

**TEN CENT POCKET SERIES NO. 174**

**Edited by E. Haldeman-Julius**

**Trial of  
William Penn**

**HALDEMAN-JULIUS COMPANY**

**GIRARD, KANSAS**

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# **Trial of William Penn**

**APPEAL PUBLISHING COMPANY**  
**GIRARD, KANSAS**

THE TRYAL of WILLIAM PENN *and* WILLIAM  
MEAD, *at the Sessions held at the Old*  
*Baily in London, the 1st, 3<sup>d</sup>, 4th, and 5th*  
*of September, 1670. Done by themselves.*

P R E S E N T

SAM. STARLING, <i>Mayor.</i>	RICHARD FORD, <i>Alderman.</i>
THO. HOWEL, <i>Recorder.</i>	JOSEPH SHELDEN, <i>Alder-</i>
THO. BLOODWORTH,	<i>man.</i>
<i>Alderm.</i>	JOHN SMITH, } JAMES EDWARDS, }
WILLIAM PEAK, <i>Alderm.</i>	<i>Sheriffs.</i>
JOHN ROBINSON,	RICHARD BROWNE.
<i>Alderm.</i>	

CRYER. O Yes, Thomas Veer, Edward Bushel, John  
Hammond, Charles Milson, Gregory Walklet, John  
Brightman, William Plumsted, Henry Henley,  
Thomas Damask, Henry Michel, William Lever,  
John Baily.

## The Form of the OATH.

"You shall well and truly Try, and true  
"Deliverance make betwixt our Sovereign  
"Lord the King, and the Prisoners at the Bar,  
"according to your Evidence. *So help you  
God.*"

## Trial of Wm. Penn

That *William Penn*, Gent. and *William Mead*, late of *London*, Linnen-Draper, with divers other Persons to the Jurors unknown, to the Number of 300, the 14th Day of *August*, in the 22d Year of the King, about Eleven of the Clock in the Forenoon, the same Day, with Force and Arms, &c. in the Parish of *St. Bennet Gracechurch* in *Bridge-Ward*, *London*, in the Street called *Gracechurch-Street*, unlawfully and tumultuously did Assemble and Congregate themselves together, to the disturbance of the Peace of the said Lord the King: And the aforesaid *William Penn* and *William Mead*, together with other Persons to the Jurors aforesaid unknown, then and there so Assembled and Congregated together; the aforesaid *William Penn*, by Agreement between him and *William Mead* before made, and by Abetment of the aforesaid *William Mead*, then and there, in the open Street, did take upon himself to Preach and Speak, and then and there did Preach and Speak unto the aforesaid *William Mead*, and other Persons there, in the Street aforesaid, being Assembled and Congregated

together, by Reason whereof a great Concourse and Tumult of People in the Street aforesaid, then and there, a long time did remain and continue, in contempt of the said Lord the King, and of his Law, to the great Disturbance of his Peace; to the great Terror and Disturbance of many of his Liege People and Subjects, to the ill Example of all others in the like Case Offenders, and against the Peace of the said Lord the King, his Crown and Dignity.

What say you, *William Penn* and *William Mead*, are you Guilty, as you stand indicted, in Manner and Form, as aforesaid, or Not Guilty?

PENN. It is impossible, that we should be able to remember the Indictment verbatim, and therefore we desire a Copy of it, as is customary in the like Occasions.

RECORDER. You must first plead to the Indictment, before you can have a Copy of it.

PEN. I am unacquainted with the Formality of the Law, and therefore, before I shall answer directly, I request two Things of the Court. First, that no Advantage may be taken against me, nor I deprived of any Benefit, which I might otherwise have received. Secondly, that you will promise me a fair hearing, and liberty of making my Defence.

COURT. No Advantage shall be taken against

you; you shall have Liberty; you shall be heard.

PEN. Then I plead Not guilty in Manner and Form.

CLERK. What sayest thou, William Mead, art thou Guilty in Manner and Form, as thou standest indicted, or Not guilty?

MEAD. I shall desire the same Liberty as is promised William Penn.

COURT. You shall have it.

MEAD. Then I plead Not guilty in Manner and Form.

The Court adjourn'd until the Afternoon.

CRYER. O Yes, &c.

CLER. Bring *William Penn* and *William Mead* to the Bar.

OBSERV. The said Prisoners were brought, but were set aside, and other Business prosecuted. Where we cannot choose but observe, that it was the constant and unkind Practices of the Court to the Prisoners, to make them wait upon the Trials of Felons and Murderers, thereby designing, in all probability, both to affront and tire them.

After five Hours Attendance, the Court broke up and adjourned to the third Instant.

The third of *September* 1670, the Court sate.

CRYER. O Yes, &c.

CLER. Bring *William Penn* and *William*

*Mead* to the Bar.

MAYOR. Sirrah, who bid you put off their Hats? Put on their Hats again.

OBSER. Whereupon one of the Officers putting the Prisoners Hats upon their Heads (pursuant to the Order of the Court) brought them to the Bar.

RECORD. Do you know where you are?

PEN. Yes.

RECORD. Do not you know it is the King's Court?

PEN. I know it to be a Court, and I suppose it to be the King's Court.

RECORD. Do you not know there is Respect due to the Court?

PEN. Yes.

RECORD. Why do you not pay it then?

PEN. I do so.

RECORD. Why do you not pull off your Hat then?

PEN. Because I do not believe that to be any Respect.

RECORD. Well, the Court sets forty Marks a piece upon your Heads, as a Fine for your Contempt of the Court.

PEN. I desire it might be observed that we came into the Court with our Hats off (that is, taken off) and if they have been put on since,



it was by Order from the Bench; and therefore not we, but the Bench should be fined.

MEAD. I have a Question to ask the Recorder. Am I fined also?

RECORD. Yes.

MEAD. I desire the Jury, and all People to take notice of this Injustice of the Recorder; who spake to me to pull off my Hat? and yet hath he put a Fine upon my Head. O fear the Lord, and dread his Power, and yield to the Guidance of his Holy Spirit, for he is not far from every one of you.

The Jury sworn again.

OBSER. *J. Robinson*, Lieutenant of the *Tower*, disingenuously objected against—*Bushel*, as if he had not kiss'd the Book, and therefore would have him sworn again; tho' indeed it was on purpose to have made use of his Tenderness of Conscience in avoiding reiterated Oaths, to have put him by his being a Jury-man, apprehending him to be a Person not fit to answer their Arbitrary Ends.

The Clerk read the Indictment, as aforesaid.

CLERK. Cryer, Call *James Cook* into the Court, give him his Oath.

CLERK. *James Cook*, lay Your Hand upon the Book.

*The Evidence you shall give to the Court, betwixt our Sovereign King, and the Prisoners at the Bar, shall be the Truth, and the whole Truth, and nothing but the Truth. So help you God.*

COOK. I was sent for, from the *Exchange*, to go and disperse a Meeting in *Gracechurch-Street*, where I saw *Mr. Penn* speaking to the People, but I could not hear what he said, because of the Noise; I endeavoured to make way to take him, but I could not get to him for the Crowd of People; upon which *Capt. Mead* came to me, about the Kennel of the Street, and desired me to let him go on; for when he had done, he would bring *Mr. Penn* to me.

COURT. What Number do you think might he there?

COOK. About three or four Hundred People.

COURT. Call *Richard Read*, give him his Oath.

READ being sworn was ask'd what do you know concerning the Prisoners at the Bar?

