Heirs and also upon demand to be made by or on behalf of any Person to be then entitled to the Possession of any part of the said Province of Pennsylvania execute acknowledge and perfect any number of releases extinguishments of all Right Title Claim and demand of Dower and Thirds and of all and every of the Franchises Lands Tenements and Hereditaments whereof or wherein or whereto her Husband in his Life time had been seized interested or possessed in America the same to be conceived and perfected in the best and most perfect and extensive Forms that can be prepared or devised ITEM that it shall and may be lawful to and for the Male Issue and Male descendants of the Body of the said Richard Penn respectively and to and for such other Male per-

sons and persons who from time to time under the Agreements contained in the said recited Articles of Agreement or any otherwise shall for the time being be in the Possession of either of the said respective Quarter Parts or shall be the Heir Male apparent of either of the said parties hereto or of either of their Heirs Male or be the Heir apparent of the person then in possession of the said respective Quarter Parts of the said Premises and be the person than next in remainder to take and be entitled unto one of the said respective Quarter parts of the Premises immediately after the decease of the Person or Persons who shall then be in possession of the same to make and charge (each of them severally successively and respectively) such and the like provisions to such amount and in such and the like Cases (but not otherwise) for their respective Widows after their respective deceases out of such parts only of the said respective Quarter parts of the Premises as are hereby agreed to be charged as aforesaid as the said Thomas Penn and the said Richard Penn themselves respectively have herein before agreed that they themselves severally and respectively may make and charge upon their said respective Quarter parts of the Premises

NEVERTHELESS IT IS AGREED as aforesaid that all and every charge or provision to be made for any Wife or Widow by any person whatsoever (other than by the said Thomas Penn and Richard Penn) shall be understood with the following Explanations and Modifications and shall be subject to and under all and every the Provisoos Clauses and Agreements and shall be made at the particular times in the particular manner for the particular Considerations and under all the other Circumstances and restrictions herein after for these purposes mentioned that is to say every person other than the said Thomas Penn and Richard Penn who shall make any such charge for his Widow out of such parts of the said respective Quarter parts of the Premises as according to the true Intent and meaning of these presents may be charged with the same shall at the time of making such charge be of the full Age of 21 Years or more and shall at the time of making every such charge respectively

be a single Man and unmarried and shall at the time of making such charge respectively be in possession of one of the said respective Quarter parts or shall at least be the then Heir Male apparent of the person then in possession of the same or the next person in remainder entitled to take such Quarter part expectant upon and immediately after the decease of the Person at that time in possession of such respective Quarter part and such charge shall be made by Indenture only and not by Will or other Instrument and such Indenture shall be bona fida made and executed before marriage of the person charging and not after and to such Indenture the then intended Wife shall be named as a party and shall execute the same and in which Indenture such charge shall be agreed to be and shall be accepted in full Recompence and Bar of all Dower and Thirds which the intended Wife shall or may ever be entitled to or have or claim in or to or out of or from any and every the Franchises Lands Tenements and Hereditaments in America whatsoever whereof the intended Husband at any time during the intended Coverture shall or may be seized or possessed or entitled to and such Indenture shall recite or mention or refer to these presents and such charge in such Indenture shall be expressed to be made in Consideration of the Marriage then intended to be had but not solemnized and the person intending to make such charge and also the intended Wife and each of them shall severally and respectively sign and seal and as their several and respective Acts and Deeds deliver such Indenture in the presence of three or more credible Witnesses and such Indenture shall within Six Months after the date thereof be enrolled in the High Court of Chancery of Great Britain and such charge shall in no Case exceed the Sum which the said Thomas Penn and Richard Penn respectively have herein agreed to restrain themselves to and such charge although the same by means of former Charges which may have been made pursuant to the true Intent of these presents or by means of any future charge to be hereafter made by any person then in actual possession or by his Heirs may happen to be a future Charge in Reversion only either as to the

whole or to part thereof and may not be able to take Effect at all or at least not fully until the Death or Deaths of some other Widow or Widows for whom some former provision or charge may have then been made or may thereafter be made shall in no Case exceed the rate and proportion of £100 a year for each £1000 of lawful Money of Great Britain which the person intending to charge shall actually and bona fide receive in hand for the Marriage Portion of such his then intended Wife at the time of the marriage and shall afterwards wholly and absolutely retain and keep to himself and such charge shall neither defeat any prior charge which shall have been made or any future charge to be thereafter made by any person then in actual possession or by his Heirs pursuant to the true intent and meaning of these presents upon such Quarter part nor shall in any case be sufficient to lead or charge such quarter part with any greater charge Burthen or provision than one single yearly Sum of £300 or of £400 or of £500 according to the several and respective Cases hereinbefore mentioned in which such several and respective different charges or provisions may be charged or made and therefore shall take place either as to part of the same or as to the whole of the same only after the decease of the person making such charge and after the determination of the prior charges and provisions which shall have been before made or other charges which shall be thereafter made by the person then in possession or by his Heirs pursuant to the true intent of these presents for any other Widow or Widows and shall take place only from time to time when and as and so far as such quarter part shall be exonerated from any such former or other charge or charges which shall have been made or which shall be made pursuant to the true intent and meaning of these presents and when and as and so far as such former or other charge or charges shall fall in and determine or shall be short of the Sum chargeable upon the Premises in the several and respective Cases hereinbefore mentioned for a Provision for Widow or Widows pursuant to the true intent of these presents and shall in none of the Cases hereinbefore provided for create any further charge



for all Widows whatsoever upon each respective quarter part of the Premises than only one full yearly Sum of £300 or of £400 or of £500 to be issuing out of the chargeable Premises in each year as a provision for all Widows and the Quantum of such yearly Sum where the same shall be £300 or £400 or £500 yearly shall depend upon the several and respective cases herein before mentioned and agreed upon PROVIDED ALWAYS and upon this express Condition which is hereby agreed upon as aforesaid that every charge Sum of Money Payment and Provision that shall be made or charged for any Widow or Widows out of either of the said respective Quarter parts of the premises or out of any part of the same by any person or persons whatsoever (other than by the said Thomas Penn or Richard Penn respectively) shall to all intents and purposes whatsoever be null and void if not charged and made in all Respects and particulars pursuant to all the foregoing Restrictions and pursuant to the intent and meaning of these presents and of the Parties hereto hereinbefore expressed and mentioned AND PROVIDED ALSO that no Charge shall be made by any Person for a Widow shall ever take effect untill the Person making such charge or some Heir of his Body shall have been in the actual possession of the Quarter part of the Premises so intended or agreed to be charged any thing herein contained to the contrary thereof in any wise notwithstanding AND it is hereby covenanted and agreed by and between the parties to these presents as aforesaid that neither of the parties hereto hath at any time or times heretofore settled charged or devised and that neither of the parties hereto or their several and respective Heirs Male shall or will at any time or times hereafter settle charge or devise their respective Quarter parts of the Premises in any other manner or with any further or greater charge payments or burthens for any Widow or Widows or for any other Person or Purpose whatsoever than according to the true intent and meaning of the Agreements contained in the said recited Articles of Agreement as the same now stand altered and varied by means of these presents and that the said respective Parties to these

presents and their several and respective Heirs Male shall and will in all and every Settlement Will charge and other Disposition which they respectively shall at any time or times hereafter make or execute of or concerning any beneficial Part of the Premises recite or mention or refer to the said former Articles of agreement as altered and varied by these presents and shall and will settle devise charge or dispose of their respective quarter parts of the said Premises agreeably and conformably to the said former Agreement as now altered by these presents and in no other manner whatsoever AND in order to make these presents the more effectual the said Thomas Penn and the said Richard Penn severally and respectively do by these presents revoke repeal annul and determine all and every former Wills Testaments and Settlements Charges and Dispositions by each one of them severally and separately at any time or times heretofore made signed sealed published declared settled charged or disposed of or concerning their own single and respective Quarter parts of the Premises or of or concerning any part or parts thereof hereby declaring their present Intention and agreement of making and executing so soon as conveniently they can their respective Wills and Dispositions to bear date after the time of executing of these presents and therein to dispose of their whole respective quarter Parts entirely and not to split the same into several parts or branches and therein to subject their respective Quarter parts to the agreements and restrictions and to vest the Possessor of the same with the special powers herein contained AND it is further agreed between the parties hereto in manner as aforesaid that in case by any Accident either of the said parties hereto shall happen to die without hereafter making any Will settlement charge or disposition pursuant to the true intent and meaning of these presents or that their respective Quarter Parts for want of such Will Settlement Charge or Disposition should descend to their Heirs at Law that nevertheless their several and respective Quarter parts into whose hands the same shall or may any way come shall be subject to all the agreements and restrictions herein contained and the Possessor thereof for the

time being shall be vested with all the special powers and authorities for the special purposes herein contained 3d ITEM. IT IS HEREBY AGREED between the parties hereto in manner as aforesaid in consideration of the present flourishing Condition and circumstances of the said province of Pennsylvania and of the further increase and improvement of the same which may reasonably be hoped for in some years time that it shall be lawful to and for the said Thomas Penn and Richard Penn respectively in such manner as is hereinbefore agreed upon for them and also to and for all and every other Person and Persons hereinbefore agreed or impowered to make or charge provisions for their several and respective Widows in such manner at such times under such circumstances and for such considerations only as are hereinbefore agreed upon for them to encrease at any time or times after the expiration of twenty Years to be computed from the day of the date of these presents the provision to be made for their several and respective Widow or Widows so far as that each respective quarter part of such of the Premises as hereinbefore agreed to be charged with a provision for Widow or Widows may (if the Persons charging shall think fit) be charged after such 20 Years shall be expired with one yearly Sum of full £500 or with any Sum or Sums not in the whole exceeding £500 yearly for provision for Widow or Widows notwithstanding that there should after such 20 Years expired be Issue Male or be several or many daughters of any of the Persons charging the parties hereto hereby declaring their Intentions by these presents to be such that after the expiration of such 20 years in regard to the hoped for increase in value of the Premises such parts as before mentioned of the respective quarter Parts of the Premises may be charged with a larger and further provision for Widows than it would be prudent to charge and burthen the same with at present BUT nevertheless the several persons making such additional or further charge to take effect after the expiration of such 20 Years notwithstanding their Power to enlarge the Quantum of such charge shall as to all such persons (save only as to the said Thomas Penn and

Richard Penn parties hereto) be under all other the Explanations Modifications restrictions provisions agreements whatsoever hereinbefore expressed and the Premises shall be so charged by such persons (other than the said Thomas Penn and Richard Penn) at such times only in such manner only under such circumstances only for such Considerations only and under all the same other Provisoos declarations and agreements in all other respects whatsoever as are hereinbefore contained as if all the same other restrictions and agreements were here again in express words at full length repeated and not otherwise.

4th ITEM It is hereby agreed and declared by and between the parties to these presents in manner as aforesaid that in Case both their respective Quarter parts of the premises shall by any means whatsoever come to or be in immediate expectancy to come to one and the same person then that person being in possession of both the said quarter Parts or being in possession of only one of such Quarter parts but being the Heir apparent or next person to take the other Quarter part in remainder immediately expectant upon the decease of the Person in possession of the other Quarter part or being in possession of neither of the said Quarter parts but being the Heir apparent or next person to take both the said quarter parts in remainder immediately expectant upon the decease of the person in possession of both the said quarter parts may charge each one of the said Quarter parts severally and respectively for a Widow or Widows as far but nevertheless in the manner and under the restrictions aforesaid as the same might be done according to the true intent and meaning of these presents by two several Persons severally entitled to the said two respective Quarter Parts.

5th ITEM it is hereby covenanted and agreed by and between the said parties hereto in manner as aforesaid that all and every person and persons whatsoever to whom the several and respective Quarter parts of the Premises shall at any time or times hereafter come whether by settlement devise donation disposition descent or in any other manner howsoever shall during the time that he or they shall be in possession of such respective Quarter

Parts have full and absolute powers and authorities vested in him or them and the parties to these presents hereby give and grant unto such person and persons and do hereby invest him and them with full and absolute powers and authorities notwithstanding that the beneficial Interest in the said respective quarter Parts may be settled to or upon him or them only for some limited Estate or Interest namely for Years or for Life or in Tail and notwithstanding any charge or burthen upon the same for Widows or any other Persons when and during the time that such person shall be in Possession of both or of either of the said several and respective Quarter parts and be of the full Age of 21 years to do execute and perform all lawful acts deeds matters and things whatsoever necessary for all every or any the several Purposes which are hereinafter mentioned, that is to say first for the conveying and granting out for any Estates or Estates how large soever at any lands or other Hereditaments in the said Province and Counties or reserving in every such grant and conveyance of any Lands as much Quit Rent in proportion and the like services as have been of late generally reserved on other Lands granted by the said late John Penn and by the said Thomas Penn and Richard Penn unless it shall be found necessary for the general service of the said Province to make Settlements on the Frontiers whereby the great Distance from the then Inhabitants the like Quit-rents cannot be reserved as in the more settled Parts of the said Province and then for the conveying and granting out (for the general service only and not for the private utility or benefit of such possessor or his Family) of any Lands or reservation of such rent and services only as to the possessor for the time being of such respective Quarter parts shall seem proper so as in such last mentioned Cases no Fine or purchase Money shall be taken on any such Grant as last mentioned and the several and respective Quarter parts of all such Quit Rents and services to be reserved on every such Grant shall descend remain and go along with and be considered as part of the Estate and Inheritance according to the descent or limitations of the same Inheritance but all Fines and purchase Monies to be

raised upon such Grants (where any such Fines or purchase Monies may be raised according to what is hereinbefore expressed) shall as to the respective Quarter parts of the same belong to the Possessor for the time being of each respective quarter part of the said Province and Counties as his own proper money and Estate. **SECONDLY** for the settlement and determination of the extent limits and boundaries of the said Province and Counties **THIRDLY** for the appointment of the Governors deputy Governors or Lieutenant Governors and any other Officers whatsoever of the said Province and Counties **FOURTHLY** for the carrying on and executing of the Governments Franchises and Jurisdictions in the same **FIFTHLY** for the making and concluding of any sort of Treaties or Agreements either with the native Indians in those parts or with any persons whom it may concern **AND SIXTHLY** for the performance of every other part and general matter power authority and Jurisdiction granted by the Crown within the same Province and Counties or any of them and which may upon any public occasion be proper or fitting to be done for the general Service and benefit of the said Province and Counties and that and those in as full and perfect absolute and effectual manner as if such Possessor for the time being of the said several and respective Quarter parts of the said Province and Counties was the absolute and perfect Owner and Proprietor of his or their respective Quarter part or Quarter parts in Fee Simple But all such Acts Deeds matters and things shall be done by such possessor of each such respective Quarter part concurrently with the like Acts deeds matters and things to be done by the Possessor for the time being of the said late John Penn's Moiety of the same Province and Counties only and not otherwise.

**6TH ITEM** the said Parties to these presents do hereby severally and respectively ratify corroborate and confirm the said former hereinbefore recited Articles of agreement and every clause declaration proviso and agreement therein contained and every part and Branch of every clause declaration proviso and agreement therein contained in so far and so much of the same as the

same are agreeable to and consistent with and not contrary or repugnant to or derogatory of or inconsistent with the agreements herein contained or any of them but no farther or otherwise.

7TH PROVIDED ALWAYS and it is hereby declared and agreed by and between the parties to these presents that it shall and may be lawful to and for the said Parties hereto at any time during their joint Lives by any writing under their hands and seals attested by three or more credible Witnesses to revoke determine and make void these presents and all and every or any the Clauses Provisoes and Agreements herein contained any thing herein to the contrary thereof in any wise notwithstanding But so as not to prejudice any provision devise charge or appointment which may have been heretofore made pursuance of these Presents.

8TH ITEM AND WHEREAS the said William Penn Esquire the late Father of the parties to these present articles of agreement and Hannah Penn the late Mother of the said Parties after the decease of their said Father and since her decease the said late John Penn and the said Thomas Penn and Richard Penn have from the Month of October or November 1682 been in the constant and continued Possession of and exercised the government over the said three lower Counties of Newcastle Kent and Sussex the same being held under grants from the Crown to the late Duke of York under Feoffments made and executed with Livery and Seizen from the Duke of York to the said William Penn in the Year 1682 under the said Duke of York's covenants for further assurance and under one or more other Grant or Grants of the same made by the Crown to the said Duke of York and the said three lower Counties make a very necessary Appendix to the Province of Pennsylvania and have always since the time above mentioned gone along with and been considered as a Part of the Family Estate in America and have been held and devised and appointed along with the said Province of Pennsylvania as part of the said Family Estate and each person entitled to any Share of the said Province of Penn-

sylvania had all along been considered as entitled to the like Share and Proportion of and in the said three lower Counties also and accordingly has in such Share and Proportion contributed to the very great Expence which the Family have been excepted to in order to preserve the Possession of the said three lower Counties and to fix and settle the boundaries thereof and in Suits and Contests with the Lord Baltimore (who set up some Pretence to the same) and many other ways relating thereto AND WHEREAS great part of the said Suits and Contests and Expences have been occasioned under pretence of their being some former imperfection in the Title of the said three lower Counties and therefore the Parties to these presents do intend to endeavour to have the same cured and made perfect by some Grants or Confirmations of the said three lower Counties Now it is hereby further agreed between the parties to these presents in manner as aforesaid that in case at any time or times hereafter any new Grant Title or Confirmation of the said three lower Counties or of any of them or of any Part of any of them should be any way obtained either from the Crown or from any other Person or Persons whatsoever every or any such new Grant Title or Confirmation notwithstanding the same shall be hereafter obtained and notwithstanding any Form of Words which may be made use of or contained therein shall in no case be considered as a new Purchase or Acquisition to be then made or obtained or so as to go belong remain or descend in any other or different manner or proportions than the same has hitherto gone but shall be considered as between the Parties hereto and their Heirs merely as a Confirmation of the former old Title and Possession and always to go belong remain and descend to the same Persons only and no others and in the same respective shares parts and proportions as if the same had been compleatly and perfectly granted heretofore in the Year 1682 and the several Persons entitled to Shares and Proportions in the Province of Pennsylvania shall always be entitled to exactly the same Shares and Proportions in the said three lower Counties.

LASTLY is it hereby agreed that one part of these Premises



shall be forthwith acknowledged by each of the Parties hereto and shall be enrolled in the High Court of Chancery of Great Britain for the better information of all Parties who are or may be or shall be any way interested or concerned in the Premises IN WITNESS whereof the Parties herein before named to these Presents Article their hands and Seals have hereunto set the Day and Year first above written.

THOMAS PENN.  
RICHARD PENN.

Signed, Sealed and Delivered by the within named Thomas and Richard Penn, in the presence of us.

FRED: JOHN PARIS  
FRAN'S: EYRE  
ROBT: GWYN

INROLLED in his Majesty's High Court of Chancery the 21st day of March in the year within written being first duly stamped according to the Tenor of the Statute made in the 6th Year of the Reign of their late Majesty's King William and Queen Mary by

GEORGE ECKERSHALL.

ACKNOWLEDGED by the said Thomas Penn Esquire 21st March 1750 before me

THOMAS BENNETT.

ARTICLES OF AGREEMENT  
BETWEEN  
THOMAS AND RICHARD PENN.

---

20th March  
1750.

**Articles of Agreement** Indented made concluded and agreed upon the twentieth day of March in the twenty fourth year of the reign of our sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King Defender of the faith and so forth and in the Year of our Lord One thousand seven hundred and fifty BETWEEN Thomas Penn of Hitcham in the County of Buckingham Esquire of the one part and Richard Penn of Stanwell in the County of Middlesex Esquire of the other part *Whereas* certain Articles of Agreement Tripartite bearing date on or about the eighth day of May which was in the Year of our Lord One thousand seven hundred thirty and two and made between John Penn then of Feens in the County of Berks Esquire of the first part the said Thomas Penn (by the description therein contained) of the second part and the said Richard Penn (by the description therein contained) of the third part were executed by the said John Penn Thomas Penn and Richard Penn relating to the moiety then of the said John Penn and the respective quarter parts of the said Thomas Penn and Richard Penn of and in the Seigniorie fee simple and Inheritance of the province of Pennsylvania in America and of the Countys of New Castle Kent and Sussex in America commonly called the three lower Counties lying on the Bay and river of Delaware and adjoining to the

said province and of the Quit-Rents and divers Lands and Hereditaments and the royalties Franchises privileges and appurtenances in and belonging to the said Province and Counties respectively and of the royal Franchise of the Government of the said Province and of the Government of the said three lower Counties with such clauses Covenants and agreements and such powers of revocation in the said Articles of Agreement Tripartite as are therein mentioned expressed and contained as by the said Articles of Agreement tripartite (which are intended to be enrolled for safe Custody in the High Court of Chancery of Great Britain) may appear *And Whereas* since the date and execution of the said Articles of Agreement tripartite the said John Penn one of the parties to the same departed this life a Batchelor having by his last Will and Testament in writing by him duly made published and executed devised and settled his Moiety of the said Premises in such manner as in his Will is expressed and mentioned *And Whereas* certain other Articles of Agreement bearing date on or about the thirty first day of January now last past and made between the said Thomas Penn of the one part and the said Richard Penn of the other part were executed by the said Thomas Penn and Richard Penn whereby some parts of the said former Articles of Agreement Tripartite of the Year one thousand seven hundred thirty and two (which respect to the several and respective Quarter parts of the said Thomas Penn and Richard Penn of and in the before mentioned premises) were revoked and varied and sundry new clauses Covenants and agreements were then concluded and agreed upon and the other parts of the said former Articles of Agreement Tripartite of the Year one thousand seven hundred thirty and two were ratified and confirmed with such powers of revocation as are therein mentioned as by the said last mentioned Articles of Agreement of the Month of January now last past which are also intended to be inrolled in the said Court of Chancery may appear *And Whereas* the said Thomas Penn and Richard Penn always intended that the Issue Male of either of them (in case there should be Issue male of either of them)

should be preferred in succeeding to both and to either of their respective quarter parts of the said premises before any Issue female of either of them But never meant or intended in case there should be no Issue Male of either of them that then the right Heirs of the survivor of those two should (in all events) take or succeed to the quarter part of the person first dying of those two in case the person so first dying should leave right Heirs of his own body who should be distinct persons from the right Heirs of the survivor of them two And yet upon further and more deliberate consideration of the contents and some of the expressions made use of in one or in both of the said former Articles of Agreement it seems to be expressed to the Effect that if the said Thomas Penn or the said Richard Penn should dye without leaving Issue Male of his Body then the Quarter part of the premises belonging to the person so first dying should go to the Survivor of those two persons and to his right Heirs by which means it might in possibility happen that if either of the said Thomas Penn or Richard Penn (who should first dye) should leave no Issue Male but should leave one or several Daughters or any Issue female the other of them two and his right Heirs altho' such right Heirs should be only a Daughter or Daughters or Issue female should take or have the Quarter part of the person first dying (of the said Thomas Penn and Richard Penn) in prejudice to the Issue female of the said person first dying which never was or is the intent or meaning either of the said Thomas Penn or the said Richard Penn who have therefore agreed and do hereby agree to revoke vary and alter the said former Agreements in that respect Now THEREFORE these present Articles Witness that each of the said parties hereto for himself his Heirs Executors Administrators and for each and every of them Doth hereby Covenant promise Grant declare and agree to and with the other of the parties hereto and to and with his Heirs Executors and Administrators and to and with each and every of them that for and notwithstanding any Clause Covenant Declaration Agreement expression matter or thing in both or in either of the said former Articles of Agree-

ment expressed mentioned or contained each of the said Parties hereto severally and respectively shall and lawfully may by any his last Will Deed Settlement or in any other lawful manner dispose of devise or settle his own respective Quarter part of the said premises to all to his own Issue female (if any such he shall have) in preference and to take before all or any Female Issue of the other party hereto and that in case the one of the parties hereto (who shall dye before the other of them) shall have no Issue Male of his own body but shall leave any Issue female Or in case the one of the Parties hereto (who shall dye before the other of them) shall leave Issue Male but all which Issue Male shall afterwards fail and shall also leave or have any Issue female then and in either and in any such case the party hereto so first dying immediately after limitting an Estate for life of and in his Quarter Part to the Survivor of the Parties hereto with an Estate to Trustees during his life to preserve contingent remainders and limitting successive Estates to the Son and Sons of the survivor of the parties hereto (if any such Son or Sons there shall be) for his and their several and respective lives with Estates to Trustees during his and their several and respective Lives to preserve contingent remainders and limitting several and successive Estates in Tale Male to the Issue Male of such Son and Sons shall and may limit the next remainder of his Quarter Part of the Premises to the Heirs of the Body of the Party hereto so first dying in such manner as to prefer all the Issue female of the said party hereto so first dying before any of the female Issue of the Survivor of them with respect to each of the said Parties own respective Quarter parts of the said premises and the said parties hereto do and each one of them doth in virtue of all Estates rights powers and Authorities to them and each of them respectively hereunto enabling hereby revoke annull and make void both and each of the said former Articles of Agreements in so far and so much of the same as is any way contrary to or inconsistent with these presents and the matters hereby agreed upon hereby confirming the residue of the said former articles of Agreement of the Year One thousand

seven hundred thirty and two in such manner as they stand varied and altered by the said former Articles of Agreement of the Month of January last past and also confirming the said Articles of Agreement of the Month of January last past in so far and so much of the same as is agreeable to and consistent with these presents and the Agreements herein contained PROVIDED ALWAYS and upon this condition nevertheless which is hereby agreed upon by and between the parties to these presents that it shall and may be lawful to and for the said parties to these presents jointly at any time or times and from time to time during their joint Natural lives by any Deed Instrument or Writing Deeds instruments or Writings to be for that purpose by them signed sealed and delivered in the presence of three or more credible Witnesses to revoke and annul these presents and the agreements herein contained and every or any particular part or parts of the same AND ALSO to revoke and annul the said Articles of Agreement of the Month of January last past and every or any particular part or parts of the same and likewise to revoke and annul the said Articles of Agreement of the Year One thousand seven hundred thirty and two and every or any particular part or parts of the same and by the same or any other Deed Instrument or Writing Deeds Instruments or Writings to conclude upon and establish such other agreements relating to their respective Quarter Parts of the said Province three lower Counties and Premises as to them shall seem meet these presents or any matter or thing herein contained to the contrary thereof in any wise notwithstanding But so as not to prejudice any Provision Devise Settlement or Appointment which may have been by either of the parties hereto made in pursuance of these presents before the time of such revocation IN WITNESS WHEREOF the parties to these presents their hands and seals have hereunto set the day and Year first above written

THO: PENN.

RICH: PENN.

Signed sealed and delivered by the within named Thomas Penn and Richard Penn (after that the words "and confirming the said Articles of Agreement of the Month of January last past" had been interlined between the ninth and tenth lines from the bottom) in the presence of us.

FRED: JOHN PARIS

FRAS: EYRE

ROBERT GWYN

#### BURROUGH

BE IT REMEMBRED that the eighteenth day of July in the Year of our Lord One thousand seven hundred and fifty One the aforesaid Thomas Penn came before our said Lord the King in his Chancery and acknowledged the Indenture aforesaid and all and everything therein contained and specified in form above written and also the Indenture aforesaid was stamped according to the tenor of the Statute made in the Sixth Year of the Reign of the late King and Queen William and Mary of England and so forth INROLLED the day and Year above written.

This is a true Copy from the Original Record remaining in the Chapel of the Rolls having been examined

JOHN KIPLING

*Clerk of the Records*

# LAST WILL AND TESTAMENT AND CODICILS

OF

## RICHARD PENN, ESQ., DEC'D.

21st  
March,  
1750.

