

PRISON MUSEUM POST

*The Official Newsletter of the Historic Burlington County Prison Museum Association
Incorporated in 1966*

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MARK YOUR CALENDARS

The Historic Burlington County Prison Museum will be open free to the public on Friday, May 25 from 4:30 p.m. to 9 p.m.

Members of **New Jersey Paranormal** will be on site to answer questions about paranormal investigations. NJP is a leading paranormal investigation group which researches and investigates the existence of energy and spirits in the hereafter through current technology available to measure energy fields and temperature differences. Check out their website: www.newjerseyparanormal.com.

We will also be joined by **Jan Bastien**, author of *Ghosts of Mt. Holly* and *Ghosts of Burlington County*. Copies of her books will be on sale in the museum gift shop and the author will be available to sign your copy. Prison Museum Association members will be available to answer questions about the history of the jail.

WARNING! THIS ISSUE IS R-RATED!

Last fall we told you about the *Burlington County Court Book of West Jersey, 1680-1709*, which is a record of court proceedings in colonial Burlington County. We promised to print some excerpts in future issues of the *Prison Museum Post*. In this issue we give you the case of the State (then the English Royal Crown) versus Charles Sheepey, heard on December 20, 1687.

The testimony in Sheepey's trial for sexually assaulting a girl is so graphic that we were reluctant to include it in our newsletter. So seriously, this issue really is not for kids.

We wanted to share it with you nevertheless because it is so very interesting. Sheepey's court record takes you back in time. Three hundred and thirty one years ago, Charles Sheepey and a young girl (or woman -- we are never told their ages) had sexual relations. He said it was consensual. The jury found that it wasn't.

The record of the trial is a great example of late 17th century English usage and spelling. It's not an easy read, especially because there was little in the way of standardized spelling - it would be another 140 years before Noah Webster published his dictionary. But please take your time and stick with it. We think you will find it not only interesting, but also surprising in many ways.

We also think many of you, especially the attorneys, will find the insights it provides into late 17th Century court procedures interesting. How often does sentencing occur and punishment begin on the day a modern trial ends? Can you imagine calling townswomen in to examine the victim and provide "expert" testimony as to rape? It happened in this case.

We add a few words of explanation.

Affirmation - Most members of the Society of Friends (Quakers) took Matthew 5:33-37 seriously and would not swear. Instead, in Quaker dominated West Jersey, affirmation was the rule. Even today, witnesses in court proceedings are given the choice of swearing or affirming to tell the truth.

Whipping - The procedure is fully described in the quoted material. We do not know the number of lashes - in this case, the attending magistrate decided. In England, 100 or more lashes were common and could prove fatal. (As a youth in Pontiac's Rebellion, in the 1760's, Daniel Morgan had gotten 100 lashes for talking back to a British Officer - he may have remembered this in 1777 when he ordered his riflemen to aim at the British and Hessian officers at Saratoga.) Whipping was always painful and degrading, but damage was somewhat dependent on the whipper.

Sheepey was whipped eleven times over two years, kept in chains for three months, put to work to earn his keep while in jail, and required to pay costs of the trial. How would you rate this against the typical sentence given today for the same offense?

Just take your time with the spelling - words were spelled the way people pronounced them, and again, spelling wasn't standardized. Trial is spelled "tryall", country is "countrey", at is "att", time is "tyme", hour is "hower". You will get used to it.

Some definitions:

- A "sneck" is a door latch.
- "Damnify" means to cause injury to.
- They "deposeth" means they testified.
- To "Accompt" means to account or report.
- "vizt:" means to wit:

It's interesting to note that the actual charge (rape? sexual assault?) was never specified, nor was the offense he was convicted of.

Sheepey was a busy guy. He shows up in the Court record three years after his rape conviction. This time he was the plaintiff, suing someone who owed him wages - 2s 6d (2 shillings and sixpence). He won.

