

ANDREW MARVELL, EDWARD NELTHORPE, AND THE PROVINCE OF WEST NEW JERSEY

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Andrew Marvell's relationship with Edward Nelthorpe (?1638-1678) has been scrutinized by scholars concerned with documenting Marvell's life from a number of different angles: his family network; his supposed marriage to Mary Palmer; and his involvement in the bankruptcy of the partnership set up in January 1671 by Nelthorpe, Richard Thompson, John Farrington, and Edmund Page.¹ Nelthorpe himself was a man of many parts. Already active in the wine trade with Thompson, he was elected a Fellow of the Royal Society on 27 June 1666.² As a member of the Court of Common Council, he played a prominent part in London politics, forming, together with his near-neighbour, Sir Thomas Player, and Thompson, a "knot of people in the city" opposed to the Court of Aldermen (the latter body, supported by the crown, was claiming a "negative voice" in City appointments and legislation).³ He was also someone Marvell trusted implicitly with his finances and his correspondence—indeed, "was very intimate" with him, according to Mary Marvell (see Burdon 177-8; Tupper 368, n. 8). Farrington, who did not see eye to eye with Mary Marvell, likewise remarked that there was "a more than ordinary kindness and friendship between" the two men.⁴ However, further information about Nelthorpe's convoluted financial affairs is available that should be factored into Marvell's biography, especially given that the bankruptcy, as Nicholas von Maltzahn rightly observes, "so colours the last years of [his] life."⁵

In addition to their joint bank, the firm of Nelthorpe, Thompson, Farrington and Page "imbarqued ... in several advantagious or profitable Trades: That of *Wine*, that of *Silk*, that to *Russia*, parts of *East-India Shipping*, the private Trade to *East-India*, Lead-Mines, the *Irish Manufactures*, *Exchange*, &c. omitting nothing within the compass of our ingenuity."⁶ By November 1675, however, there was a run on the bank, causing them to pay out £60,000 before calling a meeting of creditors on 9 March 1676, news of which was immediately conveyed to Secretary Williamson in the hope that "wee shall now ... bee quiett in Common-counsell, the Leaders failing" (*Case*, 5-7).⁷ The partners' attempts to settle with their creditors were blocked by a minority of (seemingly politically-motivated) holdouts:

It was three or four months time that had lapsed from the Ninth of *March*, before the greatest part of our Creditors had Signed; but the other continued Refractory so long, until many of our Correspondents both at home, and abroad in foreign parts, took advantage thereby to delay, and some to imbezel what they had in their hands. (*Case*, 10)

In particular, the delay, combined with the fact that the firm's books were open to inspection, allowed the financial contagion to infect their "*Irish Manufactures*"—namely, Nelthorpe's wool factory in Clonmel. The exact sequence of events is unclear but, according to the *Case*, Nelthorpe did attempt to raise capital by selling the factory, one "of our most profitable Trades," only to be frustrated:

One of our Company (having several weeks before published a Journey for *Ireland*, and left all things here in good Order) while He went over to gather in Debts, and dispose of that Manufacture, because it was most ready at hand, of the greatest improvement, and raised the more undeserved Envy and Clamour, was Arrested at the Sea side and Imprisoned, with all the spightful circumstances that could be contrived. (*Case*, 11)

The implication is that yet another honest-minded attempt to clear their debts had been cynically thwarted.

Nelthorpe's correspondence tells a different (but not necessarily incompatible) story. Initially at least, he was trying to rescue the factory rather than sell it off. On 2 May 1676, Nelthorpe wrote to George Mathew, asking him to use his good offices with Sir John Temple:

The spring coming on, my servants are busy in hastening goods to foreign markets; on that the fortune and success of the manufactory depends; if my effects be seized in Ireland nothing but ruin will follow upon it. This I am threatened withal, every post alarming me with news of Sir John Temple's endeavour to secure my moneys that way. Should he attempt and succeed in this design others will be encouraged to use the same course, and I dread the fatal consequences.⁸

Nelthorpe had arranged for one of his own debtors, John Morphy [sic] of Waterford, to put up security for Temple, and now wanted Mathew, who was on friendly terms with Temple, to recommend the deal. More was at stake than just the Clonmel enterprise, since its failure would deepen the crisis back in London where

[m]ost of our creditors have signed, and if such a misfortune should happen to me in Ireland as the seizure of my effects, besides the ruin it menaces that affair withal, it would also have a malign influence against it. You only have power enough to protect my estate at Clonmell from such a disaster.⁹

In the event, the disposal was to be delayed—significantly, as we shall see—by almost a year. Thus it was that Nelthorpe wrote again to Mathew on 17 March 1677, thanking him for his

acceptable lines telling me of your readiness to patronise the manufactory at Clonmel. I have desired Mr. White to wait upon you and discourse that affair, and desire the favour of a few lines to the Duke of Ormond to alter the lease and transfer it to Mr. Nic. White, to whom I have sold it....¹⁰

The question is, what happened to the money?