Revokes all  
former Wills

Appoints En-  
glish Execu-  
tors

American  
Executors

Household  
Goods Han-  
nah Penn &c  
Ready  
Money &c  
Custody

Enlarged by  
Codicil 24  
Decr 1763.  
Do 1768

**This is the Last Will and Testament** of me Richard Penn of Stanwell in the County of Middlesex Esquire made this twenty first day of March in the year of our Lord one thousand seven hundred and fifty I revoke all former Wills and Testaments by me any time heretofore made and declared this to be my last Will and Testament I constitute and appoint my good Friends William Vigor of Taplow in the County of Buckingham Esquire and Joseph Freame of London Banker to be the Executors IN TRUST of this my Will for all my personal Estate in Great Britain or elsewhere (except in America) AND I constitute and appoint my good Friends Lynford Lardner and Richard Peters both of Philadelphia in the Province of Pensylvania in America Esquires and Richard Hockley of Philadelphia aforesaid Merchant to be the Executors in Trust of this my Will for all my Personal Estate in America I GIVE and bequeath unto my dear Wife Hannah Penn all such household goods furniture plate pictures cloaths ready money cash notes and other Goods and Effects of what sort nature or kind soever as shall actually be in my own particular custody and Possession within England at the time of my Decease (my Family Plate and Family Pictures and any Stocks or Shares in the Public Funds and any Moneys or Effects remitted from Pensylvania or other parts of America and then on the Sea or in



the hands of any Factor or agent in Great Britain excepted Family plate excepted  
 To HOLD (except as before excepted) unto my said Dear Wife her  
 Executors Administrators and assigns to and for her and their  
 own use and benefit for ever AND as to my Family plate and  
 Family Pictures which are hereinbefore excepted I give and Excepted plate give to his Eldest Son  
 bequeath the same and all my Interest therein unto my eldest  
 Son John Penn and do desire that he will continue the same to  
 the heir of the Family for the time being WHEREAS by cer- Writes the Articles in May 1732. between his Brother and him, and devise of 31 Jan 1750  
 tain Articles of Agreement Tripartite bearing date on or about  
 the eighth day of May which was in the Year of our Lord one  
 thousand seven hundred thirty and two which were entered into  
 between my late Brother John Penn Esquire since deceased my  
 present Brother Thomas Penn Esquire and myself and also by  
 certain other articles of agreement bearing date on or about  
 the thirty first day of January last past which were entered into  
 between my said present brother Thomas Penn and myself sun-  
 dry matters and things were concluded upon in manner as therein  
 severally and respectively mentioned with relation (amongst other  
 things) to my quarter Part of the Province of Pensilvania  
 and of the three lower Countys of Newcastle Kent and Sussex  
 upon Delaware in America and with relation to the Govern-  
 ments Royaltys Franchises Jurisdictions Hereditaments and ap-  
 purtenances thereunto belonging whereby I have power to charge  
 such particular parts of the Premises as are therein for that  
 purpose mentioned for my Widow and young children as therein  
 mentioned Now in pursuance and by virtue of all Rights In pursuance of this power charged the fourth Part of the Province  
 Titles Estates Interests Powers Authorities and Agreements  
 me hereunto in any way enabling I do hereby charge and  
 subject such part of the said Province and three Lower Coun-  
 tys and Premises as I have any power to charge or subject to  
 and with the payment of two several Yearly Sums of lawful  
 money of Great Britain severally and respectively to be payable  
 and paid to my said Dear Wife and her assigns after my decease  
 for such several and respective Terms and continuances as herein- with £100 p<sup>a</sup> Ann to Mrs Penn for Life  
 after mentioned (that is to say) one clear yearly Sum of one hun-  
 dred pounds of lawful Money of Great Britain to be payable

and £200  
more during  
her Widow-  
hood in barr  
of Dower

By Articles  
of 1732 his  
Younger  
Children en-  
titled to  
£3000

and paid to her by quarterly payments from and after my decease for and during the whole Term of her natural life whether she shall or not after my decease be married to any other husband and one other additional clear yearly Sum of two hundred pounds of lawful money of Great Britain to be payable and paid to her by quarterly payments from and after my decease for and during so much of her natural life only and for so long as she shall remain and continue my Widow and unmarried to any other Husband the same to be severally and respectively in lieu and Barr of Dower my intention being that she shall in all events have a provision of one hundred pounds a year during her whole life but that during her continuance as my Widow that provision should be enlarged and made up to three hundred pounds a year as is aforesaid AND I do direct that such provision be duly regularly and punctually paid to her after my decease by the person or persons who shall receive the Rents and profits of my fourth part of the said province lower Countys and premises or such other person or persons to whom it may belong to pay the same WHEREAS by virtue of the first before mentioned Articles of Agreement made in one thousand seven hundred thirty and two my younger children are entitled to a Sum of three thousand pounds of lawful money of Great Britain also out of my said fourth part of the said province of Pennsylvania AND WHEREAS two of my younger Children who were living at the time when my said late Brother John Penn made his Will and Dyed have money Legacies given to them by his Will to the amount of two thousand pounds each or thereabouts NOW I do hereby Will and direct that the before mentioned Sum of three thousand pounds be forthwith raised and paid unto my said English Executors to be by them disposed of for the benefit of all my younger Children which I shall leave at the time of my decease in manner hereinafter mentioned that is to say the sum of two thousand pounds (part thereof) to be paid to my Youngest Son William Penn (who is lately born since the decease of my said late Brother) in order to make him equal with my other younger Children who had Legacys given to them by my said late Brother and the residue of such three

thousand pounds to be equally divided amongst my said Son  
 William Penn (in case he shall survive me) and all other the  
 younger children which I shall leave at the Time of my decease  
 share and share alike to each or entirely to one younger Child  
 of mine if at my decease I shall leave but one such younger  
 child AND it is my Will that my said English Executors shall  
 invest the said Sum of three thousand pounds or any part or  
 parts thereof when and as the same shall come to their hands  
 in some of the publick Stocks Funds or securities in Great  
 Britain at their discretion and in their names until my younger  
 Children or their representatives shall become intituled to their  
 respective shares thereof and in the mean time that the Interest  
 for such three thousand pounds which shall be paid from my  
 fourth part of the said province and lower Countys or which  
 shall arise from such publick Stocks Funds or Securitys after the  
 same shall be bought and purchased shall be paid half yearly or  
 as the same shall come in for the Maintenance and Liberal Edu-  
 cation of my younger Children which I shall leave at my decease  
 unto such person or persons as shall from time to time support  
 maintain and take care of them which person I desire may be  
 my said dear Wife for so long time as she shall make it her own  
 choice I GIVE devise and bequeath unto my said American  
 Executors and to the Survivors and Survivor of them and to  
 the Heirs Executors Administrators and Assigns of such Sur-  
 vivor severally and respectively (according to the nature of the  
 Estates and other matters and things hereinafter mentioned)  
 all and every my private and particular rights to any Manors  
 Tracts Lands Tenements or Hereditaments or to any shares or  
 parts of any Manors Tracts Lands Tenements or Hereditaments  
 within the Province of Pensilvania aforesaid and the three  
 lower Countys of Newcastle Kent and Sussex upon Delaware  
 in America or within any of the same and also all and every my  
 proprietys and shares and parts of proprietys and all my rights and  
 Titles to all and every of the Lands taken up or to be taken up  
 in the Province of New Jersey in America (whether in the  
 Eastern or Western division of the same province) as well such

The £3000 to  
 be invested  
 in the funds  
 until his  
 Children en-  
 titled  
 Revoked by  
 Codicil 1768

Interest for  
 Maintenance

Devises to  
 his American  
 Executors

All his pri-  
 vate rights to  
 Manors and  
 Lands in  
 Pennsyl-  
 vania and  
 three lower  
 Counties

And his  
 Lands in  
 New Jersey  
 Revoked 1768

as were or are originally my own as also such as were given to me by the Will of my said late Brother John Penn and all my Estate Right Title Interest Inheritance property Share claim and demand in and to all and every the same and all rents and arrears of Rents Issues and Profits due and to grow due for the same TO HAVE AND TO HOLD all the same unto my said American Executors and to their Heirs Executors Administrators and Assigns for ever UPON TRUST to collect the outstanding Rents Arrears Issues and Profits and also to proceed to sell and to make sale of and to convey away and to execute Conveyances for all and singular my said private and particular Rights Manors Tracts Lands Tenements and Hereditaments and also my said propriety Shares and parts of propriety and Rights and Titles to the said Lands and all my Inheritance Estate and Interest in the same altogether or in parcels and even in small parcels and by vendue if it shall to them seem convenient and advantageous for my Estate in the most speedy manner to the best purchasor or purchasors upon the best terms and for the best price and prices that can reasonably be gotten for the same AND UPON FURTHER TRUST to remit all the nett produce of such Sales and also the rents and profits of the said premises until sale and sales in the best and most advantageous manner for my Estate and in the most speedy and secure way unto my before named English Executors to be by them disposed of in such manner as is hereinafter directed AND it is my Will and I do hereby direct authorise and empower my said American Executors or Trustees or any two of them (altho' all of the said three Trustees should be then living) or any one of them (altho' two of them should then be living) and also the Survivor of the said three Trustees and his Heirs Executors and Administrators severally and respectively according to the several and respective matters and things to proceed forthwith to call in any Moneys due to me in America upon private Bonds Notes or Securitys and also to proceed to the most speedy Sales either entirely or in parcels or by vendue and even in small parcels if to them it shall seem necessary of all and every part of the

and Arrears  
of rent  
revoked 1768

And remit  
the produce  
to his Eng-  
lish Execu-  
tors

American  
Executors to call  
in Money due  
in America

said Lands hereinbefore given devised or bequeathed to them as aforesaid and of all my Inheritance Estate and Interest therein unto the best purchasers and for the best prices that may reasonably be gotten for the same and to perfect and compleat the Titles and make up the Sales and Conveyances of all and every such parts thereof as may have been contracted or agreed to be sold and to take and receive and to give good discharges and releases for the purchase Moneys or the residue of the purchase Moneys to arise therefrom and to remit forthwith and from time to time the nett proceeds of all the same and likewise all the nett rents Issues and profits of the said Lands until Sale unto my English Executors for the time being to be considered as part of my English Personal Estate and to be disposed of by my said English Executors in such manner as hereinafter is directed AND for the greater ease of my said American Trustees in the Sales hereinbefore directed to be made or compleated and for the better Security of any persons who may purchase or take Titles from them my said American Trustees or any of them I do hereby declare my Will to be that no purchasor from my said Trustees or from any two or one of my said Trustees in manner as before mentioned shall be in any sort subject or lyable to any trouble loss demand or Question on Account of the disposition or misapplication by any of my said Trustees of any part of the said purchase Moneys (if that should ever happen to be the case) but that the Conveyances to be made of all or of any of the said Lands from my said Trustees or Trustee in such manner as aforesaid together with the receipts to be given by them or him the said Trustees or Trustee for the purchase Moneys shall be absolute discharges for the same to all such purchasers and their Representatives against me and my Heirs Executors and Administrators and against all persons claiming or to claim by from or under me AND as to all or so much of the publick and general rents Quit rents Arrears Purchase Moneys Issues and Profits of the said Province of Pensilvania and of the said three lower Countys of Newcastle Kent and Sussex upon Delaware in America as shall belong to me at my decease either in

Remit the  
Money to En-  
glish Exors

Receipt of  
American  
Trustees dis-  
charge to  
purchasers

Quit rents &c

Collected by  
the Receiver  
General to be  
remitted to  
England

And consid-  
ered as Eng-  
lish Personal  
Estate

not collected

respect of my own original fourth part of the same province and lower Countys or in respect of any other part or parts or of the whole of the same province and lower Countys which I may chance to dye in possession of and which shall appear upon the Face of the Receiver General of Pensilvania his accounts which shall be made up to and for the Quarter day next ensuing after the time of my decease to have been by that time actually collected received and gotten in and in such Receiver General's hands It is my Will that the same shall be forthwith and in the most advantageous and secure manner for my Estate remitted to Great Britain to my said English Executors to be considered also as part of my English personal Estate and to be by them disposed of as hereinafter mentioned and directed AND as to all Sums of Money any way arising from America and belonging to me at my Decease which shall have been collected and gotten in by the Receiver General or any other Collectors at any time before the next Quarter day after my decease whether the same shall at such time remain in any such Collector's or Receiver's hands or be then invested in Bills or in Goods or Effects in order for returns to Great Britain or whether the same shall then already have been sent for Europe or to any other part of America in order to returns for Europe or whether the same shall be actually returned to and in the hands of any Merchant or Factor in Great Britain It is my Will that all such Sums of Money and the produce of the same shall be forthwith paid sent and remitted by the best most speedy and most secure ways and in the most advantageous Manner for my Estate that may be unto my said English Executors to be likewise considered as part of my English personal Estate and to be by them disposed of as hereinafter mentioned and directed AND as to any remaining Arrears of Rents Quit Rents Fines purchase Moneys Issues and profits to be due in respect of my own original fourth part of the same province of Pensilvania and three lower Countys or of any other Share or part of the said province and lower Countys to belong to me at the time of my decease but shall not be collected received or gotten in by the Quarter day next

after my Decease but at some future time or times thereafter It is my Will that whether the same shall arise in respect of my own original fourth part of the same Province and lower Countys or in respect of the shares or parts of both or either of my Brothers in the said Province and lower Countys which I may chance to dye in the possession of all such remaining uncollected arrears when from time to time gotten in and received in America shall be accounted and esteemed as the Current Profits then at such time and times arising and shall belong to and be taken held and enjoyed by the person or persons for the time being then in possession of my own fourth part or of the said other parts of the said province and three lower Countys respectively as if the same had really grown all due during the very time that they had been entitled to and in the possession of my said fourth part of the said Province and lower Countys or of such other part or parts of the same province and Countys And I do hereby declare my Will as to all the several Moneys which are hereinbefore directed to be remitted to my said English Executors (except only as to the said particular Sum of three thousand pounds touching which I have already given directions) and likewise as to all the rest residue and remainder of my personal Estate whatsoever and wheresoever not herein otherwise disposed of that my said English Executors do and shall forthwith by and out of all the same pay all my just debts and the charges of my Funeral and retain and keep in their own hands to each of them my said English Executors and to each of them my said American Executors the Sum of Fifty guineas (which I desire their acceptance of as a Token of my regard for them) AND do also from time to time deduct retain and keep in their own hands their costs and Charges in the Execution of the Trusts of my Will AND do and shall pay unto my said dear Wife out of the first and readiest parts of my Estate which shall come to their hands immediately after my decease the Sum of one hundred pounds of lawful money of Great Britain AND my Will further is that my said English Executors do and shall from time to time invest such moneys as

To go to the person entitled to his Share of the Province

All the monies remitted to English Executors & the residue of his personal Estate

For payment of debts, retain 50 Guineas each

50 Guineas more by Codicil 1763 & their Charges and pay



shall come to their hands by any such means as aforesaid (except the said Sum of three thousand pounds) or so much thereof as from time to time may be conveniently spared after answering the several purposes before mentioned in the purchase of some of the publick Stocks Funds or Securitys in Great Britain at their discretion and in their own names AND that they do and shall pay and apply the then whole Interest and dividends of all such publick Stocks Funds or Securitys (or so much thereof as they shall think reasonable) in equal shares and proportions for the Maintenance and liberal Education of my younger children which I shall leave behind me at my Decease during their respective infancys but not to exceed for each younger Child the Interest or profits of such share which from time to time may be designed for each of my younger Children respectively then living the same to be paid unto such person or persons as shall from time to time have the care and charge of them AND my Will further is that all the Capital moneys so to be invested in publick Stocks Funds or Securitys and the Stocks Funds or Securitys wherein the same shall be invested and the surplus and savings of the Interest of the respective shares and proportions thereof shall belong and be transferred assigned paid and delivered over unto such my Younger Children or Child as I shall leave at my Decease in the manner and at the several and respective times following (that is to say) to such of them as shall be Sons at their respective attainments of the Age of Twenty one Years and to such of them as shall be daughters at their respective attainments of the age of twenty one years or Marriage with their Mother's full consent (if living) or with their Uncle Thomas Penn's full consent (if she shall be then Dead and he shall be then living) which shall first happen and the several shares of such of my said younger Sons as shall dye under Age and of such of my said daughters as shall dye under Age or as shall marry under Age without such consent as aforesaid shall survive and belong to the rest of my Younger Children at the like time or times as they or he or she shall respectively become entitled to their or his or her original Shares and

and apply the  
same to  
maintain his  
younger  
Children

The Capital  
and the  
Savings

To the young-  
er Sons at 21  
& to the  
Daughters at  
21 or Mar-  
riage with  
consent &c

Shares to  
survive in  
case of Death



if I shall have but one Younger Child who shall be so intituled The whole to one younger Child  
 then the whole shall belong to such my one younger Child but  
 if no one younger Child of mine shall live to become entitled  
 thereto then the same shall belong to my Eldest Son for the time if none, to Eldest Son  
 being and to his Executors Administrators and Assigns PRO-  
 VIDED ALWAYS that whereas I have at present only three  
 Younger Children, that is say, a Daughter Hannah Penn and  
 two Sons Richard Penn and William Penn and have hereinbe-  
 fore declared my intention to make their Fortunes equal in such And any others to be made equal  
 way and manner as is hereinbefore directed Now I declare that  
 I have the same full intent and meaning with respect to any  
 more younger Children or any other younger Children which I  
 may chance to leave at my decease, that is to say, that in all  
 Events every one of the younger Children which I shall leave  
 at my Decease may be made equal as to their Fortunes or  
 money portions one with the other And in order thereto it is  
 my express Will notwithstanding any matter hereinbefore  
 contained that each one of such my younger Children shall have  
 so much and such a Share only out of my Personal Estate to be  
 so as aforesaid put into the hands name or power of my said  
 English Executors as together with any Money Legacys already  
 given or at any time hereafter in my life time to be given to  
 them or to any of them by the Wills of both or of either of  
 their Uncles the said John Penn and Thomas Penn who shall be  
 dead at the time of my decease shall make their Money Lega-  
 cies or Portions or fortunes equal And accordingly I do hereby  
 give full power and Authority to my said English Executors to  
 apportion and divide the Capital and also the dividends and  
 Interest of what shall come to their hands for my younger Chil-  
 dren out of any part of my own Estate in such mannor among  
 the younger Children which I shall happen to leave at my de-  
 cease that each one of them may possibly become intituled  
 (except in Case of Forfeiture by the Marriage of any my Except in case of Mar-  
riage of Daughters without con-  
sent  
 Daughter or Daughters without such consent as aforesaid) to a  
 like Money Legacy with each other of them reckoning and in-  
 cluding in the account all the Money Legacys given or to be

gives his  
fourth Part  
of the Pro-  
vince

given to all or to any of them by the Wills of both or of either of their said Uncles John Penn and Thomas Penn who shall have dyed before me as well also as all the Money Legacyes given or to be given to all or to any of them by this my Will . AND I give devise leave appoint and dispose (in virtue of all the Estates Rights Powers and Authorities whatsoever me thereunto enabling) all my own one fourth part of the Fee simple and Inheritance of the said Province of Pensilvania and of the said three lower Countys of Newcastle Kent and Sussex upon Delaware in America and of the Lands Tenements Quit Rents other Rents Hereditaments Royaltys Franchises Priviledges and Appurtenances any way belonging to the same Province and three lower Countys and to every or any of them and of the Royal Franchise of the Government of the same Province and of the Government of the same three lower Countys and all my Inheritance Estate Right Title Interest and power into and over the same and every or any part thereof in the following manner, that is to say, unto my said Elder Son John Penn for and during the Term of his natural life without Impeachment of or for any manner of waste whatsoever and from And after the determination of that Estate unto my good Friends Thomas Hyam and David Barclay of London Merchants and their Heirs during the natural life of my said Son John Penn But upon Trust only to support the Contingent Uses or Estates hereinafter limited from being destroyed or defeated and to do all lawful acts and things in order to that end and from and after the decease of my said Son John Penn Then unto the first Son of the Body of my said Son John Penn lawfully begotten or to be begotten and the heirs Male of the body of such first Son lawfully issuing and in default of such Issue Then to the second third fourth fifth and all and every other Son and Sons of the body of my said Son John Penn lawfully to be begotten severally and successively the one after the other as they shall be in Seniority of age and Priority of birth and the several heirs Male of the several and respective body and bodys of all and every such Son and Sons respectively The Elder of such Sons

To John  
Penn for Life

Remainder  
to Trustees  
to preserve  
Contingent  
remrs

Remr to his  
first Son in  
Tail Male

Remr to his  
Second and  
other Sons in  
Tail Male

and the heirs Male of his body being always preferred and to take before the younger of the same Sons and the heirs Male of his or their body or bodys and in default of such Issue Then unto my said Second Son Richard Penn for and during the Term of his natural life without impeachment of or for any manner of waste whatsoever and from and after the determination of that Estate unto the said Thomas Hyam and David Barclay and their heirs during the natural life of my said Son Richard Penn but upon Trust only to support the contingent uses or Estates hereinafter limited from being destroyed or defeated and to do all lawful acts and things in order to that End and from and after the decease of my said Son Richard Penn Then unto the first Son of the body of my said Son Richard Penn lawfully to be begotten and the heirs Male of the body of such first Son lawfully issuing and in default of such Issue Then to the second third fourth fifth and all and every other Son and Sons of the body of my said Son Richard Penn lawfully to be begotten severally and successively the one after the other as they shall be in Seniority of age and Priority of birth and the several heirs Male of the several and respective body and bodys of all and every such Son and Sons respectively The Elder of such Sons and the heirs Male of his body being always preferred and to take before the younger of the same Sons and the heirs Male of his or their body or bodys and in default of such Issue Then unto my said third Son William Penn and the heirs Male of his body which Limitation I the rather make to him and the heirs Male of his body in a manner different from the Limitation to my two Elder Sons respectively in regard that I would have him have the like Estate in my own Quarter part of the same Province and three lower Countys as he may have in my late Brother John Penn's Moiety of the same Province and lower Countys by vertue of his Will and Intail of the same which was made before my said Son William Penn was born And in default of such Issue Then unto all and every other the Son and Sons of my body lawfully begotten or to be begotten severally and successively the one of the other as they shall

Remr to Richard for Life

Remr to Trustees to preserve contingent remr

Remr to his first and other Sons in Tail Male

Remr to William Penn in Tail Male

Remr to every other Son in Tail Male

be in Seniority of age and priority of birth and the several heirs Male of the several and respective body and bodys of all and every such Son and Sons respectively The Elder of such Sons and the heirs Male of his body being always preferred and to take before the younger of the same Sons and the heirs Male of his or their body or bodys And in default of such Issue Then unto my said Brother Thomas Penn for and during the Term of his natural life without Impeachment of or for any manner of waste whatsoever and from and after the determination of that Estate unto the said Thomas Hyam and David Barclay and their heirs during the natural life of my said Brother Thomas Penn but upon Trust only to support the contingent uses or Estates hereinafter limitted from being destroyed or defeated and to do all lawful Acts and things in order to that end and from and after the decease of my said Brother Thomas Penn Then unto the first Son of the body of my said Brother Thomas Penn lawfully to be begotten and the heirs Male of the body of such first Son lawfully Issuing and in default of such Issue Then unto the second third fourth fifth and all and every other Son and Sons of the body of my said Brother Thomas Penn lawfully to be begotten severally and successively the one after the other as they shall be in Seniority of age and priority of birth and the several heirs Male of the several and respective body and bodys of all and every such Son and Sons respectively the Elder of such Sons and the heirs Male of his body being always preferred and to take before the younger of the same Sons and the heirs Male of his or their body or bodys and in default of such Issue Then unto the heirs of the body of my said Son John Penn and in default of such Issue then unto the heirs of the body of my said Son Richard Penn And in default of such Issue Then unto the heirs of the body of my said Son William Penn and in default of such Issue Then severally successively and respectively unto the heirs of the body and bodys of all and every other the Son and Sons of my body severally and successively and in default of such Issue Then unto my said Daughter Hannah Penn for and during the

Remr to Thomas Penn for Life

Remr to his 1st and other Sons in Tail Male

Remr in Tail to John  
Remr in Tail gentl to Richard

Remr in Tail Gentl to William

Remr in Tail Gentl to any other Sons

Remr to Daughter

Term of her natural life without impeachment of or for any manner of waste whatsoever and from And after the determination of that Estate unto the said Thomas Hyam and David Barclay and their heirs during the natural life of my said daughter Hannah Penn but upon Trust only to support the contingent uses or Estates hereinafter limited from being destroyed or defeated and to do all lawful acts and things in order to that End And from and after the decease of my said Daughter Hannah Penn Then unto the first Son of the body of my said Daughter Hannah Penn lawfully begotten or to be begotten and the heirs Male of the body of such first Son lawfully Issuing and in default of such Issue Then to the second third fourth fifth and all and every other Son and Sons of the body of my said Daughter Hannah Penn lawfully begotten or to be begotten severally and successively the one after the other as they shall be in Seniority of age and priority of birth and the several Heirs Male of the several and respective body and bodys of all and every such Son and Sons respectively the Elder of such Sons and the heirs Male of his body being always preferred and to take before the younger of the same Sons and the heirs Male of his or their body or bodys and in default of such Issue Then unto the heirs of the body of my said Daughter Hannah Penn and in default of such Issue Then unto the heirs of my body and in default of such Issue Then unto the heirs of the body of my said Brother Thomas Penn and in default of such Issue Then unto my Niece Philadelphia Hannah Freame (only surviving Child of my late Sister Margaret Freame) for and during the Term of her natural life without impeachment of or for any manner of waste whatsoever And from and after the determination of that Estate Then unto the said Thomas Hyam and David Barclay and their heirs during her natural life but upon Trust only to support the contingent uses or Estates hereinafter limited from being destroyed or defeated and to do all lawful Acts and Things in order to that End and from and after her decease Then unto the First Son of the body of my said Niece Philadelphia Hannah Freame lawfully to be begotten and

Hannah for  
Life

Remr to her  
first and  
other Sons in  
Tail Male

Remr to the  
Heirs of the  
Body of Han-  
nah

Remr to Tho-  
mas Penn in  
Tail Gent

Remr to Miss  
Freame for  
Life

Remr to 1st  
& other Sons  
in Tail Male

the heirs Male of his body lawfully issuing and in default of such Issue Then unto the second third fourth fifth and all and every other the Son and Sons of the body of my said Niece Philadelphia Hannah Freame lawfully to be begotten and the heirs Male of their several and respective body and bodys severally and successively the one after the other as they shall be in Seniority of age and priority of birth the Elder of such Sons and the heirs Male of his body being always preferred and to take before the younger of the same Sons and the heirs Male of his or their body or bodys And in default of such Issue Then unto the heirs of the body of the said Philadelphia Hannah Freame and in default of such Issue Then unto my Great Nephew of the half blood Springett Penn for and during his natural life without impeachment of or for any manner of waste whatsoever And from and after the determination of that Estate Then unto the said Thomas Hyam and David Barclay and their heirs for and during the natural life of the said Springett Penn but upon Trust only to support the contingent uses or Estates hereinafter limited from being destroyed or defeated and to do all lawful Acts and things in order to that End And from and after the decease of the said Springett Penn then unto the first second third and all and every other the Son and Sons of the body of the said Springett Penn lawfully begotten or to be begotten and the heirs Male of the several and respective body and bodys of all and every such Son and Sons severally and successively the one after the other as they shall be in Seniority of age and priority of birth the Elder of such Sons and the heirs Male of his body being always preferred and to take before the younger of the same Sons and the heirs Male of his or their body or bodys And in default of such Issue Then unto the first second third and all and every other the Son and Sons of the body of the said Springett Penn lawfully to be begotten and the heirs of their several and respective body and bodys severally and successively the one after the other as they shall be in Seniority of age and priority of birth the Elder of such Sons and the heirs of his body being always preferred

