

THE IMPORTANCE OF A HAT

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The Importance of a Hat

NEW YORK, August 13, 1789, the First Congress under the new United States Constitution of 1787, was debating James Madison's article on freedom of opinion. "The freedom of speech and the press, and the right of the people to peaceably assemble and consult for the common good, and to apply to the Government for the redress of grievances shall not be infringed."¹

When some ridiculed the article, Congressman Page took up the challenge:

The gentleman from Massachusetts . . . objects to the clause because the right is so trivial a nature. He supposes it no more essential than whether a man has a right to wear his hat or not; but let me observe to him that rights have been opposed, and a man has been obliged to pull off his hat when he appeared before the face of authority; people have also been prevented from assembly together on their lawful occasions. . . . If the people could be deprived of the power of assembling under any pretext whatsoever, they might be deprived of every other privilege contained in the clause.²

1. Irving Brant, *The Bill of Rights, Its Origin and Meaning* (Indianapolis: The Bobbs-Merrill Company, Inc., 1965), 54.

2. *Ibid.*, 55.

The Importance of a Hat

That ended the argument. The statement was not challenged as untrue. There was no request for clarification or to be more specific, since Page's colleagues knew exactly to whom he was referring, the "Man and His Hat." Anyone with any kind of legal background in the United States at that time either had a copy of, or had access to, the pamphlet entitled *The Peoples Ancient and Just Liberties, asserted, in the Trial of William Penn and William Penn and William Mead*.

They all knew that William Penn was not only the founder of the colony of Pennsylvania, but was the principal character in a trial in the previous century involving a "major portion of the basic freedoms guaranteed in the American Bill of Rights."³

Who was this William Penn who would have been just as well known to this group without founding Pennsylvania because of those trials? Why did he choose the type of life he did when he was blessed with the choice of doing anything he wanted, thanks to a wealthy and well-connected father who left his son financially independent at the age of twenty-six? What motivated him to eventually petition the king of England for a grant of land in America for the purpose of establishing a haven for those seeking freedom of worship without persecution?

At the time of the trial in 1670, William Penn was a Quaker minister. He and another Quaker, William Mead, had been haled into court and charged with unlawful assembly and conspiracy to disturb the peace and incite to riot. After pleading not guilty to the charge, they reappeared in court two days later. The lord mayor was the presiding judge and was all set to charge Penn and Mead with contempt of court for wearing hats. There was one problem. The defendants were not wearing hats! The infuriated lord mayor demanded that hats be immediately found and

3. Ibid., 56.

The Importance of a Hat

placed on their heads. When the prisoners were brought before the bar they were asked to show respect for the court by removing their hats. Since they were Quakers, they did not consider the removal of hats as a sign of respect and so they were each fined forty marks for being in contempt of court!

This was the reference to the "Man and His Hat" by Congressman Page more than one hundred years later. Page, however, had more than the hat in mind when referring to the trial. After a jury had been sworn in, testimony began with the prosecution attempting to make a case of unlawful assembly, producing witnesses who could only state that they had seen the defendants in the area as charged but could not and/or did not hear what they said.

Penn made no attempt to deny his presence at the time and place so stated in the indictment and by the witnesses. He would repeat his actions of preaching, praying, or worshipping the "eternal, holy, just God, that we declare to all the world that we do believe it to be our indispensable duty to meet incessantly upon such a good account." No power on earth would distract them from worshipping their Creator.⁴ A court official suggested that to continue this course would do him more harm than good. Penn denied breaking any law and wished to know under what law he was being prosecuted. "Under the common law," was the reply. "And where was that common law?" Penn asked. The recorder, another official of the court, saw no reason to go to the trouble to "run over all those adjudged cases for so many years which they call common law to satisfy his curiosity."⁵ Penn accused the recorder of evading the question and wondered if the law really was common why could it not be easily produced.

4. *Passages from the Life and Writings of William Penn* (Philadelphia: 1882), 28.

5. *Ibid.*

The Importance of a Hat

The court was trying to get Penn to plead to the indictment. He refused because, as he saw it, it was not based on law. After several attempts to get Penn to plead to the indictment, he was forcibly placed in the bale-dock, a walled-off corner of the courtroom with partitions that did not reach the ceiling. While he was being conducted to the bale-dock, he managed to address the jury and warn them that if it was necessary for him to be removed while he was pleading "for the fundamental laws of England," and "that if these ancient and fundamental laws, which relate to liberty and property . . . must not be indispensable, maintained and observed, who can say he hath the right to the coat upon his back?" Following Penn's lead the other defendant, Mead, was soon forced to join Penn in the bale-dock. Then, in blatant violation of the common law, the lord mayor charged the jury without the presence of the defendants.⁶

The whole trial was fascinating reading. But for the purposes of this biographical sketch, the point is that the court directed the jury to return against both defendants the only verdict that the court would accept, which was "guilty as charged."⁷ If the jury did not find that Penn's preaching was a violation of the law against tumultuous assembly and rioting, "they would be subject to summary punishment."