The next year, he was found to have falsely accused a Mr. and Mrs. Abraham Senior of selling liquor to Indians and to have taken money for services (building a house) he did not complete.

PMA NEWS

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Please help us preserve and promote the Prison Museum by joining the PMA. Our annual dues are only \$15(individual)/\$25 (family). Membership benefits include a quarterly newsletter, event updates, 10% off gift shop purchases, and free admission to the museum. Go on the website for an application.

In 1998, the PMA was "resuscitated" after a 5-year hiatus. This year, therefore, marks the 20th anniversary of this incarnation of our quirky little group. We have a lot to celebrate this year. Visitors continue to come from all around the country. We are updating our website and planning a new feature - an "escape" adventure quest for visitors. More about all of this in upcoming issues.

In the next issue... Dorothea Dix, 19th century advocate for prison and mental institution reform, visits Burlington County.

EXCERPTS FROM *The Burlington County Court Book of West Jersey, 1680-1709* (Edited by H. Clay Reed and George J. Miller, Esquire and published by American Historical Association, Washington, D.C., 1944)

1687 20th 12th Month

The indictment of Charles Sheepey for the King upon the complaynt and accusation of Elizabeth Hutcheson.

The indictment found by the Grand Jury: Charles Sheepey being sett to the Barre and Arraigned, the indictment being read, Sheepey pleads not Guilty, and referres himself for Tryall to God and the Countrey. Whereupon the Traverse Jury aforenamed are called and being all accepted by the Prisoner are Attested.

(Elizabeth Hutchesons Deposition)

Elizabeth Hutcheson Attested deposeth, That when she was in bedd at her father's house at Oneanickon in a Chamber, where the whole family used to lye, the said Charles Sheepey came to her bedside and putt his hand into the bed to the knee of her, the said Elizabeth and from thence to her elbowe, and that she caught hold of his hand, and thereupon cryed out to the maid belowe in the house, to bring up a candle for shee had gott some body by the hand, and the maid and the rest in the house said Shee did only dreame soe, and therefore delayed to come; but when shee the said Elizabeth continued calling more earnestly, a candle as brought up, but Sheepey perceiving the candle, snatched away his hand and slipt away to his owne bed; And that Shee intended to complayne thereof to her father; but Shee understanding that most of them in the House were of opinion shee only dreamed soe shee concluded they would persuade her Father it was but her dreame, and that shee should but then have his anger by it, and therefore did not speake of it.

Alsoe further Shee, the said Elizabeth deposeth that the said Sheepey made her and her Sister Martha beleeve hee could conjure, or tell fortunes, and by that meanes at several tymes gott money from them.

Also further that afterwards, when shee, the said Elizabeth, and her Sister Martha lived at the Falls, the said Charles Sheepey alsoe then living there, shee the said Elizabeth and Martha went to Thomas Lamberts house about a myle and halfe of, and desired Thomas Lambert's wife to give leave to her daughter Betty to goe and lye with them, in regard all the rest of the family was gone from home, but they two, and the said Charles Sheepey; but in regard Thomas Lambert's wife understood there was one man at home, shee said it was needlesse and therefore said shee could not then well spare her; and that therefore, they went home themselves; And when they went to bed they thrust in some apron or clothes betweene the sneck (there being noe lock or bolt on the door of the roome where the lay) to keep it fast; and that in the night the said Charles Sheepey gott in and came into the bedd to her

the said Elizabeth and her sister, and that the said Sheepey when said Elizabeth endeavored to resist him, held her hands; and Shee then struggling and crying out awaked her sister Martha, and that notwithstanding they did both with all their strength strive to resist and repulse the said Sheepey, yet hee did then against the will of her the said Elizabeth force the said Elizabeth and with hi yard had the use of her body by carnall Copulation; And that since that tyme hee never had to doe with her, or attempted it further.

[Martah Hutchesons Deposition] Alsoe Martha Hutcheson upon her Attestation Deposeth and Sayth that the tenour of her Sisters deposition above is true.

