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WILLIAM PENN AND WITCHCRAFT

WILLIAM RENWICK RIDDELL, LL. D., D. C. L., etc.*

The State of Pennsylvania deserves well of our world, the so-called Anglo-Saxon or English-speaking world, in publishing the *Minutes of the Provincial Council of Pennsylvania, from the Organization to the Termination of the Proprietary Government*, Philadelphia, 1852.

These minutes are of extraordinary interest as showing how people of our race work out the problem of self-government, self-dependence, self-protection: in the present Article, I do not go beyond the first volume, beginning with the "10th of the first month, 1682-3," i. e., March 10, 1683 (the year by Chapter 41 of the acts of the General Assembly of Pennsylvania, passed December 7, 1682, "begining with ye month called March").

The Council was exceedingly busy—passing legislation on all kinds of subjects, Murder, Coining and Selling Servants into other Provinces, down to Branding of Cattle and Height of Fences. Sometimes it would be threatening a man with impeachment for treason, sometimes reproving and fining another for "being disored in drink": now fixing the price of Tavern Keepers' wares at "seaven pence halfe penny a meal and one penny a qt. for beer," and then directing that "negroes, male or female" found "gadding abroad on the . . . first dayes of the week, without a tickett from their Mr. or Mrs. or not in their Compa," should be carried "to gaole there to remain that night, and that without meat or drink & . . . be publickly whipt next morning with 39 Lashes well laid on, on their bare backs for which their sd Mr. or Mrs. should pay 15d to the whipper att his deliverie of ym to yr, Mr., or Mrs."

At this meeting the Council had to devise means to save the Province from "Sennekers and ffrench" who were "invating his Ma'ties Territoryes in America," "a pitieful enemie, if they could be brought to fight fairlie, but the wood, swamps and bushes gives them the opportunity of vexing us"; at that, until Thomas Clifton disproved the charge, denying him the seat on the council to which the County of Sussex had elected him, on "accot of the Deboachery of sd Clifton and in particular yt ye Clifton in his Discourse, should vse this Expression: that he was not ffor Yea and Ney, but for God Damm

*Justice of Appeal, Ontario.

You"—or expressing disapprobation of "Coll. Talbot" who "ridd up to" Joseph Bowles' House, "near Iron hill, about 8 miles distance from New Castle" and called him "Brozen faced, Impudent, Confident Dogg," adding "Dam you, you Dogg."

One of the troubles of the council a little later, was having to listen to "pat Robinson . . . the Secrie" getting off Latin maxims—it is allowable to suspect that it was "pat" who began the disregard of the Act of December 7, 1682, which directed that "ye days of ye week . . . Shall be called as in Scripture & not by Heathen names (as are vulgarly used) as ye first, second & Third daies of ye week . . ."—at all events, after King William took Pennsylvania into his own hands in 1692, instead of 2nd day, 3rd day &c., we find Moonday, Tuesday, &c. (Fryday and Saturnday included), and these in April, 1695, to give way to Die Lunae, Die Martis, Die Mercury (i. e., Mercurii, the letter "y" being frequently used for the double "i"). Die Jovis, Die Veneris—Saturday was called Dies Saturni for a time but in May, 1697, the more usual form was adopted: even then, however, the orthography seems to have troubled the "secrie" for we find Die Sabatti, Die Sabatthi, Die Sabathi, Die Sabatti, as well as Die Sabbati, the regular form.

Coming, now, to the subject of this paper—"Att a Councill held at Philadelphia ye 7th, 12th Mo., 1683" (February 7, 1684), there attended "Wm. Penn, Propor & Govr" (Proprietor and Governor) and four Councillors, Lasse Cock, Wm. Clayton, Jno Symcock and Tho. Holmes.

There was only one item of business, but that was of great importance—the Minutes reads: "Margaret Mattson and Yeshro Hendrickson, Examined and about to be proved Witches; whereupon, this board Ordered that Neels Matson should enter into a recognizance of fifty pounds for his Wiff's appearance before this board the 27th Instant, Hendrick Jacobson doth the same for his Wife.

Adjourned till the 20th 12th Mo., 83" (February 20, 1684).

This investigation into great crimes was in England part of the jurisdiction of the Privy Council and, after its creation by the Statute (1487) 3 Henry 7, cap. 1, of the Court of Star Chamber, the first "Judicial Committee of the Privy Council": but that jurisdiction was ended in England as of July 1, 1641, by the Act (1640) 16 Car. I, cap. 10. I assume the power of Penn in his Council in this regard came from the Royal Charter of Charles II of March 4, 1681, wherein and whereby, *inter alia*, "WE WILL, that the said William Penn and his heires shall assemble in such sort and forme as to him and them shall

seeme best and the same lawes duely to execute unto and upon all people within the said Countrey and limits thereof.¹

At Philadelphia, February 27, met in Council Penn and seven Councillors.

A Grand Jury was "attested, The Govr (Penn) gave them their Charge and the Attorney Genall attended them with the presentmt." There were 21 Grand Jurymen and their names are given.² "*Post Meridiem*. The Grand Jury made their returne and found the Bill."