After an hour and a half of deliberation, the jury was divided and was called before the court. The foreman, Edward Bushell, was specifically threatened by the court and the jury was ordered to deliberate further and return with a verdict acceptable to the court. The verdict the jury returned was that William Penn was guilty of speaking in "Gracechurch Street."⁸ The court would not

6. Brant, 58.

7. Ibid.

8. Ibid., 59.

The Importance of a Hat

accept the verdict and ordered the jury out again. On the second return, it was the same verdict for Penn and acquittal for Mead. At this point the trial shifted from the defendants *versus* the court to the jury *versus* the court. That court, using vigorous language, advised the jury that it would not be released until there was a verdict acceptable to the court. Furthermore, members of the jury were confined for the night without any food or drink and did not even have the "luxury" of a chamber pot.

The following morning the jury delivered the same verdict as on the previous day and repeated this verdict two more times. After a second night of confinement at Newgate Prison, the jury finally changed its verdict on both defendants to *not guilty*. The court then proceeded to fine each juror forty marks and remanded them to Newgate until paid.

When William Penn demanded his release, the lord mayor fined both defendants forty marks for contempt of court "*for having obeyed the court's order to put on their hats.*"⁹ (emphasis added)

This is a brief summary of the trial that Congressman Page referred to some 119 years later and which ended without explanation. Eight of the jurors paid their fines after a brief stay in Newgate. The other four, including the foreman, Edward Bushell, refused to pay the fines and resolved to put their plight to a test by engaging legal counsel to plead their cause. About a year later they were acquitted of all charges when their case was brought before the ten judges of the Court of Common Pleas. In its decision the court established standards liberating jurors, from that point on, "from coercive pressure of the Crown."¹⁰ Penn was resolved not to pay the fine either, but his father paid

9. Ibid., 61.

10. Ibid., 62.

The Importance of a Hat

the fines for his son and William Mead.¹¹ The father was dying and wanted his son near him in his final days. There is not a lot of hard evidence for reasons why the court went to such lengths to find Penn guilty. Some things are clear, however. He was a leader of the Quaker movement, he was well educated, and, most importantly, he was well connected with a famous father who had access to the court of Charles II.

How did William Penn become a Quaker? Why did he become a Quaker? William Penn was born on October 14, 1644, the son of Captain William Penn of the English navy and the widow Margaret Vanderschuren. They lived in a "most adequate" house on Tower Hill in London. Captain Penn at twenty-three was what we today would call a "rising star" in the English navy. He had very good prospects for a successful career, combining good connections with higher-ups in the political system and outstanding abilities as a seaman and a naval commander. The times, however, were quite unsettled. Rather than yield to his emotional bias and follow the misfortunes of King Charles I, Captain Penn had chosen to remain with the government of Parliament for pragmatic and practical reasons. He now had the additional responsibility of providing for a child as well as his wife and knew that under Parliament his salary was more likely to continue than under the king.

Within two weeks of his son's birth, Captain Penn was ordered to sea. For the next eleven years the father would continue a pattern of being away for months and being home for weeks. A daughter was added to the family in 1652.¹²

11. Harry Emerson Wildes, *William Penn* (New York: MacMillan Publishing Co., Inc., 1974).

12. Catherine Owens Peare, *William Penn* (Philadelphia and New York: J.B. Lippincott Co., 1957), 9-10.

The Importance of a Hat

In 1647, now Admiral, Penn moved his family to a house in Wanstead near the village of Chigwell in Essex County, about ten miles northeast of London. The move was made primarily because London was becoming too dangerous for a woman alone with a small child.¹³ Young William's elementary education was taken care of by his mother. This was in the tradition of the times, since the grammar schools were not equipped to teach the fundamentals of reading and writing.¹⁴

This must have been a period of emotional security and an ideal atmosphere for a young boy to spend his early years growing up in country atmosphere, in a large house, with an ample staff of domestics, its own sources of food, and peaceful surroundings. There is no record of Margaret Penn's overseeing her son's education, but there is no evidence that she did not. There is no evidence of when William was sent to Chigwell School and the only evidence that he attended at all is from *Aubrey's Brief Lives*.¹⁵ There has not been any attempt, however, at contradicting Aubrey, who was acquainted with Penn as an adult. The curriculum offered to the classical scholar courses in "Greek, Latin, English grammar, spelling, catechism, daily prayers, Sunday church attendance, and training in manners and morals."¹⁶ Every student was subjected to the "gentlemanly art of composing and delivering orations with standardized and rehearsed gestures."¹⁷ For an extra charge, lessons were available "in the skill of writing a good Roman hand with quill, ink and paper."¹⁸ The Latin schoolmaster,

13. Ibid., 13-14.

14. Ibid., 14.

15. John Aubrey, *Aubrey's Brief Lives*, ed. Oliver Lawson Dick (London: Secker and Warburg, 1950), 234.

16. Peare, 14.

17. Ibid.

18. Ibid.

The Importance of a Hat

who was also the headmaster, had to meet certain rigid requirements of being a man not under twenty-seven years old, skillful in the Greek and Latin tongues, a good poet, of a sound religion, neither papist nor Puritan. In addition he was a strict taskmaster, holding his students from six until eleven in the morning and from one until six in the afternoon in the summer months and from seven in the morning until five in the afternoon in the winter.¹⁹

The disturbing political situation at this time, including the execution of Charles I in January of 1649, probably had little effect on young William Penn. As he grew older he must have been aware that his father was less involved in larger events, but until he was eleven years old, these were more exhilarating than troublesome. Each visit of Admiral Penn to his family was as a conquering hero with stories of exploits that would stir the imagination of any youth. In between his father's visits, William Penn's life centered on Chigwell School and the large home in Wanstead with his mother probably supporting him in his studies and efforts at growing and comforting him when needed. A strong emphasis on religion was present both at home and in the school. There would be no distractions from this curriculum, other than the restlessness of growing boys. Piety would have been encouraged at home as well as at school. His parents were "godfearing" people and "godfearing" also made political sense.