Remr to Heirs  
of her Body

Remr to  
Springett  
Penn for Life

Remr to his  
1st and other  
Sons in Tail  
Male

Remr to his  
1st and other  
Sons in Tail  
Gent

and to take before the Younger of the same Sons and the heirs of his or their body or bodys And in default of such Issue Then unto the heirs of the body of the said Springett, Penn And in default of such Issue Then unto Christiana Gulielma Penn (the half Sister of the said Springett Penn) for and during the Term of her natural life without Impeachment of or for any manner of waste whatsoever And from and after the determination of that Estate Then unto the said Thomas Hyam and David Barclay and their heirs during her natural life but upon Trust only to support the contingent uses or Estates hereinafter limited from being destroyed or defeated and to do all lawful acts and things in order to that End And from and after her Decease Then unto the first second third and all and every other the Son and Sons of her body lawfully to be begotten and the heirs Male of the several and respective bodys of all and every such Son and Sons severally and successively the one after the other as they shall be in Seniority of age and priority of birth The Elder of such Sons and the heirs Male of his body being always preferred and to take before the younger of the same Sons and the heirs Male of his or their body or bodys And in default of such Issue Then unto the first second third and all and every other the Son and Sons of the body of the said Christiana Gulielma Penn lawfully to be begotten and the heirs of their several and respective body and bodys severally and successively the one after the other as they shall be in Seniority of age and priority of birth The Elder of such Sons and the heirs of his body being always preferred and to take before the younger of the same Sons and the heirs of his or their body or bodys And in default of such Issue Then unto the heirs of the body of the said Christiana Gulielma Penn and in default of such Issue Then unto my Grand Nephew (of the Half Blood) Robert Edward Fell the only Son now living of my late Niece Gulielma Maria Fell deceased for and during the Term of his natural life without Impeachment of or for any manner of waste whatsoever And from and after the determination of that Estate Then unto the said Thomas Hyam and David Barclay and their heirs

Remr to C G  
Penn for Life

Remr to her  
1st and other  
Sons in Tail  
Male

Remr to her  
1st and other  
Sons in Tail  
Genl

Remr to Robt  
Edwd Fell for  
Life



during the natural life of the said Robert Edward Fell but upon Trust only to support the contingent uses or Estates hereinafter limited from being destroyed or defeated and to do all lawful Acts and things in order to that end And from and after the decease of the said Robert Edward Fell Then unto the first second third and all and every other the Son and Sons of the body of the said Robert Edward Fell lawfully begotten or to be begotten and the heirs Male of their several and respective body and bodies severally and successively the one after the other as they shall be in Seniority of age and priority of birth the Elder of such Sons and the heirs Male of his body being always preferred and to take before the younger of the same Sons and the heirs Male of his or their body or bodys And in default of such Issue Then unto the first second third and all and every other the Son and Sons of the body of the said Robert Edward Fell lawfully to be begotten and the heirs of their several and respective body and bodies severally and successively the one after the other as they shall be in Seniority of age and priority of birth the Elder of such Sons and the heirs of his body being always preferred and to take before the younger of the same Sons and the heirs of his or their body or bodys And in default of such Issue Then to the heirs of the body of the said Robert Edward Fell And in default of such Issue Then unto my Great Niece of the half blood Mary Margaretta (the Eldest Daughter now living of the said late Gulielma Maria Fell deceased and now the wife of John Barron of Leeds) for and during the Term of her natural life without Impeachment of or for any manner of waste whatsoever And from and after the determination of that Estate Then unto the said Thomas Hyam and David Barclay and their heirs for and during the natural life of the said Mary Margaretta Barron but upon Trust only to support the contingent uses or Estates hereinafter limited from being defeated or destroyed and to do all lawful Acts and things in order to that End And from and after the decease of the said Mary Margaretta Barron Then unto the first second third and all and every other the Son and

Remr to his  
1st and other  
Sons in Tail  
Male

Remr to his  
1st and other  
Sons in Tail  
Genl

Remr to Ma-  
ry Margaret-  
ta Barron for  
Life



Sons of the body of the said Mary Margaretta lawfully begotten or to be begotten and the heirs Male of their several and respective body and bodys severally and successively the one after the other as they shall be in seniority of age and priority of birth the Elder of such Sons and the heirs Male of his body being always preferred and to take before the younger of the same Sons and the heirs Male of his or their body or bodys And in default of such Issue Then unto the first second third and all and every other the Son and Sons of the body of the said Mary Margaretta lawfully begotten or to be begotten and the heirs of their several and respective body and bodys severally and successively the one after the other as they shall be in Seniority of age and priority of birth the Elder of such Sons and the heirs of his body being always preferred and to take before the younger of the same Sons and the heirs of his or their body or bodys and in default of such Issue Then unto the heirs of the body of the said Mary Margaretta and in default of such Issue Then unto my other great niece of the Half Blood Gulielma Maria Frances (the only other Daughter now living of the said Gulielma Maria Fell deceased and at present the wife of the Reverend John Newcomb Clerk) for and during the Term of her natural life without Impeachment of or for any manner of waste whatsoever and from and after the determination of that Estate Then unto the said Thomas Hyam and David Barclay and their heirs for and during the natural life of the said Gulielma Maria Frances but upon Trust only to support the contingent uses or Estates hereinafter limited from being defeated or destroyed and to do all lawful Acts and things in order to that End And from and after the decease of the said Gulielma Maria Frances Then unto the first second third and all and every other the Son and Sons of the body of the said Gulielma Maria Frances lawfully begotten or to be begotten and the heirs Male of their several and respective body and bodys severally and successively the one after the other as they shall be in Seniority of age and priority of birth the Elder of such Sons and the heirs Male of his body being always preferred and to take before the younger of the same

Remr to her  
1st and other  
Sons in Tail  
Male

Remr to her  
1st and other  
Sons in Tail  
Genl

Remr to the  
Heirs of the  
Body of the  
said Mary  
Margaretta

Remr to G M  
Frances New-  
comb for life

Remr to her  
1st and other  
Sons in Tail  
Male

Remr to her  
1st and other  
Sons in Tail  
Geul

Sons and the heirs Male of his or their body or bodys And in default of such Issue Then unto the first second third and all and every other the Son and Sons of the body of the said Gulielma Maria Frances lawfully begotten or to be begotten and the heirs of their severall and respective body and bodys severally and successively the one after the other as they shall be in Seniority of age and priority of birth the Elder of such Sons and the heirs of his body being always preferred and to take before the younger of the same Sons and the heirs of his or their body or bodys and in default of such Issue Then unto the heirs of the body of the said Gulielma Maria Frances and in default of all such Issue

Remr to the  
Heirs of the  
body of G M  
Frances

Remr to his  
own right  
Heirs

Proviso in  
case of Fe-  
males the  
eldest to take

Then the remainder in fee unto my own right heirs and their heirs and assigns for ever PROVIDED always and upon condition nevertheless and it is my express will and intent and accordingly I do hereby devise my one fourth part of the said Province and lower Counties power franchises Governments Privileges and premisses so as that in case upon the failure of all such Issue as aforesaid my own right heirs should be two or more females and likewise in case by means of any of the Limitations hereinbefore expressed to the heirs of the body of any of the several persons hereinbefore named or described any such heirs of the body of any such person or persons shall happen to be two or more females Then and in all and every one of such cases the first or Eldest of such two or more females and she only and solely and the heirs of her body shall have and enjoy the whole of my said fourth part to herself alone and to the heirs of her body without partition or division And on failure of such issue of the first or eldest of such females Then the same shall in like manner succeed and remain whole and entire without partition or division to the second or next eldest of such two or more females and to the heirs of her body and so from time to time in like manner as often as ever that case shall happen or any such Limitation shall take Effect PROVIDED also and upon further express condition that every person becoming intitled under this my Will to my said fourth part and likewise the several persons marrying with any female who shall be or shall become intitled by this my Will to

Proviso for  
the Females  
and their  
Husbands to  
take the  
name of  
Penn

my said fourth part shall from time to time when and as they shall become intituled to the same take and use the Surname of Penn and that only and no other Surname therewith and shall also bear the arms of my family AND WHEREAS I am now intituled and may at the time of my decease be intituled to several considerable Sums of Money as due and owing to me for arrears of fines purchase Monies Rents or Quit Rents in Pensilvania and the said three lower Countys of Newcastle Kent and Sussex in respect of my own fourth part of the said province and lower Countys which might in strictness be considered as part of my personal Estate And the several persons who shall successively according to the Limitations in this my Will become intituled to my said fourth part of the said province and Countys may at the times of their respective deaths be also intituled to such arrears of such fines purchase Monies Rents or Quit Rents in Pensilvania and the said three lower Countys as shall have grown due in their respective life times and shall be in arrear and unpaid at the time of their respective deceases And the same might in like manner be considered in strictness as a part of their several and respective personal Estate But for as much as in the nature of the said Estate the said arrears to be due at my own death and likewise those to be due at each successive proprietors death must be collected and gotten in from time to time by the Receiver General and other publick officers of the said Province and lower Countys along with the growing Rents Quit Rents fines and purchase Monies which shall from time to time arise and grow due there and must be generally accounted for in one and the same general account to be rendered of the produce and income from time to time And for that it would be attended with the greatest difficultys and inconveniencys and would create many contests to have the said general accounts unravelled in order to a discussion what parts of each particular Sum grew due either in my own life time or in the life time of any particular successor and what part thereof grew due after the decease of each particular person dying possessed And the same might intail perpetual Suits and Questions between the Executors of the person last

Arrears of  
Fines purchase  
monies  
quit rents &c

dying seized and the next successor as to the said general accounts Therefore for the sake of avoiding such infinite mischiefs I have already given unto my English Executors (for the several purposes hereinbefore expressed) amongst other different things only my share and shares of such Moneys which shall be in the receiver general of Pensilvania his hands on the next Quarter day after the time of my decease as the same shall appear upon the face of the account which he shall send to England according to the usual custom AND I do hereby give devise will bequeath and direct That all such shares of the arrears fines purchase Moneys Rents and Quit Rents arising in Pensilvania and the said three lower Countys of Newcastle Kent and Sussex as shall be due to me at my own decease in respect of my fourth part of the said province and lower Countys and as shall not be collected and gotten in by the receiver General of the said province and countys and accounted for in his account to be made up as aforesaid for the next Quarter day after my decease and likewise that all such shares of the same or of any future fines purchase moneys Rents and Quit Rents arising from time to time in Pensilvania and the said three lower Countys in respect of my fourth part of the same province and lower Countys during the several and respective life times of the persons severally and respectively to whom I have hereinbefore limited my said fourth part of the said province and lower Countys and which shall not be collected and gotten in by the Receiver General and accounted for in his account which shall be made up as aforesaid for the next Quarter day after the decease of each and every such person respectively who shall successively by vertue of this my Will become intituled to my said fourth part shall from time to time remain go and belong along with my fourth part of the said province and lower Countys to the person from time to time who shall next succeed according to this my Will to the possession of my fourth part of the same province and lower Countys and in whose time the same shall be collected and gotten in To the intent and purpose that so much of such arrears as shall be collected and gotten in as aforesaid during the life of each successive person when intituled or so soon after his or her death as

by the next Quarter day after his or her decease may be considered as if the same had been Rents and profits which had grown due in his or her own life and which he or she had therefore clearly been intitled to altho' perchance some of the same may have been due and in arrear many years before he or she became intitled to the possession of my said fourth part of the said province and Countys AND to the further intent also that from time to time all such arrears of such matters as shall not be collected or gotten in within the life time or so soon as by the next Quarter day after the decease of the several persons successively to be intitled according to this my Will to the possession of my fourth part of the said province and Countys may and shall remain over to the benefit of the next taker of my said fourth part in whose life time or before the next Quarter day after whose decease the same may chance to be collected or gotten in any thing in this my will contained to the contrary thereof in any wise notwithstanding AND WHEREAS by vertue of the will of my said late Brother John Penn I may possibly become intitled in my life time to the possession of his late Moiety of the said province of Pensilvania and three lower Countys and in such case I may at the time of my decease be intitled to sundry arrears of fines purchase Moneys Rents and Quit Rents in Pensilvania and the said three lower Countys arising in respect of his said late Moiety of the said Province and Countys which are now due or which shall hereafter grow due in my life time and during the time I may have been in possession of his Moiety and may be due and in arrear and unpaid and may not be actually collected and got in by the next Quarter day after the time of my decease And the like mischiefs as are hereinbefore mentioned would attend if such arrears in respect of the said Moiety were to go otherwise or to belong to any other person different from him or her who shall according to the said John Penn's Will be intitled to succeed to his Moiety of the said province and three lower Countys now I do from the like motives as are hereinbefore mentioned give devise and bequeath all such arrears of such matters as shall be due to me at the time of my decease in respect to my said late

Recital of the  
will of John  
Penn

If ever in  
possession of  
his Moiety  
devises the  
arrear of  
fines purchase  
moneys  
&c

To the person  
entitled  
under his  
will

Brother John Penn's Moiety and which shall not be collected and gotten in and accounted for in the Receiver General's account for the Quarter day happening next after the time of my decease (in case any such shall in respect of the said Moiety be due unto me) from time to time when and as the same shall be collected and gott in unto the respective person and persons intitled by vertue of my said late Brother's Will to the possession of his Moiety of the said Province and three lower Countys within whose life time or before the next ensuing Quarter day after whose decease the same shall from time to time be collected\* and gotten in to be received taken and enjoyed by them as if the same had been Rents and profits which had incurred and grown due for the said Moiety during the time they had by virtue of my said late Brother's Will been intitled to the possession of his said

For the good of the estate he had greatly reduced his personal estate.

Recommends the same disposition of those who claim under him and under John

Moiety of the said province and three lower Countys AND WHEREAS for the sake of preventing Suits and contests and for the good of the Estate in General and of the heir to be intitled to the same I have by the foregoing dispositions greatly reduced what otherwise might

have gone as part of my own personal Estate I do therefore earnestly recommend it to all my children and discendants with respect to my said late Brother John Penn's Moiety of the said province and three lower Countys and do request it of all such persons to whom by vertue of my said late Brother's Will his said Moiety of the same province and three lower Countys shall come and succeed that they and each of them would take Special care to make the like disposition with respect to any arrears of fines purchase moneys Rents or Quit Rents as may now be due or as may grow or accrue to be due hereafter in respect of my said late Brother John Penn his Moiety of the same province and lower Countys AND WHEREAS I am desirous and believe it to be best that the Lands and profits of my said fourth part of the same province of Pensilvania and of the said three lower Countys should be settled and intailed in manner as aforesaid but am

Recites the nature of his estates in the Government

sensible that my fourth part of the same province and lower Countys is an Estate very different in its nature from Estates in this Kingdom and that the same is not to be leased out at Rack

rents or for short Interest or Terms of years as may be done with respect to Lands and Tenements in this Kingdom but that the further improvement and settlement of the Lands in those flourishing Colonys (which I most earnestly wish for) must necessarily be carried on by making Grants of Lands there in fee simple or for other durable and lasting Estates which without some particular power and authority a bare Tenant for life or even Tenant in Tail might not be enabled to grant AND not only so but the settlement and determination of the Extent Limits and Boundaries of the same province and lower Countys and the appointment of Governors deputy Governors or Lieutenant Governors and other officers and the carrying on and exercising of the Governments franchises and Jurisdictions of the same and the making and concluding Treatys either with the Native Indians in those parts or with any other persons whom it may concern and many other great and general publick occasions may arise wherein a meer Tenant for life or Tenant in Tail of my said fourth part might not (without some Special power and authority) be enabled to do the several great and Publick acts relating to the said province and lower Countys which may be requisite and necessary to be from time to time done executed and performed AND WHEREAS it was not neither is it my Will or intention by any such devises Limitations or Entails as are hereinbefore contained touching the whole or any part of the said Sum of three thousand pounds to clog or fetter my fourth part of the said province and Countys in such manner as that there should be any defect of power or want of authority in the possessor of my said fourth part or the said province and lower Countys for the time being or any other Impediment delay or obstruction given to the full and perfect Execution and performance of every matter and thing whatsoever which may be any way necessary fitting or proper to be done with Relation to the Settlement of the Lands fixing the Extents Limits and Boundaries appointments of Governors deputy Governors or Lieutenant Governors and other Officers and carrying on the Governments and Jurisdictions of the said province and lower Countys or to the making and concluding any such Treatys as before

Not his intention to fetter the possessor by any of the Devises

Give full  
power to the  
person in  
possession to  
do all acts of  
Government  
&c

1st As to  
granted  
Lands

mentioned or any other great and general publick occasion which may arise and which may require in the possessor for the time being of my said fourth part of the said province and lower Countys a much larger degree of power or authority than is yet expressly given herein THEREFORE I do hereby make this full declaration of my Will and Intention in the premises and do fully authorize and impower each and every person who by virtue of this my Will shall at any time be in the possession of my said fourth part of the said province and Countys when and during the time that such person shall so be in possession of the same to do execute and perform all lawful acts deeds matters and things whatsoever necessary for all every or any the several purposes hereinafter mentioned that is to say FIRST for the conveying and granting out for any Estate or Estates (how large soever) of any Lands or other Hereditaments whatsoever in the said province and lower Countys on reserving in each such grant or conveyance of any lands as much Quit Rent in proportion and the like Services as have been of late generally reserved on other Lands granted out by myself and both or either of my Brothers unless it shall be found necessary for the General Service of the said province to make settlements on the frontiers where by its great distance from the then present Inhabitants the like Quit Rents cannot be reserved as in the more settled parts of the said province and then for the conveying and granting out (for the general service only and not for the private Utility or benefit of such possessor or his family) of any Lands on reservation of such Rent and Service only as to the possessor for the time being shall seem proper so as in such last mentioned cases no fine or purchase money be taken on any such grant as last mentioned AND my will is that my fourth part of all such Quit Rents and Services to be reserved on every such grant shall descend remain and go along with and be considered as part of my Estate and Inheritance according to the limitations hereinbefore expressed and declared but that all fines and purchase monies to be raised upon such grants (in such of the cases where any such fines or purchase moneys may be raised according to this my Will) shall (as



to my fourth part of the same) belong to the possessor for the time being of my said fourth part of the said province and Countys in whose time the same shall (as aforesaid) be collected gotten in and received **SECONDLY** for the settlement and determination of the Extent Limits and Boundaries of the same province and lower Countys **THIRDLY** for the appointment of Governors deputy Governors or Lieutenant Governors and any other officers whatsoever of the same province and lower Countys **FOURTHLY** for the carrying on and exercising of the government franchises and jurisdictions in the same **FIFTHLY** for the making and concluding of any sort of Treatys either with the Native Indians in those parts or with any other persons whom it may concern **AND SIXTHLY** for the performance of every other great and general matter power authority and jurisdiction (granted by the Crown with the same province and lower Countys or any of them) which may upon any publick occasion be proper or fitting to be done for the general Service and benefit of the same province and Countys **AND** that and those in as full perfect absolute and effectual manner as if such possessor for the time being of my said fourth part of the said province and lower Countys was the absolute and perfect owner and proprietor of my said fourth part in fee Simple **AND** because I would have my said fourth part of the said province and lower Countys to be intirely discharged and released from the said charge or burthen relating to the said Sum of three thousand pounds if any manner of occasion should require the same **AND** to the intent that no obstruction may ever from thence arise I do hereby authorise empower desire and direct that all or any one of the persons hereinbefore named for my English Executors and all or any one of their or either of their Executors or Administrators do and shall immediately on Request to be made in that behalf by the person who shall for the time being be according to this my Will in the possession of my fourth part of the said province of Pensilvania and three lower Countys fully and absolutely release and discharge my said fourth part of the said province and lower Countys and the Quit Rents other Rents Issues and Profits of the same of and from the said whole charge of three thousand pounds and every part thereof and all

Secondly for settling boundaries

3d Appointing Governors

4th Exercising Government

5 Making Treaties

6th Performing great matters

As fully as if seized in Fee Simple

English Ex'ors to release quit rents &c

whether the  
£3000 paid or  
not taking  
bond &c

American  
Ex<sup>rs</sup> to ac-  
count with  
English  
Ex<sup>rs</sup>

English  
Ex<sup>rs</sup> not  
answerable  
for each  
other

or defect of  
security

claims and demands in respect of the same AND that whether the said three thousand pounds or any part thereof shall have been or shall not have been then raised or received on taking such Bond covenant personal Security or other distinct Security (not to effect the said Province and lower Countys) from the possessor for the time being of my fourth part of the said province and Countys as he or she shall be able to give and as the person or persons giving such release or discharge shall think proper to accept for the answering and making good so much as shall not then have been raised of such three thousand pounds unto my English Executors for the several purposes hereinbefore declared relating to such three thousand pounds AND I do hereby direct my said American Executors to account from time to time to and with my said English Executors IT is my will that no one of my said English Executors shall be answerable either for the act default or omission of the other or others of them nor notwithstanding that joynt Receipts may be given for any more Money than what shall be actually left in each of their own several and respective hands nor for the defect of any Security Bona fide taken for the Trust Money or any part thereof nor for the Stocks or funds in which any part of the same shall be invested becoming of less value than when at first bought if that should happen to be the case nor for any other involuntary loss that may happen in depositing by any of the Trustees in any Bankers hands of any part of the trust Money IN WITNESS whereof I have to this my last Will and Testament of which there are two parts each of the like Tenor and date set my hand and Seal (which Seal encloses the Silk with which all the sheets of paper are fastened together) this twenty-first day of March in the twenty-fourth year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth and in the year of our Lord one thousand seven hundred and fifty.

Dated March  
21 1750

RICHARD PENN [SEAL]

Signed sealed published and declared by the before-named Richard Penn Esquire for and as his last Will and Testament in the presence of us who at his request and in his presence and in

the presence of each other of us have hereunto set our hands as  
Witnesses

FERD : JOHN PARIS.

FRAS : EYRE.

ROBT GWYN.

**This is a codicil** to the foregoing last Will and Testament of me Richard Penn Esquire and is made this fifteenth day of January one thousand seven hundred fifty and six WHEREAS my dear late Brother John Penn Esquire deceased by his will bearing date in the month of October one thousand seven hundred forty and six made a provision of two thousand pounds a piece for two of my younger children namely my daughter Hannah Penn and my son Richard Penn who were born and living at the time when he made his Will AND WHEREAS my younger Children after my decease will be intitled by means of the matters in my foregoing Will mentioned to a certain sum of three thousand pounds to be raised out of my fourth part of the Province of Pensilvania AND WHEREAS by my foregoing Will I had directed such three thousand pounds to be raised and paid to my English Executors to be by them disposed of for the benefit of all my younger Children in manner therein mentioned that is to say two thousand pounds part thereof to my youngest Son William Penn (then lately born since the decease of my said Brother) in order to make him equal with my other younger Children who had Legacys of two thousand pounds given to each of them by my said Brother and the residue only of such three thousand pounds to be equally divided amongst my said Son William Penn in case he should survive me and all other the younger Children which I should leave at my decease in such manner as is therein mentioned AND WHEREAS upon further consideration I think fitt to provide in another manner the Sum of two thousand pounds for my said Son William Penn in order to make him equal in point of provision with my said daughter Hannah Penn and with my said other younger Son Richard Penn and in order to preserve the greater equality in all respects between my younger Children I would have the said whole sum of three thousand pounds to be equally divided amongst my

Codicil of  
15th Jan'y  
1756

recites that  
John Penn  
gave his son  
Richard and  
dan'r Han-  
nah £2000  
each

His younger  
children and  
they will be  
entitled to  
£3000 out of  
his fourth  
part directed  
to be paid to  
his English  
Ex'ors

£2000 of  
which to  
William

Will pro-  
vides other-  
wise for  
William

the whole  
£3000  
equally

revokes the  
£3000 to Wm

The whole  
£3000 to the  
younger  
children

£2000 to Wm  
out of his  
English per-  
sonal estate  
(dead)  
Codicil 13  
March 1769  
treats of it

to be paid or  
transferred  
at 21

younger Children in like manner as by my said Will I had directed with respect to the remaining one thousand pounds thereof only THEREFORE I do hereby revoke and annul the gift or disposition of two thousand pounds part of the said three thousand pounds by my said Will made or directed to or for my said Son William Penn AND do now will order direct and appoint that the said whole sum of three thousand pounds shall be equally divided share and share alike to each of my younger Children or intirely to one younger child which I shall leave at the time of my decease in case I shall leave but one such younger Child AND do hereby give and bequeath unto my said youngest Son William Penn the Sum of two thousand pounds as a portion to be paid by my English Executors out of my personal Estate and such other Moneys and Effects as by my Will I have directed to be remitted to their hands and to be as soon as ever it may be done laid out by them in case my said Son shall be under age at the time of my decease in some of the publick funds established by parliament in their names and the Interest and dividends of the same after the same shall be so laid out to be half yearly from time to time when and as the same shall or may be received paid over to his Mother whilst living and to such other person after her death who shall have the care of his Education and Maintenance for his Education and Maintenance until he shall arrive at his age of twenty-one years or dye, which shall first happen and my said English Executors shall also out of my Estate in their hands answer and pay interest half-yearly after the rate of four pounds for each hundred pounds by the year from the time of my decease until such two thousand pounds shall be so laid out in some of the funds such Interest to be payable to such person and in such manner as hereinbefore is directed with respect to the Interest and dividends after the same shall be laid out in the funds and upon my said younger Son William Penn's arrival at the age of twenty-one years such Legacy or portion of two thousand pounds by this my Codicil given to or for him and the funds in which the same may be invested and the future Interest and dividends of the same shall all be paid assigned and transferred over and

belong unto him PROVIDED that in case he shall happen to dye before he shall attain that age then the said two thousand pounds and the funds wherein the same may be invested and the Interest and dividends arising from the same after his decease shall fall into my personal Estate and be disposed of as by my foregoing Will I have disposed of my personal Estate and with this variation made and directed by this present Codicil I ratify and corroborate all other parts of my said Will. WITNESS my hand and Seal this fifteenth day of January in the twenty-ninth year of the reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King defender of the Faith and so forth and in the year of our Lord one thousand seven hundred fifty and six

RICHARD PENN [SEAL]

Signed sealed published and declared by the before named Richard Penn Esquire for and as a Codicil to his before written last Will and Testament in the presence of us who at his request and in his presence and in the presence of each other of us have hereunto set our hands as witnesses

FERD: JOHN PARIS.

ROBT: GWYN

JNO: TOWSE.

**This is a further codicil** to the foregoing last Will and Testament of me Richard Penn Esquire and is made this thirteenth day of March one thousand seven hundred and sixty Further codicil 13 March 1760

WHEREAS my younger Son William Penn mentioned in the foregoing Codicil is lately dead on whose death I think it most prudent to make a further provision for my dear wife Hannah Penn Now I do hereby give devise and bequeath unto my said dear Wife the further additional clear yearly Sum of one hundred pounds payable half yearly for her sole and separate use for and during the Term of her natural life in manner and out of the particual fund only which I have by this further Codicil set apart for the purposes thereof, that is to say, It is my Will and I do hereby order and direct my said English Executors that they do out of the most convenient and ready part of my personal Estate when and as the same shall come to their hands William dead £100 more to Mrs. Penn revoked by next codicil English Executors to invest so much as to produce it and pay the dividends to her

invest or lay out in their names so much of such personal Estate in some or one of the publick funds of Great Britain established by Parliament as shall be sufficient at least to produce the clear yearly Sum of one hundred pounds and do and shall pay the Interest or dividends of such Money so invested or laid out into the hands of my said Wife for and during her natural life by half yearly payments as they shall receive the same The first payment to be made at the end of six months after my decease and that whether my Executors have or have not invested a sufficient Sum for that purpose it being my Will that my said wife should at all Events have the said one hundred pounds a year paid to her and to commence from and immediately after my decease as aforesaid and from and after the decease of my said Wife such principal Sum so invested or laid out shall be paid or transferred by my said Executors to my two younger Children Hannah Penn and Richard Penn share and share alike or to the Survivor only at the same time and in the same manner as is by my said Will declared and directed of and concerning their original portions And I ratify and confirm my said will in every part where the same is not varied by this Codicil Witness my hand and Seal this thirteenth day of March in the thirty-third year of the Reign of our Sovereign Lord King George the Second and in the year of our Lord one thousand seven hundred and sixty

After her death to be transferred to his two younger children Hannah and Richard

RICHARD PENN [SEAL]

Signed sealed published and declared by the before named Richard Penn Esquire for and as a further Codicil to this before written last Will and Testament in the presence of us who at his request and in his presence and in the presence of each other of us have hereunto set our hands as witnesses

FRAS: EYRE.

THOMAS CLARKE.

GEORGE KITCHEN.

Clerks to Mr. Eyre.