READ. My Lord, I went to *Gracechurch-Street*, where I found a great Crowd of People, and I heard *Mr. Penn* preach to them; and I saw *Capt. Mead* speaking to *Lieutenant Cook*,

but what he said, I could not tell.

MEAD. What did *William Penn* say?

READ. There was such a great Noise, that I could not tell what he said.

MEAD. Jury, observe this Evidence, He saith he heard him Preach, and yet faith, he doth not know what he said.

Jury, take notice, he swears now a clean contrary thing to what he swore before the Mayor when we were committed: For now he swears that he saw me in *Gracechurch-Street*, and yet swore before the Mayor, when I was committed, that he did not see me there. I appeal to the Mayor himself, if this be not true. But no Answer was given.

COURT. What Number do you think might be there?

READ. About four or five hundred.

PENN. I desire to know of him what Day it was?

READ. The 14th Day of August.

PEN. Did he speak to me, or let me know he was there; for I am very sure I never saw him.

CLER. Cryer, call \_\_\_\_\_ into the Court.

CLER. Give him his Oath.

\_\_\_\_\_ My Lord, I saw a great Number of People, and Mr. *Penn* I suppose was speaking;

I see him make a Motion with his Hands, and heard some Noise, but could not understand what he said. But for Capt. Mead, I did not see him there.

REC. What say you, Mr. *Mead*, were you there?

MEAD. It is a Maxim in your own Law *Nemo tenetur accusare seipsum*, which if it be not true Latin, I am sure it is true English. *That no Man is bound to accuse himself*: And why dost thou offer to ensnare me with such a Question? Doth not this shew thy Malice? Is this like unto a Judge, that ought to be Counsel for the Prisoner at the Bar?

REC. Sir, hold your Tongue, I did not go about to ensnare you.

PEN. I desire we may come more close to the Point, and that Silence be commanded in the Court.

CRY. O yes, all manner of Persons keep Silence upon Pain of Imprisonment — Silence Court.

PEN. We confess our selves to be so far from recanting, or declining to vindicate the Assembling of our selves to Preach, Pray, or Worship the Eternal, Holy, Just God, that we declare to all the World, that we do believe it to be our indispensable Duty, to meet incessant-

ly upon so good an Account; nor shall all the Powers upon Earth be able to divert us from reverencing and adoring our God who made it.

BROWN. You are not here for worshipping God, but for breaking the Law; you do yourselves a great deal of Wrong in going on in that Discourse.

PEN. I affirm that I have broken no Law, nor am I guilty of the Indictment that is laid to my Charge; and to the End the Bench, the Jury, and my self, with these that hear us, may have a more direct Understanding of this Procedure, I desire you would let me know by what Law it is you prosecute me, and upon what Law you ground my Indictment.

REC. Upon the Common Law.

PEN. Where is that Common Law?

REC. You must not think that I am able to run up so many years, and over so many adjudged Cases, which we call Common Law, to answer your Curiosity.

PEN. This Answer I am sure is very short of my Question, for if it be Common, it should not be so hard to produce.

REC. Sir, will you plead to your Indictment?

PEN. Shall I plead to an Indictment that hath no Foundation in Law? If it contain that Law you say I have broken, why should you

decline to produce that Law, since it will be impossible for the Jury to determine, or agree to bring in their Verdict, who have not the Law produced, by which they should measure the Truth of this Indictment, and the Guilt, or contrary of my Fact?

REC. You are a sawcy Fellow, speak to the Indictment.

PEN. I say, it is my place to speak to Matter of Law; I am arraign'd a Prisoner; my Liberty, which is next to Life itself, is now concerned: you are many Mouths and Ears against me, and if I must not be allowed to make the best of my Case, it is hard. I say again, unless you show me, and the People, say again, unless you shew me, and the People, the Law you ground your Indictment upon, I shall take it for granted your Proceedings are merely Arbitrary.

*Obser. At this time several upon the Bench urged hard upon the Prisoner to bear him down.*

REC. The Question is, whether you are guilty of this Indictment?

PEN. The Question is not whether I am guilty of this indictment, but whether this indictment be legal. It is too general and im-

perfect an Answer, to say it is the Common Law, unless we knew both where, and what it is: For where there is no Law, there is no Transgression; and that Law which is not in being, is so far from being Common, that it is no Law at all.

REC. You are an impertinent Fellow, will you teach the Court what Law is? It's *Lex non scripta*, that which many have studied thirty or forty Years to know, and would you have me to tell you in a Moment?

PEN. Certainly, if the Common Law be so hard to be understood, it's far from being very Common; but if the Lord *Cook*, in his *Institutes*, be of any Consideration, he tells us, That Common Law is Common Right, and that Common Right is the great Charter-Privileges: Confirmed 9 *Hen.* 3. 29. 25 *Edw.* 1. 1. 2 *Edw.* 3. 8. *Cook Instit.* 2 p. 56.

REC. Sir, you are a troublesome Fellow, and it is not for the Honour of the Court to suffer you to go on.

PEN. I have asked but one Question, and you have not answer'd me; tho' the Rights and Privileges of every *Englishman* be concerned in it.

REC. If I should suffer you to ask Questions till to Morrow Morning, you would be

never the wiser.

PEN. That is according as the Answers are.

REC. Sir, we must not stand to hear you talk all Night.

PEN. I design no Affront to the Court, but to be heard in my just Plea: And I must plainly tell you, that if you will deny me Oyer of that Law, which you suggest I have broken, you do at once deny me an acknowledged Right, and evidence to the whole World your Resolution to sacrifice the Privileges of *Englishmen* to your sinister and Arbitrary Designs.

REC. Take him away. My Lord, if you take not some Course with this pestilent Fellow, to stop his Mouth, we shall not be able to do anything to Night.

MAYOR. Take him away, take him away, turn him into the Bale-dock.

PEN. These are but so many vain Exclamations; is this Justice or true Judgment? Must I therefore be taken away because I plead for the Fundamental Laws of *England*? However, this I leave upon your Consciences, who are of the Jury (and my sole Judges) that if these Ancient Fundamental Laws, which relate to Liberty and Property, and (are not limited to particular Persuasions in Matters of Religion)



must not be indispensibly maintained and observed. Who can say he hath Right to the Coat upon his Back? Certainly our Liberties are openly to be invaded, our Wives to be ravished, our Children slaved, our Families ruined, and our Estates led away in Triumph, by every sturdy Beggar and malicious Informer, as their Trophies, but our (pretended) Forfeits for Conscience sake. The Lord of Heaven and Earth will be Judge between us in this Matter.

REC. Be silent there.

PEN. I am not to be silent in a Case wherein I am so much concerned, and not only myself, but many ten thousand Families besides.

OBSER. They having rudely haled him into the Bale-dock, *William Mead* they left in Court, who spake as followeth.

MEAD. You Men of the Jury, here I do now stand, to answer to an Indictment against me, which is a Bundle of Stuff, full of Lyes and Falsehoods; for therein I am accused, that I met *Vi & armis, illicite & tumultuose*: Time was, when I had Freedom to use a carnal Weapon, and then I thought I feared no Man; but now I fear the Living God, and dare not make use thereof, nor hurt any Man; nor do I know I demeaned myself as a tumultuous

Person: I say, I am a peaceable Man, therefore it is a very proper Question what *William Penn* demanded in this Case, An Oyer of the Law, in which our Indictment is grounded.

REC. I have made Answer to that already.