The whole atmosphere appeared to be conducive to the study and learning of the Scripture, which appeared to have a positive effect on young William, who often sought the solitude of his room for religious study and meditation. Shortly before his eleventh birthday, he had his first religious experience. Alone in his

19. Ibid., 15.

The Importance of a Hat

room he was suddenly surprised with an inward comfort and, as he thought, an external glory in his room, which gave rise to religious emotions. During this time he had the strangest conviction of the being of a god and that the soul of man was capable of enjoying communication with him. He also believed that the seal of divinity had been put upon him at this moment or that he had been awakened or called upon to a holy life.²⁰

Soon after this religious experience, he and his sister were taken from the friendly confines of Wanstead to rooms on Tower Hill in London. This was the first adverse experience for young William Penn. For a sensitive youth of eleven it could have been quite disturbing seeing his father confined in the Tower of London pending investigation into the failure of the expedition to capture Hispaniola. We don't know what went through young William's mind at the idea of his father being a prisoner in the Tower. It could have been a frightening experience since the Tower was associated with executions. Happily, Admiral Penn was released from the Tower, and more happily for his son, the Admiral did not return to sea, but returned to Wanstead with his family.²¹ He decided the most prudent course to follow was to maintain a low profile and leave the English scene altogether. The finger of suspicion had been pointed at him by the Cromwell government and he would be a marked man from this point on. He calculated that the chances of improving his position were not as good as the very real danger of being arrested again with results not nearly as fortunate as his last experience.

On August 12, 1655, the William Penn family, a party consisting of the father, mother, three children and a tutor for the eldest

20. Thomas Clarkson, *Memoirs of the Private and Public Life of William Penn* (London: Longman, Hurst, Rees, Orme and Brown, 1813), 1:6-7.

21. Peare, 21.

The Importance of a Hat

son, landed in Cork, Ireland, and proceeded to the castle and manor of Macroom. Admiral Penn had acquired this land as rewards for meritorious service under the lord protector in 1652 during the war with the Dutch. He was in command of a squadron which had destroyed a number of enemy shipping and was at the height of his naval career under the Commonwealth government.²² The father had another reason for not going to sea. His son was now at an age where he could and should be taught the things that a gentleman has to know to be a success in the career the father had in mind for him. He could also be more of a companion to his son and get to know him as a person. Among the things to be learned were the management of an estate, the art of delegating work graciously to social inferiors, the art of self-defense with the sword and the "manner, mien and finesse of a courtier . . . so that he would be ready to assume his role in the courts and salons of London."²³

In the second year of self-imposed exile, the senior Penn, upon hearing that an itinerant Quaker preacher named Thomas Loc was in the area, decided that before passing judgment he should be heard and sent him an invitation to hold a meeting in the Penn home.²⁴ This was the first of two contacts young William Penn had with Thomas Loe in Ireland. The second contact occurred nine years later when Penn became a Quaker. There is no record of the text or content of Loe's preaching, and perhaps Penn was too young to understand all that he said. He could, however, have been captured by the sincerity, zeal and eloquence of the man and been reinforced in his first religious experience, at Wanstead.

22. Ibid., 19.

23. Ibid., 21.

24. Ibid., 23.

The Importance of a Hat

The four years in Ireland seem to have been happy years for Penn. The estates, under the capable management of his father, flourished and he was able to keep up with events as they occurred in England. Father and son became closer and young William could share in the news brought to his father through the navy connection. The death of Oliver Cromwell in October of 1658 relieved some of the tension that may have been hanging over them concerning their safety. A year later they were back in London with the senior William Penn returning as an elected member of the Convention Parliament, representing the town of Weymouth.²⁵

The following year, when he had just turned sixteen, William Penn was "entered a gentleman commoner at Christ's Church, Oxford."²⁶ While there, he participated in "manly sports in which he took great delight," and sought the company of Robert Spencer (later the Earl of Sutherland), John Locke and other students.²⁷ This had to be quite an adjustment from the almost frontier life in Ireland and one tutor devoted exclusively to his education. There were no other students and only a few young men of his age for distraction. Another distracting factor was that the university itself was emerging from under the somber mantle of Puritanism and donning with pent up eagerness the colorful plumes and colors of the Restoration.

The early stages of the end of a period that has lasted too long can be times of good will and good feeling for all, a relaxing in gratitude and being able to indulge in frivolity and just plain good fun. This was the situation at Oxford in the autumn of 1660 and it was a reflection of what was happening over most of Eng-

25. Ibid., 25.

26. Clarkson, 8.

27. Ibid.

The Importance of a Hat

land to a greater or lesser degree. Charles II had returned to London in May of 1660 and the people felt justified in "whooping it up" in celebration of a return to those nostalgic "good old days." It does not appear that William Penn had any serious problems of adjustment. He entered into the activities of his new surroundings without any profound upsetting of his personality. A reason for this may lie in the fact that during the four years in Ireland, he was, for the most part, pretty much on his own as far as intellectual pursuits were concerned. A tutor may have been a member of the household, but reports are conflicting, with the recent biography by Harry Emerson Wildes making no reference to the presence of one. Penn may have acquired his preferences for books over society at this time in response to his father's seeking solace in the bottle when the General of the Sea may not have been a very good companion to a quiet and introspective young man in his early teens. His reference to life at the university as a "hellish darkness debauchery"²⁸ may indicate a distaste for what went on, but it also showed an awareness of his surroundings. One can only speculate on the degree of his participation.

