JACOBITISM CRUSHED:
AN EPISODE CONCERNING LOYALTY AND
JUSTICE IN COLONIAL PENNSYLVANIA

BY THOMAS WENDEL

LIEUTENANT-GOVERNOR William Keith of Pennsylvania and the Three Lower Counties in November, 1720, penned a curious letter to his friend Cadwallader Colden in New York. At the time of the events described, Keith had been governor for three years—time enough for the contentious baronet-to-be to compromise the harmony with which his administration began. That Keith in 1717 had been appointed to any office, let alone the governorship of Pennsylvania, was something of an historical anomaly, for he had been involved in the truncated Scottish plot of 1703-4. Circumstance and the judicious distribution of money by the proprietary friends in England gained Keith's post. It was the last office this Tory-placeman would win in the Whig world of Hanoverian England.1 The macabre story he sent to Colden, written from the security of the governorship, reveals his concern to prove his continuing “loyalty to the present establishment.”

Keith's letter describes with evident relish his overseeing the unceremonious burial of a convicted counterfeiter who was also a Jacobite. Keith's story involves an unusual and precedent-setting incident in the history of crime and punishment in Pennsylvania. The letter also touches upon the running battle Keith had with the vestry of Christ Church in Philadelphia. Finally, it indicates the continuing significance as well as utility of the accusation of Jacobitism in the politics of the time.

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Methinks [Keith begins] it is a great while that I have not heard from you and yet I must own what this place affords of any subject scarce deserves answer however a friendly correspondence must be nourished with any thing rather than dropped. Wherefore I shall now acquaint you that I am damnably teez'd here with a little proud and senseless high flying priest who does not take it well that this government should presume to hang a villain for Coining money, because forsooth he had formerly been a Rebell and as the parson says went out of the world t'other day a mighty good Christian & a member of his church, and for no other reason that I know this Diminutive of a pretending Bishop had made the necessary preparation to give the dead body of the criminal a most extraordinary pompous funeral last Sunday after service, which I being inform'd of by mere accident as I came from Church in the morning, sent immediately for the Sheriff & ordered him that moment to carry back the Corps under the gallows by the hands of Negroes & cause it to be Buried there, which was readily Executed before the Parson got out of Church in the afternoon. But because he had solemnly engaged his Promise to his dear deceased Brother upon the place of his Execution, that he would see him Honorably & Decently Buried, He with his church wardens went that moment under the Gallows where the Corps lay interr'd & read the Funeral Service over it. But how they shar'd the glass of burnt wine & bisquet at their return to Town, I have not yet been truly informed of further that that all such necessaries were actually provided to little purpose, as it happened, since the high church mob which was thereby intended to be raised were effectually prevented. . .

Keith's victim was one Edward Hunt, a goldsmith, who in May, 1717, had been admitted a freeman of Philadelphia. Hunt had previously been convicted in England of participating in the Jacobite rising of 1715. He had been taken prisoner at Preston, where the English phase of the Rebellion came to an inglorious close. Along with several hundred other prisoners, Hunt chose exile over execution. The British government there-
fore deported him as a bound servant to Antigua. From there he made his way to Philadelphia. With such a background, Hunt could expect little mercy when he ran afoul of the law in Pennsylvania, a colony whose governor wanted to forget his own Jacobitical past. Nor could Hunt expect better from members of the proprietary ruling elite. Only a few years earlier, they too had been accused of Jacobitism.

The charge of Jacobitism against Quakers was not without precedent, for William Penn’s friendship with the later Stuarts provided evidence of collusion. The Pennsylvania proprietor, particularly, had been under suspicion since the accession of William and Mary to the English throne. Keith’s predecessor, the unstable Charles Gookin, leveled the accusation of Jacobitism at proprietary secretary James Logan and Philadelphia mayor Richard Hill. The charge did not appear entirely to lack credibility. Logan, Hill and other Pennsylvanians were aware of the danger to their own positions when they sought Gookin’s replacement by the ex-Jacobite Keith. They, almost as much as the new governor, desired to prove their allegiance to the principles of the Glorious Revolution.