Codicil  
24 Decr. 1763  
revokes the  
last £100 to  
Mrs Penn &  
gives her the

**This is a further Codicil** to my foregoing Will and Codicils  
WHEREAS by my last Codicil bearing date the thirteenth day of March one thousand seven hundred and sixty I have given unto

my dear wife a clear yearly Sum of one hundred pounds payable as therein is mentioned now I do hereby revoke the said devise and every part thereof and instead thereof I do devise unto my said dear wife the Interest and dividends of four thousand pounds Capital four pounds per centum Annuities (transferable at the Bank being part of the Capital sum of five thousand pounds now standing in my name) during her natural life the first payment thereof to be made at the first half yearly day of payment which shall happen after my decease and after her decease I mean that the four thousand pounds four pounds per centum Bank Annuities shall go to my younger Child or Children living at my death in such manner as by my said Will I have directed and I do declare that in the devise I have made by my Will to my said Wife I mean to include all Bonds which shall be in my Custody at my death for money due to me which Bonds and the principal and Interest due thereon I give to my said Wife

AND WHEREAS I am possessed of an house called Batavia House in the Parish of Sunbury in the County of Middlesex with the Garden and certain Lands Tenements and Hereditaments there

AND WHEREAS I have purchased two undivided sixth parts thereof now I do hereby give unto my said dear Wife her heirs and assigns for ever the said two undivided sixth parts of the said house and Lands in the said parish of Sunbury both Freehold and Copyhold AND I also give to her her Executors and Administrators such other Interest as I shall at my decease have in the residue and remainder of the said premises AND WHEREAS I have given unto my Executors by my Will fifty guineas each I do by this my Codicil give to them and each of them fifty guineas apiece more and to each of my Servants Stephen Kimber George Wright and Sarah his wife one years wages provided they shall be living with me at the time of my decease and I ratify and confirm my said Will in every part where the same is not altered by this and my other Codicils IN WITNESS whereof I have hereunto set my hand and Seal this twenty-fourth day of December in the fourth year of the reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King Defender of the Faith and

Dividends of  
£4000 3 pr  
cents for life  
revoked by  
next Codicil

at her Death  
the £4000 to  
younger chil-  
dren  
(revoked)

In the Devise  
to Mrs Penn,  
meaning to  
include all  
Bonds &c

Batavia  
House &c to  
Mrs Penn  
absolutely  
(revoked  
1768)

50 guineas  
more to Ex-  
ecutors  
three ser-  
vants one  
years wages

soforth and in the year of our Lord one thousand seven hundred and sixty three

RICHARD PENN [SEAL]

Signed sealed published and declared by the said Richard Penn as and for a Codicil to his last Will and Testament in the presence of us who in his presence and at his request and in the presence of each other have subscribed our names as witnesses hereunto

JOHN LANCASTER.

VAL: HEN: ALLOTT.

FRANCIS KNIGHT.

Codicil  
13 July 1768

**This is a further Codicil** to my foregoing Will I desire I may be buried in a private manner and that my dear Wife will as soon as can be after my decease (in case I should not have done it in my life time) cause a Vault to be built in the body of Stoke Church in the County of Bucks of about fourteen or sixteen feet long by seven feet broad and seven feet high as a Repository for my Family and that my own remains with those of my late dear Son William Penn (who died on the fourth day of February one thousand seven hundred and sixty and was buried on the twelfth day of the same February in Penn Church in the County of Bucks) be removed into it as soon as conveniently may be I give and bequeath unto Mrs Frances Lardner the sum of one hundred pounds and unto my said dear Wife the sum of five hundred pounds to be retained by her out of my personal Estate for her own use AND WHEREAS I have in and by my last Codicil to my Will bearing date on or about the twenty-fourth day of December one thousand seven hundred and sixty-three devised unto my said Wife the Interest and dividends of four thousand pounds Capital four pounds per cent annuities transferable at the Bank (being part of the Capital Sum of five thousand pounds then standing in my name) for her life and after her decease I declared that I meant that the said four thousand pounds four pounds per cent Bank Annuities should go to my younger Children at my death in such manner as in my Will is directed now I do hereby revoke and make void the said bequest and every part thereof and in lieu thereof I give devise and bequeath unto John Fothergill Doctor in Physick

revokes the  
£4000 4 per  
Cent Annuity  
to Mrs Penn  
and in lieu  
gives her to  
Trustees  
£6000 4 p  
Cent.



John Truesdale of Harefield place in the County of Middlesex Esquire and Henry Wilmot of Bloomsbury Square Esquire their Executors and Administrators the sum of Six thousand pounds four pounds per cent Consolidated Bank Annuities (part of a larger Sum now standing in my name in the Books of the Governor and Company of the Bank of England) To hold to them and the Survivor of them and the Executors Administrators and Assigns of such survivor In Trust to pay the Interest and dividends thereof unto my said Wife during her natural life as an addition to the three hundred pounds per Annum already secured to her out of my Pensilvania Estate the said Interest and dividends to be paid to my said Wife by half yearly payments at the days whereon the same are usually paid the first payment thereof to be made at the first of those days which shall happen after my decease and from and after the death of my said Wife in case my Daughter Hannah Penn shall be then living I give and bequeath the said Sum of Six thousand pounds four pounds per cent Bank Annuities and every part thereof unto my said Daughter her Executors Administrators and assigns and direct the same to be transferred to her but if my said Daughter shall be dead at the death of her Mother Then I give and bequeath the same to my Son Richard Penn his Executors Administrators and Assigns and direct the same to be transferred to him I also give and bequeath unto my Daughter Hannah Penn seven thousand pounds three per cent Consolidated Bank Annuities (part of a larger Sum standing in my name) out of which I do direct that she pay the Sum of twenty pounds per annum to the said Frances Lardner for her life quarterly to be computed from my decease having formerly received of her the sum of two hundred and fifty pounds for Securing such Annuity AND WHEREAS my younger Children after my decease will be intitled by means of the matters in my foregoing Will mentioned to a certain Sum of three thousand pounds to be raised out of my fourth part of the Province of Pensilvania AND WHEREAS in and by my said Will I did direct such three thousand pounds to be raised and paid to my English Executors to be by

In Trust to  
pay the Int  
to Mrs Penn

after her  
Death to  
Hannah  
Penn if alive

if Dead to  
Richd

£7000 3 pr  
Cent to Han-  
nah Penn out  
of which she  
is to pay  
Frances Lard-  
ner £20 per  
Annum for  
her life

them disposed of for the benefit of all my younger Children in manner therein mentioned AND WHEREAS in and by my first Codicil to my said Will bearing date on or about the fifteenth day of January one thousand seven hundred and fifty six for the reasons therein mentioned I did make some alterations in such

Revokes the  
£3000 to be  
raised out of  
Pensylvania  
for younger  
Children &  
directs it to  
be paid to  
Richard

bequest now I do hereby revoke annul and make void the gift disposition and appointment both by my said Will and also by my said last mentioned Codicil made of the said Sum of three thousand pounds and I do Will order direct and appoint that the said whole Sum of three thousand pounds shall be paid unto my Son Richard Penn his Executors Administrators or Assigns within twelve months after my decease AND WHEREAS I have in and by my said Will given and bequeathed unto my said dear Wife all such household goods furniture plate pictures Cloaths ready money Cash Notes and other goods and Effects of what sort nature or kind soever as should actually be in my own particular custody and possession within England at the time of my decease (my Family plate and Family pictures and any Stocks or shares in the publick funds and any Monies or Effects remitted from Pensylvania or other parts of America and then on the sea or in the hands of any Factor or Agent in Great Britain excepted) To hold except as aforesaid unto my said Wife her Executors Administrators and Assigns for her and their own use for ever AND WHEREAS in and by my last Codicil to my said Will bearing date on or about the twenty fourth day of December one thousand seven hundred and sixty three I did declare that in the said devise so made by my Will to my said Wife I meant to include all Bonds which should be in my Custody at my death for money due to me which Bonds and the principal and Interest due thereon I did by my said Codicil give to my said Wife Now I do

Revokes the  
Devise to Mrs  
Penn of  
Household  
Goods &c

hereby revoke and make void both the said bequests in my said Will and also in my said Codicil so made to my said Wife as aforesaid to all intents and purposes And in lieu thereof I do

and gives her  
in lieu all  
Ready Money  
Jewels Plate  
Household  
Goods &c

hereby give and bequeath unto my said dear Wife all my ready money and all Bank Notes which shall be found in either of my houses at the time of my death and also all her Jewels and

Ornaments of her person and also all my plate and Books which I shall be possessed of at the time of my death and also all the household goods and Furniture which shall be in or belonging to both my houses in Town and Country at the time of my death To hold the same to my said dear Wife her Executors Administrators and Assigns for her and their own use for ever I GIVE and bequeath unto my Son Richard Penn his Executors Administrators and Assigns after payment of all my debts and my funeral Expences by my Executrix hereinafter named and after payment of all the Legacys hereinbefore given all Bonds and Notes of hand for money due to me which shall be in my possession at the time of my death and also all Sums of money whatsoever belonging to me which shall be in the hands of Mess<sup>rs</sup> Freame Smith Beven and Benning Bankers and which shall have been carried from the general account of my Brother and me to my own private account at the time of my death and also all Sums of Money whatsoever which shall appear to be in the hands of Mess<sup>rs</sup> Hoars and Company Bankers belonging to me at the time of my decease and also all other my Stocks Funds and Government Securities and other Personal Estate not hereinbefore given and bequeathed which I shall be possessed of or intitled unto at the time of my death AND WHEREAS in and by said last Codicil to my said Will bearing date on or about the twenty fourth day of December one thousand seven hundred and sixty three after reciting that I was then possessed of an house called Batavia House in the Parish of Sunbury in the County of Middlesex with the Garden and certain Lands Tenements and Hereditaments there And also reciting that I had purchased two undivided sixth parts thereof I did thereby give unto my said dear Wife her heirs and assigns for ever the said two undivided sixth parts of the said house and Lands both Freehold and Copyhold AND WHEREAS since the making my said Codicil I have purchased two other undivided sixth parts of the said house and Lands so that I am now become Seized of two third parts of the said house and Lands Now I do hereby revoke annul and make void the said devise so made to my

after pay-  
ment of debts  
& Legacies  
gives to  
Richard all  
Bonds due

Cash in  
Messrs  
Freame's  
hands

In Messrs  
Hoars and  
other Gov-  
ernment  
Securities &  
persl Estate  
not before  
given

Revokes the  
Devise of Ba-  
tavia House  
to Mrs Penn

and desires it  
to be in Trust  
to be sold  
and the Mo-  
ney arising  
from sale to  
go with the  
residue of his  
personal Es-  
tate.

Mrs Penns  
receipt a dis-  
charge to a  
purchasor

Cavendish  
Square  
House to Mrs  
Penn for life  
then to Han-  
nah if living.

If dead to  
Richard

wife of my said two sixth parts of the said house and Lands whereof I was then seized as aforesaid And I give and devise my said two undivided third parts of the said house and Land in the parish of Sunbury both Freehold and Copyhold unto my said Wife her heirs and assigns IN TRUST that she do as soon as conveniently may be after my decease sell and dispose of the same to the best purchasor or purchasors and for the best price or prices that can or may be had or gotten for the same And the Money to arise by Sale thereof I direct shall be considered as part of and go along with the residue of my personal Estate And for the more easy Sale and disposition of my said two third parts of the said house and Lands I do hereby Will and direct that the receipt and receipts of my said Wife or her heirs shall be a sufficient discharge to such purchasor or purchasors of the purchase money or so much thereof as shall be therein expressed to be received And that such purchasor shall not be answerable or accountable for the Misapplication or Non application thereof I give devise and bequeath my house in Cavendish Square with all the appurtenances thereunto belonging unto my dear Wife and her assigns for and during so many years of the Term I have to come therein as she shall live and from and after her decease in case my said Daughter Hannah Penn shall be then living I give devise and bequeath the same unto her my said Daughter Hannah Penn her Executors Administrators and Assigns for the residue and remainder of the Term I have therein but if my said Daughter shall depart this life in the life time of her said Mother then from and after the death of my said Wife I give and bequeath the same unto my said Son Richard Penn his Executors Administrators and assigns for the rest residue and remainder of the Term then to come and unexpired AND WHEREAS in and by my said Will I did give and bequeath unto my American Executors therein named and to the Survivors and Survivor of them and the heirs Executors Administrators and assigns of such Survivor amongst other things all and every my proprieties and shares and parts of proprieties and all my rights and Titles to all and every the Lands taken up or to be

taken up in the Province of New Jersey in America whether in the Eastern or Western division thereof as well such as were originally my own as also such as were given to me by the Will of my said late Brother John Penn To hold the same to my said American Executors their heirs Executors Administrators and Assigns for ever upon the Trusts therein declared concerning the same Now I do hereby revoke and make void the said devise so far as the same relates to my Estates in East and West New Jersey to all intents and purposes And I do hereby give and bequeath all and every my said proprieties and shares and parts of proprieties and all my rights and Titles to all and every the Lands taken up or to be taken up in the said Province of New Jersey in America whether in the Eastern or Western division of the said province as well such as were or are originally my own as also such as were given to me by the Will of my said late Brother John Penn and all my Estate right Title Interest property share claim and demand of in and to the same and all rents arrears of rents and Quit rents now due or hereafter to grow due for the same unto my said Son Richard Penn his heirs Executors Administrators and assigns for ever My two English Executors being now dead I constitute and appoint my said dear wife my sole English Executrix for the purposes in my said Will and Codicils mentioned And I ratify and confirm my said Will in every part where the same is not altered by this and my other Codicils IN WITNESS whereof I have hereunto set my hand and seal this thirteenth day of July in the year of our Lord one thousand seven hundred and sixty eight.

Devise of  
East and  
West New  
Jersey  
revoked

and devised  
with the ar-  
rears to  
Richard Penn

Two English  
Ex'ors being  
dead ap-  
points Mrs  
Penn Ex'trix

RICH<sup>d</sup>. PENN [SEAL]

SIGNED sealed published and declared by the said Richard Penn the Testator as and for a further Codicil to his last Will and Testament in the presence of us who in his presence and at his Request and in the presence of each other have subscribed our Names as Witnesses hereunto

JOHN LANCASTER,  
VAL: HEN: ALLOT:  
HENRY JODRELL.

FREDERICK by Divine Providence Arch Bishop of Canterbury Primate of all England and Metropolitan Do by these presents make known to all Men that it hath been alledged before the Worshipful Andrew Coltee Ducarel Doctor of Laws Surrogate of the Right Worshipful George Hay also Doctor of Laws Master Keeper or Commissary of Our Prerogative Court of Canterbury lawfully constituted by Hannah Penn Widow that Richard Penn late of the Parish of Saint Mary le Bone in the County of Middlesex Esquire deceased did whilst living and of sound and disposing mind memory and understanding make and duly execute his last Will and Testament in Writing with three Codicils and in his said Will constituted and appointed William Vigor and Joseph Freame Esquires Executors as to all his Personal Estate in Great Britain or elsewhere except in America in the following words to wit.—“ I constitute and appoint my good Friends William Vigor of Taplow in the County of Buckingham Esquire and Joseph Freame of London Banker to be my Executors in Trust of this my Will for all my Personal Estate in Great Britain or elsewhere except in America—” AND WHEREAS it was further alledged that the said William Vigor and Joseph Freame died in the life time of the said Testator and after their death the said Testator duly made and executed a fourth Codicil in Writing wherein in the room and stead of the said William Vigor and Joseph Freame he constituted and appointed the said Hannah Penn Sole Executrix in the Words following that is to say—“ My two English Executors being now dead I constitute and appoint my said dear Wife my sole English Executrix for the purposes in my said Will and Codicils mentioned—” AND WE further make known that on the fourth day of March in the year of our Lord one thousand seven hundred and seventy one at London before the Surrogate above mentioned the said last Will and Testament with four Codicils of the said Richard Penn Deceased hereunto annexed was proved approved and registered the said deceased having whilst living and at the time of his death Goods Chattels or Credits in divers Diocesses or Jurisdictions by reason whereof the proving and registering the said

Will and Codicils and the granting Administration of the Goods Chattels and Credits of the said deceased and also the auditing allowing and final discharging the Accompt thereof are well known to appertain only and wholly to us and not to any inferior Judge and that Administration of the Goods Chattels and Credits of the said Richard Penn deceased limited so far as concerns all and singular the Goods Chattels and Credits of the said Deceased lying and being in Great Britain or elsewhere except in America but no further or otherwise was granted to the said Hannah Penn Widow the relict of the said deceased and Sole Executrix named in the said fourth Codicil as to the said Deceased's Personal Estate in Great Britain or elsewhere except in America she having been already Sworn well and faithfully to administer the same and to make a true and perfect Inventory of the Goods Chattels and Credits of the said Richard Penn deceased limited so far as concerns all and singular the Goods Chattels and Credits of the said deceased lying and being in Great Britain or elsewhere except in America but no further or otherwise and to exhibit the same unto the Registry of Our said Prerogative Court of Canterbury on or before the last day of September next ensuing and also to render a just and true Accompt thereof GIVEN at the time and place above written and in the third year of Our Translation

HENRY STEVENS	}	Deputy Registers
JOHN STEVENS		
G GOSTLING		

Recorded in the Prerogative Office at Burlington in Book N<sup>o</sup>.  
X V of Wills Folio 357.

LEASE FOR A YEAR  
IN ORDER TO THE SETTLEMENT UPON THE MAR-  
RIAGE OF  
THOMAS PENN  
WITH  
LADY JULIANNA FARMOR.

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14th Aug  
1751

**This Indenture** made the fourteenth day of August in the Twenty fifth Year of the Reign of our Sovereign Lord George the Second by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth and in the Year of our Lord One thousand seven hundred and fifty one BETWEEN the Honourable Thomas Penn Esquire Eldest surviving Son of William Penn Esquire deceased who was late Proprietary Governor of the Province of Pensilvania and of the Three lower Countys of Newcastle Kent and Sussex on Delaware in America of the One Part and David Barclay and Thomas Hyam of London Merchants of the other Part WITNESSETH That for and in Consideration of the Sum of Five shillings of lawfull Money of Great Britain to the said Thomas Penn by the said David Barclay and Thomas Hyam in hand paid at or before the Ensealing and Delivery of these Presents the Receipt whereof is hereby acknowledged HE the said Thomas Penn HATH Demised Bargained and Sold and by these Presents DOTH demise bargain and sell unto the said David Barclay and Thomas Hyam their Executors Administrators and Assigns ALL that the undivided one fourth Part or Quarter Part of him the said Thomas Penn of and in the said Province of Pensilvania and of the said three Lower Countys of Newcastle Kent and



Sussex upon Delaware in America and of the Lands Tenements Quit Rents and other Rents Hereditaments Royalties Franchises Jurisdictions Priviledges and Appurtenances any way belonging to the same Province and Countys and every or any of them And of the Royal Franchise of the Government of the same Province and of the Government of the same three Lower Countys with their and each and every of their Rights Members Incidents and Appurtenances and the yearly and other Rents Issues and Profits of all and singular the said Premises and all the Estate Right Title Interest Inheritance Use Trust Possession Property Power Claim and Demand of the said Thomas Penn in and to the same (EXCEPT nevertheless out of the Demise Bargain and Sale hereby made all such Private and Particular Tracts or Lotts of Lands and other Tenements and Hereditaments as were allotted to Purchased by conveyed to or vested in the said Thomas Penn or any Person or Persons in Trust for him and which are held and Enjoyed by him in his private Right or Capacity and not as one of the Proprietaries of the Province of Pensilvania TO HAVE AND TO HOLD the said undivided one fourth part or Quarter part and all and singular other the premisses hereby demised bargained or Sold or mentioned or intended to be hereby demised bargained or Sold with their and every of their Appurtenances (Except as before is Excepted) unto the said David Barclay and Thomas Hyam their Executors Administrators and Assigns from the day next before the day of the date of these presents for and during and unto the full End and Term of one whole year from thence next Ensuing and fully to be compleat and ended YIELDING AND PAYING for the premisses unto the said Thomas Penn his Heirs or Assigns the Rent of one pepper Corn on the last day of the said Term (if the same shall be lawfully demanded) TO THE ONLY Intent and purpose that by Virtue of these presents the said David Barclay and Thomas Hyam may be in the Actual possession of the premisses hereinbefore demised bargained or Sold and thereby and by force and Virtue of the Statute made for Transferring Uses into possession may be Enabled to Accept and

take a Grant and Release to them their Heirs and Assigns of the Reversion and Inheritance of the same premisses intended to be granted and released unto them and to their Heirs and Assigns in and by a certain Indenture of Release of Four parts which is already prepared and is intended to bear date the day next ensuing the day of the date of these presents and to be made between the said Thomas Penn of the first part the Right Honourable Thomas Earl of Pomfret Baron of Hempster and Knight of the most Honourable Order of the Bath of the Second part the Right Honourable Lady Juliana Farmor one of the Daughters of the said Earl of Pomfret of the third part and the said David Barclay and Thomas Hyam of the fourth part To and for the several Uses intents and purposes and Subject to the several Trusts Provisoos Conditions Limitations Restrictions Declarations and Agreements in such Indenture of Release to be mentioned limited declared or Expressed of and concerning the same IN WITNESS whereof the partys before named to these presents their Hands and Seals have hereunto Interchangeably Set the day and Year first before Written

THO: PENN [SEAL]

Signed, Scaled and Delivered, by the within named Thomas Penn, Esquire, in the presence of us

JNO. HEATON

FERD. JOHN PARIS

WILLIAM RAWLE of the City of Philadelphia Esquire Counsellor at law aged Seventy Years & upwards being duly affirmed according to Law declares and says as follows:—

I have long been professionally conversant and am familiar with the affairs and papers of the Family of the late Proprietaries of Pennsylvania. The within written Indenture is an ancient deed which I have known to accompany the possession of their Estates in Pennsylvania. I believe that Ferdinand John Paris and John Heaton the Subscribing witnesses thereto are both dead, and that proof of their handwriting or of the handwriting

of either of them cannot be had in this Country. Thomas Penn the grantor therein named (and one of the said Proprietaries) died, as I am informed and believe, during the Year One thousand seven hundred and seventy five in England where he had then resided for more than thirty three Years having never been in Pennsylvania since the year One thousand seven hundred and forty one. I believe that proof of his handwriting cannot be had of any persons or person who can remember to have seen him write. I am however acquainted with his handwriting, having obtained a knowledge thereof from various authentic public and official Documents and some private Deeds and Writings Subscribed with his Signature uniformly recognized as genuine and acted upon in the course of business in important transactions, and I verily believe the name Tho: Penn subscribed to the said Indenture to be of the genuine and proper handwriting of the said Thomas Penn.

COUNTY OF PHILADELPHIA ss.

On the third day of July in the year one thousand eight hundred and twenty nine at Philadelphia in the said County Before me Edward King Esquire President of the Court of Common Pleas for said County the above examination of William Rawle Esquire was duly taken according to the form and effect of the Acts of the General Assembly of this Commonwealth in such case made & provided. The said William Rawle being conscientiously Scrupulous of taking an oath and by me affirmed according to law, and it appearing that the Grantor and witnesses of the within Deed are deceased and that proof of the handwriting of said witnesses or of either of them cannot be had I hereby certify the same accordingly. Witness my Hand & Seal at Philadelphia aforesaid the day & Year aforesaid

EDWARD KING [SEAL]

Recorded the within Deed and Endorsement in the Office for Recording Deeds &c for the City and County of Philadelphia in Deed Book G W R No. 31 pa 51 &c

Witness my hand and Seal of Office July 22 A. D 1829

[SEAL]

GEO. W. RITER Rr

SETTLEMENT  
UPON THE MARRIAGE OF  
THOMAS PENN  
WITH  
LADY JULIANNA FARMOR.

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15th Aug  
1751

**This Indenture of Four Parts** made the fifteenth day of August in the twenty-fifth year of the Reign of our Sovereign Lord George the Second, by the Grace of God of Great Britain France and Ireland King Defender of the Faith and so forth and in the year of our Lord one thousand Seven hundred and fifty-one BETWEEN The Honorable Thomas Penn Esquire Eldest Surviving Son of William Penn Esquire deceased who was late Proprietary and Governor of the province of Pensilvania and of the three lower Countys of Newcastle Kent and Sussex on Delaware in America of the first part The Right Honourable Thomas Earl of Pomfret Baron of Hempster and Knight of the most Hono'ble Order of the Bath of the Second part The Right Honourable Lady Juliana Farmor One of the Daughters of the said Earl of Pomfret of the third part and David Barclay and Thomas Hyam of London Merchants of the fourth part WHEREAS, by certain Articles of Agreement Tripartite Indented bearing date on or about the eighth day of May which was in the year of our Lord One thousand Seven Hundred and thirty-two and made between John Penn Esquire (who was then the Elder Brother of the said Thomas Penn, but is since deceased) of the first part the said Thomas Penn of the

Second part and Richard Penn Esquire (who is the younger Brother of the said Thomas Penn) of the third part After reciting therein that the said John Penn Thomas Penn and Richard Penn were seized of or intituled unto the Seigniory Fee Simple and Inheritance of the Province of Pensilvania in America and of the Countys of Newcastle Kent and Sussex in America commonly called the three lower Countys lying on the Bay and River of Delaware and adjoining to the said Province and of the Quit Rents and divers Lands and Hereditaments and the Royalties Franchises Priviledges and Appurtenances in and belonging to the said Province and Counties respectively and of the Royal Franchise of the Government of the said Province and of the Government of the said Three lower Countys that is to say of the said Province under a Grant of the same and of the Government thereof made by his late Majesty King Charles the Second to William Penn Esquire deceased late Father of the said partys to the said Articles of Agreement Tripartite and of the said three lower Countys under such Grants as had been thereof made by his late Royal Highness James Duke of York afterwards James the Second King of England, or any others The said John Penn having been seized of or intituled unto one moiety of the said premisses to the use of himself and his heirs The said Thomas Penn being Seized of or Intitled to one Quarter or fourth part of the said premisses to the use of himself and his Heirs and the said John Penn and Thomas Penn In Trust for the said Richard Penn and his Heirs being Seized of or Intitled unto the other Quarter or Fourth part of the said premisses But that the whole was charged with such Debts of the said William Penn as then remained unpaid; and that the moiety of the said John Penn was charged or chargeable with the Sum of One thousand pounds or thereabouts to Trustees for Margaret the Wife of Thomas Freame of London Merchant (then only Sister of the said Partys thereto) In Order to preserve the said Estates to the respective Heirs Male of the Bodys of the said parties to the said Articles of Agreement Tripartite respectively and for default of such Heirs Male to the Survivors and Survivor of

them the said parties and to the right Heirs of such Survivor of them (Subject to such Charges as were thereinafter mentioned) and for the more easy disposing of so much and such parts of the Lands and Heredit's in the said Province and Countys as were then uninhabited and undisposed of, to such persons as should be minded to purchase the same. It was amongst other things thereby agreed that in case of the death of any or either of the said partys thereto leaving Heirs Male of their Bodys respectively under the Age of twenty one years In such Case the Survivors or Survivor of the said Parties his or their Attorney or Attorneys Agent or Agents during the respective Minoritys of such Heirs Male should be and were thereby authorized and impowered Absolutely to Sell and convey away in Fee Simple or otherwise any parts or parcels of Land in the said Province and Counties or any or either of them reserving at least the usual Quit rents, and to receive all such monies and consideration as could be gotten therefore and to receive and give good discharges for all Quit Rents and Sums of money and demands which might be at any time due on account of or relating to the said Province Countys and premisses and to pay all Sums necessary to be paid on account thereof and to manage and transact all affairs and business whatsoever concerning the said premisses in the most ample manner but to be accountable annually for the nett profits to such person and persons as should be Intitled to demand the same. But at the Age of Twenty one years such Heir Male of the Body respectively should have possession of the share of his Father respectively AND that neither of the said parties thereto should by his Will or otherwise dispose of his Estate or share of or in the said Premisses to any Child Except to his Eldest Son in Tail Male with Remainder to his Second Third and other Sons successively in Tail Male Except as to such charges and provisions as were therein or otherwise than as was therein appointed limited or agreed upon In which said Articles is contained a provisoe purporting that it should and might be lawfull to and for any or either of the said parties by his or their last Will and Testament in writing under his or

their hand and seal respectively and attested as therein mentioned to charge his or their own respective Estates or shares of or in the said premisses with the payment of what Sum or Sums of money he or they should respectively think fit to or for the benefit of his or their Younger Child or Children respectively but in the whole not to exceed the Sum of Six thousand pounds for the Estate and Share of the said John Penn and three thousand pounds a piece for the shares of the said Thomas and Richard Penn respectively and for want of such charge or charges respectively Then It was thereby declared and agreed Estates and Shares of the said parties thereto should respectively stand and be charged from their respective deceases with the Sums following that is to say the Estate and share of the said John Penn with the Sum of Six thousand pounds and the respective Estates and Shares of the said Thomas Penn and Richard Penn with the respective Sums of three thousand pounds each payable respectively to their several and respective Younger Child and Children equally amongst them and to be paid to the Sons at their respective Ages of twenty one years and to the Daughters at that Age or days of Marriage which should first happen and to bear Interest at the rate of Four pounds per centum per Annum in the mean time for the maintenance and Education of such Younger Child or Children respectively And also another provisoe purporting That in case of the death of any or either of the said parties thereto leaving Issue Male as aforesaid it should and might be lawfull to and for such of them as should dye leaving Issue Male by such last Will or Writing as therein mentioned attested as therein mentioned to charge his or their own respective Estates or shares of and in the said premisses with the payment of such annual Sum or Sums of British money payable in England as he or they respectively should think fit to or for his or their Widows or Widow respectively during her or their life or lives only but not to exceed Two hundred pounds per annum and for the Widow of the said John Penn nor one hundred pounds per annum each for the Widows of the said Thomas Penn and

