

**THE TRIAL OF WILLIAM
PENN AND
WILLIAM MEAD AT
THE OLD BAILEY, 1670**

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The Trial of William Penn and William Mead at the Old Bailey, 1670 by Various

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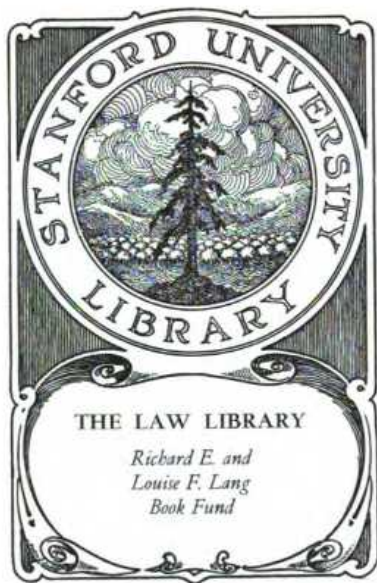
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The Trial of William Penn
and William Mead
at the Old Bailey,
1670.

Reprinted for the "Penn, Mead, and Jury
Commemoration Committee," from the
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PREFATORY NOTE.

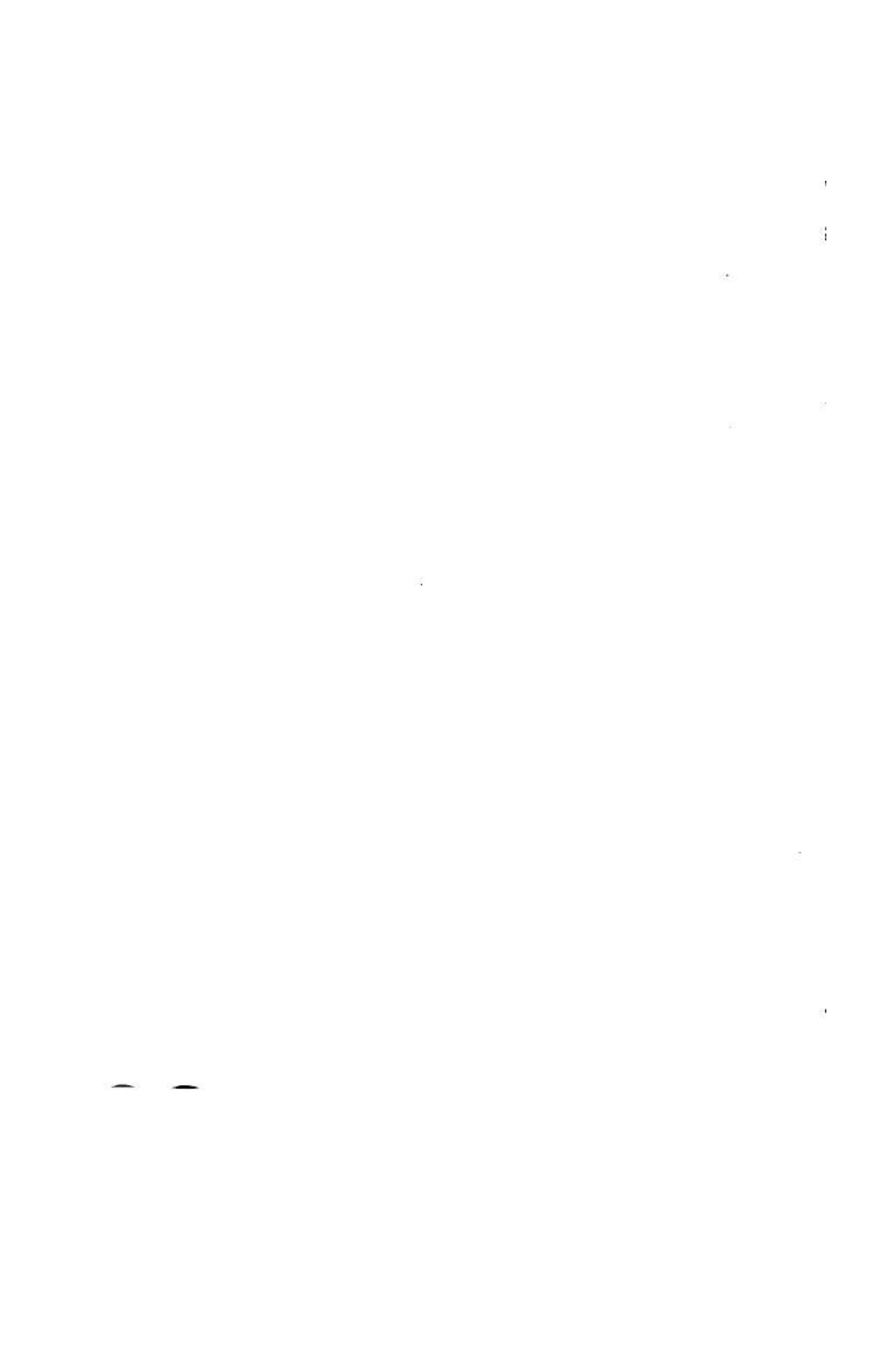
THE frontispiece of this volume represents the Tablet recently placed in the New Central Criminal Court, Newgate Street, London, close to the spot at the Old Bailey, where Penn and Mead were tried, in September 1670.