Hunt’s crime, appropriate enough for a skilled metalworker, concerned counterfeiting Spanish coin, the value of which in the colonies had recently been fixed by an act of Parliament.


5 In 1721 a group of English Quakers requested of Secretary of State Sunderland a change in the prescribed form of affirmation. They could have originally had what they wanted, replied Sunderland, had they not been “misled by Mr. Penn in disloyalty to the government, and in favour of the Pretender. . . .” Quoted in Samuel M. Janney, History of the Religious Society of Friends (Philadelphia, 1870), III, 159. Lord Macaulay’s excoriation of the Jacobitical Penn is well known. Less well known is the assertion by a more recent historian favorable to the Good Old Cause, Sir Charles Petrie, that “the Quakers in Pennsylvania were Jacobite to a man . . . .” The Jacobite Movement, the First Phase, 1688-1716 (London, 1948), 73.


Hunt’s wife Martha was accused of distributing the false coin.\(^9\) The Hunts were tried by a court of oyer and terminer whose judges remained unsympathetic to the rebel. One of them was ex-Governor Gookin’s Jacobite, Richard Hill. Another was David Lloyd, who had been appointed Chief Justice of the province by Governor Keith. Lloyd, who passed sentence on the Hunts, had authored the recent act under which they were condemned.\(^{10}\) Hunt received the death sentence. The court fined his wife 500 pounds and sentenced her to life imprisonment.

David Lloyd’s criminal statute, enacted in 1718 with the vigorous support of Governor Keith, brought the relatively mild code of William Penn into greater conformity with the more rigorous English enactments.\(^{11}\) From the time of Edward III, counterfeiting of gold and silver money had been considered an act of treason.\(^{12}\) Previous to the English statute fixing the value of Spanish coin in America, counterfeiting in Pennsylvania had not been a capital crime.\(^{13}\) But that statute combined with Pennsylvania’s new criminal law by which “trials of high treason

\(^9\) American Weekly Mercury, October 20, 1720.
\(^{10}\) For Lloyd’s authorship of the statute, see Roy Lokken, David Lloyd, Colonial Lawmaker (Seattle, 1959), 198-199. The third judge was William Trent. American Weekly Mercury, October 20, 1720.
\(^{11}\) James T. Mitchell and Henry Flanders, eds., The Statutes at Large of Pennsylvania from 1682 to 1801 (Harrisburg, 1891), III, 198-214; Lawrence Gipson, “Crime and Its Punishment in Provincial Pennsylvania,” Pennsylvania History, II (January, 1935), 10. Pennsylvania’s first paper money issue occurred in 1723, three years after Hunt’s execution. The counterfeiting of provincial paper did not fall under the treason statute of Edward III and therefore was unaffected by the Pennsylvania criminal statute of 1718. Consequently, section 10 of the “Act for the Emitting and Making Current Fifteen Thousand Pounds in Bills of Credit” (The Statutes at Large, III, 324-338), and not a separate law enacted in 1722 as stated by Professor Gipson, provided penalties for counterfeiting the new provincial currency. Though Professor Gipson called the new penalties “drastic,” they were mild in proportion to Hunt’s sentence as the loss of one’s ears is to the loss of one’s life.

\(^{13}\) Herbert Fitzroy, “The Punishment of Crime in Provincial Pennsylvania,” Pennsylvania Magazine of History and Biography, LX (July, 1936), 256 n., states that up to the 1718 law, “counterfeiting was the most variously punished of all offences. For years there was no statutory punishment and the offence was punished almost at the whim of the judges. . . .” Contrary to Fitzroy, the 1718 law makes no reference to counterfeiting. It was the parliamentary act fixing the value of Spanish coin that brought counterfeiting in Pennsylvania under the ancient treason statute to which the new Pennsylvania law adhered. The American Weekly Mercury, November 22, 1730, refers to Hunt’s conviction “of High Treason . . . for his counterfeiting Spanish Silver Coin, made current by Act of Parliament within all his Majesties Colonies in America.”
shall be according to the due order and course of the common law, observing the directions of the statute laws of Great Britain . . . " made counterfeiting a treasonous and therefore a capital offense.\(^4\)