MEAD. Turning his Face to the Jury, saith, you Men of the Jury, who are my Judges, if the Recorder will not tell you what makes a Riot, a Rout, or an unlawful Assembly, *Cook*, he that once they called the Lord *Cook*, tells us what makes a Riot, a Rout, and an unlawful Assembly—A Riot is when three, or more, are met together to beat a Man, or to enter forcibly into another Man's Land, to cut down his Grass, his Wood, or break down his Pales.

OBSER. Here the Recorder interrupted him, and said, I thank you Sir, that you will tell me what the Law is, scornfully pulling off his Hat.

MEAD. Thou mayst put on thy Hat, I have never a Free for thee now.

BROWN. He talks at random, one while an Independent, another while some other Religion, and now a Quaker, and next a Papist.

MEAD. *Turpe est doctori cum culpa redarguit ad ipsum.*

MAY. You deserve to have your Tongue cut out.

REC. If you discourse on this Manner, I shall take Occasion against you.

MEAD. Thou didst promise me, I should have fair Liberty to be heard; why may I not have the Privilege of an *Englishman*? I am an *Englishman*, and you might be ashamed of this dealing.

REC. I look upon you to be an Enemy to the Laws of *England*, which ought to be observed and kept, nor are you worthy of such Privileges, as others have.

MEAD. The Lord is Judge between me and thee in this Matter.

OBSER. Upon which they took him away into the Bale-dock, and the Recorder proceeded to give the Jury their Charge, as followeth.

REC. You have heard what the Indictment is. It is for preaching to the People, and drawing a tumultuous Company after them, and Mr. *Penn* was speaking; if they should not be disturbed, you see they will go on; there are three or four Witnesses that have proved this, that he did preach there; that Mr. *Mead* did allow of it; after this, you have heard by substantial Witnesses what is said against them: Now we are upon the Matter of Fact, which you are to keep to, and observe, as what hath been fully sworn, at your Peril.

OBSER. The Prisoners were put out of the Court into the Bale-dock, and the Charge given to the Jury in their Absence, at which *W. P.* with a very raised Voice, it being a considerable distance from the Bench, spake.

PEN. I appeal to the Jury, who are my Judges, and this great Assembly, whether the Proceedings of the Court are not most Arbitrary, and void of all Law, in offering to give the Jury their Charge in the Absence of the Prisoners; I say, it is directly opposite to, and destructive of, the undoubted Right of every *English Prisoner*, as *Cook* in the 2 *Instit.* 29. on the Chap. of *Magna Charta*, speaks.

OBSER. The Recorder being thus unexpectedly lash'd for his extrajudicial Procedure, said, with an intraged Smile.

REC. Why, ye are present, you do hear, do you not?

PEN. No thanks to the Court, that commanded me into the Bale-dock; and you of the Jury take notice, that I have not been heard, neither can you legally depart the Court, before I have been fully heard, having at least ten or twelve material Points to offer, in order to invalid their Indictment.

REC. Pull that Fellow down, pull him down.

MEAD. Are these according to the Rights

and Privileges of *Englishmen*, that we should not be heard, but turned into the Bale-dock, for making our Defence, and the Jury to have their Charge given them in our Absence; I say these are barbarous and unjust Proceedings.

REC. Take them away into the Hole: To hear them talk all Night, as they would, that I think doth not become the Honour of the Court, and I think you (i. e. the Jury) yourselves would be tired out, and not have Patience to hear them.

OBSER. The Jury were commanded up to agree upon their Verdict, the Prisoners remaining in the stinking Hole. After an Hour and half's time eight came down agreed, but four remained above; the Court sent an Officer for them, and they accordingly came down. The Bench used many unworthy Threats to the four that dissented; and the Recorder, addressing himself to *Bushel*, said, *Sir, You are the Cause of this Disturbance, and manifestly shew yourself an Abettor of Faction; I shall set a Mark upon you, Sir.*

J. ROBINSON. Mr. *Bushel*, I have known you near this fourteen Years; you have thrust yourself upon this Jury, because you think there is some Service for you. I tell you,

you deserve to be indicted more than any Man that hath been brought to the Bar this Day.

BUSHEL. No, Sir *John*, there were three-score before me, and I would willingly have got off, but could not.

BLOODW. I said, when I saw Mr. *Bushel*, what I see is come to pass, for I knew he would never yield. Mr. *Bushel*, we know what you are.

MAY. Sirrah, you are an impudent Fellow, I will put a Mark upon you.

OBSER. They used much menacing Language, and behaved themselves very imperiously to the Jury, as Persons not more void of Justice than sober Education: After this barbarous Usage, they sent them to consider of bringing in their Verdict, and after some considerable time they returned to the Court. Silence was call'd for, and the Jury call'd by their Names.

CLER. Are you agreed upon your Verdict?

JURY. Yes.

CLER. Who shall speak for you?

JURY. Our Fore-man.

CLER. Look upon the Prisoners at the Bar. How say you? Is *William Penn* Guilty of the Matter whereof he stands indicted in Manner

and Form, or Not Guilty?

FORE-M. Guilty of Speaking in Grace-church-Street.

COURT. Is that all?

FORE-M. That is all I have in Commission.

REC. You had as good say nothing.

MAY. Was it not an unlawful Assembly? You mean he was speaking to a Tumult of People there?

FORE-M. My Lord, This is all I had in Commission.

OBSER. Here some of the Jury seemed to buckle to the Questions of the Court; upon which, *Bushel, Hammond*, and some others, opposed themselves, and said, they allowed of no such Word, as an unlawful Assembly in their Verdict; at which the Recorder, Mayor *Robinson and Bloodworth* took great occasion to villifie them with most opprobrious Language; and this Verdict not serving their Turns, the Recorder express'd himself thus.

REC. The Law of *England* will not allow you to part till you have given in your Verdict.

JURY. We have given in our Verdict, and we can give in no other.

REC. Gentlemen, you have not given in your Verdict, and you had as good say nothing; therefore go and consider it once more, that

we may make an end of this troublesome Business.

JURY. We desire we may have Pen, Ink and Paper.

OBSER. The Court adjourn'd for half an Hour; which being expired, the Court returns, and the Jury not long after.

The Prisoners were brought to the Bar, and the Jury's Names called over.

CLER. Are you agreed of your Verdict?

JUR. Yes.

CLER. Who shall speak for you?

JUR. Our Fore-man.

CLER. What say you, look upon the Prisoners: Is *William Penn* Guilty in Manner and Form, as he stands indicted, or Not Guilty?

FORE-M. Here is our Verdict, holding forth a piece of Paper to the Clerk of the Peace, which follows;

*We the Jurors, hereafter named, do find William Penn to be Guilty of Speaking or Preaching to an Assembly, met together in Gracechurch-Street, the 14th of August last, 1670. And that William Mead is Not guilty of the said Indictment.*



Fore-m.	<i>Thomas Veer,</i>	<i>Charles Milson,</i>
	<i>Edward Bushel,</i>	<i>Gregory Walklet,</i>
	<i>John Hammond,</i>	<i>John Baily,</i>
	<i>Henry Henley,</i>	<i>William Lever,</i>
	<i>Henry Michel,</i>	<i>James Damask,</i>
	<i>John Brightman,</i>	<i>Wil. Plumsted.</i>

OBSER. This both Mayor and Recorder represented as so high a rate, that they exceeded the Bounds of all Reason and Civility.