He came home to London in the spring of his first year at Oxford to attend the coronation with his father. Sir William Penn, knighted by Charles II as one of his first acts upon boarding the *Naseby* the previous year,²⁹ was well known and liked by the king and his brother, the duke of York. From Irish isolation to one of the centers of attention in a wild celebration in the short space of a year may have turned off the son. In the space of that year, at the age of sixteen, he was suddenly transferred from a quiet rural scene, where piety, respect and proper conduct were emphasized, to an atmosphere that must have appeared to be the

28. Peare, 30.

29. Ibid., 25.

The Importance of a Hat

antithesis of his previous life. As long as the celebrations and aura of good will lasted, Penn probably had nothing to which to object or show displeasure, since, as far as he could see, everyone seemed agreeable.

The honeymoon of the Restoration showed signs of ending at Oxford during Penn's second year with the "beginning of persecution of the Puritan sects" along with the "re-establishing of the Anglican Church as the only church of the land."³⁰ In order to understand how, or why, this happened, a review of some of the events of this period is in order.

The seventeenth century was relatively unsettled compared to the previous century of the Tudor dynasty with glorious Queen "Bess" ringing down the curtain on that family's reign and ushering in the reign of the Stuarts. The last of the Tudor monarchs, however, left some unfinished business in the religious sector with the ambiguous position of the non-Anglican Protestant sects. The country had come from a tradition lasting several centuries of one authorized church. This was the Church of Rome until Henry VIII took it upon himself to declare that the reigning monarch of England had replaced the pope as the intermediary between the people of England and God. The authorities and the people were having a hard time accepting the idea that Christian faith could be a matter of more than one interpretation. Furthermore, the efforts to suppress nonconformity were clumsy as well as brutal and seemed to invite martyrdom as almost a welcome alternative to recantation. Early in the century, the Catholics were the victims of religious persecution based on some subversive attempts to restore the Church of Rome to its previous status. After the Restoration religious persecutions were less focused on

30. Ibid., 34.

The Importance of a Hat

papists and now included *all* nonconforming religious sects. This was due to the dangerous disarray of the political situation left by the death of Oliver Cromwell, who had left the problem of succession up in the air.

Cromwell's neglect of succession plans practically assured the restoration of the Stuart monarchy on its own terms. The Convention Parliament, of which Sir William Penn was a member, elected for the purpose of bringing back the monarchy, convened in April 1660 to consider a "conciliatory declaration" from Charles II, which contained, among other items, an offer of "a limited freedom of conscience."³¹ There was a minimum amount of debate before Charles "was proclaimed king and urgently summoned to return to his sorrowing and repentant people."³² Even in the early joyous days of the Restoration, Parliament was not able to "secure that modest 'liberty for tender consciences' promised by Charles II."³³ Gone was the "vital and intellectual force" of Puritanism and with it the "dreams of a restricted monarchy" and "general toleration."³⁴ All the members of nonconformist sects were considered "political incendiaries, responsible for the worst excesses of the Great Rebellion."³⁵ This impression seemed to be confirmed by the Fifth Monarchy revolt in London in January of 1661, otherwise known as Venner's Rising after the name of their leader, Thomas Venner.³⁶ Venner's followers believed in the imminent return of Christ, who would rule the earth for a thousand years.³⁷

31. J. P. Kenyon, *Stuart England* (London: Penguin Books Ltd., 1978), 179.

32. *Ibid.*, 180.

33. *Ibid.*, 182.

34. *Ibid.*

35. *Ibid.*

36. *Ibid.*

37. *Encyclopedia Britannica*, vol. 9 (1947), 227.

The Importance of a Hat

Numerous acts were passed by Parliament to force recognition of the Anglican Church as the only church. For the purpose of this biographical sketch, there were two acts which most affected William Penn. The first Conventicle Act of 1664 was aimed at the suppression of dissenting congregations. The Five Mile Act of 1665 was designed to restrict "the activities of dissenting ministers."³⁸ The rationale behind all these acts was the fear of a "radical Nonconformist plot to overwhelm the establishment." This continued to be a political factor until at least 1688.³⁹

The Quaker sect, officially identified as the Society of Friends, was considered a radical sect that "provoked even deeper suspicion as to their final objectives." They refused to "compromise with the world's vanities and demands—symbolized by such practices as their rejection of oath taking," their use of *thee* and *thou* when speaking to anyone, showing that they were all "brothers and sisters," and the refusal to remove their *hats* to superiors. These characteristics or practices contributed to the suspicion that they were subversives whose goal was the dissolution of all forms of authority. Their initial direct-action tactics of disruption of church services and the dire threats to all sinners, including King Charles II, with God's wrath, either "aroused popular antagonism, or exasperation." Eventually, some of this unpopularity was dispelled by their "extraordinary steadfastness under the most savage and sustained repression." What continued to confirm the official hostile attitude towards them was their ability to survive this harsh repression. This was due to their flexible and successful organization which helped those who were suffering. At the same time they continued active proselytizing while other

38. Kenyon, 184.

39. *Ibid.*

The Importance of a Hat

sects could only concentrate on bare survival.⁴⁰ Their policy of nonviolence also made it easy for anyone to ridicule and harass them because there was no danger of reprisal. Besides, the law was on the side of the persecutors. Not only was it legal to harass and make life as miserable as possible for them, it could be interpreted as a patriotic duty to frustrate their efforts toward achieving any kind of success, especially material success. During the period from 1660 to 1688, it was not unusual to have whole communities of Quakers in prison and their lands and livestock confiscated and redistributed.