There is a ready-made answer. As is well known, six days before Nelthorpe and Thompson went into hiding from their creditors on 15 June 1677—or, as the *Case* puts it, were “obliged to make our Retreat” (17)—£500 was deposited by Nelthorpe with the goldsmith Charles Wallis upon a bill payable not to Nelthorpe but to Marvell (the bone of contention in the subsequent case of *John Farrington v. Mary Marvell*).¹¹ Marvell played a vital part in concealing Nelthorpe and Thompson from their creditors (Farrington, having bought out Page soon after the collapse, had surrendered himself and was already imprisoned), choosing, and securing through Mary Palmer a lease on, a property in Great Russell Street that was admirably suited to its clandestine purpose as a “safe house.”¹² It might reasonably be inferred that the proceeds from the Clonmel sale had been laundered in whole or in part in the form of the £500 bond.

There is, however, another transaction that we need to take into account, this time involving not Nelthorpe and Thompson but Nelthorpe and Farrington. On 3 March 1677, both the bankrupts signed the “Concessions and Agreements of the Proprietors, Freeholders and Inhabitants of the Province of West New Jersey, in America,” drafted in 1676 by Edward Byllynge—a Westminster brewer and former Cromwellian soldier—that set out the government and fundamental laws of the province.¹³ This was manifestly (though not officially) a Quaker undertaking, which may tell us something about Nelthorpe's religious preferences. The complicated process by which William Penn and others came to lay the foundations of a Quaker colony had begun in March 1664 with a patent in virtue of which Charles II bestowed, *inter alia*, the lands between the Connecticut and Delaware rivers on his brother, James, Duke of York (Leaming and Spicer, *Grants*, 3-8).¹⁴ The Duke in turn granted the land between the Hudson and Delaware rivers—to be known as Nova Caesaria or New Jersey—jointly to John, Lord Berkeley,

and Sir George Carteret in June 1664 (Leaming and Spicer, *Grants*, 8-11). On 18 March 1674, Berkeley sold his joint but as yet territorially undivided interest in New Jersey to John Fenwick (another former Cromwellian trooper and Quaker) in trust for Byllynge, who was in bankruptcy.¹⁵ When Fenwick also got into financial difficulties and fell out with Byllynge, Penn was brought in as arbitrator. The matter was settled by a tripartite deed signed on 10 February 1675 that made Penn, Gawen Lawrie, and Nicholas Lucas the trustees of Byllynge's interest in West New Jersey, except for the one tenth that was assigned to Fenwick by way of recompense. This was followed by a quintipartite deed of 1 July 1676 between Carteret and the trustees that established the boundary lines between the two halves of the province (Leaming and Spicer, *Grants*, 61-72), finally clearing the way for a sale of the lands and the settling of Byllynge's debts.

How did Nelthorpe and Farrington become involved in the project? It is true that the Quakers' interest in West New Jersey was hardly secret. Fenwick on his own initiative had offered a prospectus for purchasers, dated 1 January 1675, that was followed by a flurry of publications, including a statement by a group of London Quakers disassociating themselves from such "Wordly Matters and Designs," a printed description of New-West-Jersey [sic] that appeared to emanate from the Society of Friends, and even a satirical broadside ballad, *The Quakers Farewel to England, Or Their Voyage to New Jersey*.¹⁶ Penn was spurred into drafting a statement on behalf of the trustees in order to correct the misleading impression that the printed description "by the manner of its expression came from the body of friends, as a religious society of people, and not from particulars."¹⁷ Notwithstanding this disclaimer of official involvement, Penn did admit that the majority shareholding in West New Jersey controlled by them rather than Fenwick had been offered exclusively to Quakers in the first instance:

the ninety parts remaining are exposed to sale, on the behalf of the creditors of the said E. B. And forasmuch as several friends are concerned as creditors, as well as others, and the disposal of so great a part of this country being in our hands; we did in real tenderness in regard to friends, and especially to the poor and necessitous, make friends the first offer; that if any of them, though particularly those that being low in the world, and under trials about a comfortable livelihood for themselves and families, should be desirous of dealing for any part or parcel thereof, that they might have the refusal.¹⁸