MAY. What will you be led by such a silly Fellow as *Bushel*? an impudent canting Fellow? I warrant you, you shall come no more upon Juries in haste: You are a Fore-man indeed, addressing himself to the Fore-man, I thought you had understood your Place better.

REC. Gentlemen, you shall not be dismissed till we have a Verdict, that the Court will accept; and you shall be lock'd up, without Meat, Drink, Fire, and Tobacco; you shall not think thus to abuse the Court; we will have a Verdict, by the help of God, or you shall starve for it.

PEN. My Jury, who are my Judges, ought not to be thus menaced; their Verdict should be free, and not compelled; the Bench ought to wait upon them, but not forestall them. I do desire that Justice may be done me, and that the Arbitrary Resolves of the Bench may

not be made the Measure of my Jury's Verdict.

REC. Stop that prating Fellow's Mouth, or put him out of the Court.

MAY. You have heard that he preach'd, that he gathered a Company of tumultuous People, and that they do not only disobey the Martial Power, but Civil also.

PEN. It is a great Mistake; we did not make the Tumult, but they that interrupted us: The Jury cannot be so ignorant, as to think, that we met there, with a Design to disturb the Civil Peace, since (1st) we were by Force of Arms kept out of our lawful House, and met as near it in the Street, as their soldiers would give us leave; and (2dly) because it was no new thing (nor with the Circumstances expres'd in the Indictment) but what was usual and customary with us; 'tis very well known that we are a peaceable People, and cannot offer Violence to any Man.

OBSER. The Court being ready to break up, and willing to huddle the Prisoners to their Goal, and the Jury to their Chamber, Penn spoke as follows:

PEN. The Agreement of Twelve Men is a Verdict in Law, and such a one being given by the Jury, I require the Clerk of the Peace to record it, as he will answer it at his Peril.

And if the Jury bring in another Verdict contradictory to this, I affirm they are perjurd Men in Law. And looking upon the Jury, said, You are *Englishmen*, mind your Privilege, give not away your Right.

BUSH. &C. Nor will we ever do it.

OBSER. One of the Jury-men pleaded Indisposition of Body, and therefore desired to be dismiss.

MAY. You are as strong as any of them; starve with them; and hold your Principles.

REC. Gentlemen, You must be contented with your hard Fate, let your Patience overcome it; for the Court is resolved to have a Verdict, and that before you can be dismiss.

JURY. We are agreed, we are agreed, we are agreed.

OBSER. The Court swore several Persons, to keep the Jury all Night without Meat, Drink, Fire, or any other Accommodation; they had not so much as a Chamber-pot, tho<sup>u</sup> desired.

CRY. O Yes, &c.

OBSER. The Court adjourns till Seven of the Clock next Morning (being the 4th Instant, vulgarly call'd Sunday) at which time the Prisoners were brought to the Bar: The Court sat, and the Jury called to bring in their Verdict.

CRY. O Yes, &c. — Silence in the Court, upon pain of Imprisonment.

The Jury's Names called over.

CLER. Are you agreed upon your Verdict?

JUR. Yes.

CLER. Who shall speak for you?

JUR. Our Fore-man.

CLER. What say you? Look upon the Prisoners at the Bar. Is *William Penn* Guilty of the Matter whereof he stands indicted, in Manner and Form as aforesaid, or Not Guilty?

FORE-M. *William Penn* is guilty of Speaking in *Gracechurch-Street*.

MAY. To an unlawful Assembly?

BUSH. No, my Lord, we give no other Verdict than what we gave last Night; we have no other Verdict to give.

MAY. You are a factious Fellow, I'll take a Course with you.

BLOOD. I knew Mr. *Bushel* would not yield.

BUSH. Sir *Thomas* I have done according to my Conscience.

MAY. That Conscience of yours would cut my Throat.

BUSH. No, my Lord, it never shall.

MAY. But I will cut yours so soon as I can.

REC. He has inspired the Jury; he has the Spirit of Divination, methinks I feel him. I

will have a positive Verdict, or you shall starve for it.

PEN. I desire to ask the Recorder one Question, Do you allow of the Verdict given of *William Mead*?

REC. It cannot be a Verdict, because you were indicted for a Conspiracy, and one being found Not guilty, and not the other, it could not be a Verdict.

PEN. If Not guilty be not a Verdict, then you make of the Jury and *Magna Charta* but a meer Nose of Wax.

MEAD. How! is Not guilty no Verdict?

REC. No, 'tis no Verdict.

PEN. I affirm, that the Consent of a Jury is a Verdict in Law; and if *William Mead* be Not guilty, it consequently follows, that I am clear, since you have indicted us of a Conspiracy, and I could not possibly conspire alone.

OBSER. There were many Passages, that could not be taken, which past between the Jury and the Court. The Jury went up again, having received a fresh Charge from the Bench, if possible to extort an unjust Verdict.

CRY. O Yes, &c. Silence in the Court.

COUR. Call over the Jury. Which was done.

CLER. What say you? Is *William Penn* Guilty of the Matter whereof he stands in-

dicted, in Manner and Form aforesaid, or Not Guilty?

FORE-MAN. Guilty of speaking in *Gracechurch-Street*.

REC. What is this to the Purpose? I say, I will have a Verdict. And speaking to *Edw. Bushel*, said, You are a factious Fellow; I will set a Mark upon you; and whilst I have anything to do in the City, I will have an eye upon you.

MAY. Have you no more Wit than to be led by such a pitiful Fellow? I will cut his Nose.

PEN. It is intolerable that my Jury should be thus menaced: Is this according to the Fundamental Laws? Are not they my proper Judges by the great Charter of *England*? What hope is there of ever having Justice done, when Juries are threatened, and their Verdicts rejected? I am concerned to speak and grieved to see such Arbitrary Proceedings. Did not the Lieutenant of the Tower render one of them worse than Felon? And do you not plainly seem to condemn such for factious Fellows, who answer not your Ends? Unhappy are those Juries, who are threatened to be fined, and starved, and ruined, if they give not in Verdicts contrary to their Consciences.

REC. My Lord, you must take a Course with

that same Fellow.

MAY. Stop his Mouth; Jaylor, bring Fetters, and stake him to the Ground.

PEN. Do your Pleasure, I matter not your Fetters.

REC. 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 unto the *Spanish* Inquisition be in *England*.

OBSER. The Jury being required to go together to find another Verdict, and steadfastly refusing it (saying they could give no other Verdict than what was already given) the Recorder in great Passion was running off the Bench, with these Words in his Mouth, *I protest I will sit here no longer to hear these Things*; at which the Mayor calling, *Stay, stay*, he returned, and directed himself unto the Jury, and spoke as followeth:

REC. Gentlemen, we shall not be at this trade always with you; you will find the next Sessions of Parliament there will be a Law made, that those that will not conform shall not have the Protection of the Law. Mr. *Lee*, draw up another Verdict, that they may bring it in special.

LEE. I cannot tell how to do it.

JUR. We ought not to be return'd, having all agreed, and set our Hands to the Verdict.

REC. Your Verdict is nothing, you play upon the Court; I say you shall go together, and bring in another Verdict, or you shall starve; and I will have you charted about the City, as in Edward the Third's time.

FORE-M. We have given in our Verdict, and all agreed to it; and if we give in another, it will be a Force upon us to save our Lives.

MAY. Take them up.

OFFIC. My Lord, they will not go up.

OBSER. The Mayor spoke to the Sheriff, and he came off of his seat, and said.

SHER. Come, Gentlemen, you must go up; you see I am commanded to make you go.