Into this condition, young William Penn, fresh from Irish isolation and only a few months of London as a sort of decompression chamber, arrived at Oxford. He had not joined in the festivities at his family's new home on Tower Hill. Instead, he continued his previous habits of retiring to his room to read and study. He was not his father's son. He did not take to social life and although he loved his father, he probably preferred his companionship without others vying for Sir William's attention. Sir William would certainly have plenty of things to think about. He had been appointed to the navy as well as being knighted. It was not beyond the realm of possibility to think of being awarded a title to pass on to his son, if he played his cards right, along with a certain amount of luck. He could not understand his son's propensities for the written word, but he was all for his going to college where he could make the right connections and hopefully have all the "bookish nonsense" knocked out of his head.⁴¹

William Penn continued to read at Oxford as assiduously as he had while preparing for Oxford. His purpose was to store up in-

40. J. R. Jones, *Country and Court, England, 1658-1714* (Cambridge, Mass.: Harvard University Press, 1978), 153.

41. Wildes, 25.

The Importance of a Hat

formation and prove the already-known truths. He was seeking further understanding of "what God had wrought, not how or why He had performed His miracles."⁴² He was not yet a dissenter, and would have no trouble swearing "his belief in the Thirty-Nine Articles of the Anglican Faith."⁴³ While he mixed with some of the aristocratic students, he was no more impressed with their anti-scholastic activities than he had been with his father's friends at the Tower Hill home. He was friendly with them and, because of his father's name, was asked to join them in their fun and games, but he declined.⁴⁴

There was one group of students he joined every Sunday. It met outside of Oxford at the home of Dr. John Owen, recent university vice-chancellor and dean of Christ Church College. Owen had been dismissed by the Stuarts "because of his unorthodox religious opinions."⁴⁵ This student group disliked "High Church formalism" and was looking for more inspiration than could be found in the college chapels.⁴⁶ Owen was helpful in stabilizing Penn's thought-processes, emphasizing the need for tolerance and letting him see that it was all right to have doubts about certain ceremonies and symbols.⁴⁷ Penn's mind was churning with thoughts, but he did not know "where they might lead him."⁴⁸

Even these Sunday meetings with Dr. Owen were not enough to counterbalance the ultimate disillusionment with Oxford that Penn felt. He was deeply disturbed by debauchery and sin and he discovered that it was a "signal place for idleness, loose living,

42. Ibid.

43. Ibid.

44. Ibid.

45. Ibid., 26.

46. Ibid.

47. Ibid.

48. Ibid.

The Importance of a Hat

profaness, prodigality and gross ignorance.”⁴⁹ By February 1662, less than two years after matriculating, he had had enough. He left Oxford and came home to spend “five uncomfortable months” while Sir William pondered what to do with this young “Mr. Know-it-all” with these crazy ideas.⁵⁰ The younger Penn was going through a transition stage in which he was widely read with a retentive memory, but he didn’t fully understand the knowledge from Dr. Owen’s talks. He could not sort out all this learning into any direction. He knew, or strongly felt, that something was not right with the Anglican religion in which he had been reared.⁵¹

The ostensible reason for sending William Penn to France was to round out his education. The real reason may have been an act of desperation after five months of tension with father and son unable to engage in rational discussion. His first destination was Paris where he made an attempt to lead “the gay life” and wear fine clothes “to please his parents.” There is no evidence that he did anything else. There is no evidence concerning anything he did, with one exception, which was witnessed. On his way home one evening, he was stopped by a stranger demanding that he defend himself for not properly returning his greeting by doffing his *hat*! When Penn calmly explained that he did not see him and meant no offense, the stranger demanded satisfaction. Swords were drawn and Penn disarmed the man and then handed him back his sword and continued on his way.

Penn was bothered by this incident because conventional wisdom dictated that he should take the man’s life. “I ask any man of understanding or conscience if the whole ceremony were

49. Ibid., 27.

50. Ibid., 28.

51. Ibid., 29.

The Importance of a Hat

worth the life of a man, considering the dignity of his nature and the importance of his life, both with respect to God, his Creator, himself, and the benefit of civil society?"⁵² Penn wrote these words several years later as part of *No Cross, No Crown*, when imprisoned in the Tower. He did not have time to think all of this through when he had disarmed his assailant. Something, nevertheless, had stopped him from committing the fatal deed and whatever it was, it must have been a reinforcement of what he was struggling towards, or fighting against.