Although John E. Pomfret claimed that it is a "fact that ... the one hundred twenty proprietors of West Jersey" almost to a man "were members of the Society of Friends," it is unclear on what basis if any he was asserting this of Nelthorpe and Farrington.¹⁹

What is true is that Nelthorpe married into a strongly nonconformist family.²⁰ He was also indirectly associated with Penn. On 14 February 1677, Charles Milson, a London merchant, was granted a patent for fourteen years, as the nominee of Nelthorpe, who—no doubt partly in his capacity as a virtuoso of the Royal Society—had invented "a certaine engine or mill for the hulling of black pepper or barley' at 'great labour and expence."²¹ Presumably, Nelthorpe did not apply for the patent in his own name as a way of protecting yet another potential source of income from his creditors. Crucially, however, Milson had been a member of the jury that famously acquitted Penn and William Mead from the charge of unlawful and tumultuous assembly on 5 September 1670 and was promptly fined and imprisoned in Newgate for its temerity. Although eight of the jurors paid their fines and were released, Milson, along with Edward Bushel, John Hammond, and John Baily did not. The four petitioned the House of Commons unsuccessfully, but also appealed to the Court of Common Pleas against their imprisonment (*Bushell's Case*, 1670) where Chief Justice John Vaughan found for them in a landmark judgement for the principle of jury nullification.²²

One inference to be drawn from this convergence of interests is that Milson put Nelthorpe and Farrington on the inside track for the acquisition of shares in West New Jersey in March 1677, and may even have funded it as a *quid pro quo* for being nominated as the patentee of Nelthorpe's "engine" a few weeks earlier. But there is no need to suppose that Milson put up the cash. According to a later deposition by Farrington, the business had imported "one hundred

and fifty nine hogsheads of Virgin [sic] tobacco” as recently as December 1676.²³ And, as we saw, Nelthorpe had sold Clonmel by 17 May 1677. With the prospect of a “retreat” fast approaching, there was in all probability no shortage of funds requiring a safe haven like that provided by the trustees of West New Jersey.

We can be sure that Nelthorpe, singly or jointly with Farrington, did acquire at least one and possibly more of the shares on the evidence of a list in a pamphlet that was published in 1685 when the governance of West New Jersey was in dispute and it became important to establish that, starting with the tripartite deed of 1675, Byllynge had, in one way or another, disposed of every single one of the hundred shares that comprised the province. The only known copy of Thomas Budd’s *The True and Perfect Account of the Disposal of One Hundred Shares or Proprieties of the Province of West-New-Jersey by Edw. Bylling* is mutilated, but it does record “Edward Neltrup, alias Farington” among the proprietors, though unfortunately not the number of shares owned or the date of acquisition. The use of “alias” here may simply register the fact that Nelthorpe had died shortly after Marvell in the summer of 1678 and that a joint interest had reverted solely to Farrington. Alternatively, it may be the product of some legal action on Farrington’s part to lay claim to a share that had been solely in Nelthorpe’s name from the start (the immediately preceding entry enigmatically states that “*It’s said these 20 Proprietys are Recorded in the Courts of Chancery,*” though this appears to refer to two other proprietors whose names are largely missing). Finally, it is striking that Milson too was a proprietor. The *Account* registers the fact that, on 15 and 16 December 1679, there was a lease and release from Penn, Lawrie, Lucas and Byllynge of one propriety jointly “to *Thomas Dorman, Charles Milson, Isaac Cocks, John Pauley, and Thomas Wilson.*”²⁴

The motives behind, and the relationships between, all these transactions may now be beyond recovery. While it is almost certain that what primarily concerned Nelthorpe and Farrington was the concealment of assets, and thus that West New Jersey was little more than a convenient offshore repository of funds, it is not out of the question that one or both of them may actually have thought about going there. Signing the Concessions and Agreements could be taken as an expression of intent (which is how Pomfret interprets Nelthorpe’s signature), and the province might well have looked very appealing in religious and political as well as financial terms.²⁵ After all, in 1682, when East New Jersey was put up for auction after Carteret’s death, Robert West, a Rye House plotter, was part of a consortium headed by Penn that purchased it for £3,400. Several of the conspirators resolved to decamp to West’s plantation, though in the event the plan came to nothing.²⁶ Would the thought of removing to West New Jersey ever have crossed Nelthorpe’s mind? As the authorities closed in on the author of *An Account of the Growth of Popery and Arbitrary Government* in the summer of 1678, might it not have crossed Marvell’s too?