OBSER. Upon which the Jury went up; and several sworn to keep them without any Accommodation, as aforesaid, till they brought in their Verdict.

CRY. O yes, &c. The Court adjourns till to Morrow Morning, at seven of the Clock.

OBSER. The Prisoners were remanded to Newgate, where they remained till next Morning, and then were brought unto the Court, which being sat, they proceeded as followeth.

CRY. O yes, &c. Silence in the Court, upon



pain of Imprisonment.

CLER. Set *William Penn* and *William Mead* to the Bar. Gentlemen of the Jury, answer to your Names: *Tho. Veer, Edw. Bushel, John Hammond, Henry Henly, Henry Michell, John Brightman, Charles Milson, Gregory Walklet, John Baily, William Leaver, James Damask, William Plumstead.* Are you all agreed of your Verdict?

JUR. Yes.

CLER. Who shall speak for you?

JUR. Our Fore-man.

CLER. Look upon the Prisoners. What say you? Is *William Penn* Guilty of the Matter whereof he stands indicted, in Manner and Form, &c., or Not Guilty?

FORE-MAN. Here is our Verdict in Writing, and our Hands subscribed.

OBSER. The Clerk took the paper, but was stopt by the Recorder from reading of it; and he commanded to ask for a positive Verdict.

FORE-MAN. That is our Verdict; we have subscribed to it.

CLER. How say you? Is *William Penn* Guilty, &c., or Not Guilty?

FORE-MAN. Not guilty.

CLER. How say you? Is *William Mead* Guilty, &c., or Not Guilty?

FORE-MAN. Not guilty.

CLER. Then hearken to your Verdict; you say that William Penn is Not Guilty in Manner and Form as he stands indicted; you say that *William Mead* is Not guilty in Manner and Form as he stands indicted, and so you say all?

JUR. Yes, we do so.

OBSER. The Bench being unsatisfied with the Verdict, commanded that every Person should distinctly answer to their Names, and give in their Verdict, which they unanimously did, in saying, Not Guilty, to the great Satisfaction of the Assembly.

REC. I am sorry, Gentlemen, you have followed your own Judgments and Opinions, rather than the good and wholesome Advice, which was given you; God keep my Life out of your Hands; but for this the Court Fines you forty Mark a Man; and Imprisonment till paid. At which *Penn* stept up towards the Bench, and said:

PEN. I demand my Liberty, being freed by the Jury.

MAY. No, you are in for your Fines.

PEN. Fines, for what?

MAY. For contempt of the Court.

PEN. I ask, if it be according to the Funda-

mental Laws of *England*, that any English-Man should be Fined or Amerced, but by the Judgment of his Peers or Jury; since it expressly contradicts the fourteenth and twenty-ninth Chap. of the great Charter of *England*, which say, No Free-Man ought to be amerced, but by the Oath of good and Lawful Men of the Vicinage.

REC. *Take him away, Take him away, take him out of the Court.*

PEN. I can never urge the Fundamental Laws of *England*, but you cry, Take him away, take him away. But it is no wonder, *Since the Spanish Inquisition hath so great a place in the Recorder's Heart.* God Almighty, who is just, will judge you all for these things.

OBSER. They haled the Prisoners into the Bale-dock, and from thence sent them to *New-gate*, for Non-payment of their Fines; and so were their *Jury*.

## L'ENVOIE

So ended the "Tryal." The contumacious jurors did not long remain in duress. The pertinacious Bushel, being a man of substance, took steps to legally rescue himself and fellows, and soon succeeded. The affair had an important after echo at the trial in New York, of John Peter Zenger, the Palatine Printer, in 1735, for libelling Governor William Cosby, by telling the truth about his infringement of popular liberty, when the attempted forcing of the Penn jury was powerfully employed by Andrew Hamilton, attorney for the defense, to curb the efforts of Mr. Justice DeLancey to coerce the twelve. In his remarkable address—an address that solidified the foundation for liberty of the press and free speech on this continent and was a worthy preface to the Declaration of Independence drawn some forty years later—Hamilton said, concerning this "Tryal:"

"Mr. *Penn* and *Mead* being Quakers, and having met in a peaceable Manner, after being shut out of their Meeting House, preached in *Grace Church Street*, in *London*, to the People

of their own Perswasion, and for this they were indicted; and it was said, *That they with other Persons, to the Number of 300 unlawfully and tumultuously assembled, to the Disturbance of the Peace, &c.* To which they pleaded *Not Guilty*. And the Petit Jury being sworn to try the Issue between the King and the Prisoners, that is, whether they were Guilty, according to the Form of the Indictment? Here there was no Dispute but they were assembled together, to the Number mentioned in the Indictment; *But Whether that Meeting together was riotously, tumultuously, and to the Disturbance of the Peace?* was the Question. And the Court told the Jury it was, and ordered the Jury to find it so; *For (said the Court) the Meeting was the Matter of Fact, and that is confessed, and we tell you it is unlawful, for it is against the Statute; and the Meeting being unlawful, it follows of Course that it was tumultuous, and to the Disturbance of the Peace.* But the Jury did not think fit to take the Court's Word for it, for they could neither find Riot, Tumult, or any Thing tending to the *Breach of the Peace* committed at that Meeting; and they acquitted Mr. Penn and Mead. In doing of which they took upon them to judge both the *Law* and the *Fact*, at which the

Court (being themselves true Cortiers) were so much offended, that they fined the Jury 40 Marks a piece, and committed them till paid. But Mr. *Bushel*, who valued the Right of a Juryman and the Liberty of his Country more than his own, refused to pay the Fine, and was resolved (tho' at a great Expence and trouble too) to bring, and did bring, his *Habeas Corpus*, to be relieved from his Fine and Imprisonment, and he was released accordingly; and this being the Judgment in his Case, it is established for Law, *That the Judges, how great soever they be, have no Right to Fine, imprison, or punish a Jury, for not finding a Verdict according to the Direction of the Court.* And this I hope is sufficient to prove, That Jurymen are to see with their own Eyes, to hear with their own Ears, and to make use of their own Consciences and the Understandings, in judging of the Lives, Liberties or Estates of their Fellow Subjects."

## How Voltaire Fooled Priest & King

By CLARENCE S. DARROW

Voltaire was born in Paris in 1694. At that time, Louis XIV was on the throne in France. Through long years of profligacy and dissipation the lords and rulers of France had reduced the country to poverty and the people to slavery and superstition. France was nothing but the king and the favorites of the court. Noblemen, priests and women of easy virtue were the rulers, and people lived only to furnish them amusement and dissipation. Everyone believed in miracles, witchcraft and revealed religion. They not only believed in old miracles, but in new ones. A person may be intellectual and believe in miracles, but the miracles must be very old.

Doctors plied their trade through sorcery and sacred charms. Lawyers helped keep the poor in subjection; the criminal code was long, cruel and deadly. The priest, the doctor, and the lawyer lived for the rich and helped make slaves of the poor. Doctors still believe in sorcery, but they administer their faith cures through a bottle instead of vulgar witchcraft. Lawyers still keep the poor in their place by jails and barbarous laws, but the criminal code is shorter and less severe.