The Petty Jury were called and those absent were "fined 40s each man" (say \$5). "Margarit Matson's Indictmt was read, and she pleads not Guilty and will be tryed by the Countrey"—as she had better to avoid the fate of Giles Corey at Salem, Mass., in September, 1692.

The prisoner being a Swede, one of the Councillors, "Lasse Cock (was) attested Interpreter between the Propor (Proprietor) and the Prisoner at the Barr.³

"The Petty Jury were Impanneld; their names are" given, twelve in all. Then came the evidence—or rather, the testimony; for of evidence there was none. -

Henry Drystreet attested that "he was tould⁴ 20 years agoe that the prisoner at the Barr was a Witch & that severall Cows were bewicht by her." This was improper and absurd enough, but worse was to follow—Drystreet went on: "also that James Saunderling's mother tould him that she bewicht her cow, but afterwards said it was a mistake and that her Cow should⁵ doe well againe for it was not her Cow but an Other Person's that should dye." No wonder

¹By the way, at the succeeding meeting, February 20, the Verdict of a Coroner's Jury was reported "that Benj. Acrod killed himselfe with drinke wch might give the Province a pretence to his Estate therein": but Penn "Relinquished all his Claime thereunto in Councill" and the Estate of the alcoholic *felo de se* was disposed of to pay his debts and then to be distributed according to law, with our friend "pat Robinson," as Administrator.

²What would in more technical times be considered an irregularity occurred—one of the Grand Jurymen was called as a witness for the Crown. Some years ago at Welland, Ontario, before the late Chancellor, Sir John Boyd, I, as Crown Counsel, moved to quash an Indictment because I found one of the Grand Jury a necessary witness for the Crown. The Indictment was quashed, the Grand Juryman discharged, a new Bill found, the prisoner convicted and an appeal prevented.

³Later and during the trial, "James Claypoole attested Interpritor betwixt the Propor and the Prisoner": Claypoole does not seem to have been a Councillor.

⁴Everyone knows the story of the wit who, when asked why he pronounced Rome, as though spelled Room, countered by saying: "If I may be so boold, I should like to be toold why you call it goold."

⁵An idiom still in use in Scotland—the Greek optative.

"Magaret Mattson saith that she vallues not Drystreet's⁶ Evidence; but if Sanderlin's Mother had come, she would have answered her."

Then came Charles Ashcom who "saith that Anthony's Wife (the prisoner's daughter) being asked why she sould⁴ her Cattle; was because her Mother had Bewitcht them having taken the Witchcraft

⁶See *Colonial Records* as mentioned in Text, Vol. 1, pp. 57, 59, 60, 93-96, 115, 268, 380.

One interesting fact is the fining by the Council of the County Court of Philadelphia £40 for assuming to try the title to land "in ye County of Bucks." Meeting of Council, June 20, 1683, *do., do.*, p. 76.

It may be added that shortly before the death of Penn but after his removal to England, the Legislature of Pennsylvania, May 31, 1718, passed the following legislation:

"And be it further enacted by the authority aforesaid, That another statute made in the first year of the reign of King James the First, chapter twelfth, entitled 'An act against conjuration, witchcraft, and dealing with evil and wicked spirits,' shall be duly put in execution in this province, and of like force and effect, as if the same were (here) repeated and enacted." *3 Statutes at Large of Pennsylvania from 1682 to 1801*, p. 203.

This was confirmed by the Privy Council, May 26, 1719; *do., do.*, p. 214.

The English Act referred to is (1603) 1 Jac. 1, ch. 12; it is not printed in the ordinary collections, but will be found in Keble's ponderous folio, 1687, at pp. 966, 967. The important parts are as follows:

"That if any person or persons, after the said Feast of Saint Michael the Archangel next coming, shall use, practice or exercise any Invocation or Conjururation of any evil and wicked Spirit; (2) or shall consult, covenant with, entertain, employ, feed, or reward any evil and wicked Spirit, to or for any intent or purpose; (3) or take up any dead man, woman or child, out of his, her, or their grave, or any other place where the dead body resteth, or the skin, bone, or any other part of any dead person, to be employed or used in any manner of Witchcraft, Sorcery, Charm, or Inchantment; (4) or shall use, practice, or exercise any Witchcraft, Inchantment, Charm, or Sorcery. (5) whereby any person shall be killed, destroyed, wasted, consumed, pined, or lamed in his or her body. or any part thereof; (6) That then every such offender or offenders, their aiders, abettors, and confessors, being of any the said offences duly and lawfully convicted and attainted, shall suffer pains of death as a felon or felons, (7) and shall lose the privilege and benefit of Clergy, and Sanctuary. III. And further, to the intent that all manner of practice, use or exercise of Witchcraft, Inchantment, Charm or Sorcery, should be from henceforth utterly avoided, abolished and taken away, (2) Be it enacted by the authority of this present Parliament That if any person or persons shall from and after the said Feast of St. Michael the Archangel next coming, take upon him or them by Witchcraft, Inchantment, Charm or Sorcery, to tell or declare in what place any treasure of gold or silver should or might be found or had in the earth or other secret places; (3) or where goods or things lost or stolon, should be found or become; (4) or to the intent to provoke any person to unlawful love, (5) or whereby any cattel or goods of any person shall be destroyed, wasted or impaired, (6) or to hurt or destroy any person in his or her body, (7) although the same be not effeced and done; That then all and every such person and persons so offending, and being thereof lawfully convicted, shall for the said offence suffer imprisonment by the space of one whole year, without bail or mainprize, and once in every quarter of the said year, shall in some Market Town, upon the Market day, or at any such time as any fair shall be kept there, stand openly upon the Pillory by the space of six hours and there shall openly confess his or her error and offence."