It was erected on the initiative of Horace J. Smith, of Philadelphia, and Moseley, Worcestershire, who did not, however, live to see it completed. A Committee was formed for the purpose, and consent was kindly given by the City Council for the inscription to be placed on a tablet in the Great Hall, on the ground floor of the building. The Committee who received subscriptions for the monument, also reprinted from the first edition, issued in 1670, this copy of the account of the trial, with the argument following, incorporating the errata, and a few obvious additions and corrections made in the second edition, published in the same year. A facsimile of the original title-page has been reproduced.

As regards the composition of the bench of magistrates who sat with Sir Samuel Sterling, the Lord Mayor, to try the case, four of them had already filled that office, viz., Sir Richard Browne in 1661; Sir John Robinson in 1663; Sir Thomas Bludworth in 1666; and Sir William Peake in 1668. The two other Aldermen, Sir Richard Ford and Sir Joseph Sheldon, were to become Lord Mayor of London in 1671, and 1676, respectively. One of the Sheriffs, Sir James Edwards, was Lord Mayor in 1679. Sir John Howell held the office of Recorder from 1668 to 1678.

JOHN HENRY LLOYD,
Chairman of the Committee.

Birmingham,
February, 1908.



To the English Reader.

IF ever it were time to speak, or write, tis now, so many strange Occurrances, requiring both.

How much thou art concerned in this ensuing Tryal (where not only the Prisoners, but the Fundamental Laws of England) have been most Arbitrarily Arraigned, Read, and thou mayst plainly judge.

Liberty of Conscience, is counted a Pretence for Rebellion, and Religious Assemblies, Routs, and Riots; and the Defenders of both, are by them, reputed Factious and disaffected.

Magna Charta, is Magnaf—with the Recorder of London; and to demand Right an affront to the Court.

Will and Power are their great Charter, but to call for Englands, is a Crime, incurring the penalty of their Bale-Dock, and Nasty-hole, nay, the menace of a Gag, and Iron Shackles too.

The Jury (though proper Judges) of Law and Fact) they would have over-ruled in both, as if their Verdict signified no more, then to eccho back the illegal charge of the Bench; and because their courage, and honesty did more then hold pace, with the threat and abuse of those, who sate as Judges, (after two dayes and two nights restraint for a Verdict) in the end were fined and imprisoned, for giving it.

O! what monstrous, and illegal proceedings are these? Who reasonably can call his Coat his own? When Property, is made subservient to the Will and Interest of his Judges; or, who can truly esteem himself a Free man? When all Pleas for liberty are esteemed Sedition, and the Laws, that give, and maintain them, so many insignificant pieces of formality.

And What do they less then plainly tell us so, who at will and pleasure, break open our Locks, rob our Houses, raze their Foundations, imprison our Persons, and finally deny us Justice to our relief : as if they then acted most like Christian men, when they were most barbarous, in ruining such as really are so ; and that no Sacrifice could be so acceptable to God, as the destruction of those, that most fear him.

In short, That the Conscientious should only be obnoxious, and the just demand of our Religious Liberty, the reason why we should be denied our civil Freedom (as if to be a Christian and an English-man were inconsistent) and that so much solicitude and deep contrivance, should be employed only to ensnare and ruin so many ten thousand conscientious Families) so eminently, industrious, serviceable and exemplary ; whilst Murders can so easily obtain pardons, Rapes be remitted, publick Uncleaness pass unpunished, and all manner of Levity, Prodigality, Excess, Prophaneness and Atheism, universally connived at, (if not in some respect manifestly encouraged) cannot but be detestably abhorrent to every serious and honest mind.

Yet that this lamentable state is true, and the present Project in hand, let London's Recorder, and Canterburies Chaplain be heard.

The first in his publick Panegerick, upon the Spanish Inquisition, highly admiring the prudence of the Romish Church, in the erection of it, as an excellent way, to prevent Schism, which unhappy expression, at once passeth sentence, both against our fundamental Laws, and Protestant Reformation.

The second, In his printed Mercenary discourse against Toleration, asserting for a main Principle, That it would be less injurious, to the Government, to dispence with prophane and loose Persons, then to allow a toleration to religious Dissenters : It were to over-do the business, to say any more, where there is so much said already.

And therefore to conclude, we cannot choose but admonish all, as well Persecutors, to relinquish their Heady, Partial, and Inhumane Prosecutions (as what will certainly issue in disgrace here, and inevitable condign punishment hereafter) as those who yet dare express their moderation (however out of fashion, or made the brand of Phanatism) not to be hurt, or menaced, out of that excellent temper, to make their parts, and persons subservient to the base humors, and sinister designs of the biggest mortal upon Earth: But to reverence and obey, the Eternal just God, before whose great Tribunal, all must render their accounts, and where he will recompence to every Person according to his works.

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