When Voltaire was born there was really but one church, which, of course, was ignorant, tyrannical and barbarous in the extreme. All creeds are alike, and whenever there is but one and the rulers honestly believe in that one, they are bound to be ignorant, barbarous and cruel. All sorts of heresies were punishable by death. If any one dared to write a pamphlet or book that questioned any part of the accepted faith, the book was at once consigned to flames and the author was lucky if he did not meet the same fate. Religion was not maintained by the precepts of the priest, but by the prison, the torture chamber and the fagot. Everyone believed; no one questioned. The religious creeds, while strict and barbarous, did not interfere with the personal conduct of any of the rulers. They were left free to act as they pleased, so long as they professed to believe in the prevailing faith.

France was on the verge of bankruptcy. Her possessions were dwindling away. There was glitter and show and extravagance on the outside; poverty degradation, and ignorance beneath. It was in this state and at that time that Voltaire was born. He was a puny child, whom no one thought would live. The priest was called in immediately that he might be baptized so his soul would be saved.

Voltaire's father was a notary of mediocre talents and some property, but his name would have been lost, excepting for his brilliant son. His mother was his mother, and that was all. In his writings, the most voluminous ever left



by an author, he scarcely mentions his mother a half dozen times. He had a brother and sister whose names have only been rescued from oblivion by the lustre of Voltaire. No one can find in any of his ancestors or kin, any justification for the genius of Voltaire.

Had the modern professors of eugenics had power in France in 1694, they probably would not have permitted such a child to be born. Their scientific knowledge would have shown conclusively that no person of value could have come from the union of his father and mother. In those days, nature had not been instructed by the professors of eugenics, and so Voltaire was born.

In a few days, his parents and nurse grew tired of waiting for him to die, and while he was yet a child his education was left in charge of a priest named Chateauneuf. His teacher drew a salary as a priest, but was irreligious, profligate, clever and skeptical in the extreme. He was kind hearted and good-natured and fond of his pupil, who was also his god-son, and did his best to keep the young mind free from the superstition of the age.

Before he was ten years old, it was plain that the young Voltaire had a clever mind. At that age he was sent to a boys' school in France. His body was lean and thin and his mind was keen and active, and neither his body nor his mind changed these characteristics to the day of his death. At the school he says he learned "Latin and nonsense" and nothing else. In two hundred years, the

schools are still teaching Latin and nonsense. The course of Latin is the same, but the kinds of nonsense have somewhat changed. At school he was not like the other boys. He did not care for games or sports. His love of sport developed later in life, but developed all the same. On his return from school, about fifteen, his father decided to make him an advocate. He picked out the profession for his son, as most fathers do, because it was his own; but Voltaire's early efforts at poetry had given him the ambition to write, and he insisted that he should not follow his father's footsteps but devote his life to literature. This his father would not consent to. "Literature," said the parent, "is the profession of the man who wishes to be useless to society, a burden to his relatives, and to die of hunger." But even Voltaire's father could not make a lawyer out of a genius. To be a good lawyer, one must have a mind and a disposition to venerate the past, a respect for precedents; believe in the wisdom and sagacity of the dead. Voltaire had genius, imagination, feeling and poetry, and these gifts always have been and always will be incompatible with the practice of law. While he was studying law he was writing verses—verses that were wicked, sacrilegious, and sometimes malicious. He was also making up for the play he missed in youth and was having a gay time with his friends. On account of some boyish scrape, he was sent by his father to Caen, and although in a way under restraint, at once cap-

tured the society and intellect of the town. His father, seeing something of the boy's brilliancy, sent him word that if he would come back home, he would buy him a good post in the government. "Tell my father," was the answer, "I do not want any place that can be bought. I will make one for myself that will cost nothing."

His father got him a post in Holland, where he wrote more verses, and fell in love, or at least thought he did, which comes to the same thing. He was forbidden to see his mistress. After various difficulties in meeting, she wisely concluded that the chances were so uncertain she had better take someone else. Naturally this serious matter made a deep impression on a boy. He concluded there was nothing to live for, and turned more deliberately to literature for consolation. He went seriously to work and never stopped until he died at eighty-four. Had he been able to marry the girl, then—but what's the use in speculating upon that?

Louis XIV died in 1715. His reign was splendid, corrupt and profligate. The people were hungry and turbulent; the notables tyrannical and insolent. The last few years the king was the absolute monarch of France, and he was ruled by a woman and priest. The news of his death was received with joy by the multitude. Young Voltaire was at the funeral. This funeral resembled a fete more than a day of mourning.

Voltaire by this time was known for his epi-

grams, his rhymes and his audacity. The salons of Paris were at once opened to him. Whatever else he was during his life, he was never dull, and the world forgives almost anything but stupidity. Commencing early in his life, most of the epigrams and brilliant satires in France were charged to Voltaire. On account of a particularly odious epigram, he was exiled to Sully. His keepers found him a most agreeable guest, and he was at once a favorite in the society of the place. "It would be delightful to stay at Sully," he wrote, "if I were only allowed to go away from it." He spent his time hunting, flirting and writing verses. In his verses and his epigrams, he could flatter when he thought flattery would accomplish his end, and by this means his exile was brought to a close and he returned to Paris after an absence of about a year.

No sooner was he back than a violent attack on the government appeared. This was at once charged to Voltaire, who had in fact not written it. During this time he had been writing his first play, which had been accepted and was then on rehearsal at the theatre, but on account of the anonymous verses which he did not write he was sent to the Bastile.

It was some time before he was given a pen and ink, which all his life he needed more than anything else; but without these, he began to compose a new play. He was able to carry in his mind whole cantos of the play and as Frederick the Great said, "His prison became his Parnassus."

Voltaire was not the first or last man to convert a prison into a hall of fame. A prison is confining to the body, but whether it affects the mind depends entirely upon the mind.

It was while in prison that he changed his name from the one his father gave him—Arouet—to the one he has made famous throughout all time—Voltaire. "I was very unlucky under my first name. I want to see if this one will succeed any better," he said.

His verses soon won him the clemency of the regent, who wrote him, "Be prudent and I will provide for you." Voltaire answered: "I shall be delighted if your highness will give me my board, but beg that you will take no further trouble about my lodging." In a year he was released, but whether in prison or surrounded by the gayest court in Europe, he was always forging his keen, witty, malicious darts against the enemies of truth and liberty.

When Voltaire was twenty-four, his first play was produced in Paris, "Oedipe." His verses and epigrams had already made him famous throughout the capital, and a packed house made up of the intellectual and important people of Paris greeted the play with wild enthusiasm. It ran for forty-five nights, and at once made Voltaire famous as a playwright; which fame was with him to the end. This play, together with his earlier works, got him a pension, but the pension did not succeed in keeping his mouth closed, as is generally the case. Pensions are the favors of

the powerful, and dangerous to any great intellect. It is only here and there down throughout the ages that a Voltaire is born who does not fall a victim to their blandishments. Not only pensions, but what the world calls good society was always open to Voltaire. He needed but to obey the mandates of the rulers to live as the pampered child of luxury and ease, but this Voltaire always refused to do. He went his way writing his plays, making his epigrams, reading his verses, witty, audacious and heterodox, dodging officers and jails, doing his own work, flattering those whom he despised; he managed to keep out of jail most of the time, and died at the old age of eighty-four.

Probably no man ever lived who assailed the church and the state with the same wit and keenness that was always at Voltaire's command; and yet in spite of this he managed to live comfortably, accumulate riches, and die in peace.