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Notes

¹ See Pauline Burdon, "Marvell and his Kindred: The Family Network in the Later Years," *Notes and Queries* 32.2 (1985): 172-80, hereafter cited parenthetically in the text as Burdon; Fred S. Tupper, "Mary Palmer, Alias Mrs. Andrew Marvell," *PMLA* 53.2 (1938): 367-392, hereafter cited parenthetically in the text as Tupper; L. N. Wall, "Marvell's Friends in the City," *Notes and Queries* 6.6 (1959): 204-7, hereafter cited parenthetically in the text as Wall; Art Kavanagh, "Andrew Marvell 'in want of money': the evidence in *John Farrington v. Mary Marvell*," *The Seventeenth Century* 17.2 (2002): 206-12.

² See Thomas Birch, *The History of the Royal Society of London*, 4 vols. (London, 1756-57), 2: 99; Burdon, "Marvell and his Kindred," 178. Joanna Picciotto, *Labors of Innocence in Early Modern England* (Cambridge, MA: Harvard University Press, 2010), 346, suggests that Marvell's only "personal link to the virtuosi" was "through Katherine Boyle," but this overlooks not only Nelthorpe but also Thomas Rolt, Sir Edward Harley, the Earl of Carlisle, Prince Rupert, the Duke of York, the Earls of Shaftesbury and Anglesey, and the Duke of Buckingham. I discussed some of these connections in a paper, "Marvell and the Royal Society," at the South-Central Renaissance Conference at Omaha, Nebraska in March 2013.

³ *CSPD*, 1675-6, Notes by Williamson, 18 February 1676, 568 (*recte* 563).

⁴ TNA C8/252/9, statement of John Farrington, quoted in Phil Withington, *The Politics of Commonwealth: Citizens and Freemen in Early Modern England* (Cambridge: Cambridge University Press, 2005), 226.

⁵ Nicholas von Maltzahn, *An Andrew Marvell Chronology* (Basingstoke: Palgrave Macmillan, 2005), 116.

⁶ [Richard Thompson], *The Case of Richard Thompson and Company: With Relation to their Creditors* (London, 1678: Wing C972A), 3-4; hereafter cited parenthetically in the text as *Case*.

⁷ *CSPD*, 1676-7, 22, quoted in Wall, 206.

⁸ *HMC*, Ormonde MSS, IV: 11. This was presumably the Irish Master of the Rolls rather than his son of the same name, who was Solicitor-General; Robert Dunlop, "Temple, Sir John (1600-1677)," rev. Sean Kelsey, *Oxford Dictionary of National Biography* (hereafter *ODNB*), accessed 10 March 2013; Stuart Handley, "Temple, Sir John (1632-1705)," *ODNB*, accessed 10 March 2013.

⁹ *HMC*, Ormonde MSS, IV: 12.

¹⁰ *HMC*, Ormonde MSS, IV: 20. Is this the origin of the alias, "Mr White," that Nelthorpe used when hiding in Great Russell Street (see Tupper, 372)? Or was "Mr White" an actual person, also temporarily resident at the address?

¹¹ I have adopted the date 15 June since it is highlighted in the *Case* at p. 23 ("...while We were yet living, till the Ninth of *March* 1675 [i.e., 1676], and when We lay gasping till the 15th of *June* 1677..."); this belongs to the addendum, pp. 18-31, giving the reasons for their "retreat" and concealment of their assets, books and losses. On the £500 bond see Tupper, 369.

¹² See Hilton Kelliher, "Some Notes on Andrew Marvell," *Electronic British Library Journal* (1978): 122-43 (at 139-43), <http://www.bl.uk/ebj/1978articles/article12.html>; Withington, *Politics*, 226.

¹³ Aaron Leaming and Jacob Spicer, *The Grants, Concessions, and Original Constitutions of the Province of New Jersey* (Philadelphia, 1881), 409-10 (signature printed as "Edw. Nelthorp"), <http://archive.org/details/grantsconcession00newj>, hereafter cited in the text as Leaming and Spicer, *Grants*; Samuel Smith, *A History of the Colony of Nova-Cæsarea, or New-Jersey* (Burlington, NJ; 1765), 538 (signature printed as "Edward Nethorp"). For Byllynge, see John Fea, "Fenwick, John (1617/18-1683)," *ODNB*, accessed 10 March 2013.