Richard Penn respectively and for want of such Charges or Charge respectively then the share of the said John Penn to stand and be charged with the yearly payment of Two hundred pounds British money to the Widow of the said John Penn from and after his death for her life and the respective shares of the said Thomas Penn and Richard Penn to stand and be charged with the yearly payment of One hundred pounds respectively of like money in England to their respective Widows during their respective lives and the said premisses and shares respectively were thereby charged accordingly The said Annual Sums and other the Annual Sums thereafter mentioned being therein mentioned to be for the provision maintenance and livelyhood of their said respective Widows and in Barr of their respective Dowers and Right and Title of Dower And also another provisoe that in Case any or either of the said parties thereto should happen to dye leaving only one or more Daughter or Daughters but no Son or leaving a Son or Sons such Son or Sons should dye before the age of Twenty one Years or dye leaving no Issue Male Then in either of the said Cases the Estate and Share of and in the said premisses of the party or parties so dying should come to the Survivors or Survivor of them the said partys his & their Heirs as the Party or Partys so dying should by his or their last Will in Writing or by any Deed in Writing Executed in the presence of two or more Credible witnesses appoint but chargeable and charged with the payment of any Sum not exceeding Ten thousand pounds British money to the Daughters of the said John Penn and out of his Estate and Share in Case of more than one Daughter of him and of Eight thousand pounds to one Daughter of him in case he should leave but one and not exceeding Five thousand pounds of like money as to the respective shares of the said Thomas Penn and Richard Penn in case of more Daughters than one of them respectively and four thousand pounds in case of only one Daughter to their respective Daughter or Daughters in such proportions and in such manner as the said parties respectively should by any such Will or Deed attested as afore-



said direct or appoint And also another Provisoe that in Case the said parties or any or either of them should happen to dye leaving only one or more Daughter or Daughters respectively and no Son and should make no appointment of his or their respective Estate or Share of and in the said premisses according to the true intent and meaning of the said Articles Then and in such case such Estates and shares respectively should come to the Survivors and Survivor of the said parties to the said Articles equally and the Heirs Male of their respective Bodys and for want of such Heirs to the Survivor and his Heirs, But charged as therein and hereinafter mentioned that is to say the Estate and share of the said John Penn charged with any Sum not exceeding Eight thousand pounds to his Daughter if but one and with ten thousand pounds amongst all his Daughters if more than one as he should by Will or otherwise in Writing appoint and for want of such Appointment charged with the Sum of Eight thousand pounds to such one Daughter and ten thousand pounds equally amongst all the Daughters of the said John Penn if more than one equally payable at twenty One Years of Age or Days of Marriage which should first happen And the respective shares of the said Thomas Penn and Richard Penn charged respectively with any Sum not exceeding Four Thousand pounds each to their respective Daughter if but one and with Five thousand pounds amongst their respective Daughters if more than one respectively as he or they respectively should by Will or otherwise in Writing appoint and for want of such Appointment Chargeable with the payment of the respective Sums of Four thousand pounds British Money to such one Daughter and five thousand pounds amongst all their Daughters respectively if more than one equally amongst them at their respective Ages of Twenty one years or days of Marriage which should first happen the several Sums of money therein mentioned to bear Interest till paid at the rate of Four pounds per centum per annum payable yearly in British money for the respective maintenance of such Daughter and Daughters as aforesaid and the said Estates and shares are

thereby respectively charged with such principal Sums and Interest accordingly And also another provisoe that in case the said Thomas Penn or Richard Penn or either of them respectively should dye Intestate without Issue Male and leaving one or more Daughter or Daughters respectively that then and in such case their respective Widows in case they respectively leave but one Daughter should have One hundred and fifty pounds And in case of more than one Daughter respectively Then only one hundred pounds British money Yearly for their respective lives payable in England and the said respective Estates and Shares of the said parties were thereby respectively charged accordingly and to be in barr of Dower as aforesaid AND also another provisoe or Agreement that in Case any or either of the said parties should dye without any Issue Then and in such Case he and they should leave or appoint his or their respective Share or Estate to the other of the said parties or either of them as he should think fit; And should have liberty by any Will or Deed to be attested as aforesaid to charge the same with the respective Sums following that is to say the said John Penn to charge his Estate and Share with Six thousand pounds British money and the said Thomas Penn and Richard Penn respectively to charge their respective Estates and Shares each with three thousand pounds British money payable to such person or persons as such party or partys should by such Will or Deed as aforesaid appoint And that in case the said Thomas Penn and Richard Penn or either of them should happen to dye without Issue It should be lawfull for them or either of them respectively dying without Issue by such Will or Deed as aforesaid to charge their respective Estates and shares in the said premisses with the payment of any annual Sum respectively not exceeding one hundred pounds British money to their Widows respectively for life over and above such yearly Sums as were thereinbefore for such Widows respectively provided and the said several Estates and shares were hereby charged accordingly and to be in bar of Dower as aforesaid AND also another provisoe or agreement that it should and might be lawfull to and for the said parties

at any time during their Joint Lives by any Writing under their hands and Seals attested as therein mentioned to revoke determine and make void the said Articles and all and every or any the Clauses provisoes and agreements therein contained anything therein to the contrary thereof in any wise notwithstanding And also another provisoe and Declaration therein contained That in Case any one or two of the said parties thereto should happen to dye leaving no Issue Male respectively Then and in such Case and Cases it should and might be lawfull to and for the Survivors and Survivor of the said parties by any Writing under their respective hands and Seals to alter revoke and make void the said Articles of Agreement and every Clause provisoe and Agreement therein contained But so as not to prejudice any provision Devise or Appointment which might have been by the party or partys first dying made in pursuance of the same Articles ; as by the said in part recited Articles of Agreement Tripartite (which have been lately Enrolled for safe Custody in his Majesty's high Court of Chancery) amongst divers other Clauses and Agreements therein contained as well relating to the Estate and Share of the said Thomas Penn as also relating to the several and respective Estates and Shares of the said John Penn and Richard Penn of and in the said Premises relation being thereunto had may more fully and at large appear AND WHEREAS the said John Penn departed this life a Batchelor without leaving any Widow or any Issue of his Body on or about the twenty ninth day of October One thousand seven hundred and Forty Six having first duly made and published his last Will and Testament in Writing bearing date on or about the Twenty Fourth day of the same month of October One thousand Seven hundred and Forty Six Duly Executed and Attested so as to pass Lands and Estates of Inheritance and in and by such his said Will did give devise leave appoint and dispose (in Virtue of all rights powers and Authoritys whatsoever him thereunto enabling) All his moiety or half part of the Fee Simple and Inheritance of the Said Province of Pensilvania and of the three lower Countys of Newcastle Kent and Sussex upon Dela-

ware in America and of the Lands Tenements Quit rents other rents Hereditaments and Royaltys Franchises Jurisdictions priviledges and Appurtenances any way belonging to the same Province and Countys and every or any of them and of the Royal Franchise of the Government of the same Province and of the Government of the same three lower Countys and all his Inheritance Estate Right Title Interest and Power in to and over the same and every or any part thereof in the manner thereafter mentioned and particularly unto his Brother the said Thomas Penn (party to these present Indentures) for and during the term of his natural life without Impeachment of waste and from and after the determination of that Estate unto the hereinbefore named Thomas Hyam and David Barclay and their Heirs during the natural life of the said Thomas Penn upon Trust to support the contingent uses with remainder to the first and other Sons of the body of the said Thomas Penn in Tail Male with remainder to the said Testator's Brother the said Richard Penn for his natural life without Impeachment of waste with remainder to the said Thomas Hyam and David Barclay and their Heirs during the life of the said Richard Penn Upon Trust to support the contingent Uses, with remainder to the said Testator's Nephew John Penn (Eldest Son of his said Brother Richard Penn) for his natural life without Impeachment of waste with remainder to the said Thomas Hyam and David Barclay and their Heirs during the life of the said Nephew John Penn upon Trust to support the contingent Uses with Remainder to the first and other Sons of the body of the said Nephew John Penn in Tail Male with remainder to the said Testator's Nephew Richard Penn (Second Son of the Testator's said Brother Richard Penn) for his natural life without Impeachment of waste with remainder to the said Thomas Hyam and David Barclay and their Heirs during the life of the said Nephew Richard Penn Upon Trust to support the contingent Uses with remainder to the first and other Sons of the Body of the said Nephew Richard Penn in Tail Male with remainder to all and every other the Son and Sons of the

Body of the Testator's Brother the said Richard Penn the Father in Tail Male with remainder to the Heirs of the Body of the said Thomas Penn with many remainders over and the last remainder in Fee unto the said Testators own right Heirs and their Heirs and Assigns forever; UNDER a provisoe or Condition nevertheless contained in the said Will and it was therein mentioned to be the said Testator's Express Will and Intent and accordingly he did thereby devise the same so as that in case upon the Failure of all such Issue as aforesaid his the said Testator's own right Heirs should happen to be two or more Females and likewise IN CASE by means of any of the Limitations thereinbefore expressed to the Heirs of the Body of any of the several persons thereinbefore named or described any such Heirs of the body of any such person or persons should happen to be two or more Females then and in all and every one of such cases The first or Eldest of such two or more Females and She only and Solely and the Heirs of her body should have and Enjoy the whole of the said moiety to herself alone and to the Heirs of her Body without partition or Division; and on Failure of such Issue of the first or eldest of such Females Then the same should in like manner succeed and remain whole and intire without partition or division to the Second or next Eldest of such two or more Females and to the Heirs of her body and so from time to time in like manner so often as that Case should happen And Under another Provisoe or Condition therein contained that every person becoming Intituled under his said Will to his said moiety and likewise the several Persons intermarrying with any Female who should be or should become Intitled by such his Will to his said moiety should from time to time when and as they should become Intitled to the same take and use the Surname of Penn and that only, and no other Surname therewith and should also bear his Arms, nevertheless the said Testator in and by his said Will declared that his said Moiety of the said Province of Pensilvania and three lower Countys thereinbefore disposed of and limited as thereinbefore mentioned should notwithstanding any the there Foregoing

Limitations or Dispositions thereof stand and be charged and chargeable with and Subject and lyable to the raising and payment unto his English Executors out of the Quit Rents other Rents Issues and Profits which should or might arise therefrom of the Sum of Six thousand pounds of lawfull money of Great Britain which Sum he willed should be applyed in the manner therein and hereinafter mentioned that is to say so much thereof as should be wanting (if any should be wanting) to answer the several particular purposes for which he had thereinbefore appropriated what was to be deemed his English personal Estate should be paid to his English Executors to enable them to answer those several purposes; and the whole of such Six thousand pounds (if no part thereof should be wanted, for such particular purposes) or the whole residue of such Six thousand pounds (whether the same should be raised during the life time or after the decease of the said Thomas Penn) should belong and be paid unto the said Thomas Penn, or to his Executors and Administrators as part of his personal Estate AND THE SAID Testator in and by his said Will recited that he was desirous and believed it to be best that the Lands and Profits of his said moiety of the said Province of Pensilvania and of the said Three lower Countys should be intailed in manner thereinbefore mentioned; but was Sensible that his moiety of the said Province of Pensilvania and of the said three lower Countys was an estate of a very different nature from the Estates in this Kingdom and that the same was not to be leased out at rack rents or for short Interests or terms of Years as might be done with respect to Lands and tenements in this Kingdom but that the further improvement and Settlement of the Lands in those Flourishing Colonys must necessarily be carried on by making Grants of Lands there in Fee Simple or for other durable and lasting Estates which without some particular power and authority a bare Tenant for life or even Tenant in Tail might not be enabled to Grant And not only so but that the Settlement and Determination of the Extent Limits and Boundaries of the same Province and Countys and the appointment of

Governors or Deputy Governors or Lieutenant Governors and other Officers and the carrying on and Exercising of the Governments Franchises and Jurisdictions of the same and the making and concluding Treatys either with the Native Indians in those parts or with any other persons whom it might concern, and many other great and general Publick<sup>d</sup> Occasions might arise wherein a mere Tenant for life or Tenant in Tail to his moiety might not without some special power and authority be enabled to do the several great and Public Acts relating to the said Province and Countys which might be requisite and necessary to be from time to time done executed and performed And the said Testator in and by his said Will further recited that it had not been or was it his Will or Intention by any such Devises Limitations or Intails as were thereinbefore contained touching the said Six thousand pounds, to clogg or Fetter his moiety of the said Province and Countys in such manner as that there should be any defect of power or want of authority in the possessor of his moiety of the said Province and Countys for the time being or any other Impediment Delay or Obstruction given to the full and perfect Execution and performance of every matter and thing whatsoever which might be any way necessary fitting or proper to be done with relation to the Settlement of the Lands Fixing the extent limits and boundarys appointment of Governors Deputy Governors or Lieutenant Governors and other offices and carrying on the Governments and Jurisdictions of the said Province and Countys or to the making and concluding any such Treatys as before mentioned, or any other great and general Publick Occasions which might arise and which might require in the possessor for the time being of his said moiety of the said Province and Countys a much larger Degree of Power or Authority than was yet expressly given therein AND THEREFORE the said Testator did thereby make such full declaration of his Will and Intention in the Premises and did fully authorize and empower each and every person who by Virtue of such his Will should at any time be in possession of his said moiety of the said Province and Countys



when and during the time that such Person should be so in possession of the same to do execute and perform all lawfull Acts Deeds Matters and Things whatsoever necessary for all every or any the several purposes therein and hereinafter mentioned (that is to say) For the conveying and Granting out, for any Estate or Estates how large so ever of any Lands or other Hereditaments whatsoever in the said Province and Countys (on reserving in each such Grant or Conveyance of any Lands as much Quit Rent in Proportion and the like Services as had been of late generally reserved on other Lands Granted out by himself and Brothers; Unless it should be found necessary for the general Service of the said Province to make Settlements on the Frontiers, where, by its great distance from the then present Inhabitants the like Quit Rents could not be reserved as in the more Settled Parts of the said Province, and then for the Conveying and Granting out (for the general Service only and not for the private Utility or benefit of such possessor or his Family) of any Lands on Reservation of such Rent and Services only as to the possessor for the time being should seem Proper; so as in such last mentioned Cases, no fine or purchase money should be taken, on only such Grant as last mentioned, and his, the said Testator's Will, was thereby declared to be, That his moiety of all such Quit Rents and Services to be reserved on every such Grant should descend remain and go along with and be considered as part of his Estate and Inheritance according to the Limitations therein before expressed and declared But that all Fines and purchase moneys to be raised upon such Grants (where any such fines or purchase moneys might be raised according to such his Will) should (as to his moiety of the same) belong to the possessor for the time being of his said moiety of the said Province and Countys as his own Proper money and Estate (For the Settlement and Determination of the extent Limits and boundarys of the same Province and Countys For the Appointment of Governors Deputy Governors or Lieutenant Governors and any other Officers whatsoever, of the same Province and Countys for the Carrying on and Exercising of the Governments



Franchises and Jurisdictions in the same; For the making and concluding of any sort of Treatys either with the Native Indians in these parts, or with any other persons whom it might concern And For the Performance of every other great and general matter power Authority and Jurisdiction Granted by the Crown with the same Province and Countys or any of them and which might upon any Publick Occasion be proper or fitting to be done, for the general Service and benefit of the same Province and Countys; AND THAT, AND THOSE, in as full perfect, absolute and effectual manner as if such possessor, for the time being of the Testator's said moiety of the said Province and Countys was the absolute and perfect owner and Proprietor of his said moiety in Fee Simple; AND the said Testator in and by his said Will declared That, because he would have his said moiety of the said Province and Countys to be entirely discharged and released, from the said Charge or burthen relating to the said Sum of Six thousand pounds if any manner of occasion should require the same and to the intent that no obstruction might ever from thence arise he did thereby authorize impower desire and direct that all or any Single one or more of the persons thereinbefore named for his English Executors and all or any one or more of their or of any or either of their Executors or Administrators should immediately on request to be made in that behalf by the person who should for the time being be according to his said Will in the possession of his moiety of the said Province of Pensilvania and three lower Counties fully and absolutely release and discharge his said moiety of the said Province and Countys and the Quit Rents other Rents Issues and Profits of the same of and from the said whole charge of Six thousand pounds and every part thereof, and all Claims and Demands in respect of the same and that whether the said Six thousand pounds or any part thereof should have been or should not have been then raised or received On taking such Bond, Covenant personal Security or other distinct Security, (not to affect the said Province and Countys) from the Possessor for the time being of his moiety of the said Province and Countys as he

or she should be able to give and as the Person or Persons giving such Release or Discharge should think proper to accept for the answering and making good such Six thousand pounds or the residue thereof, to his English Executors for the several Purposes thereinbefore declared relating to such Six thousand pounds, AND in and by the said Will the said Testator further mentioned and expressed That as such his Will had been hastily and suddenly drawn he made it his earnest request to his Brothers that in Case any Defect should be found in point of Law as to render the same not sufficient to answer his plain Intentions thereinbefore expressed They would do every matter and thing in their power to make the same compleat and effectual to answer such his Intentions and he therein declared that he trusted and confided that they would do so, from the Brotherly Love and Affection that had subsisted between them; and he entreated them, that they would not permit any Suits or Disputes to be commenced touching his said Will then by him made as by the said in part recited last Will and Testament of the said Testator John Penn duly proved in Common form and remaining in the Registry of the Prerogative Court of the Archbishop of Canterbury (amongst many other matters and things therein contained) relation being thereinto had may more at large appear AND WHEREAS the said Sum of Six thousand pounds mentioned in the said recited Will and wherewith the said Testators said moiety of the said Province and Countys was charged has been long since raised and paid unto the English Executors of the said Testator John Penn or unto the said Thomas Penn pursuant to such Will; and the same or any part thereof does not now remain a charge upon the said Testator John Penn's moiety of the said Province and Countys AND WHEREAS in and by certain Articles of Agreements Indented bearing date on or about the thirty first day of January which was in the year of our Lord One thousand Seven hundred and fifty, and made between the said Thomas Penn of the one part and the said Richard Penn (the Father) of the other part After Reciting therein some parts of the said herein before recited Articles of

Agreement Tripartite of the eighth day of May One thousand Seven hundred and thirty Two AND AFTER RECITING therein that since the time of making entring into and executing of such former Articles of Agreement the said Testator John Penn one of the Parties to the same had departed this life a Batchelor without leaving any Widow or any Issue of his Body having some short time before his death by his Will duly attested devised his moiety of the said Premises and charged the same and having given such special Powers and authorities to the Possessor of his moiety of the Premises for the time being as in such Will were mentioned AND AFTER further reciting therein that the Debts of the said William Penn which had remained unpaid at the time of the Entering into the said former Agreement had since been paid off and the Income and Profits of the Premises were encreased and improved in Value since such former Agreement had been entred into AND that the said Thomas Penn and Richard Penn (the Father) being the Survivors of the persons who were parties to the said therein recited Articles of Agreement had upon due Consideration agreed to alter the provision which had been made and charged or agreed and intended to be made or charged by the said therein recited Articles of Agreement out of their own respective Quarter parts or Fourth parts of the said Estate and Premises for their respective Widows (the moiety of the said John Penn being therein mentioned to be devised in and by his Will so that it was apprehended the same was not capable of receiving any Alteration or Additional charge thereon) AND had then agreed and did intend that a further and larger power should be reserved (to themselves severally and respectively and also to the severall other persons who were thereafter mentioned and described) to make and charge a better and larger provision (if they respectively should thereafter see fit so to do) out of the said several and respective Quarter Parts (or out of some particular parts of the same) for their several and respective Widows; All such charges to be thereafter made and in such Cases and in such particular and different manners and under such different Circumstances, and

at such particular times and under such Restrictions (with respect to the several different Persons who should severally and respectively make the same) as were thereafter for those Purposes severally and respectively mentioned, AND had also then agreed and did intend that all such future charges and Provisions for all such Widows should be made and charged upon and Issue out of the said Province of Pensilvania and the Quit Rents and other Rents Issues and Profits of the same only But not upon or out of the Government of the said Province or upon or out of any other part whatsoever of any of the Premises which were mentioned or comprized in the said therein recited Articles of Agreement Tripartite AND had likewise then agreed and did intend notwithstanding the Strict Intail of the Premises and of the beneficial Interest of the same which might be intended to be made either by the said former Articles of Agreement or any otherwise and notwithstanding any charge or burthen upon the same for Widows or any other persons that the possessor for the time being of their several and respective Quarter parts of all and every of the premisses comprized or mentioned in the said therein recited Articles of Agreement Tripartite should be vested by those then present Articles of Agreement with special powers and authorities over the said whole Quarter parts respectively of every the premisses comprized in the said therein recited Articles of Agreement Tripartite in some Special and particular Cases and for some special and particular purposes in regard that the partys thereto (as was therein mentioned) conceived it might become necessary that in an Estate of such a nature and so Circumstanced as theirs was the like powers and authorities as were already given by the Will of the said Testator John Penn deceased to the possessor for the time being of his moiety of the same Estates and premisses should likewise be given to and vested in the possessor for the time being of their respective Quarter parts of the same Preme's AND that in Consequence of such the said partys then present Agreements and Intentions they had then further agreed and did intend effectually to alter revoke and make void

the said therein recited Articles of Agreement Tripartite and every Clause provisoe and Agreement and every part of every Clause provisoe and Agreement therein contained which was and so far and so much of the same as was in any wise contrary or repugnant to or Derogatory of, or inconsistent with the Agreements in those then present Articles after contained or any of of the same, at the same time Corroborating and Confirming the said therein recited Articles of Agreement and every Clause provisoe and Agreement and every part of every Clause provisoe and Agreement in the said former Articles contained which was not and so farr and so much of the same as was not contrary or repugnant to, or derogatory of or inconsistent with the Agreements in the said then present Articles after contained, or any of the same, It was by the said Articles of Agreement of the thirty first day of January One thousand Seven hundred and fifty WITNESSED, that the said Thomas Penn and Richard Penn (the Father) and each of them did in pursuance of such their then present Agreements and Intentions as aforesaid, and by Virtue and in pursuance of the powers reserved and contained in the said former recited Articles of Agreement and by Virtue of all other Powers Authoritys Estates Rights and Interests whatsoever them thereunto enabling thereby alter revoke and make void the said therein recited Articles of Agreement and every Clause provisoe and Agreement and every part of every Clause Provisoe and Agreement therein contained which was and so farr and so much of the same as was in any wise contrary or repugnant unto or derogatory of or inconsistent with the Agreements thereafter contained in those then Present Articles of Agreement or any of the same but no further or otherwise nor in any other manner AND IT WAS thereby also witnessed, That the said Thomas Penn and Richard Penn (the father) parties thereto for themselves respectively and for their respective Heirs Extors and Admors and each of them did thereby Covenant Promise Grant and agree to and with the other of them and his respective Heirs Executors and Administrators (amongst other things) That it should and might be lawfull to and for the said Thomas Penn respectively and to and for

the said Richard Penn respectively by any their or his respective last Will and Testament in Writing or by any Writing or Writings to be by them respectively at any time or times thereafter duly made Signed and Sealed in the presence of, and attested by two or more lawfull Witnesses whether such Deed or Deeds or Will or Wills to be made by them or either of them two should be made before or after Marriage to charge their several and respective Quarter parts of the said Province of Pensilvania and of the Quit Rents and other Rents Issues and Profits of the same only, (but not the Government of the said Province nor any other part whatsoever of any of the premisses which were mentioned or comprized in the said therein recited Articles of Agreement) with the several and respective Yearly Sums for a Provision for their own several and respective Widows in the several and respective Cases thereafter mentioned or with any several Yearly Sums altogether not exceeding the several and respective yearly Sums in the several and respective Cases thereafter for that purpose mentioned that is to say such of the said parties to the said Articles as should dye leaving Issue Male of his Body or should dye leaving no Issue Male of his Body but leaving two or more Daughters might in either of those Cases charge his own respective Quarter part (of such only of the Premisses as aforesaid) with a Provision of one or of several Yearly Sums in the whole not exceeding the yearly Sum of three hundred pounds of lawfull money of Great Britain for his or for their own respective Widows; and such of the said two parties thereto who should die leaving no Issue Male of his Body and leaving one Daughter only and no more might charge as aforesaid his own Quarter part (of such only of the Premisses as aforesaid) with a provision of one or of several Yearly Sums in the whole not exceeding the Yearly Sum of Four hundred pounds of like lawfull money for his and for their own respective Widows and such of the said two partys thereto as should dye leaving no Issue Male of his Body and also leaving no Daughter might charge as aforesaid his own respective Quarter part (of such only of the premisses as aforesaid) with a provision of one or of

several Yearly Sums in the whole not exceeding the Yearly Sum of Five hundred pounds of like lawfull money for his and for their own respective Widows The said several and respective Yearly Sums or Provisions of (or not exceeding three hundred pounds or four hundred pounds or five hundred pounds) which ever of the same should be respectively charged in any of the several and respective Cases thereinbefore mentioned pursuant to the said Articles) to be in recompence and satisfaction for and in bar of all dower and thirds which such respective Widows severally should or might or could possibly claim out of or in or to any and every the Franchises Lands Tenements and Hereditaments of the said Thomas Penn in America and of the said Richard Penn in America severally and respectively and to be payable and paid to such respective Widows in London by Quarterly payments without any deduction or abatement out of the same for or in respect of any Taxes Charges Assessments Remittance or on any other Account whatsoever; and the first Quarters payment of the same to be paid at the end of three Kalendar months to be computed from the day of the decease of the said Thomas Penn and of the said Richard Penn severally and respectively and so to continue payable and be paid at the End of every three Kalendar months then ensuing for and during the whole natural life of such several Widows respectively, or for and during such part and so long of the several natural lives of such Widows respectively or after the decease of their respective Husbands as the said Thomas Penn or the said Richard Penn should respectively so charge the same for AND the said parties to the said then present Articles did Covenant and Agree as aforesaid that they respectively had not to that time settled devised or charged nor would charge or attempt to charge their respective Quarter parts or any part whatsoever of the premisses comprized or mentioned in the said therein recited Articles of Agreement (SAVE only, of the said Province of Pensilvania and of the Quit Rents and other Rents Issues and Profits of the same) with any Yearly or other Sum or with any payment charge burthen or provision whatsoever for their

or for either of their several and respective wives or widows, AND that they would in no Case charge or attempt to charge their several and respective Quarter parts of the said Province of Pensilvania or of the Quit Rents or other rents Issues or profits of the same with any further or other sums or payment or other charge Burthen or provision whatsoever for their several and respective Wives or Widows than only according to the Agreements and in the several Cases thereinbefore contained in those then present Articles of Agreement, AND that after the respective decease of the said parties thereto no Widow of either of them respectively should be Intitled to or should lay claim or pretend to any Dower or thirds or any Right or Titles to Dower or thirds out of any part whatsoever of the Franchises Lands Tenements or Hereditaments of the said respective parties thereto in America ; But on the contrary should and would at any time or times upon demand to be made by or on behalf of the other party thereto or on behalf of, any his Heirs and also upon demand to be made by or on the behalf of any person, to be then Intitled to the Possession of any part of the said Province of Pensilvania Execute acknowledge and perfect any number of Releases and Extinguishments of all Right Title Claim and Demand of Dower and thirds out of all and every of the Franchises Lands Tenements and Hereditaments whereof or wherein or whereto her Husband in his life time had been Seized Interested or possessed in America The same to be conceived and perfected in the best and most perfect and extensive forms that could be prepared or devised. ALSO that it should and might be lawfull to and for the Male Issue and Male Descendants of the Body of the said Thomas Penn respectively and of the body of the said Richard Penn (the Father) respectively and to and for such other Male Person and Persons who from time to time under the Agreements contained in the said therein recited Articles of Agreement or any otherwise should for the time being, be in the possession of either of the said respective Quarter Parts, or should be, the Heir Male Apparent of either of the said parties thereto or of either of



their Heirs Male or be the Heir Apparent of the person then in possession of the said respective Quarter parts of the said premisses, and be the person then next in Remainder to take and be Intitled unto one of the said respective Quarter parts of the premisses immediately after the decease of the person or persons who should then be in the possession of the same To make and charge (each one of them, severally successively and respectively) such and the like provisions to such amount and in such and the like Cases (but not otherwise) for their respective Widows after their respective deceases (out of such parts only of the said respective Quarter parts of the Premises as were thereby agreed to be charged as aforesaid) as the said Thomas Penn and the said Richard Penn (the Father) themselves respectively had thereinbefore agreed that they themselves severally and respectively might make and charge upon their said respective Quarter Parts of the premisses NEVERTHELESS that all and every charge or Provision to be made for any Wife or Widow by any person whatsoever (other than by the said Thomas Penn and Richard Penn the Father) should be understood with the there following Explanations and Modifications and should be Subject to and under all and every the provisos Clauses and Agreements and should be made at the particular times in the particular manner for the particular Considerations and under all the other Circumstances and Restrictions, thereafter for those purposes mentioned AND IT WAS thereby Covenanted and Agreed by and between the said parties thereto as aforesaid That neither of the parties thereto had, at any time or times thentofore Settled Charged or Devised and that neither of the parties thereto or their several and respective Heirs Male should or would at any time or times thereafter Settle charge or devise their respective Quarter parts of the premisses in any other manner or with any further or greater charges Payments or Burthens, for any Widow or Widows or for any other Person or Purpose whatsoever than according to the true intent and meaning of the Agreements contained in the said therein recited Articles of Agreement as the same then stood altered and