Voltaire with all his other talents was a business man. For this he has been criticised by biographers and enemies. While he was ever generous to his friends and ready to give his time and money for an unpopular cause he constantly haggled and dickered over business matters and seldom got the worst of any trade. No iconoclast can possibly escape the severest criticism. If he is poor he is against existing things because he cannot succeed. If he is rich, he is not faithful to his ideals. The world always demands of a prophet a double

standard. He must live a life consistent with his dreams, and the same time must obey the conventions of the world. He cannot be judged either by one or the other, but must be judged by both. In trying to live up to both standards, one invariably misses both. It is hard to be true to the two, especially when the standards of the new and the old are in conflict. The ravens should feed the iconoclasts, but they don't.

Voltaire loved the good things of life. He loved society; he loved the witty and intelligent; he loved fame; and he was singularly vain. He loved the society of the courts of Europe. He spent many days at the magnificent courts of France, adapting himself the best he could, but at the same time seeing through its shams, despising its vanities, its cruelties, and its injustice to the poor; but he must do his work, and to do his work in France two hundred years ago, he must have the patronage of princes, of priests, of kings, and influential courtesans.

For another of his brilliant sayings he was thrown into the Bastille for a short time in 1726. He was pardoned on the condition that he go to England. No sooner had he reached that island than he was at once received by the poets, philosophers, and statesmen of England. Swift, Pope, Young, Gray and Walpole were then shedding their luster on the British Isle. Newton was dying, and Locke, though dead, had just begun to speak.

Voltaire at once threw himself into the life

of England. Here he found a country that was really free. Here he found a land where one could write and speak and publish his honest thoughts. Here he felt that he had reached the "promised land." He was everywhere received by the intellectual spirits of England, and within six months he was master of the English tongue, and all the rest of his life could read and speak that language almost as fluently as if a native born. Here he met the Quakers, studied their religion and was captivated by their simplicity and their tolerance. "What! you have no priests?" said Voltaire to the Quaker. "No, friend," he replied, "and we get on very well without them."

"What would you have done had you been born in Spain?" asked Voltaire's secretary. "I would have gone to mass every day, kissed the monk's robes and set fire to their convents."

Voltaire's residence in England made a great impression on his future life. He seemed to dedicate himself anew to the great cause of human liberty. He felt that it was for him to destroy oppression, superstition and tyranny. He never ceased to fight for the cause as long as life remained.

Soon after his return to Paris, Adrienne Lecouvreur died at the age of thirty-eight. She was the greatest actress of her time and her death made a profound impression upon Voltaire. He had known her in her younger years; had been her friend and admirer up to the time of her death. She was a woman



of genius and intellect. She was taken with a fatal illness while playing one of Voltaire's plays. Voltaire hastened to her bedside. She died in his arms, in agony for which the doctors of that day could furnish no relief. Her fame and her fate made a profound impression in Paris at the time.

In her death she could have neither priest nor absolution; was denied Christian burial; taken out to the city at night and "thrown in the kennel" like a dog. It was said of this brilliant woman that "she had all the virtues but virtue." Whatever she was, her life had been no worse than the paramours, friends, and mistresses of the kings and nobles over whose graves priests had pronounced eulogies the most convenient seat out of the immediate and benedictions, and who had been laid in consecrated ground; but her intellect, her genius, and her heart were far above all these.

During the rest of his life, he worked tirelessly to improve the condition of the actors of his day. Even as an old man he could never forget the injustice done to this great woman. "Actors are paid by the king," he said, "and excommunicated by the church. They are commanded by the king to play every evening and by the church forbidden to do so at all. If they do not play, they are put in prison. If they do, they are spurned into a kennel. We delight to live with them and object to be buried with them. We admit them to our tables and exclude them from our cemeteries."

There was no field of literature that was not open to Voltaire. A poet, an essayist, a writer of plays, a historian, a novelist, a scientist, a philosopher. He tried them all and excelled in all. His histories were as brilliant as his plays. He understood, as well as any man who ever lived, the difficulty that besets the author who would write history. "Who so writes a history of his own times," he says, "must be expected to be blamed for everything he has said and everything he has not said."

His "English Letters" had been prepared in England and after his return to France. These, he knew, were too dangerous to be published in Paris. He was saving them until it might be safe. Somehow they were stolen and appeared in 1734. These letters contained studies of the great English philosophers and comments on life, which were modern then and are still modern. The truth is always modern and there never comes a time when it is safe to give it voice.

The publisher of his "English Letters" was thrown into the Bastille, the book was denounced and publicly burned in Paris by the hangman as "scandalously contrary to religion, morals, and society," but still Paris was not so old-fashioned. Men are constantly thrown into prison today in America for publications which are "scandalous" and "contrary to morals and authority"—publications which tell the truth and which are condemned simply because they tell the truth. Voltaire's

house was searched, but he got the news in time and once more fled to save his liberty and his life.

There is no parallel in history for this great genius. Born in Paris, placed in the Bastille for audacious writing at eighteen, driven to Holland, to England, Prussia and the far off Provinces of France. All his life he loved Paris, and although he died at an advanced age, probably five or six years would cover all the time that he lived in Paris during his mature life.

Voltaire could not keep out of trouble. Almost every person of importance was his enemy at some period of his life, but he was a non-resistant. He never turned the other cheek. When he was attacked, he replied with pamphlets and epigrams more poisonous than those any other author ever penned. Whenever he was at peace, he was uneasy to be at war. If his critics and traducers left him alone for a time, he was busy writing some pamphlet, poem or play to get himself into trouble once more. He seldom signed his own name to the productions of his pen. More than one hundred names were used by Voltaire in the course of his long literary career, but whatever the name and whether written by him or not, if especially bitter, mocking, rebellious, or ungodly, it was always laid to Voltaire; and whatever the utterance that made the trouble, whether it was his or not, Voltaire was ready instantly to deny that he was the author.

Most of his pamphlets and many of his more pretentious works he promptly denied. He did not write the pamphlet or the poem. He did not write the essay on Natural Rights. He did not write the attack on priest or king. He did not write the Philosophical Dictionary. He had nothing to do with the Encyclopedia. He wrote only words of flattery for the king and nicely turned stanzas for the women of the court. He sometimes condemned his own books and was present in the crowd to see them burned, and no doubt most men would have preferred denying the pamphlets to being burned with them. It is idle to speculate whether a man should or should not have done this or that. No doubt some men would have been burned with the pamphlet that they wrote, but not Voltaire. He would rather live to an old age and dodge and flee and deny and lie and still pour forth upon the world the greatest mass of rebellious literature that ever came from the pen of man.

Voltaire fled from Paris when the "English Notes" were published. He fled to a distant part of France. From there he went to live on an old estate with Madame du Chatelet and her husband. The husband was an army officer and seldom at home and of very little consequence when he was. Madame du Chatelet was one of the most remarkable women of her age, or any other. Brilliant and learned, she loved pleasure and she loved work. No book was too deep for her understanding. She was a mathematician, an astronomer, a phil-

osopher, and a woman. Voltaire was forty years of age when he fled from Paris to the estate of Madame du Chatelet and his life and fortunes were bound up with her for sixteen years. The estate was old and dilapidated and in a barren and dreary part of France, but with his industry and his money he made it a place of beauty sought by the greatest of Europe.

When Voltaire was fifty years old, Cardinal Fleury died. He was a member of the French Academy and Voltaire wanted his place. He started a bold campaign to mollify the pope. He read all the pope's works, complimented him highly and thereupon the pope called him his "dear son" and sent Voltaire his "blessing." Then he wrote the pope asking permission to dedicate to him his play "Mahomet" and although it had been burned as sacrilegious, the pope consented; he doubtless thought it would be better to have Voltaire his friend than his enemy, so he sent Voltaire his "apostolic benediction" and accepted the dedication of "your admirable tragedy." Voltaire replied that he "laid the work against the founder of a false religion, at the feet of the chief of the true religion." He flattered the cardinals and went into ecstasy over the pope's virtues. Another vacancy occurred a few years later and Voltaire, at the age of fifty-two, was admitted to the French Academy, long after he had been admitted to almost every other great society in Europe.