Unable to stay away from his books for very long, Penn pursued his theological studies under Moise Amyraut, the town of Saumur's "best known professor"⁵³ and a lawyer-turned-teacher who held unorthodox theological views. Amyraut was an eminent Protestant minister, a professor of divinity in this small town in Touraine on the Loire River, and was held in the highest esteem "of any divine in France."⁵⁴ One of his views was that God's laws reside in men's hearts and the truth might be learned by anyone who would listen to his own conscience.⁵⁵ Penn may have learned about Amyraut from Dr. Owen while he was still at Oxford. It is possible that Dr. Owen could have written the French theologian about this serious and thoughtful young man because Penn "became a member of the Amyraut household," even though he did not formally enroll at the seminary.⁵⁶ It is not clear how long he studied under Amyraut. It is known that the atmosphere of master and student discussing religion and beliefs from knowledge previously acquired was in the finest classical tradition.

52. *Passages*, 68-69.

53. Wildes, 30.

54. Clarkson, 14.

55. Wildes, 30.

56. *Ibid.*

The Importance of a Hat

Amyraut provided new interpretations of previous teachings. Men could be predestined to happiness through faith in God. Freedom was brought to all who truly believed in the universality of grace, and the Sabbath was a day of rest, not the burdens that Puritans considered it to be.⁵⁷

Much emphasis was placed on the age-old injunction to fear God, but that did not mean to tremble and quake in terror, but to hold him in reverence and respect.

These discussions may have sharpened the doubts that were already in Penn's mind. Unfortunately, the discussions came to an untimely end with the death of Amyraut early in 1664.⁵⁸ Penn was not yet ready to break away from the Anglican Church, in spite of the influence of Owen and Amyraut. Doubts were increasing and each of these contacts brought Penn closer to the point of decision. He was summoned home by his father shortly after leaving Saumur when he was traveling with Robert Spencer through Provence on his way to Italy. The ostensible reason was the possibility of war between England and Holland. The real reason may have been that Sir William had learned from an alumnus of Saumur Seminary about the curriculum, which could hardly have been what he had in mind when he sent his son to France the previous year.

A more mature Penn appeared to his father to have taken completely to the good life of high French society. The son had learned some lessons about what and what not to discuss with his superiors and elders and especially his father. Some might call it deception; others might call it good sense. Penn had learned by this time that his father did not and could not approve of his coming under the influence of unorthodox ideas and that nei-

57. *Ibid.*, 31.

58. *Ibid.*

The Importance of a Hat

ther he nor his father was capable of objective discussion. Penn was able to avoid or evade any confrontations and his father felt that all that was needed to "perfect his etiquette" was some time studying at one of the Inns of Court. He was not expected to become a lawyer, but to round out his training in what in those days was considered one of the "graduate schools of gentlemanly culture."⁵⁹

Penn continued his self-taught study habits while at Lincoln's Inn with further research into English common law and equity. During the two months' winter recess period he continued to "read prodigiously."⁶⁰ He never completed a semester. In the first place, he was late in registering. During the second term he was called to sea by his father. Just five days into the third term, the school was closed because of the Great Plague during the summer of 1665. His time at Lincoln's Inn, however, was not wasted. On the contrary, he probably used the time, including the recess periods, more usefully and more efficiently than the average full-time student, judging from the curriculum and the habits of seventeenth-century law students. To all intents and purposes, Penn was self-taught from very early in his life and acquired and maintained study habits that had little resemblance to the dilettante approach to academics of the usual Restoration students. He did not become a lawyer, but he did form some opinions of lawyers as the Inns of Court produced them. These he summed up rather nicely in *No Cross, No Crown*, by writing that they "now and then afford us a few able lawyers but generally are like the man of old who returned home seven times worse than when he went out."⁶¹

59. Ibid., 34.

60. Ibid.

61. Ibid., 36.

The Importance of a Hat

After several months at home still using his time for further study, his father sent him to Ireland to look into some matters concerning Sir William's title to his lands and his tenants' paying of rents. Penn was successful in both commissions mainly because of his father's well-prepared plans, which only needed an effective emissary to deliver them to the right persons to be accepted and put into execution. Penn spent several months in and around Dublin and Cork. One day he happened to be in a shop in Cork and recognized the owner as someone he had known ten years before when he was with his family at Macroom. In the conversation recalling those days, he mentioned the visit of Thomas Loe to their home and that he "would go a hundred miles to hear him again." The woman's answer must have been a pleasant shock because she indicated that Thomas Loe was in Cork and Penn could hear him speak that very evening if he wished.⁶²

Penn went that evening, Loe preached, and, even though the text does not seem very inspiring, it caused Penn to favor "the Quakers as a religious body."⁶³ Without taking anything away from the eloquence and logic of Loe, this was not a sudden conversion. Penn had been readying himself for the break away from Anglicism ever since his studies at Chigwell and the religious experience some twelve years before. He was not aware that he would break away, but when a doctrine was presented that seemed to answer or show the way to answers to the doubts and questions he had about religion and religious beliefs, it would be hard to resist. He found what he had been looking for, a place where he could worship and be comfortable in and would not have to apologize for his conscience. Everything seemed to fall into place.

62. *Ibid.*, 40.

63. Clarkson, 20-21.

The Importance of a Hat

A few weeks prior to this he had unsuccessfully tried to pursue a military career! This is truly extraordinary when one is reminded of his refusal to apply the *coup de grace* on his assailant in Paris. Perhaps the logic of Thomas Loe was more meaningful to Penn in that he had considered and may still have been considering a military career and that he had been rescued by divine intervention in the form of this man who had made such an impression on him at the first meeting and had not let him down at this second encounter.