As he ruefully pointed out in his dying speech, Hunt had the dubious honor of being the first convicted counterfeiter in Pennsylvania to receive the death penalty. It is also probable, as he claimed, that he became the first anywhere in English America to receive the ultimate penalty for this crime.\(^5\) Hunt's execution was therefore a significant occurrence in the history of crime and punishment in colonial America. Like the Pennsylvania criminal law of 1718 itself, the severity of Hunt's sentence indicated the increasingly rigorous response of colonial governments to rising crime rates in the eighteenth century. More immediately, Hunt's execution helped establish the Quaker colony's resolve to adhere more closely to English legal practice. Because Hunt had previously been convicted of rebellion, his punishment, furthermore, would reconfirm Pennsylvania's and Governor Keith's loyalty to the Hanoverian succession.

Hunt's execution and brutal burial also would serve Governor Keith in his dispute with the rector and vestry of Christ Church in Philadelphia. Though relations between Church and Governor were at first friendly enough, by 1720 there had emerged a rift between them. The vestry resented Keith's overbearing attitude. Keith ceased attending vestry meetings and withdrew his support from the Reverend Mr. John Vicary, who became the "little proud and senseless high flying priest" in the letter to Colden.\(^7\)

The minister became vulnerable to such a charge because of his apparent sympathy with the condemned Edward Hunt, whom

\(^4\) Mitchell and Flanders, eds., *The Statutes at Large*, III, 200.


he evidently believed to be a sincere repentent. Not only did John Vicary see to the publication of Hunt's dying speech, but he undoubtedly wished that Hunt be decently buried. Vicary's sympathy with Hunt came ready to Keith's hand, for it could be used to indicate the clergyman's, and by implication the vestry's, sympathy with Jacobitism.

Hunt's execution and unceremonial burial not only vindicated Quaker justice, but also afforded Keith an opportunity to strengthen his political position. Empowered to grant Hunt a reprieve until the convicted man could appeal to the Crown, Keith refused. To have shown mercy to a Jacobite would have further compromised his own character. He would contrast his own loyalty to George I with that of John Vicary who was soft on Jacobitism. Later, during his dispute with proprietary leaders including some vestrymen, he leveled the same charge at the vestry.

The luckless Hunt was as much the victim of political circumstances as of deserved justice. The gallows he avoided at Preston, he met in Philadelphia. There is no knowing his fate had the crime not been compounded by previous involvement with Jacobitism. Although some members of Keith's council urged compassion, even they agreed "that there was nothing to be said in behalf of the Criminal's former Character, personal merit or Behaviour." Others "urged the nature of the Crime, and the necessity that there was in all civil Government to make some public Examples, the want of any merit in the Criminal, and

17 American Weekly Mercury, November 22, 1720.
16 Lending some verisimilitude to Keith's charge was the fact that there were a few "pretending bishops" in America to which some nonjuring English clergymen had fled. See John Fulton, "The Non-Juring Bishops in America," in William S. Perry, ed., The History of the American Episcopal Church 1587-1883 (Boston, 1885), I (The Planting and Growth of the American Colonial Church, 1587-1783); George Hills, "John Talbott, the First Bishop in North America," Penn. Mag. of Hist. and Biog., III (1879), 32-55. Also, the vestry had in 1719 unanimously expressed a desire for an American bishop, a desire never fulfilled. After Vicary's departure, the vestry did invite the nonjuring "Bishop" Welton to serve as rector. Minutes of the Vestry, 1719-1723, Christ Church Archives, Philadelphia; Peter Evans to the Bishop of London, 1725, in Perry, ed., Historical Collections, II, 140-141.
the very little or no Service at all that a Reprieve to so miserable a Life could be to him.” In the end the matter of a reprieve was left to Keith. There could have been little doubt which way the governor’s decision would go.