That witchcraft continued to be a very real thing for long in Pennsylvania may appear from the following extract from the proceedings at the "Council held at Philadelphia y^e 21st of 3 Mo. 1701" (May 21, 1701) printed in the Sec-

of Hendrick's Cattle and put it on their Oxon; She myght keep but noe Other Cattle, and also that one night the Daughter of ye Prisoner called him up hastily and when he came she sayd there was a great Light but Just before and an Old woman with a Knife in her hand at ye Bedd's feet and therefore shee cryed out and desired Jno. Symcock (one of the Councillors) to take away his Calves or Else she would send them to Hell."

All this farrago, the chatter of a hysterical woman, was worthy of the prisoner's contempt: she "Saith where is my Daughter: let her come and say so."

An "Affidaid of Jno Vanculin (was) read, Charles Ashcom being a witness to it"; but what it contained, does not appear.

"Annakey Coolin attested, saith her husband took the Heart of a Calfe that Dyed, as they thought, by Witchcraft, and Boyled it, where-upon the Prisoner at ye Barr came in and asked them what they were doing, they said boyling of flesh; she said they had better they had Boyled the Bones with severall other unseemly Expressions."

Anneke seems to have said something about geese not reported: and the significance of the testimony taken down wholly escapes me. Apparently it had some baleful meaning, for the prisoner not only denied "Annakey Cooling's attestation concerning the Gees . . . saying she was never out of her Conoo," but also said "that she never said any such things Concerning the Calve's heart."

"Jno. Cock attested sayth he knows nothing of the matter"—then comes another affidavit: "Tho: Balding's attestation was read, and Tho: Bracy attested saith it is a True copy." So closed the case for the prosecution. "The Prisoner denyeth all things and saith that ye witnesses speake only by hear say."

ond Volume of *The Minutes of the Provincial Council of Pennsylvania*, Philadelphia, 1852 (usually cited 2 *Col. Rec.*) p. 20.

"Present

"The Proprietary and Governour [William Penn]

Edwd. Shippen	} Esq'rs.	Thos. Story	} Esq'rs.
Saml. Carpenter		Humpry Murray	
Griffith Owen		Caleb Pussy [Pusey]	

"A Petition of Robt. Guard and his Wife being read, setting forth That a Certain Strange Woman lately arrived in this Town being Seized with a very Sudden illness after she had been in their Company on the 17th Instant, and Several Pins being taken out of her Breasts, One John Richards, Butcher, and his Wife Ann, charged the Petitr. with Witchcraft, & as being the Authors of the Said Mischief: and therefore, Desire their Accusers might be sent for, in Order either to prove their Charge, or that they might be acquitted, they Suffering much in their Reputation, & by that means in their Trade.

Ordered, that the said John & Ann Richards be sent for; who appearing, the matter was inquired into, & being found trifling, was Dismissed."

Of course a modern Judge would direct the Jury to find a Verdict of Not Guilty there being not a scrap of evidence against the accused: but Penn in the existing state of public opinion, probably acted wisely in leaving the matter to the Twelve.

"After wch ye Govr gave the jury their Charge concerning ye Prisoner at ye Barr.

The Jury went forth, and upon their Returne Brought her in Guilty of haveing the Comon fame of a witch, but not guilty in manner and forme as Shee stands Indicted."

This although not strictly regular was a sound common-sense verdict wholly justified by the testimony.

Then "Neels Mattson and Antho. Neelson (apparently the husband of the visionary daughter of the accused) Enters into a Recognizance of fifty pounds apiece, for the good behavior of Margaret Matson for six months."

It will be remembered that another woman had also been accused of witchcraft—"Yeshro Hendrickson" said to be the wife of Hendrick Jacobson"—she turns out to be "Gertrude" wife of "Jacob Hendrickson": she is not prosecuted, but

"Jacob Henrickson enters into the Recognizance of fifty pounds for the good behavior of Getro Hendrickson for six months." Then, after a good day's work, the Council "Adjourned till ye 20th day of ye first Mo., 1684" (March 20, 1684).

Nothing more appears of these alleged witches charged in the "infancy of things": and I am not aware of any successors.⁶

How much did William Penn believe in Witchcraft? And how much of his conduct was Statecraft?