This was not a sudden inspirational conviction. It had its origins many years previous and involved considerable study and questioning and provided a solid foundation of faith that was to last William Penn for the rest of his life.⁶⁴

A few days later at another Quaker meeting, Penn had his first persecution experience as a Quaker. He was arrested by constables, along with "eighteen other Quakers for holding what was said to be a riotous assembly." When the mayor of Cork, Christopher Rye, refused to jail Penn because he could not believe "that a gentleman like Penn could possibly be a member of the Society of Friends, Penn would not accept his freedom."⁶⁵

His letter to Lord Orrery, a friend of his father's and lord chief justice of Ireland and president of the Council of Munster, on behalf of himself and the other jailed Quakers was the first of many efforts, continuing through the rest of his life, to obtain justice and toleration for all religious sects. In this letter he pointed out the fact that the proclamation of 1660 did not cover him and his friends and that its "validity had been repudiated by the highest authorities in Ireland."⁶⁶ It is not clear whether the letter had

64. Wildes, 41.

65. Ibid.

66. Ibid.

The Importance of a Hat

any influence, or whether Orrery acted on the grounds of justice, but Penn and the other Quakers were released on order of the lord chief justice. This first taste of persecution strengthened Penn's resolution to become more involved and identified with the Quakers. Orrery's response to Penn's letter is in the form of a lecture advising him to be no more involved with those kinds of persons.⁶⁷

Again, Penn was called home by his father. Not much is known about Penn's return. It is probably safe to say that the reunion of father and son was not a happy one. The son probably beat a retreat to his room to decide what to do next. Off his experiences in Cork, conversion and imprisonment, he decided that he had been called upon "to detect false doctrine and to save others from falling into error."⁶⁸ He had chosen dangerous work.

Even though this was the age of Newton it was also a belligerently intolerant period in matters of government and religion. Unorthodox points of view were branded as traitorous and heretical. Holders of these views were considered as foreign agents, subversives and papists. This was the period when Titus Oates, without the slightest proof, could allege and be believed by many that there was a Jesuit plot afoot to murder Charles II and Queen Catherine and replace him with his brother, the duke of York, an avowed Catholic, for the purpose of making England a Catholic country.⁶⁹ The rules of the game for staying out of trouble were to avoid "direct criticism of high authorities or of specific issues of key importance."⁷⁰ It was all right to argue over exact interpre-

67. William Penn, *The Papers of William Penn*, ed. Mary M. and Richard S. Dunn, vol. 1, 1664-1679 (University of Pennsylvania Press, 1981), 53.

68. Wildes, 45.

69. *Ibid.*, 102.

70. *Ibid.*, 45.

The Importance of a Hat

tations of biblical texts, ceremonial values, "the purpose of symbol . . . knotty philosophical details."⁷¹ This was pretty dull stuff for the average English citizen to understand, but as long as the immediate Royal Family and top Church leaders were not mentioned, the character, integrity and piety of a rival in argument was fair game. By the written word or in "frenzied oratory," it was safe to accuse someone of being ignorant, a hypocrite, unethical, and "describe his actions as evil, wicked and corrupt in filth and vileness."⁷² No one seemed concerned about the truth or honesty of the accusations, and fair play and elementary good manners were forgotten.⁷³

In July of 1668, Penn went on his first preaching tour with Thomas Loe, George Whitehead and Josiah Cole. This was the accepted method of operation for propagating the faith and spreading the gospel of the Society of Friends and warning people of the evils of pride, lust, avarice and vanity.⁷⁴

At the completion of the tour, they took to lobbying at Whitehall, the seat of government, for the release of imprisoned Quakers. The three veteran preachers probably would not have made this attempt without the presence of Penn, whose father's name would assure them of at least a hearing. While "Loe and Cole prayed earnestly," and George Whitehead preached a sermon, Penn urged the "officials to return to the toleration which he supposed to have been practised by Norman and Saxon predecessors."⁷⁵ Polite attention was the only direct result of their efforts. The tour and lobby efforts may have had an influence in

71. Ibid.

72. Ibid.

73. Ibid.

74. Ibid.

75. Ibid., 47.

The Importance of a Hat

Penn's deciding the direction he should take. He "now set himself up, first as a voluntary, later as an official, defender of Quaker interests."⁷⁶ This was the official start of his "lifetime task of exposing falsehoods, of rebutting critics, and of clarifying the truth about Quakerism."⁷⁷

This decision soon got him into serious trouble and confinement in the Tower of London for more than seven months. Penn had written a three-part pamphlet, *Sandy Foundations of God Standeth Still*. Church officials concluded that Penn's views on the Holy Trinity were blasphemous and that he was denying the divinity of Christ.⁷⁸ He was arrested, accused of blasphemy and thrown into the Tower.