It was the custom of the new members to

read a paper, so Voltaire read one to the Academy. At once he became Voltaire. The paper was witty, audacious and sacrilegious. It offended all the august personages who heard and read it. They regretted that he was a member of the Academy, but it was too late. They should have known before that such a leopard could not change its spots. Again he was chased from the court.

Voltaire spent a short time traveling through various parts of France, fearing to go back to Paris and then turned to Geneva. Geneva was then an independent state, afterward annexed to France and later to Switzerland. His flight from Prussia and refuge in Geneva marked a new era in his life. He was sixty years old when he reached this little state. He had been sobered by age and experience. He learned much of the follies and frivolities of the world. He knew that after all, his was a serious life and his work the greatest ever undertaken by man in any age. He seemed to take new vows to the service of the great cause which was really the greatest of his life, the cause of liberty. From that time on, he was tireless, unremitting, and brilliant in that cause. Wherever he found superstition, injustice, tyranny, and cruelty, Voltaire placed himself in the arena ready for the fray. Whether his work was history, poetry, drama, novels or pamphlets, it was the same. Probably all his works will never be brought together. His pamphlets were numberless and these pamphlets, more than

his more pretentious works, influenced France and his age, and through them, destroyed old institutions and customs and barbarities and prepared the world for the toleration and liberty that will some day come.

When Voltaire went to Geneva, that state was still held in the mental paralysis of the doctrines of John Calvin. It was two hundred years since Calvin had piously burned Michael Servetus for the crime of thinking in place of believing. While Calvin had been dead almost as long, the spell of his genius and fanaticism still held the land. Geneva was obsessed by a strange idea—an idea as common now as then, a belief that in spite of civilization, science, philosophy and experience will not die—the doctrine that men can be changed and made perfect by human laws. The Geneva laws fixed the time at which people should go to bed and get up in the morning, and of course both hours were early; fixed the kind of drink and food and the amount and quality that were proper for a man to take. It regulated the religious creeds and social customs. No matter what one wished to do, he could find out whether it was right or wrong by consulting the statutes of Geneva.

Voltaire soon purchased two estates about three miles from Geneva, in the territory of France. He was near enough to Geneva so he could build a theatre of his own and the people could come across the border to see his plays and the barbarous laws of Calvin could not forbid. He was near enough to the

French border so he could flee to Switzerland or Geneva whenever the king of France should determine to send him to the Bastille.

In Geneva, lived Jean Rousseau. He too was a rebel, mighty in war. Voltaire was keener, wittier, deeper, greater. Rousseau was more fiery, emotional, passionate. Both were really warriors in the same great cause. From their different places, three miles apart, both sent their thunderbolts to wake a sleeping world. When the world awakened and shook itself, churches, thrones, institutions, laws, and customs were buried in the wreck. Some charged the wreck to Voltaire, some to Rousseau.

These two men, engaged in the same cause, fighting the same foes, could not agree. Rousseau joined with the clergy of Geneva in defaming Voltaire's theatre and his plays. Voltaire fought back with weapons keener than Rousseau knew how to use. Two geniuses cannot possibly live so close together. In fact, the world itself is hardly big enough for two at the same time. As Wendell Phillips once said: "No one hates a reformer as much as another reformer," and the war of these two men was long and bitter. It ended only with death, when both were brought to Paris and placed in the Pantheon, side by side, where they managed to stay in harmony until a frenzied religious mob sacked their tombs, burned them with quick-lime and visited the vengeance upon them, dead, which they never could wreak before.



His life at Ferney was one of constant work. All day he was busy with his books, his writing and his farm. The evening he gave up to the pleasures of society and to the Encyclopedia, which was carried forward by the wisest men of France. Here he poured forth his pamphlets without number, sowing the seeds of revolution and revolt. "What harm can a book do that costs a hundred crowns," wrote Voltaire. "Twenty volumes folio will never make a revolution. It is the little pocket pamphlets of thirty sous that are to be feared." Here too he wrote his letters—letters to all kinds of people, especially scholars and rulers—letters more voluminous than ever came from the pen of any other correspondent in the world. Seven thousand of these have been preserved and printed and no one knows how many more are lost forever. These letters, like his pamphlets and his books, were ever urging tolerance, enlightenment and the freedom of the mind.

Voltaire hated prisons as he hated war. He was a bitter foe, but always quick and generous to forgive. His many acts of humanity could not be recorded.

As Voltaire grew older, life flowed on with an easier current at Ferney. In this prosperous and industrious town, the Huguenot and the Catholic, Infidel and believer, worked and lived together in harmony and peace. He developed liberty and tolerance at home and all around him. He had there the practical realization of what was his dream for the

human race.

Only a few years before the thunderbolt of the French Revolution burst with fire and sword upon the earth, he wrote: "Everything I see shows the signs of a revolution which must infallibly come. I shall not have the pleasure of beholding it. The French reach everything late, but they do reach it at last."

During his last visit to Paris he went to the theatre to see his own play, "Irene." The building was crowded by a tumultuous, suffocating crowd, representing all members of the French society. Voltaire was hailed as a king. His bust was placed upon the stage; again and again they called for the old man to speak from the box. A laurel wreath was placed upon his head and the people went mad. When he left the theatre crowds went with him, following his carriage with shouts, and praise, and tears, until the old man reached his room. Voltaire himself wept like a child: "If I had known the people would have committed such follies I would never have gone to the theatre."

Voltaire was small in stature, lean and spare of figure, and active in body. His nimble mind was ever ablaze during all his life; valiantly he fought on every intellectual battlefield. True, he bowed and dodged and lied over and over again, that he still might live and work. Many of his admirers cannot forgive this in the great Voltaire. Rather they would have him like Bruno and Servetus, remain steadfast to his faith while his living

body was consumed with flames. But, Voltaire was Voltaire, Bruno was Bruno, and Servetus was Servetus. It is not for the world to judge, but to crown them all alike. Each and all lived out their own being, did their work in their own way, and carried a reluctant, stupid humanity to greater possibilities and grander heights. Voltaire was emotional and kind, with a loving heart, a sensitive body and imaginative mind. Voltaire marks the closing of an epoch. His life and his work stand between the old and the new. When he was cold, superstition had not yet died, but had received its mortal wound. Never again can savagery control the minds and thoughts of men. Never again can the prison thumbscrew and the rack be instruments to save men's souls. Among the illustrious heroes who have banished this sort of cruelty from the Western world no other name will stand so high and shine so bright as the illustrious name—VOLTAIRE.

In the National Theatre of France stands the celebrated bust of Voltaire, the work of the great sculptor Houdin. He is little and lean and old. His skin is drawn closely over his bones. His chin and nose almost touch. A mocking sneer is on his lips and a cynic's grin upon his face. Copies and pictures of this bust have been scattered broadcast throughout the earth, and this is the Voltaire that the world has come to know. This is the Voltaire whose tireless hands and loving heart, and burning brain, whose sneering lips

and cynic's smile will work and speak and  
mock and grin until the cruelty and supersti-  
tion of the earth have forever fled.

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