¹⁴ See further John E. Pomfret, "The Problem of the West Jersey Concessions of 1676/7," *The William and Mary Quarterly*, Third Series, 5.1 (1948): 95-105.

¹⁵ See John Fea, "Fenwick, John (1617/18-1683)," *ODNB*.

¹⁶ See "Fenwick's Proposal for Planting His Colony of New Cæsarea or New Jersey," *The Pennsylvania Magazine of History and Biography*, 6.1 (1882): 86-90; *A Testimony against John Fenwick, concerning his Proceeding about New-Cesaria or New-Jersey in the Province of America* (n.p., n.d.; Wing T804), s. sh.; *The Quakers Farewel to England, Or Their Voyage to New Jersey*

(London, 1675; Wing Q23). See also *A Further Account of New Jersey, In an Abstract of Letters Lately Writ from thence, By several Inhabitants there Resident* (n.p., 1675; Wing H1007); Richard P. McCormick, "A Further Account..." *The Journal of the Rutgers University Library*, 34.2 (1971): 33-41.

¹⁷ [William Penn], "The Epistle of Penn, Lawrie, and Lucas, Respecting West Jersey, 1676," in *Narratives of Early Pennsylvania, West New Jersey and Delaware, 1630-1707*, ed. Albert Cook Myers (New York, 1912), 182-4 (at 182); also in Smith, *A History of the Colony of Nova-Cæsarea*, 88-91 (88).

¹⁸ [Penn], "Epistle," in *Narratives*, ed. Myers, 184; also in Smith, *A History of the Colony of Nova-Cæsarea*, 90.

¹⁹ John E. Pomfret, "The Proprietors of the Province of West New Jersey, 1674-1702," *Pennsylvania Magazine of History and Biography*, 75.2 (1951): 117-46 (at 118)

²⁰ His wife, Mary Sleigh, was the stepdaughter of John Ireton, brother of the regicide Henry, and Lord Mayor of London in 1658-9. After his release from imprisonment in the Scilly Isles in the early 1660s, Ireton joined "a circle of nonconformists in East Sheen, Surrey, who were ministered to by Revd Thomas Brooks, the ejected Independent divine": Gary S. De Krey, "Ireton, John (1615–1690)," *ODNB*, accessed 10 March 2013.

²¹ *Patents for Inventions. Abridgments of Specifications Relating to Grinding Grain and Dressing Flour and Meal, A.D. 1623-1886* (London, 1876), 3; *CSPD 1675-76*, 538; *Subject-Matter Index of Specifications of Patents* (London, 1857), Part I (A-M), 32; see also E. Wyndham Hulme, "Privy Council Law and Practice of Letters Patent for Invention from the Restoration to 1794," *Law Quarterly Review*, 33.1 (1917): 63-75 (at 73).

²² See *The Case of Edward Bushel, John Hammond, Charles Milson and John Baily, Citizens and Free-men of London, stated, and humbly presented to the Honourable House of Commons Assembled in Parliament* (n.p., n.d.; Wing B6234); Wilmer G. Mason, "The Four Jurors in *Bushell's Case*," *American Bar Association Journal*, 51.6 (1965): 543-7. For Marvell's comments on these events, see his letters to Mayor Acklam (undated) and William Popple of 28 November 1670; *The Poems and Letters of Andrew Marvell*, ed. H. M. Margoliouth, rev. Pierre Legouis with the assistance of E. E. Duncan Jones, 2 vols. (Oxford: Clarendon Press, 1971), 2: 117-18, 318.

²³ TNA C10/48/71, qtd. in Withington, *Politics*, 191.

²⁴ John E. Pomfret, "Thomas Budd's 'True and Perfect Account' of Byllynge's Proprieties in West New Jersey, 1685," *The Pennsylvania Magazine of History and Biography*, 61.3 (1937): 325-331 (at 329-30). However, in "The Proprietors of the Province of West New Jersey, 1674-1702," *Pennsylvania Magazine of History and Biography*, 75.2 (1951): 117-46 (at 135), Pomfret gives the year of the transaction involving Milson as 1677 rather than 1679.

²⁵ Pomfret, "Proprietors," 134.

²⁶ See Melinda Zook, "West, Robert (b. 1649, d. in or after 1712)," *ODNB*, accessed 10 March 2013.

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