The confinement, while not sought, did have a positive aspect by providing Penn with a period in which he could contemplate and consolidate his beliefs into a more coherent and organized form. He may also have been inadvertently helped by the efforts of Archbishop Henchman, who had ordered his confinement to make Penn recant his statements in the pamphlet that he considered blasphemous. After the first crude effort of threatening him with lifetime imprisonment failed, the archbishop assigned the Reverend Edward Stillingfleet to the task of persuading Penn to change his mind. Stillingfleet, only a few years older than Penn, had a reputation "as an advocate of compromise among rival sects."⁷⁹ Even though he was not able to persuade Penn to recant, he was instrumental in effecting his release by suggesting that he clarify his views in writing to the authorities, convincing them of his belief in the deity of Christ and the non-denial of the

76. Ibid.

77. Ibid.

78. Clarkson, 41-42.

79. Wildes, 51.

The Importance of a Hat

Holy Trinity. Penn complied with the suggestion by producing the pamphlet, *Innocency With Its Open Face*, subtitled *An Apology for Sandy Foundations Shaken*. This plus some pressure from Sir William, and also a previous application of Penn's to Lord Arlington for release because during all this time he had been denied the right to a fair trial, seemed to have proved effective. He was released on July 28, 1669.

It was during this confinement that he wrote *No Cross, No Crown*, containing an effective appeal to all people to

Choose the good old paths of temperance, wisdom, gravity and holiness. When people have first learned to fear, worship and obey their Creator, to pay their numerous debts, to alleviate and abate their oppressed tennants, but above all outward regards, when the pale faces are more commiserated, the pinched bellies relieved and naked bodies clothed, when the famished poor, the distressed widow and helpless orphan are provided for, then, I say, it will be time enough to plead indifferency of your pleasures.⁸⁰

About two months prior to Penn's release, Sir William executed his final will, leaving the major portion of his estate to the oldest son and also naming him an executor.⁸¹

The father must have realized that his son was sincere and that his behavior in the Tower was commendable and might be something in which the father could take pride. This act of executing the will before his son's release constitutes, in my mind, a vote of confidence, support and recognition of a mature and responsible person.

Sir William had enough confidence in his son to send him back to Ireland for the same purposes as before. The demands of

80. *Passages*, 38-40.

81. Wildes, 55-56.

The Importance of a Hat

the family holdings were not heavy and Penn used his extra time and family influence to effect the release of a "large proportion of the Quaker population" from the jails of Cork and Dublin.⁸²

Upon his return, nine months later, he spent only one week with his parents, and then moved to London where things were happening. Many of the Quaker leaders were jailed on false charges in an atmosphere of hysteria among the legislators. The Conventicle Act, designed to "limit nonconformist meetings," could be construed to punish almost any group whatever.⁸³ Penn arrived on the scene to lay down a deliberate challenge to "Church persecution and royal tyranny"⁸⁴ and invite "a court test of an Englishman's rights to free speech, free assembly, and freedom of worship."⁸⁵ On August 14, 1670, he appeared with William Mead at the meeting house on Gracechurch Street to hold a religious service. Since they did not have permission, the meeting-house doors were closed and constables were stationed to block entry. When the group attempted to hold a meeting in the street, Penn and Mead were arrested. They offered no resistance because they wanted to present a "clear-cut case of denial of freedom of worship." As they were being led away, a minor scuffle occurred among the three hundred people gathered for the meeting. Even though Penn and Mead had nothing to do with it, the charge was changed from violation of the Conventicle Act, requiring summary court, to "conspiracy to incite a riot, which required a jury trial."⁸⁶ The trial was covered earlier in this study, but there was an aftermath or last word by Lord Mayor Starling,

82. *Ibid.*, 52.

83. *Ibid.*, 60.

84. *Ibid.*, 64.

85. *Ibid.*, 65.

86. *Ibid.*

The Importance of a Hat

the trial judge, and Judge Sir John Robinson, a supposed friend of the Penn family and William Penn's jailer at the Tower.⁸⁷

Mayor Starling wanted vengeance and had his spies watching for an opportunity, which presented itself at a "scheduled religious meeting for which no permit had been issued."⁸⁸ A warrant was drafted before the meeting and constables arrested Penn the moment he began to speak under the Five Mile Act. This act was designed to restrict "the activities of dissenting ministers" from certain recognized religious centers. In proceedings similar to the jury trial without jurors, Penn was sentenced to six months at Newgate Prison for failure to take the oath of allegiance upon the demand of the judge. Since Quakers did not believe in oath taking, this device could always be used for jailing them if nothing else worked.⁸⁹

Penn used this time to write on a number of subjects, not limited to the deplorable conditions at Newgate. Other subjects included the loyalty of Quakers as English subjects, attacks on other persecutors of Quakers and, in collaboration with George Whitehead, *A Serious Apology for the People Called Quakers*. This last work was in response to a pamphlet insulting to the Quaker religion called *Quakerism Anatomized*.⁹⁰

Even though Penn lived for another forty-eight years, the habits, patterns and personality had been established for the rest of his life.

Today, he is better known in this country for his successful efforts to establish a colony in America providing a haven for the members of the Society of Friends and other religious sects or

87. Ibid.

88. Ibid., 69.

89. Ibid.

90. Ibid., 70-71.

The Importance of a Hat

denominations to worship without persecution and harassment. He believed that the most important human right for all who believed in God and followed scriptural precepts was *Freedom of Conscience*. Consistent in this belief from his early boyhood studies at Chigwell, before he could articulate such a concept, he continued throughout his life to advocate this belief in public meetings, in writings and in private conversations. This *conscience of man* belonged to *God* only, and this communion was a matter which could not be invaded by mortal rulers or human institutions. *The most flagrant sort of tyranny was the denial of this basic human right.*⁹¹

91. *Passages*, 107.

The Importance of a Hat

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