Varyed by means of the said then Present Articles AND that the said respective parties thereto and their several and respective Heirs Male should and would in all and every Settlement Will Charge and other Disposition which they respectively should at any time or times thereafter make or execute of or concerning any beneficial Part of the Premises recite or mention or referr to the said former Articles of Agreement as altered and Varyed by the said then present Articles and should and would Settle Devise Charge and Dispose of their respective Quarter parts of the said premisses agreeably and conformably to the said former Agreement as then altered by the said then present Agreement and in no other manner whatsoever AND IT WAS ALSO thereby agreed between the parties thereto in manner as aforesaid (In consideration of the then present flourishing Condition and Circumstances of the said Province of Pensilvania and of the further encrease and Improvement of the same which might reasonably be hoped for in some years time) That it should and might be lawfull to and for the said Thomas Penn and Richard Penn (the Father) respectively (in such manner as was thereinbefore agreed upon for them) and also to and for all and every other person and persons thereinbefore agreed or impowered to make or charge provisions for their several and respective Widows (in such manner at such times under such Circumstances and for such Considerations only as were thereinbefore agreed upon for them) To Encrease at any time or times after the Expiration of Twenty Years to be computed from the day of the date of the said then present Articles the provision to be made for their several and respective Widow or Widows so farr as that each respective Quarter part (of such of the premisses as were thereinbefore agreed to be charged with a provision for Widow or Widows) might (if the persons charging should think fit) be charged after such twenty years should be expired with one yearly Sum of full five hundred pounds or with any Sum or Sums not in the whole excéeing five hundred pounds Yearly for provisions for Widow or Widows notwithstanding that there should after such twenty Years Expired be Issue Male or be

several or many Daughters of any of the persons charging ; The partys thereto thereby Declaring their Intention to be such that after the expiration of such Twenty Years (In regard to the hoped for encrease in Value of the premisses) such parts as before mentioned of the respective Quarter parts of the premisses might be charged with a larger and further provision for Widows than it have been prudent to charge and burthen the same with at that present ALSO it was thereby Covenanted and ageeed that all and every person and persons to whom the several and respective Quarter parts of the premisses should at any time or times thereafter come whether by Settlement Devise Donation Disposition Discent or in any other manner howsoever should during the time that he or they should be in possession of such respective Quarter parts have full and absolute powers vested in him or them and the parties to the said then present Articles did thereby Give and Grant unto such person and persons and did thereby Invest him and them with full and absolute powers and authoritys (notwithstanding that the beneficial Interest in the said respective Quarter parts might be Settled to or upon him or them only for some limited Estate or Interest namely for years or for life or in Tail and notwithstanding any Charge or Burthen upon the same for Widows or any other persons) when and During the time that such person should be in possession of both or of either of the said several and respective Quarter parts and be of the full Age of Twenty one years To do Execute and perform all lawfull Acts Deeds Matters and things whatsoever necessary for all every or any the several purposes which are therein (and herein) after mentioned that is to say First, for the Conveying and Granting out for any Estate or Estates how large soever of any Lands or other Hereditaments in the said Province and Countys on reserving in every such Grant or Conveyance of any Lands as much Quit Rent in proportion and the like services as had been then of late generally reserved on other Lands Granted by the said late Testator John Penn and by the said Thomas Penn and Richard Penn (the

Father) unless it should be found necessary for the general service of the said Province, to make Settlements on the Frontiers where by the great distance from the Inhabitants the like Quit Rents could not be reserved as in the more Settled parts of the said Province; and then for the Conveying and Granting out for the General Service only and not for the private Utility or benefit of such possessor or his Family of any lands (of any Lands on Reservation of such Rent and Services only as to the possessor for the time being of such respective Quarter parts should seem proper so as in such last mentioned Cases no Fine or purchase money should be taken on any such Grant as last mentioned and the several and respective Quarter parts of all such Quit rents and Services to be Reserved on every such Grant should descend remain and go along with and be considered as part of the Estate and Inheritance according to the Discent or Limitations of the same Inheritance But all Fines and purchase moneys to be raised upon such Grants (where any such Fines or purchase moneys might be raised according to what was thereinbefore expressed) should as to the respective Quarter parts of the same belong to the possessor for the time being of each respective Quarter part of the said Province and Countys, as his own proper money and Estate) **SECONDLY** for the Settlement and Determination of the Extent Limits and Boundarys, of the said Province and Countys **THIRDLY** for the appointment of Governors Deputy Governors or Lieutenant Governors and any other Officers whatsoever of the said province and Countys, **FOURTHLY**, for the Carrying on and Exercising of the Governments Franchises and Jurisdictions in the same **FIFTHLY** for the making and concluding of any sort of Treatys or Agreements either with the Native Indians in those parts or with any other persons whom it might concern **AND SIXTHLY**, for the performance of every other great and General matter power Authority and Jurisdiction Granted by the Crown within the same Province and Countys, or any of them and which might upon any publick occasion be proper or fitting to be done for the General Service and Benefit of the said Province and

Countys, AND THAT AND THOSE in as full perfect absolute and effectual manner as if such possessor for the time being of the said several and respective Quarter parts of the said Province and Countys was the absolute and perfect owner and proprietor of his or their respective Quarter part or Quarter parts in Fee Simple; But all such Acts Deeds Matters and Things should be done by such possessor of each such respective Quarter part concurrently with the like Acts Deeds Matters and Things to be done by the possessor for the time being of the said then late John Penn's Moiety of the same Province and Countys only and not otherwise; AND the said parties to the said then present Articles of Agreement did thereby Ratifye corroborate and confirm the said former thereinbefore recited Articles of Agreement and every Clause Declaration provisoe and Agreement therein contained and every part and Branch of every Clause Declaration provisoe and Agreement therein contained in so farr and so much of the same as the same were agreeable to and consistent with and not contrary or repugnant to or derogatory of or inconsistent with the agreements in the said then present Articles contained or any of them but no further or otherwise UNDER a proviso Declaration and Agreement therein contained that it should and might be lawfull to and for the said parties thereto at any time during their Joint Lives by any Writing under their hands and Seals attested by three or more Credible Witnesses to revoke determine and make void the said then present Articles and all and every or any the Clauses provisoes and Agreements therein contained any thing therein to the contrary thereof in anywise notwithstanding; But so as not to prejudice, any provision Devise Charge or Appointment which might have been thentofore made in pursuance of the said then present Articles of Agreement, And it was recited in the same Articles of Agreement that the said William Penn, the late Father of the parties to those then present Articles and Hannah Penn the late Mother of the said parties after the decease of their said Father) and (since her decease) the said then late John Penn and the said Thomas Penn and

Richard Penn (the Father) had from the Month of October or November One thousand Six hundred and Eighty Two been in the constant and continual possession of, and exercised the Government over the said three lower Countys of Newcastle Kent and Sussex; The same being held under Grants from the Crown to the late Duke of York; under Feoffments made and executed with Livery and Seizin from the Duke of York, to the said William Penn, in the Year One thousand Six hundred and Eighty two under the said Duke of Yorks Covenants for further assurance under one or more other Grant or Grants of the same made by the Crown, to the said Duke of York; and that the said three lower Countys made a very necessary appendix, to the Province of Pensilvania and had always since the time, there above mentioned, gone along with and been considered as part of the Family Estate in America; and that each person Intitled to any share in the said Province of Pensilvania had all along been considered, as Intitled to the like Share and proportion of and in the said three lower Counties also; And accordingly had in such Share and proportion contributed to the very great expences which the Family had been exposed to, in order to preserve the possession of the said three lower Countys and to fix and Settle the boundarys thereof, and in Suits and Contests with the Lord Baltimore (who sett up some pretence to the same) and many other ways relating thereto, and that great part of the said Suits and Contests and Expenses, had been occasioned under pretence of there being some formal Imperfections in the title of the said three lower Countys, and that therefore the partys to the said then present Articles did intend to endeavour to have the same cured, and made perfect by some Grants or Confirmations of the said three lower Counties, AND IT WAS thereby further agreed between the parties thereto in manner as aforesaid, That in Case at any time or times thereafter any new Grant Title or Confirmation of the said three lower Counties, or any of them or of any part of any of them should be any way obtained either from the Crown or from any other person or persons whatsoever every or any such new Grant Title or Confirmation notwithstanding

the same should be thereafter obtained and notwithstanding any form of words which might be made use of, or contained therein, should in no case be considered as a new purchase or acquisition to be then made or obtained, or so as to go, belong, remain or descend, in any other or different manner or proportions, than the same had to that time gone but should be considered (as between the parties thereto and their Heirs) merely as a Confirmation of the former Old Title and possession and always to go belong remain and descend to, the same persons only and no others and in the same respective Shares parts and proportions as if the same had been compleatly and perfectly Granted thentofore in the year One thousand Six hundred and eighty two and the several persons Intitled to Shares and proportions in the Province of Pensilvania should always be intituled to exactly the same Shares and proportions in the said three lower Countys as by the said last in part recited Articles of Agreement which were duly Enrolled in his Majestys High Court of Chancery on or about the twenty first day of March One thousand Seven hundred and fifty (amongst divers other Clauses Matters and things therein contained) relation being thereunto had may more fully and at large appear AND WHEREAS in and by certain other Articles of Agreement Indented bearing date on or about the twentieth day of March which was in the said Year of our Lord One thousand Seven hundred and fifty and made between the said Thomas Penn of the one part and the said Richard Penn (the Father) of the other part AFTER Reciting as therein is recited IT WAS WITNESSED that each of the said parties thereto for himself his Heirs Executors and Administrators did thereby Covenant Promise Grant declare and Agree to and with the other of the parties thereto and to and with his Heirs Executors and Administrators That for and notwithstanding any Clause Covenant Declaration Agreement Expression matter or thing in both or in either of the said former Articles of Agreement (therein and hereinbefore mentioned) expressed mentioned or contained each of the said partys to the said Articles of Agreement of the twentyeth of March One



thousand Seven hundred and fifty, severally and respectively should and lawfully might by any his last Will Deed Settlement or in any other lawful manner dispose of, devise or settle, his own respective Quarter part of the said premises, to all of his own Issue Female (if any such he should have) in preference and to take before all or any Female Issue of the other party thereto; AND THAT in Case the one of the parties thereto (who should dye before the other of them) should leave no Issue Male of his own Body but should leave any Issue Female Or in case the one of the parties thereto (who should dye before the other of them should leave Issue Male, But all such Issue Male should afterwards fail and should also leave or have any Issue Female Then and in either and in any such Case the party thereto so first dying immediately after limitting an Estate for life of and in his Quarter part to the Survivor of the partys thereto, with an Estate to Trustees during his life to preserve contingent Remainders and limitting successive Estates to the Son and Sons of the Survivor of the parties thereto (if any such Son or Sons there should be) for his and their several and respective lives, with Estates to trustees during his and their several and respective lives to preserve Contingent Remainders and limitting several and successive Estates in Tail Male to the Issue Male of such Son and Sons should and might limit the next Remainders of his Quarter part of the premises to the Heirs of the Body of the party thereto, so first dying in such manner as to preferr all the Issue Female of the said party thereto so first dying before any of the Female Issue of the Survivor of them with respect to each of the said parties own respective Quarter parts of the said premises AND the said parties thereto and each of them did in Virtue of all Estates Rights Powers and authoritys them and each of them respectively thereto Enabling thereby revoke annul and make void both and each of the said former Articles of Agreement in so far and so much of the same as was any way contrary to or inconsistent with those then present Articles of Agreement and the matters thereby agreed upon Thereby Confirming the residue of the said former Articles



of Agreement of the Year One thousand Seven hundred and thirty two in such manner as they stood varied and altered by the said former Articles of Agreement of the month of January last past and also confirming the said Articles of Agreement of the Month of January last past in so farr and so much of the same as was agreeable to and consistent with those then present Articles and the Agreements therein contained under a provisoe or Condition therein contained that it should and might be lawfull to and for the said parties thereto Jointly at any time or times and from time to time during their joint Natural lives by any Deed Instrument or Writing Deeds Instruments or Writings to be for that purpose by them Signed Sealed and Delivered in the presence of three or more Credible witnesses to revoke and annull those then Present Articles of Agreement and the Agreements therein contained and every or any particular part or parts of the same and also to revoke and annull the said Articles of Agreement of the month of January last past and every or any particular part or parts of the same and likewise to revoke and annull the said Articles of Agreement of the Year One thousand Seven hundred and thirty two and every or any particular part or parts of the same and by the same or any other Deed Instrument or Writing Deeds Instruments or Writings, to conclude upon and establish such other Agreements relating to their respective Quarter parts of the said Province and three lower Countys and premisses as to them should seem meet, those presents or any matter or thing therein contained to the contrary thereof in any wise notwithstanding but so as not to prejudice any provision Devise Settlement or Appointment which might have been by either of the said parties thereto made in pursuance of those then present Articles before the time of any such revocation ; as by the said last in part recited Articles of Agreement which were Duly Enrolled in his Majesties High Court of Chancery on or about the Eighteenth day July One thousand Seven hundred and fifty one relation being thereunto had may appear AND WHEREAS a Marriage is agreed upon and intended to be soon had and Solemnized,

between the said Thomas Penn and Lady Juliana Farmor  
 Now THIS INDENTURE WITNESSETH that for and in considera-  
 tion of the said intended Marriage (and of the Sum of Five  
 thousand pounds of lawfull money of Great Britain the fortune  
 and Marriage portion of the said Lady Juliana Farmor paid  
 and secured to be paid respectively by the said Thomas Earl of  
 Pomfret to such persons and to be applyed and disposed of for  
 such purposes and in such manner as in and by one Indenture  
 Tripartite bearing even date with these presents and made or  
 mentioned to be made between the said Thomas Earl of Pom-  
 fret and the said Lady Juliana Farmor of the first part the  
 said Thomas Penn of the second part and the Honourable  
 William Murray Esquire his Majestys Sollicitor General and  
 William Vigor of Taploe in the County of Buckingham  
 Esquire of the third part are in that behalf mentioned provided  
 agreed and declared; and for Settling and securing a Jointure  
 or provision for or towards the maintenance and support of the  
 said Juliana Farmor In Case the said intended Marriage shall  
 take effect, and she shall happen to survive the said Thomas  
 Penn her intended Husband in such manner as is hereinafter  
 mentioned and for Settling Limitting Conveying and Assuring  
 the Undivided fourth part or Quarter part of him the said  
 Thomas Penn of and in the said Province and three lower Coun-  
 tys and of and in the Governments Franchises Royalties Juris-  
 dictions Privileges Lands Tenements Quit Rents other Rents  
 and Hereditaments mentioned and described in the said several  
 recited Articles or some of them and by Virtue and in pursu-  
 ance of, and in conformity to, and according to the tenor and  
 true meaning of the same and so as that the same undivided  
 fourth part and premisses may continue in the Name Blood and  
 Family of the said Thomas Penn, so long as it shall please  
 Almighty God, and in such manner, as nearly as may be, that  
 such fourth part may go along with, and be held and enjoyed  
 by, the same person and persons from time to time, as shall for  
 the time being be Intitled unto the moiety late of the said Testator  
 John Penn, and, may go remain and enure, and be held and

enjoyed, To for upon and Subject to the several Uses Estates  
 Trusts Powers Provisoos Conditions Restrictions Limitations  
 Declarations and Agreements hereinafter for those purposes  
 severally and respectively limited provided Expressed and  
 declared of and concerning the same and also for and in con-  
 sideration of the Sum of Ten Shillings of lawfull money of  
 Great Britain to the said Thomas Penn by the said David Bar-  
 clay and Thomas Hyam in hand paid at or before the Enseal-  
 ing and Delivery of these presents the receipt whereof is  
 hereby acknowledged and for divers other good and Valuable  
 Causes and Considerations, the said Thomas Penn hereunto  
 especially moving HE the said Thomas Penn HATH Granted  
 Bargained Sold Aliened Released and Confirmed and by these  
 presents DOTH fully clearly and absolutely Grant Bargain Sell  
 Alien Release and Confirm unto the said David Barclay and  
 Thomas Hyam (in their actual possession of the said Undivided  
 fourth part or Quarter part now being by Virtue of a Bargain  
 and Sale to them thereof made by the said Thomas Penn for  
 one year in Consideration of Five Shillings by Indenture bear-  
 ing date the day next before the day of the date of these pre-  
 sents and by force and Virtue of the Statute for transferring  
 into possession) and to their Heirs and Assigns ; ALL THAT the  
 Undivided fourth part or Quarter part of him the said Thomas  
 Penn of and in the said Province of Pensilvania and of the said  
 three Lower Countys of Newcastle Kent and Sussex upon  
 Delaware in America and of the Lands Tenements Quit Rents  
 Other Rents Hereditaments Royaltys Franchises Jurisdictions  
 Privileges and Appurtenances any way belonging to the same  
 Province and Countys and every or any of them and of the Royal  
 Franchise of the Government of the same Province and of the  
 Government of the same three lower Countys with their and each  
 and every of their Rights Members Incidents and Appurtenances  
 AND the Reversion and Reversions Remainder and Remain-  
 ders Yearly and other rents issues and profits of all and singular  
 the said premisses And all the Estate Right Title Interest In-  
 heritance Use Trust Possession Property Power Claim and Demand

of the said Thomas Penn in and to the same (EXCEPT nevertheless out of the Grant and Release hereby made All such private and particular Tracts or Lotts of Land and other Tenements and Hereditaments as were allotted to purchased by conveyed to or vested in the said Thomas Penn or any person or persons IN TRUST for him and which are held and enjoyed by him in his private Right or capacity) and not as one of the proprietars of the said Province of Pensilvania TO HAVE AND TO HOLD the said One Undivided Fourth part or Quarter part and all and singular other the premisses hereby Granted and Released or mentioned or intended to be hereby Granted and Released with their and every of their Appurtenances (Except as before is Excepted) unto the said David Barclay and Thomas Hyam their Heirs and Assigns TO AND FOR the several Uses Intents and Purposes and Subject to the several Trusts Provisoos Conditions Powers Limitations Restrictions Declarations and Agreements hereinafter mentioned Limited Declared or Expressed of and concerning the same that is to say, TO THE USE and behoofe of the said Thomas Penn his Heirs and Assigns untill the said Intended Marriage between the said Thomas Penn and the said Lady Juliana Farmor shall be had and Solemnized. AND immediately from and after the Solemnization of the said Marriage TO THE USE and behoof of the said Thomas Penn and his assigns for and during the term of his natural life without Impeachment of or for any manner of waste whatsoever AND from and after the determination of that Estate TO THE USE and behoofe of the said David Barclay and Thomas Hyam and their Heirs during the natural life of the said Thomas Penn Upon Trust only to support and preserve the Contingent Uses and Estates thereof hereinafter Limited from being barred destroyed or discontinued and for that purpose to make Entrys and bring Actions as occasion shall require but nevertheless to Permit and Suffer the said Thomas Penn and his Assigns to have receive and take the rents issues and profits of all and singular the same premisses to his and their own Use and Uses during the term of his natural life AND from and after the decease of the

said Thomas Penn THEN AS TO for and concerning the said undivided fourth part of the said Province of Pensilvania and the Lands Tenements Hereditaments Quit Rents and other Rents and Hereditaments of and belonging to and arising within the same only TO THE USE intent and purpose that the said Lady Juliana Farnor and her Assigns shall and may immediately after the decease of the said Thomas Penn have receive take and enjoy for and during the term of her natural life either the annual Rent or Yearly Sum of three hundred pounds or the Annual Rent or Yearly Sum of Four hundred pounds or the Annual Rent or Yearly Sum of Five hundred pounds of lawfull Money of Great Britain to be respectively paid in the several Events and on the respective Contingencies hereinafter mentioned that is to say, The Yearly Sum of three hundred pounds only in Case at the time of the death of the said Thomas Penn there shall be Issue Male of the said intended Marriage living or afterwards born alive or there being no such Issue Male there shall be two or more Daughters of the said intended Marriage born in the life time of the said Thomas Penn or after his death respectively who shall both Survive the said Thomas Penn ; And the Annuity or Yearly Sum of four hundred pounds and no more in Case at the time of the death of the said Thomas Penn there shall be no Issue Male of the said intended Marriage living or afterwards born alive and there shall be then only one Daughter of the said Intended Marriage living or afterwards born alive and the Annuity or Yearly Sum of five hundred pounds in Case at the time of the death of the said Thomas Penn there shall be no Issue Male or Female of the said Intended Marriage living or afterwards born alive SUCH Yearly Sum of Three hundred pounds or of Four hundred pounds or of Five hundred pounds so payable respectively in the Events or on the Contingencies hereinbefore respectively mentioned to be payable and paid respectively to the said Lady Juliana or to her Assigns in London by four equal Quarterly payments in every Year without any Deduction or Abatement out of the same for or in respect of any Taxes Charges Assessments Remittance or on any other Account whatsoever and

the first Quarterly payment of the same to be made at the end of three Kalendar Months to be computed from the day of the decease of the said Thomas Penn and so to continue payable and be paid at the end of every three Kalendar Months then Ensuing, for and during the natural Life of the said Lady Juliana Farmor AND IT is hereby agreed and declared that such Yearly Sum as in the Events or on the Contingencies hereinbefore mentioned shall be payable to the said Lady Juliana Farmor for the time being shall be in recompence Satisfaction and Barr of all Dower and thirds which She the said Lady Juliana can or may claim demand or be Intitled to, of in to or out of all and every or any Franchises Lands Tenements Hereditaments or Real Estate whereof or wherein or whereunto the said Thomas Penn now is or at any time during the coverture between him and the said Lady Juliana shall be seized of or for any Estate of Inheritance AND IT is hereby Agreed and declared and the said Thomas Penn for himself and his Heirs doth hereby Grant to and with the said David Barclay and Thomas Hyam and their Heirs that In Case such of the said Annual Rents or Yearly Sums of three hundred pounds four hundred pounds or five hundred pounds as shall upon the contingencies aforementioned, be payable for the time being shall happen to be behind or unpaid for twenty Eight Days after any of the days hereinbefore Limited or appointed for payment thereof Then and so often and from time to time as it shall so happen It shall and may be lawfull to and for the said Lady Juliana Farmor, or her Assigns into and upon the premisses hereby charged with the Payment of such annual rent, or yearly Sum, respectively, or into and upon any part thereof, to enter and distrain and the Distress and Distresses then and there found to take, carry away and otherwise dispose according to Law, until thereby or therewith or otherwise the said Annual Rent or Yearly Sum thereof and all arrears thereof and and all Costs Charges and Expenses attending such Entry and distress and all damages to be sustained by reason of the nonpayment thereof shall be fully Satisfied and paid; AND ALSO, that if such of

the said annual rents or Yearly Sums of three hundred pounds Four hundred pounds and five hundred pounds as shall upon the Contingencies aforementioned, be payable, for the time being shall happen to be behind and unpaid, for Sixty days after any of the days hereinbefore Limited or Appointed for payment thereof as aforesaid then and so often and from time to time as it shall so happen It shall and may be Lawfull, to and for the said Lady Juliana Farmor and her Assigns into and upon the premisses hereby charged with such annual rent or yearly Sum respectively, to enter and take and receive the Rents Issues and Profits thereof to her and their own use and benefit untill thereby or therewith all arrears of such annual rent then grown due or that during such possession shall grow due and all Costs Charges and Expenses, attending such Entry upon and perception of the Rents and Profits of the same premisses; And all damages that she or they shall then have had or sustained, by reason of the nonpayment thereof, shall be fully paid and Satisfyed AND AS TO FOR and concerning the said undivided fourth part of the Province of Pensilvania, and all other the premisses hereby charged with the said Annual Rent or Yearly Sum of three hundred pounds or the said annual rent or Yearly Sum of four hundred pounds or the said Annual Rent or Yearly Sum of Five hundred pounds, respectively, for the time being, as aforesaid, immediately after the decease of the said Thomas Penn, BUT Subject nevertheless to such of the said Annual Rents, as shall be payable for the time being on the Contingencies aforesaid, and to the Remedies and Powers hereby given and Granted for Securing and Recovering the same To THE USE of the said David Barclay and Thomas Hyam their Executors Administrators and Assigns for and during the term of Two hundred Years, fully to be compleat and ended without Impeachment of or for any manner of Waste IN TRUST for the better and more effectually Securing the payment of such of the said Annual Rents or Yearly Sums of three hundred pounds four hundred pounds and five hundred pounds respectively as shall, by Virtue of these presents, be payable to her the said Lady Juliana

