

## The Story of the Penn-Mead Trial

William Penn and his friend William Mead arrived at the Quaker Meeting House in Gracechurch Street, London in the summer of 1670 to find that it was closed and guarded by soldiers. They were there under the Conventicle Act – supposedly to prevent sedition but in reality to prevent any religious meeting from taking place - other than one that was carried out “according to the liturgy and practice of the Church of England”.

Unable to enter the Meeting House, Penn tried to address the people who were gathered outside. He and Mead [a linen draper and former soldier] were arrested and charged at the Old Bailey with creating a riot. That they and other persons unknown “with force and arms.....did assemble and congregate themselves together, to the disturbance of the peace” further that “William Penn, by agreement between him and William Mead, then and there in the open street did take it upon himself to preach and speak.....by reason whereof a great concourse and tumult of people did remain and continue, in contempt of the said Lord the King and his law.....to the great terror and disturbance of many of his liege people.....”

On the bench before them sat the Mayor with the Recorder, 5 aldermen and 3 sheriffs. The trial began with the usual argument about prisoners wearing hats [as was usual to Quakers] and they were fined for contempt of court – despite the fact that they had entered the dock without their hats and an officer had put the hats on their heads!

Various witnesses were called but it became evident that although they agreed that they had seen William Penn speaking, no-one had heard what he had actually been saying! Some of their evidence was contradictory and all of it weak.

During the following proceedings, Penn showed his knowledge of the law arguing against the legality of the indictment [about which he was ably backed by William Mead]. This so upset the Recorder that he lost his temper and had them removed to a dirty cell whilst the jury retired to discuss their verdict.

Although there was some disagreement among the jury, their verdict was simply that Penn was “Guilty of speaking in Gracechurch Street” which meant he had broken no law. The Recorder was furious.

*Recorder:* You had as good say nothing.

*Mayor:* Was it not an unlawful assembly? You mean, he was speaking to a tumult of people there?

*Foreman of the jury:* My lord, this was all I had in commission.

*Recorder:* The law of England will not allow you to depart till you have given your verdict.

*Foreman of the jury:* We have given our verdict, and we can give no other.

The jurymen were soundly abused and ordered to reconsider.

They returned and this time they had written down their verdict “guilty of speaking or preaching and Mead was not guilty.

In the following uproar the Recorder shouted “Gentlemen, you shall not be dismissed till we have a verdict the court will accept, and you shall be locked up without meat, drink, fire and tobacco..... We will have a verdict by the help of God, or you shall starve for it!”

Penn’s protests at this menacing of the jury were to no avail and they were locked up for the night.

Early the following morning the jury was brought back into court. Despite their now miserable condition they returned the same verdict. The Mayor threatened to cut the throat of one of the jurors, one Edward Bushell, whom he believed to be a trouble maker and the probable ringleader.

Penn tried a new tack...

*Penn:* If William Mead was not guilty, it consequently follows that I am clear, since you indicted us of a conspiracy, and I could not possibly conspire alone.

This was not accepted and the jury was sent out again. For the 4<sup>th</sup> time they returned the verdict "Guilty of speaking in Gracechurch Street".

Edward Bushell again received the brunt of the bench's fury – the Recorder threatening him and the Mayor saying to the jury "Have you no more wit than to be led by such a pitiful fellow? I will cut his nose!"

Penn protested at these attempts at intimidation and the travesty of justice.

*Mayor:* Stop his mouth! Jailer, bring fetters and stake him to the ground!

*Penn:* Do your pleasure. I matter not your fetters.

*Recorder:* Till now I never understood the reason of the policy and prudence of the Spaniards in suffering the Inquisition among them; and certainly it will never be well with us till something like the Spanish Inquisition be in England.

He tried again to get the jury to change their verdict and when they refused he was so furious that he threatened to leave the court himself and had to be called back by the Mayor.

After another night of being locked up in terrible conditions the jury returned once more and gave their verdict with a firm voice "Guilty of speaking in Gracechurch Street".

"God keep my life out of your hands!" exclaimed the Recorder who then fined each man 40 marks and "imprisonment till paid!". Penn was told that he would be fined also for contempt of court, and they were sent [jury and all!] to Newgate prison.

The jurymen refused to pay their fines and were eventually released by the Lord Chief Justice. Penn's father [who was ill and wanted to see his son] secretly paid both his son's and William Mead's fines much against their expressed wishes.

Following the trial which aroused tremendous public interest, Penn was regarded as a champion for justice and the issue that a jury has the right to return a verdict according to its conscience and the evidence put before it without interference from anyone is very much part of our law ever since.

*This story is written using William Penn by Vernon Noble as a prime source plus transcripts of the trial published by Quakers and available via the internet.*

#### Notes re the wearing of hats

In the times of early Quakers people had many ways of showing respect for their "betters" – removing their hat was one way. [Some were very elaborate - bowing in different ways, taking off the hat with a great sweep, using expressions like "your honour" "my lady" etc.]

Quakers believed that all men were equal and that a simple greeting was enough. They refused to remove their hats to anyone "high or low", magistrates, the clergy and others were very upset by this!