Farmor for the time being ; AND for that purpose in Case such of the said Annual Rents or Yearly Sums as shall upon the Contingencies aforementioned be payable for the time being shall be behind and unpaid for the three Kalendar months after any of the days and times hereinbefore, limited or appointed for payment thereof as aforesaid then and in every such Case from time to time as it shall so happen it shall and may be lawful to and for the said David Barclay and Thomas Hyam or the Survivor of them, or the Executors or Administrators of such Survivor, by and out of the rents Issues Income and Profits of the premisses comprized in the said term of two hundred Years or by Mortgage or Demise of a competent part thereof for all or any part of the said term or by bringing Actions, against any of the Tenants or Occupiers of the same premisses for Recovery of the Rents then in Arrear or by all or any the ways and means hereinbefore mentioned to levy raise and pay such arrears of such of the said Annual Rents or Yearly Sums so payable to the said Lady Juliana Farmor, for the time being as shall from time to time be due and unpaid together with all such Damages, Costs, Charges and Expenses as she the said Lady Juliana and the Trustee or Trustees of the said term of two hundred Years for the time being their respective Executors Administrators or Assigns shall expend sustain or be put unto for or by reason of the nonpayment thereof or otherwise in the Execution of the Trusts of the said term AND IT is hereby agreed and declared that the said David Barclay and Thomas Hyam and the Survivor of them and the Executors or Admor's of such Survivor do and shall permit and suffer the residue and Surplus of the rents Issues Income and profits of the premisses comprized in the said term of two hundred Years which shall remain after, and shall not be applyed in, for or towards the Execution and performance of the trusts of the said term to be had received and taken by the person or persons to whom the Reversion or Remainder of the premisses ; immediately expectant on the determination of the said term, shall for the time being belong or appertain PROVIDED ALWAYS And it is hereby agreed



and declared by and between the parties to these presents that immediately after the decease of the said Lady Juliana Farmor and payment of all arrears of such of the said Annual Rents, or Yearly sums of three hundred pounds four hundred pounds and five hundred pounds as shall be payable to her, for the time being and when and as all the trusts hereinbefore declared of the said term of Two hundred Years, shall be executed and performed or become Unnecessary, and the Costs and Charges of the said David Barclay and Thomas Hyam their Respective Executors Administrators or Assignes, in and about the Execution and performance of the same Trusts Paid and Satisfyed, the said Term of two hundred Years shall cease and determine to all intents constructions and purposes whatsoever as if the same had never been raised or created AND AS TO for and concerning the said undivided fourth part of the said Province of Pennsylvania and the Quit Rents Other Rents Issues and Profits of the same and all other the premisses mentioned to be hereby Granted and Released immediately after the determination of the several Uses Estates and Limitations hereinbefore thereof respectively limitted created and declared and as the same Uses and estates shall respectively end and determine TO THE USE and behoof of the first Son of the Body of the said Thomas Penn on the Body of the said Lady Juliana his Intended Wife to be begotten and the Heirs Male of the Body of such first Son lawfully Issuing AND for default of such Issue TO THE USE and behoof of the Second third Fourth fifth and all and every other the Son and Sons of the Body of the said Thomas Penn on the Body of the said Lady Juliana his intended Wife to be begotten severally successively and respectively as they and every of them shall be in Priority of Birth and Seniority of Age and the several Heirs Male of the respective Body and Bodys of each and every such Son and Sons lawfully Issuing The Elder of the same Sons and the Heirs Male of his Body being always preferred and to take before the Younger of the same Sons and the Heirs Male of his or their Body or Bodys And for default of such Issue TO THE USE and behoofe of the first Son of

the Body of the said Thomas Penn on the body of any other Woman (whom he shall Marry after the death of the said Lady Juliana) lawfully to be begotten and the Heirs Male of the Body of such first Son And for default of such Issue To THE USE and behoofe of the Second third fourth fifth and all and every other the Son and Sons of the Body of the said Thomas Penn on the Body of any such after taken Wife as aforesaid lawfully to be begotten severally successively and respectively as they and every of them shall be in priority of birth and Seniority of Age and the several Heirs Male of the respective Body and Bodys of each and every such Son and Sons lawfully Issuing The Elder of the same Sons and the Heirs Male of his Body being always preferred and to take before the Younger of the same Sons and the Heirs Male of his or their Body or Bodys, And for default of such Issue To THE USE and behoof of the said Richard Penn (the only Surviving Brother of the said Thomas Penn) for and during the term of his natural life without Impeachment of or for any manner of waste whatsoever And from and after the determination of that Estate To THE USE and behoof of the said David Barclay and Thomas Hyam and their Heirs during the natural Life of the same Richard Penn UPON TRUST only to Support and Preserve the Contingent Uses and Estates thereof hereinafter Limited from being barred destroyed or discontinued, and for that purpose to make Entries and bring Actions as occasion shall require but nevertheless to Permit and Suffer the same Richard Penn and his Assignes to have receive and take the Rents Issues and Profits of all and singular the same premisses to his and their own Use and Uses during the term of his natural Life: And from and after the decease of the same Richard Penn then To THE USE and behoof of the said John Penn (Eldest Son of the same Richard Penn and Nephew of the said Thomas Penn) for and during the term of his natural life without Impeachment of or for any manner of waste whatsoever And from and after the determination of that Estate To THE USE and behoof of the said David Barclay and Thomas Hyam, and their Heirs during the natural life of the same last mentioned John Penn upon Trust by the ways and

means hereinbefore mentioned to support and preserve the contingent Remainders But nevertheless to permit and suffer the same last mentioned John Penn and his Assigns to have receive and take the Rents Issues and Profits of all and singular the same premisses to his and their own Use and Uses during the term of his natural life; And from and after the decease of the same last mentioned John Penn Then To THE USE and behoof of the first Son of the body of the same John Penn lawfully begotten or to be begotten and the Heirs Male of the Body of such first Son lawfully Issuing; And in default of such Issue Then To THE USE and behoof of the Second third Fourth Fifth and all and every other Son and Sons of the body of the same John Penn lawfully to be begotten severally and Successively, the one after the other as they shall in Priority of Birth and Seniority of Age and the several Heirs Male of the several and respective Body and Bodys of all and every such Son and Sons respectively the Elder of such Sons and the Heirs Male of His Body being always preferred and to take before the Younger of the same Sons and the Heirs Male of his or their Body or Bodys; and in Default of such Issue Then To THE USE and behoofe of the before named Richard Penn (Second Son of the said Richard Penn, the Father and Nephew of the said Thomas Penn) for and during the term of his natural life without Impeachment of or for any manner of waste whatsoever and from and after the determination of that Estate, To THE USE and behoofe of the said David Barclay and Thomas Hyam and their Heirs during the natural life of the same Richard Penn (the Son) upon Trust by the ways and means aforementioned, to Support and Preserve the Contingent Remainders But nevertheless to permit and suffer the same Richard Penn (the Son) and his Assigns; to have receive and take, the Rents Issues and Profits of all and singular the same premisses to his and their own Use and Uses during the term of his natural life And from and after the decease of the same last mentioned Richard Penn (the Son) Then To THE USE and behoofe of the first Son of the Body of the same Richard (the Son) Lawfully

to be begotten and the Heirs Male of the body of such First Son, lawfully Issuing ; And In Default of such Issue, Then To THE USE and behoofe of the Second Third Fourth Fifth and all and every other Son and Sons of the Body of the same Richard Penn, (the Son) lawfully to be begotten severally and successively The one after the other as they shall be in Priority of Birth and Seniority of Age and the several Heirs Male of the several and respective Body and Bodys of all and every such Son and Sons respectively The Elder of such Sons and the Heirs Male of his Body being always preferred and to take before the Younger of the same Sons and the Heirs Male of his or their Body or Bodys ; And in default of such Issue, Then To THE USE and behoof of William Penn [Third Son of the said Richard Penn (the Father) and Nephew of the said Thomas Penn] and the Heirs Male of his Body And in Default of such Issue, Then To THE USE and behoofe of all and every other the Son and Sons of the Body of the said Richard Penn (the Father) lawfully begotten, or to be begotten and hereafter to be born severally and successively the one after the other as they shall be in Priority of Birth and Seniority of Age and the Several Heirs Male of the several and respective Body and Bodys of all and every such Son and Sons respectively The Elder of such Sons and the Heirs Male of his Body being always preferred and to take before the Younger of the same Sons and the Heirs Male of his or their Body or Bodys And in default of all such Issue Male, as aforesaid Then To THE USE and behoof of the Heirs of the Body of the said Thomas Penn, And in default of such Issue Then To THE USE and behoof of the Heirs of the Body of the said John Penn (Eldest Son of the said Richard Penn the Father) And in default of such Issue Then To THE USE and behoof of the Heirs of the Body of the said Richard Penn (Second Son of the said Richard Penn the Father) And in default of such Issue Then To THE USE and behoofe of the Heirs of the Body of the said William Penn (third Son of the said Richard Penn the Father) And in default of such Issue Then To THE USE and behoof of the Heirs of the Body and Bodys of

all and every other the Son and Sons of the Body of the said Richard Penn (the Father) hereafter to be born severally successively and respectively the Heirs of the Body of every elder of such Sons to be always preferred and to take before the Heirs of the Body of the Younger of such Sons and in default of such Issue Then To THE USE and behoofe of Hannah Penn (at present the only Daughter of the said Richard Penn the Father) for and during the term of her natural life; without Impeachment of or for any manner of waste whatsoever AND from and after the Determination of that Estate To THE USE and behoof of the said David Barclay and Thomas Hyam and their Heirs during the Natural life of the same Hannah Penn Upon Trust by the ways and means hereinbefore mentioned only to Support and Preserve the Contingent Remainders but nevertheless to permit and suffer the said Hannah Penn and her Assigns to have receive and take the Rents Issues and Profits of all and singular the same premisses to her and their own Use and Uses during the term of her natural life, And from and after the decease of the said Hannah Penn, Then To THE USE and behoofe of the first Son of the Body of the said Hannah Penn lawfully to be begotten and the Heirs Male of the Body of such first Son lawfully Issuing And in default of such Issue Then To THE USE and behoof of the said Second third fourth fifth and all and every other Son and Sons of the Body of the said Hannah Penn lawfully to be begotten severally successively and respectively the one after the other as they shall be in Priority of Birth and Seniority of Age and the several Heirs Male of the several and respective Body and Bodys of all and every such Son and Sons respectively the Elder of such Sons and the Heirs Male of his Body being always preferred and to take before the Younger of the same Sons and the Heirs Male of his Body or Bodys And in default of such Issue Then To THE USE and behoofe of the Heirs of the Body and respective Bodys of the first second third and all and every other the Son and Sons of the Body of the said Hannah Penn lawfully to be begotten severally and successively, The Heirs of the Body of every elder of such Sons

being always preferred and to take before the Heirs of the Body of the Younger of the same Sons And in default of such Issue, Then To THE USE and behoofe of the Heirs of the Body of the said Hannah Penn; And in default of such Issue, Then To THE USE and behoofe of the Heirs of the Body of the said Richard Penn (the Father) And in default of such Issue, Then To THE USE and behoofe of Philadelphia Hannah Freame; (Daughter and only Child of the said Margaretta Freame, deceased late Sister of the said Thomas Penn) for and during the term of the natural life of the said Philadelphia Hannah Freame without Impeachment of or for any manner of waste whatsoever AND from and after the determination of that Estate Then To THE USE and behoof of the said David Barclay and Thomas Hyam and their Heirs during the natural life of the said Philadelphia Hannah Freame Upon Trust by the ways and means aforementioned to preserve the contingent remainders but nevertheless to permit and suffer the said Philadelphia Hannah Freame and her Assignes to have receive and take the rents issues and profits of all singular the said yremisses to her and their own Use and Uses during the term of her natural Life; And from and after the decease of the said Philadelphia Hannah Freame Then To THE USE and behoofe of the first Son of her Body lawfully to be begotten and the Heirs Male of the Body of such first Son lawfully Issuing, And in default of such Issue; Then To THE USE and behoofe of the Second third fourth fifth and all and every other Son and Sons of the Body of the said Philadelphia Hannah Freame lawfully to be begotten severally and successively The one after the other as they shall in Priority of Birth and Seniority of Age and the several Heirs Male of the several and respective Body and Bodys of all and every such Son and Sons respectively the elder of such Sons and the Heirs Male of his Body being always preferred and to take before the younger of the same Sons and the Heirs Male of his or their Body or Bodys And in default of such Issue, Then To THE USE and behoofe of the Heirs of the Body and respective Bodys of the first second third and all and every other the Son and Sons of

the body of the said Philadelphia Hannah Freame lawfully to be begotten severally and successively the Heirs of the Body of every Elder of such Sons being always preferred and to take before the Heirs of the body of the Younger of the same Sons. And in default of such Issue Then To THE USE and behoof of the Heirs of the body of the said Philadelphia Hannah Freame, And in default of such Issue, Then To THE USE and behoof of Springett Penn (Great Nephew, of the half Blood, of the said Thomas Penn) for and during the term of his natural Life, without Impeachment of, or for any manner of waste whatsoever, And from and after the Determination of that Estate Then To THE USE and behoof of the said David Barclay and Thomas Hyam, and their Heirs, for and during the natural life of the said Springett Penn Upon Trust by the ways and means hereinbefore mentioned to support and preserve the contingent Remainders but nevertheless to permit and suffer the said Springett Penn and his Assignes to have receive and take the rents Issues and Profits of all and singular the same premisses to his and their own Use and Uses during the term of his natural life, AND from and after the decease of the said Springett Penn, Then, To THE USE and behoof of the first second third and all and every other the Son and Sons of the Body of the said Springett Penn lawfully to be begotten severally and successively The one after the other as they shall be in Priority of Birth and Seniority of Age and the Heirs Male of the Body and Bodys of such Son and Sons respectively The Elder of such Sons and the Heirs Male of his Body being always preferred and to take before the younger of the same Sons and the Heirs Male of his or their Body or Bodys And in default of such Issue Then To THE USE and behoof of the Heirs of the Body and respective Bodys of the first Second third and all and every other the Son and Sons of the Body of the said Springett Penn lawfully to be begotten severally and successively and in remainder The Heirs of the body of every Elder of such Sons being always preferred and to take before the Heirs of the Body of the Younger of the same Sons And in default of such Issue



Then To THE USE and behoofe of the Heirs of the Body of the said Springett Penn And in default of such Issue Then To THE USE and behoofe of Christiana Gulielma Penn (the half Sister of the said Springett Penn) for and during the term of her natural life without Impeachment of or for any manner of waste whatsoever And from and after the determination of that Estate Then To THE USE and behoofe of the said David Barclay and Thomas Hyam and their Heirs during her natural life, upon Trust by the ways and means aforementioned to support and preserve the contingent remainders but nevertheless to permit and suffer the said Christiana Gulielma and her Assignes to have receive and take the rents issues and profits of all and singular the same premisses to her and their own use and Uses during the term of her natural life; and from and after her decease Then To THE USE and behoofe of the first second third and all and every other the Son and Sons of her Body lawfully to be begotten severally and successively and in remainder the one after the other as they shall be in Priority of Birth and the several and respective Heirs Male of the Body and Bodys of such Son and Sons respectively The Elder of such Sons and the Heirs Male of his Body being always preferred and to take before the Younger of the same Sons and the Heirs Male of his or their Body or Bodys And in default of such Issue Then To THE USE and behoof of the Heirs of the Body and respective Bodys of the first Second third and all and every other the Son and Sons of the Body of the said Christiana Gulielma Penn lawfully to be begotten severally and successively the Heirs of the Body of every elder of such Sons being always preferred and to take before the Heirs of the Body of the Younger of the same Sons And in default of such Issue Then To THE USE and behoofe of the Heirs of the Body of the said Christiana Gulielma Penn And in default of such Issue Then To THE USE and behoofe of Robert Edward Fell, (the only Son now living of Gulielma Maria Fell deceased) for and during the term of his natural Life without impeachment of or for any manner of waste whatsoever; And from and after the determination of that Estate



Then To THE USE and behoofe of the said David Barclay and Thomas Hyam and their Heirs during the natural life of the said Robert Edward Fell Upon Trust by the ways and means hereinbefore mentioned to support and preserve the contingent remainders but nevertheless to permit and suffer the said Robert Edward Fell and his Assigns to have receive and take the rents Issues and Profits of all and singular the same premisses to his and their own use and uses during the term of his natural life And from and after the decease of the said Robert Edward Fell Then To THE USE and behoof of the first Second third and all and every other the Son and Sons of the Body of the said Robert Edward Fell lawfully to be begotten and the Heirs Male of their severall and respective body and bodys severally and successively the one after the other, as they shall be in Priority of Birth and Seniority of Age, The Elder of such Sons and the Heirs Male of his Body being always preferred and to take before the Younger of the same Sons and the Heirs Male of his or their Body or Bodies, And in default of such Issue Then To THE USE and behoof of the Heirs of the Body and respective Bodys of the first Second third and all and every other the Son and Sons of the Body of the said Robert Edward Fell lawfully to begotten severally and successively and in remainder The Heirs of the Body of every elder of such Sons being always preferred, and to take before the Heirs of the Body of the Younger of the same Sons And In default of such Issue, Then To THE USE and behoof of the Heirs of the Body of the said Robert Edward Fell and in default of such Issue Then To THE USE and behoof of Mary Margaretta Baron (Eldest Daughter now living of the said late Gulielma Maria Fell and now the Wife of John Barron, of Leeds) for and during the term of her natural life without impeachment of or for any manner of waste whatsoever And from and after the determination of that Estate Then To THE USE and behoof of the said David Barclay and Thomas Hyam and their Heirs, for and during the Natural life of the said Mary Margaretta upon Trust by the ways and means hereinbefore mentioned to Support and Preserve the contingent Re-

mainders but nevertheless to Permit and Suffer the said Mary Margaretta and her Assignes to have receive and take the rents Issues and profits of all and singular the same premisses to her and their own use and Uses during the term of her natural Life, And, from and after the decease of the said Mary Margaretta Then To THE USE and behoof of the first second third and all and every other the Son and Sons of the body of the said Mary Margaretta lawfully begotten or to be begotten severally and successively, the one after the other as they shall be in Priority of Birth and the several and respective Heirs Male of the Body and Bodys of such Sons respectively every elder of such Sons and the Heirs Male of his Body being always preferred and to take before the Younger of the same Sons and the Heirs Male of his or their Body or Bodys And in default of such Issue Then To THE USE and behoof of the Heirs of the Body and respective Bodys of the first second third and all and every other the Son and Sons of the Body of the said Mary Margaretta, lawfully to be begotten and severally and successively the Heirs of the Body of every elder of such Sons, being always preferred and to take before the Heirs of the Body of the Younger of the same Sons And, in default of such Issue Then To THE USE and behoofe of the Heirs of the Body of the said Mary Margaretta Barron And in default of such Issue Then To THE USE and behoofe of Gulielma Maria Frances Newcomb, (the only other Daughter now Living of the said late Gulielma Maria Fell and at present the Wife of John Newcomb Clerk) for and During the term of her natural life without impeachment of or for any manner of waste whatsoever And from and after the determination of that Estate Then To THE USE and behoofe of the said David Barclay and Thomas Hyam, and their Heirs, for and during the natural life of the said Gulielma Maria Frances Newcomb In Trust by the ways and means hereinbefore mentioned to Support and Preserve the contingent remainders but nevertheless to permit and suffer the said Gulielma Maria Frances and her Assignes to have receive and take the rents Issues and profits of all and singular the same premisses to her and their own use and Uses during the

term of her natural life, And from and after the decease of the said Gulielma Maria Frances, Then To THE USE and behoofe of the first second third and all and every other the Son and Sons of the Body of the said Gulielma Maria Frances Newcomb lawfully begotten or to be begotten severally and successively The one after the other as they shall be in Priority of Birth and the Heirs Male of the Body and respective Bodies of such Sons Issuing Every Elder of such Sons, and the Heir Male of his Body being always preferred and to take before the Younger of the same Sons, and the Heirs Male of his Body And in default of such Issue Then To THE USE and behoofe of the Heirs of the Body and respective Bodies of the First Second third and all and every other the Son and Sons of the Body of the said Gulielma Maria Frances lawfully to be begotten severally and successively the Heirs of the Body of every Elder of the said Sons being always preferred and to take before the Heirs of the Body of the younger of the same Sons And in default of such Issue Then To THE USE and behoofe of the Heirs of the Body of the said Gulielma Maria Frances And in Default of all such Issue Then the Remainder in Fee, To THE USE and behoofe of the Right Heirs of the said Thomas Penn for ever, PROVIDED ALWAYS And it is hereby agreed and declared by and between the parties to these presents and the true intent and meaning of them and of these presents is that In Case by the Determination of all the Particular Uses Estates and Limitations hereby Limited Created and Declared of and concerning the premisses mentioned to be hereby Granted and Released which are precedent or preferred to the Reversion or Remainder in Fee Simple Limited or reserved to the Right Heirs of the said Thomas Penn as aforesaid The premisses comprized in this present Settlement shall devolve upon come unto or Vest in the Right Heirs of the said Thomas Penn and such Right Heirs shall be two or more Females or in Case by Virtue of or under any the Limitations Estates or Uses hereinbefore settled Limited or Declared unto upon or for the Heirs of the Body of any One or more of the several persons hereinbefore named or described any such Heirs of the Body

of any such person or persons shall be two or more Females Then and in all and every such Case and Cases and so often as ever the same shall happen the first or eldest of such two or more Females, and She only, and Solely and the Heirs of her Body shall take have and enjoy the whole of the said fourth part or Quarter part and all and singular the premisses hereby Granted and Released or intended so to be, to herself alone and to the Heirs of her Body, without partition or division, And on failure of Issue of the first or Eldest of such Females Then the said Fourth part or Quarter part shall in like manner go remain and enure whole and Entire without partition or division, to the Second or next Eldest of such two or more Females and to the Heirs of her Body ; and so from time to time in like manner so often as any such Case shall happen PROVIDED ALSO And It is hereby agreed and declared that the premisses hereby Granted and Released were and are hereby Settled Limited Conveyed and Assured to the several Uses and for the several purposes before mentioned upon this express Condition that every person who by Virtue of and under the Limitations of this present Settlement shall become Intitled unto the said Fourth part or Quarter part and premisses and also every person who shall intermarry with any female who by Virtue of and under the Limitations aforesaid shall become intitled unto the same premisses do and shall from time to time when and as they severally and respectively shall become Intitled to the same in possession take upon them and use the Surname of Penn and that only and no other Surname therewith and shall also bear the Coat Arms of the said Thomas Penn PROVIDED ALSO And upon this Condition nevertheless which is hereby declared and agreed upon by and between the parties to these presents That it shall and may be lawfull to and for the said Thomas Penn at any time and times during his Natural life and also to and for each and every other person who by means of any the Limitations Estates or Uses hereinbefore expressed Settled Limited or declared shall be in possession of the said Fourth part or Quarter part and premisses hereby Granted or intended so to be when sev-

erally successively and respectively in possession of the same premisses to do execute and perform all lawfull Acts Deeds Matters and Things whatsoever necessary for all every or any the severall purposes hereinafter mentioned that is to say FIRST for the Conveying or Granting out, for any Estate or Estates how large soever of any Lands or other Hereditaments whatsoever in the said Province and Countys on reserving in each such Grant or Conveyance of any Lands as much Quit Rent in Proportion and the like Services as have been of late generally reserved on other Lands Granted out by the said Testator John Penn and by the said Thomas Penn and Richard Penn (the Father) unless that it shall be found necessary, for the general Service of the said Province to make or Grant out Lands for any Settlements upon the Frontiers where by means of the great distance, from the then other Inhabitants, the like Quit Rents cannot be reserved as in the more settled parts of the said Province and then and in such Case, for the Conveying and Granting out (for the general Service only and not for the private Utility or Benefit of such possessor or his Family) of any Lands on Reservation of such Rent and Services only, as to the possessor, for the time being shall seem proper ; so as in such last mentioned Cases no fine or purchase money be taken on any such Grant as last mentioned And the Share of all such Quit Rents and Services, to be reserved on every such Grant (in respect of the Quarter part of the said Province and Countys hereinbefore Granted or intended so to be) shall from time to time descend remain and go along with, and be considered as the Rents and Profits of the said Quarter part of the said Province and Countys and of the Estate and Inheritance of the same according to the Limitations Estates or Uses hereinbefore expressed Settled Limited or Declared. BUT all Fines and purchase moneys, to be raised by, or upon such Grants, (in any such Cases where according to the true intent and meaning of these presents any such Fines or purchase moneys may be raised or taken) shall as to the fourth part of the same respectively the Quarter part of the said Province and Counties hereinbefore

Granted or intended so to be belong to the possessor, for the time being of the said Quarter part of the said Province and Counties as his or her own proper money and Estate **SECONDLY** for the Settlement and Determination of the Extent Limits and Boundaries of the said Province and Countys **THIRDLY**, for the appointment of Governors Deputy Governors Lieutenant Governors and any other Officers, whatsoever of the same Province and Countys; **FOURTHLY** for the carrying on and Exercising, of the Governments Franchises and Jurisdictions, in the same: **FIFTHLY**, for the making and concluding of any sort of Treatys either with the Native Indians in those parts or with any other persons whom it may concern; **AND SIXTHLY**, for the performance of every other great and general matter, Power Authority and Jurisdiction Granted by the Crown with the same Province and Counties or any of them and which may upon any Publick Occasion, be proper or fitting to be done for the general Service and benefit of the same Province and Countys **AND** to do execute and perform all such lawfull Acts Deeds Matters and Things whatsoever as aforesaid in as full perfect absolute and effectual manner as if the said Thomas Penn, or such other person possessor for the time being of the said Quarter part of the said Province and Countys hereinbefore Granted, or intended so to be was the absolute and perfect owner and proprietor thereof, in Fee Simple **PROVIDED ALSO**, and upon this Condition nevertheless which is hereby declared and agreed upon by and between the Partys to these presents That it shall and may be lawfull to and for the said Thomas Penn, at any time and Times during his natural life, and also to and for each and every other person who, by means of any the Limitations, Estates or Uses hereinbefore expressed Settled, Limited or Declared; shall be in possession of the said Fourth part or Quarter part of the premisses hereby Granted or intended so to be when in possession of the same Quarter part to do Execute and perform all lawfull Acts Deeds Matters and Things whatsoever in order to the Execution and performance of certain Articles of Agreement, bearing date on or about the tenth day of May, which was in the Year of our

Lord One thousand Seven Hundred and thirty two, made and entered into between Charles Lord Baltimore, (then Proprietor of the Province of Mary Land but now lately deceased) and the said John Penn (since deceased) Thomas Penn and Richard Penn (the Father) and in Order to the making and perfecting any such Conveyances Releases or Assurances, as by the said last mentioned Agreement was or were Covenanted or Agreed to be made by or on the part of the same John Penn Thomas Penn and Richard Penn AND ALSO to Enter into all such Agreements and to do and execute all such matters and things as shall be any way necessary or required to be done by or on the part of his Majesty his Heirs or Successors with respect to the said three lower Countys, or any of the same or any part or parts of any of the same And that all such Acts Deeds Agreements Conveyances Releases Assurances Matters and Things to be done in pursuance of any of the powers and authorities, given by this present provisoe, of what kind sort or nature soever the same may be shall be as Valid, and Effectual to all intents and purposes, to Convey and release, bind assure engage and charge such part and parts of the premisses, hereby Granted, or intended to be, as shall be so Conveyed away, Released engaged assured charged or bound notwithstanding the present Settlement and Limitations of the premisses, by these presents made or any of the same and notwithstanding the several Charges, or Jointures, Term of Years and Trusts thereof hereinbefore mentioned, or any of them, as if these presents had never been made, and as if the said Thomas Penn, or such other person, possessor for the time being of the said Quarter part of the said Province and Countys, hereinbefore Granted, or intended so to be, was the absolute and perfect Owner and proprietor thereof in Fee Simple; AND upon every such Occasion the said David Barclay and Thomas Hyam, as well as the said Lady Juliana, and every other person interested, or to be interested, in any part of the premisses and their several and respective Heirs Executors Administrators Assignes and Trustees shall Instantly upon the first request become partys to and Join in and Execute all and every or any such Acts Deeds Agreements Con-

veyances Releases Assurances Matters and Things in pursuance of the true intent and meaning of this present provisoe, These presents or any thing herein contained to the contrary thereof in any wise notwithstanding AND then, and in such Case all and every the Joynture or Joyntures provision and provisions Term of Years and Trusts thereof hereinbefore charged made raised created Settled Limited Appointed or otherwise expressed shall remain charged upon and shall incumber and affect only the rest, residue, and remainder, of the said Quarter part of the said Province and Countys which shall not be conveyed away released engaged assured charged or bound as aforesaid by Virtue of this present provisoe, and the Powers and authoritys hereby Given; any thing in these presents contained, to the contrary thereof, in any wise notwithstanding. PROVIDED ALSO and upon this Condition nevertheless which is hereby agreed upon, by and between the parties to these presents, That in Case it shall happen, that any new or other Grant Release Assurance Title or Confirmation shall at any time or times hereafter be obtained either from his Majesty his Heirs or Successors, or from the Heirs of, or persons claiming under the said Charles late Lord Baltimore, deceased or from any other person or persons whatsoever or for the said Province of Pensilvania or of or for the said three lower Countys of New Castle, Kent and Sussex or any of them or of or for any part or parts of the same or of any of them Then and in every such Case every such new or other Grant Release Assurance Title or Confirmation shall (as to the fourth part or Quarter part of the said Thomas Penn of and in the same and of and in the benefit and advantage thereof) be to and for the uses intents and purposes, with the powers, and upon and under the trusts Provisoos Limitations Restrictions Declarations and Agreements in these presents mentioned declared limited or expressed in the self same manner, and as fully, to all intents Constructions and purposes whatsoever as if such new or other Grant Release Assurance Title or Confirmation had been obtained made granted executed or conveyed before the time of the ensealing and Delivery of these presents



PROVIDED ALWAYS and it is hereby agreed and declared by and between the parties to these presents that it shall and may be lawfull to and for the said Thomas Penn at any time or times during his life after the decease of the said Lady Juliana Farmor his intended Wife by any Deed or Deeds Writing or Writings to be by him duly executed in the presence of two or more Witnesses to Grant Limit or Appoint unto upon or to the Use of any Woman or Women with whom he shall intermarry after the decease of the said Lady Juliana for and during the life and lives of such Woman and Women respectively for or in the name of her or their Jointure or Jointures and in barr of her or their Dower or Dowers to take effect from and after the death of the said Thomas Penn such annual Sum or Yearly rent charge of lawfull money of Great Britain to be Issuing out of and charged upon the premisses hereby charged with such of the said Yearly Rents or Annual Sums hereby Secured to or for the said Lady Juliana Farmor as shall be payable for the time being or any part thereof free from all deductions and abatements for or in respect of any Taxes charges Assessments Remittance or any other Account whatsoever as is hereinafter mentioned that is to say the Yearly Rent or Sum of three hundred pounds only In Case at the time of the death of the said Thomas Penn there shall be any Issue Male of his Body Lawfully begotten living at the time of his death or afterwards born alive or there being no such Issue Male, there shall be two or more Daughters of the Body of the said Thomas Penn born in his life time or after his death respectively who shall both Survive him Or the Yearly Rent or Sum of Four hundred pounds and no more In Case at the time of the death of the said Thomas Penn there shall be no Issue Male of his Body lawfully begotten living or afterwards born alive and there shall be then only one Daughter of the Body of the said Thomas Penn lawfully begotten, living or afterwards born alive Or the Yearly Sum of Five hundred pounds In Case there shall be no Issue Male or Female of the Body of the said Thomas Penn begotten living at the time of his death or afterwards born alive AND ALSO to Give and Grant such powers of Entry and

distress upon and perception of the Rents and Profits of the premisses, so as to be charged as aforesaid and to Limit a Term of Years of the same premisses for the better and more effectually Securing and Enforcing the payment of such of the said Annual Rents or Yearly Sums, as shall be so Granted Limited or Appointed, as are usual in Cases of Rents Charge; AND IT IS hereby also further agreed provided and declared that in Case the said Thomas Penn shall happen to Live, untill the End or Expiration of Twenty Years to be computed from the thirty First day of January One Thousand Seven hundred and Fifty Then and in such Case, It shall and may be lawfull to and for the said Thomas Penn at any time or times from and after the End of the said twenty Years to be computed as aforesaid to Grant Limit and Appoint such further or additional annual rent or yearly Sum, as by the tenor and true intent and meaning of the said Articles of the thirty First day of January One Thousand Seven hundred and fifty he is impowered to do unto and for the benefit of such Woman as shall then be his Wife or of such other Wife as he shall thereafter marry for and during the Life of any such Woman or Women to take Effect after his death and to be Issuing out of and charged upon the premisses mentioned to be hereby charged with such of the said Yearly Rents or Annual Sums hereby Secured to and for the said Lady Juliana Farmor as shall be payable to her for the time being or any part thereof with such powers remedies and provisions for Securing & Enforcing the payment of the same as are hereinbefore given and provided with respect to the Annual Rent or Yearly Sum hereby Secured and provided for the said Lady Juliana Farmor, in the Cases and on the respective Contingencies hereinbefore mentioned PROVIDED ALSO and It is hereby declared and agreed upon by and between the parties to these presents that it shall and may be lawfull to and for the Issue Male and Male Descendants of the Body of the said Thomas Penn respectively and to and for the Male Issue and Male Discendants of the Body of the said Richard Penn, the Father, respectively and to and for such other Male person and persons who from time

to time by Virtue of any the Limitations Estates or Uses here-  
inbefore expressed Settled Limited or Declared and according  
to the true intent and meaning of the said recited Articles of  
Agreement of the thirty First day of January One thousand  
Seven hundred and Fifty shall be Intitled to make and charge  
any provision or provisions or encreased provision for his or  
their respective Widow after his or their own several and respec-  
tive Deceases, out of such parts as aforesaid, of the said Quarter  
part of the premisses which are hereby Granted and Released  
or intended so to be to make and charge such provision or pro-  
visions or encreased provision, in such manner at such times  
upon such terms and under such restrictions, in all respects, as  
in and by the said last mentioned Articles of Agreement, is and  
are mentioned provided or agreed, These presents or any thing  
herein contained to the contrary thereof in any wise not-  
withstanding PROVIDED ALSO, and upon this Condition  
nevertheless which is hereby declared and agreed upon  
by and between the said parties to these presents That it  
shall and may be lawfull to and for the said Thomas Penn by  
his last Will and Testament in Writing under his Hand and  
Seal Attested by two, or more Credible Witnesses to charge his  
Quarter part or Fourth part of the said Province of Pensil-  
vania, and of the Quit Rents and other Rents Issues and Profits  
of the same only (but not the Government of the said Province  
nor any other part whatsoever of any of the premisses hereby  
granted or intended so to be) with the payment of any Sum or  
Sums of money not Exceeding in the whole the Sum of Three  
thousand pounds unto or for the benefit of his Younger Child or  
Children, which he may hereafter have and to bear such Inter-  
est and from such time, and to be charged; in such Case and in  
such manner, as is mentioned provided or agreed, in and by the  
said recited Articles of Agreement Tripartite of the Eighth day  
of May One Thousand seven hundred and thirty two relating to  
the Sum of three thousand pounds therein charged or Agreed  
or intended, for his Younger Child or Children so as effectually  
to charge and Secure such Sum of three thousand pounds and

Interest for his Younger Child or Children in The Case and in the manner therein provided for agreed or mentioned And for want of such Charges or Charge Then it is hereby agreed, by and between the partys to these presents, That the premisses hereby Granted, or intended so to be, shall by Virtue of the said Articles of Agreement Tripartite, and of these presents stand and be charged at and from and after his decease with the payment of such three Thousand pounds, to his Younger Child or Childen, equally to be Payable at such respective Times, and to bear such Interest, in the mean time and that, for such purposes as in and by the said recited Articles of Agreement Tripartite, is mentioned provided agreed or expressed, These presents or any matter or thing herein contained, to the contrary thereof in any wise notwithstanding PROVIDED ALSO, That In Case the said Thomas Penn shall happen to dye leaving only one or more Daughter or Daughters, but no Son, or, having a Son or Sons such Son or Sons shall dye before the Age of twenty One Years or dye leaving no Issue Male, Then, and in either or any of the said Cases it shall and may be lawfull to and for the said Thomas Penn in such way and manner as in the said recited Articles or Agreement Tripartite of the Eighth day of May One thousand Seven hundred and thirty two is mentioned provided or agreed upon, to charge his Quarter part or Fourth part, of the said Province of Pensilvania and of the Quit Rents Other Rents Issues and Profits of the same only (but not the Government of the said Province nor any other part whatsoever of any of the premisses hereby Granted or intended so to be) with the payment of any Sum not Exceeding five thousand pounds British money to the Daughters of the said Thomas Penn In Case of more than one Daughter of him and of Four thousand pounds to one Daughter of him, in case he shall leave but one, in such proportions and in such manner and with such Interest for the same as in and by the said recited Articles of Agreement Tripartite is, or are mentioned declared provided or agreed, And for want of such charge, Then it is hereby agreed by and between the partys to these presents That the premisses

hereby Granted, or intended so to be shall by Virtue of the said Articles of Agreement Tripartite and of these presents stand and be charged with the payment of such Four thousand pounds, or Five thousand pounds (according to which of the Cases shall happen) for such only Daughter, or for such several Daughters equally, and to bear such Interest untill paid out to be applied for such maintenance and to be so payable and paid, as in and by the said recited Articles of Agreement Tripartite is mentioned provided agreed or expressed these presents or any matter or thing hereinbefore contained to the contrary thereof in any wise notwithstanding PROVIDED ALSO and it is hereby declared and agreed upon, by and between the said parties to the s<sup>d</sup> presents That in Case the said Thomas Penn shall not leave any Issue of his Body Then and in such case it shall and may be lawfull to and for the said Thomas Penn, by any such his Deed or Will as in the said recited Articles of Agreement Tripartite, is for that purpose mentioned, provided or agreed upon, to charge his Quarter part or Fourth part of the said Province of Pensilvania and of the Quit Rents Other Rents Issues and Profits of the same only (but not the Government of the said Province, nor any other part whatsoever, of any of the Premises, hereby Granted, or intended so to be) with the Sum of three thousand pounds British money, payable to such person or persons, as the said Thomas Penn shall appoint in such manner as in and by the said recited Articles of Agreement Tripartite is mentioned declared provided or agreed, these presents or any matter or thing herein contained to the contrary thereof in any wise notwithstanding PROVIDED ALSO and it is hereby agreed upon by and between the parties to these presents That In Case the said Thomas Penn, at any time after the said intended Marriage shall take effect and during the life time of the said Lady Juliana shall to the satisfaction and with the approbation of the said William Murray William Vigor David Barclay and Thomas Hyam or the Survivors or Survivor of them or the Executors or Administrators of such Survivor Settle Convey Limit or Assure (over and above and exclusive of the

provision made secured agreed upon and provided for the said Lady Juliana Farmor in and by the said Indenture Tripartite of equal date herewith) such and the like annual Rent or Yearly Sum of Lawfull money of Great Britain free from all deductions as aforesaid as is hereby Limited and Secured or intended to be limited and secured to her in the several Events, and on the respective contingencies hereinbefore mentioned to be respectively charged or secured upon any particular Lands Tenements Rents or Hereditaments of sufficient Value either in Great Britain or in America, unto upon and to the use of the said Lady Juliana Farmor for her Life to take effect after the death of the said Thomas Penn, and to be paid from thenceforth by such Quarterly Payments as aforementioned Or In Case the said Thomas Penn at any time after the Solemnization of the said intended Marriage and during the Joint Lives of him and the said Lady Juliana shall pay or cause to be paid or effectually secure unto the said William Murray William Vigor David Barclay and Thomas Hyam or the Survivors or Survivor of them or the Acting Executors or Administrators of the Survivor of them such Sum of money as by the said Lady Juliana shall be accepted and by the said William Murray William Vigor David Barclay and Thomas Hyam or the Survivors or Survivor of them or the Acting Executors or Administrators of such Survivor shall be deemed to be a full Equivalent compensation and recompence for such Annual Rent or Yearly Sum in Order and to the extent that such sum of money so to be accepted as and for such Equivalent may by the said William Murray William Vigor David Barclay and Thomas Hyam or the Survivors or Survivor of them or the Acting Executors or Administrators of such Survivor be applied and disposed of, for such purposes as by the said Lady Juliana and by the said William Murray and William Vigor David Barclay and Thomas Hyam or the Survivors or Survivor of them or the Acting Executors or Administrators of such Survivor shall in that behalf be agreed and declared Then and in either of the said Cases and from thenceforth the several rents charge

hereby limited, secured and provided unto and for the said Lady Juliana Farmor to take effect upon the respective contingencies hereinbefore mentioned and all the remedies powers term of Years and other provisions hereby made given and provided for Securing Recovering and Enforcing the payment of the same shall cease and determine and become null and void and of none effect any thing herein contained to the contrary thereof in any wise notwithstanding AND the said Thomas Penn for himself his Heirs Extor's and Admor's and for every of them doth Covenant Promise Grant and Agree to and with the said David Barclay and Thomas Hyam and each of them and to and with their and each of their Heirs Extor's Admor's and Assigns and every of them by these presents in manner and form following that is to say That for and notwithstanding any Act matter or thing by the said Thomas Penn or any of his Ancestors at any time heretofore made done or wittingly or willingly comitted to the contrary (Other than and except as hereinafter is excepted) He the s<sup>d</sup> Thomas Penn now at the time of the ensealing & delivering of these presents is and standeth truly lawfully rightfully and absolutely seized of and in a clear perfect and absolute estate of inheritance in Fee Simple of and in all and singular the said undivided one fourth part or quarter part of the said Province of Pensilvania and other the preme's mentioned or intended to be hereby granted or released with their and each and every of their Rights Members Incidents and Appurtenances And that for and notwithstanding any such Act matter or thing as aforesaid he the said Thomas Penn now at the time of the Ensealing & delivering of these presents, hath in himself good right full power true title and lawfull and absolute authority to grant bargain Sell Alien Release and Confirm All and Singular the preme's hereinbefore mentioned or intended to be granted and released as aforesaid unto the said David Barclay and Thomas Hyam their Heirs & Assigns to and for the several uses intents and purposes, and subject to the several trusts provisos Limitations and Agreements and in manner and form as aforesaid according to

the true intent and meaning of these presents And that for and notwithstanding any such Act matter or thing as aforesaid all and singular the preme's hereinbefore granted released or mentioned or intended so to be shall and may at all times from henceforth for ever hereafter go remain and enure and be lawfully peaceably and Quietly held and enjoyed, and the yearly and other rents issues and profits thereof received had and taken To for upon and Subject to, the several Uses Trusts Powers Provisos and Limitations hereinbefore mentioned expressed limited and declared without any the lawfull lett suit trouble interruption or demand of, or by the s<sup>d</sup> Thomas Penn his Heirs or Assigns; or any of them or of or by any other person or persons lawfully claiming or to claim by from under or in trust for him them or any of them or by from under or in trust for, any of the Ancestors of the said Thomas Penn AND THAT free and clear and freely clearly and absolutely acquitted freed exonerated and discharged or otherwise upon reasonable request at all times hereafter well and sufficiently saved and kept harmless and indemnified by the said Thomas Penn his Heirs Extor's & Admor's of from and against all and all manner of former and other gifts, grants bargains Sales Leases Mortgages Jointures Dowers Uses Wills Settlements Intails Debts Judgements Executions Levys Extents Statutes and Recognizances and of from and against all other estates titles troubles charges forfeitures and incumbrances whatsoever at any time heretofore had made comitted done or wittingly or willingly suffered acknowledged created or executed by the s<sup>d</sup> Thomas Penn or any of his Ancestors or by any other person or persons lawfully claiming by from under or in Trust for them or either or any of them, [EXCEPT the Rents Payments Reservations Covenants Conditions and Agreements on the part of the said William Penn (late Father of the said Thomas Penn) or of his Heirs Extor's Admor's or Assigns to be paid done and performed reserved or mentioned in the Charter or Letters Patent from his late Majesty King Charles the Second whereby the s<sup>d</sup> Province of Pensilvania was granted unto the s<sup>d</sup> William Penn (late



Father of the s<sup>d</sup> Thomas Penn] AND also Except the rents payments reservations Covenants Conditions and Agreements on the part of the s<sup>d</sup> William Penn (late Father of the said Thomas Penn) or of his Heirs Exor's Admor's or Assigns to be paid done & performed reserved or mentioned in both and in each of two several Indentures of Feoffment, each of the same bearing date on or about the twenty first day of August One thousand six hundred & eighty two and made between his said late Royal Highness James then Duke of York of the one part and the s<sup>d</sup> William Penn (late Father of the said Thomas Penn) of the other part by which said Indentures of Feoffment, the said three lower Countys or some part or parts of the same were granted unto the s<sup>d</sup> William Penn party to the same Indentures AND EXCEPT the Grants and Conveyances which have been made by the said Thomas Penn and his ancestors, of many very large and considerable parcels of the Lands and Hereditaments in order to the Cultivation and Settlement of the s<sup>d</sup> Province of Pensilvania and the said three lower Countys or otherwise; AND EXCEPT the said Articles of Agreement Tripartite of the eighth day of May one thousand seven hundred and thirty two AND EXCEPT certain Articles of Agreement of the tenth day of May One thousand seven hundred and thirty two between the s<sup>d</sup> Charles late Lord Baltimore and The said late John Penn and the said Thomas Penn and the s<sup>d</sup> Richard Penn (the Father) and the Covenants Provisoes Conditions Clauses and Agreements therein contained AND EXCEPT the s<sup>d</sup> several Articles of Agreement of the thirty first day of January One thousand seven hundred and fifty and twentieth day of March one thousand seven hundred and fifty hereinbefore recited or referred to and the Covenants Provisos Conditions Clauses and Agreements therein contained) AND FURTHER that he the said Thomas Penn and his heirs and every other person and persons whatsoever lawfully having or claiming or which shall or may have or lawfully claim any Estate Right Title or Interest of in unto or out of any of the preme's hereinbefore granted or intended so to be by from under or in trust for the s<sup>d</sup> Thomas Penn or any of his

Ancestors Other than and Except the several persons claiming or to claim by means or in respect of, any of the matters hereinbefore mentioned and excepted) shall and will from time to time and at all times hereafter upon the reasonable request and at the Costs and Charges of the said David Barclay and Thomas Hyam their heirs & Assigns make do acknowledge levy suffer and execute and cause and procure to be made done acknowledged levied suffered and executed all and every such further, and other lawfull and reasonable Act and Acts Thing and things Deeds Conveyances and Assurances in the Law whatsoever (regard being always had to the particular nature Situation and Circumstances of the Premises) for the further better and more perfect and absolute Assuring Conveying Confirming and Suremaking of all and singular the premises hereinbefore Granted or intended so to be with their Appurtenances discharged of all other terms Estates Tail Reversions and Remainders whatsoever unto and upon the s<sup>d</sup> David Barclay and Thomas Hyam their Heirs and Assigns To the Uses Upon the Trusts and to and for the several ends intents and purposes hereinbefore mentioned declared and expressed concerning the same and according to the true intent and meaning of these presents and of the partys hereto as by the s<sup>d</sup> David Barclay and Thomas Hyam or either of them or their or either of their Heirs or Assigns or their either or any of their Council Learned in the Law shall be Lawfully and reasonably advised desired or required So as such further Assurances or any of them contain no further or greater Covenant or Warranty than against the several and respective persons making the same and their own several and respective Acts AND SO AS the partys or any of them required to make any such further Assurance be not compelled, or compellable, to travel further than Ten Miles from the place of their respective Abode, for the making or doing thereof PROVIDED LASTLY and these presents are made upon this express Condition nevertheless which is hereby declared and agreed upon, by and between the parties hereto, That, in Case the s<sup>d</sup> Thomas Penn shall happen to Survive the s<sup>d</sup> Lady Juliana his intended Wife and that at

the time of the decease of the s<sup>d</sup> Lady Juliana there shall be no Issue Male of the s<sup>d</sup> intended Marriage living or there being such Issue Male all such Issue Male shall dye, without Issue Male before any of them attain the Age of twenty one years, Then and in such Case, It shall and may be lawfull to and for the said Thomas Penn, by any Writing or Writings under his hand and seal to annul revoke or make void these presents and every or any Settlement Limitation Use Trust Estate term Interest Clause proviso and Agreement herein contained and then and in such Case these presents and every or any Settlement Limitation use trust estate term interest Clause proviso & agreement herein contained which shall be so annulled, revoked or made void shall become absolutely null and void to all intents constructions and purposes whatsoever as if these Presents had never been made or executed, IN WITNESS whereof the parties beforenamed to these presents their hands & seals have hereunto interchangeably sett the day and year first beforewritten.

THO. PENN. [SEAL]

POMFRET. [SEAL]

JULIANA FARMOR. [SEAL]

Signed, Sealed and Delivered, by the within named Thomas Penn, Esquire, Thomas Earl of Pomfrett, and Lady Juliana Farmor in the presence of us,

JNO: HEATON.

FERD: JOHN PARIS.

WILLIAM RAWLE of the City of Philadelphia Esquire Counselor at law aged Seventy Years & upwards being duly affirmed according to law declares and says as follows:—

I have long been professionally conversant and am familiar with the affairs and papers of the Family of the late Proprietaries of Pennsylvania. The within written Indenture is an ancient deed which I have known to accompany the possession of their

Estates in Pennsylvania. I believe that Ferdinand John Paris and John Heaton the subscribing witnesses thereto are both dead, and that proof of their handwriting or of the handwriting of either of them cannot be had in this country. Thomas Penn the Grantor therein named (and one of the said proprietaries) died, as I am informed and believe, during the year one thousand seven hundred and seventy-five in England where he had then resided for more than thirty-three years, having never been in Pennsylvania since the year one thousand seven hundred and forty-one. I believe that proof of his handwriting cannot be had of any persons or person who can remember to have seen him write. I am however acquainted with his handwriting, having obtained a knowledge thereof from various authentic public and official documents, and some private Deeds and Writings subscribed with his signature, uniformly recognized as genuine, and acted upon in the course of business in important transactions; And I verily believe the name of Thos. Penn subscribed to the said Indenture to be of the genuine and proper handwriting of the said Thomas Penn.

COUNTY OF PHILADELPHIA ss.

On the third day of July in the year one thousand eight hundred and twenty-nine at Philadelphia, in the said County, before me Edward King Esquire President of the Court of Common Pleas for said County the above examination of William Rawle Esquire was duly taken according to the form and effect of the acts of the General Assembly of this Commonwealth in such case made and provided. The said William Rawle being conscientiously scrupulous of taking an oath, and by me affirmed according to law, and it appearing that the Grantor and Witnesses of the within Deed are deceased, and that proof of the handwriting of said witnesses or of either of them cannot be had I hereby certify the same accordingly. Witness my Hand & Seal at Philadelphia aforesaid the day & year aforesaid

EDWARD KING. [SEAL]

## CITY OF PHILADELPHIA ss.

JOHN CADWALADER of the said City being duly sworn deposes as follows:—Thomas Penn the within named grantor being dead, I have made diligent search & inquiry for and concerning the witnesses of the within written Indenture, and whether there existed any and what means of proving their respective handwritings. The result is that, as to John Heaton, one of the said witnesses no such person can be heard of in this country. I believe him to have died long ago in England, and that proof of his handwriting cannot be had. I have not been able to find any body who has any sort of acquaintance with his handwriting, or has ever had any knowledge whatever of the man, either personally, or by correspondence, or from the information of others. Ferdinando John Paris the other of said witnesses is reputed to have been, and I believe that he was, an agent of the said Thomas Penn & his Brother Richard the late Proprietaries of Pennsylvania, and their adviser about some of the concerns of their said proprietaryship. He appears to have superintended or participated in, and to have attested the execution of, the most of the conveyances of their proprietary Estate which were executed in England from the year 1731 to 1751 inclusive. I find no traces of his having ever been & I do not believe that he ever was in America. I have understood and believe that he pursued in England the profession of the law & I find that in the year 1731 he was known & designated as "*of the Inner Temple, London, Gentlemen,*" and in the year 1758 as the agent of the said Proprietaries. After that year I have been unable to hear of him, as I should probably have done, had he been alive. I believe him to have died in England many years before the Declaration of Independence. I have not been able to find or to hear of any living person who has seen him write, or corresponded with him, or had any intercourse with him, or known him, or knowingly seen him at any time. Besides his signature to the within Deed, I have seen thirty-six several signatures purporting to be the subscription of the name of the said Ferdinando John Paris, in his own handwriting, as his attestation of the execution

of several ancient deeds made in England for and concerning Land of the said Proprietaries situate in Pennsylvania. I have often examined these Deeds, having had them at different times in my own custody. I have known some of them to accompany the possession of land to which they relate, and to have been acted upon, in the course of business, as genuine original Documents, and I believe that they are all of them originals and genuine. To some of them, said witness's name is subscribed more than once, as attesting the separate execution of one and the same Deed by different Parties, and to some of them his name is subscribed as attesting Receipts for money, as well as the delivery. The said Deeds are twenty one in number, all of them of dates prior to the date of the within Indenture. Three of them being duly proved, are severally certified, with the usual endorsement, to have been recorded in the proper office for the City and County of Philadelphia, during the year 1732. I have examined in the said Office the Record itself of the respective dates of that year so certified, and upon such examination I found the said Record to verify the said Endorsements upon each of the said deeds respectively. One of these three deeds is the articles of agreement between the Proprietaries of Maryland and Pennsylvania and is rather a public than a private document. It bears date May 10th 1732. Two others of the said Deeds, not so recorded, and certified to have been Enrolled in England in the Court of Chancery in the year 1743 and 1750, respectively. Of the said twenty one Deeds, seven are duly certified by the Mayor of the City of London, under his hand and the common seal of that City, to have been severally proved before him at the same City, by the oath, in each case, in the usual form of two of the respective subscribing witnesses, of whom the said Ferdinando John Paris was in each case one of the two who thus made probate thereof. I believe the said thirty six signatures are of the genuine and proper handwriting of the said witness Ferdinando John Paris. From the knowledge that I have obtained from them of his handwriting, which I have been thus for some time past in the habit of inspecting, I believe that I am suffi-

ently acquainted with its character to distinguish his true signature from a false one. I believe the name Ferd. John Paris subscribed to the within written Indenture to be of the genuine true and proper handwriting of the said Ferdinando John Paris, and I believe the same Indenture to be an ancient deed and the same in all respects that it purports to be. The possession of Lands & receipt of Rents has within my own personal knowledge accompanied it in the Counties of York Philadelphia and Berks, and I have reason to believe and do believe that real Estate is now held & enjoyed under it in several other Counties in this Commonwealth, as well as in the three counties above named.

JOHN CADWALADER

Sworn & subscribed by the above  
named John Cadwalader the  
11th day of July A. D. 1829.

Before me

ABM. SHOEMAKER

*Alderman*

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CITY OF PHILADELPHIA ss.

BENJAMIN CHEW of said city Esquire aged seventy years & upwards being duly sworn deposes as follows:—I have in my possession a great number of Letters of Thomas Penn the Grantor within named addressed to my deceased Father. I have also seen a variety of original documents acted upon in the course of business, to which the signature of the said Thomas Penn was subscribed. I have in this manner become familiarly acquainted with his handwriting, and believe the name Tho. Penn subscribed opposite to one of the seals of the within Deed to be of the genuine & proper handwriting of the said Thomas Penn.

BENJAMIN CHEW.

Sworn and subscribed by the  
above named Benjamin Chew  
the 11th day of July A. D.  
1829 Before me

ABM. SHOEMAKER,

*Alderman.*

## CITY OF PHILADELPHIA ss.

On the 11th day of July in the Year 1829 at the said city, before me the Subscriber an alderman of the same city, the above examinations of Benjamin Chew Esquire and John Cadwalader, upon their several and respective oaths, were duly taken as above set forth—it appearing that the Grantor and witnesses of the within Deed are deceased and that proof of the handwriting of John Heaton one of said witnesses cannot be had, and that proof of the handwriting of the other of said witnesses cannot be had otherwise than as by the testimony above set forth—All which I hereby certify accordingly. Witness my hand and seal at the said City the day & year aforesaid—

ABM. SHOEMAKER,

*Aldn* [SEAL]

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Recorded the within Deed and Endorsements in the Office for Recording Deeds &c for the City and County of Philadelphia in Deed Book G W R No. 31 page 53 &c.

Witness my hand and Seal of Office July 22d A. D 1829.

[SEAL]

GEO. W. RITER *Rr.*





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