[John Tomlinsons Deposition] John Tomlinson Attested Deposeth, That hee heard Elizabeth Hutcheson call out for a Candel at her Fathers house in Oneanickon, and that hee stept up into the Chamber, and as hee came hee heard the feet of one passe by goeing from Elizabeth Hutchesons bed side, to the bed side where Charles Sheepey used to lye, and that the maid came after with a Light and that then Charles was gott into his bed, And further sayth that afterwards when hee heard what said Charles Sheepey had doe to Elizabeth when they lived at the Falls, hee the said Deponent was greatly troubled And Examined Elizabeth very closely of it; whereupon Elizabeth told him of her and her Sisters goeing to Thomas Lamberts to gett his daughter to come lye with them; according as Elizabeth hath before deposed; And alsoe of the said Charles Sheepeys getting into the Roome and comeing into the Bed and forcing her the said Elizabeth the same night after they went to Thomas Lamberts as aforesaid in Bettyes Deposition And that they said Elizabeth then told this deponent that the said Sheepey had never before that tyme or after that tyme to doe with her.

[Charles Sheepey:] Charles Sheepey declares, That hee never went to bed to Elizabeth Hutcheson nor shee to him, and sayth hee never put his hand to bed to her, as shee averrs, and further sayeth that hee never had any money of theirs, and denyes hee told Elizabeth and Martha hee could tell them their fortunes and by that meanes gott money from them; But sayth that Elizabeth was desiring him to tell her her fortune, and sayd shee would doe any thing for him, if hee would; And that hee said Charles said to her, if she would let him kisse her, hee would tell her, her fortune, And Further sayth that hee had Carnall knowledge of the body of the said Elizabeth severall tymes; That the firsts tyme hee had to doe with her was out of doores under an Oake about a stones cast from the house, the second tyme by the water side, at which tyme hee sayth Shee followed him and asked to do it, a Third tyme in the house, a fourth tyme in the Parlour on the Bed; and sayth that hee never forced her, but Shee was alwayes as willing as hee.

Att Sheepeys request Jonathan Fox and Samuell Houghton are called and heard who say as followes. [Jonathan Fox Testimony] Jonathan Fox sayth that hee examined Charles Sheepey about the premises, And that Charles told him hee had to doe with Elizabeth Hutcheson once at the riseing of the Hill, and once in the

house, and once that Morning that hee the said Jonathan and John Tomlinson went to George Hutchesons Plantation at the Falls; Further the said Jonathan saith that Elizabeth was unwilling to be at either Plantation without her Sister, And that Samuell Sykes informed him that Elizabeth had told the maid that Charles Sheepey had Ravished her, and that Shee then feared her selfe to be with Child; And alsoe that hee the said Jonathan acquainted John Tomlinson therewith; and that afterwards John Tomlinson told the said Jonathan hee had spoke with Elizabeth concerning the same, telling her hee had dreamed Sheepey had to doe with her five tymes, to which shee answered hee had dreamed too true and John Tomlinson then told him the said Jonathan and Betty had informed him the said John that Sheepey had to doe with her twice;

[John Tomlinson] But John Tomlinson upon his Attestation sayth that Betty never said to him that Sheepey had to doe with her more than once, and that hee did not tell Jonathan Fox that Betty ever said to him that Sheepey had to doe with her more than once.

[Samuell Houghton Testimony] Samuell Houghton saith that Charles Sheepey told him that Betty Hutcheson was desirous to knowe her fortune, whether shee must have John Dimsdale or goe to England, and that hee the said Charles replied if shee would let him lye with her hee would tell her, and that shee said shee would, and that shee was willingly to lye downe, onely that shee feared to spoyle her Gowne, hee then put of his Coate and laid it under her, and that he then had to doe with her, which was at the top of the Hill above the House, and that hee had to doe with her another tyme downe towards the water, and another tyme in the House, and that the said Charles told him that hee was once goeing to have to doe with her the said Elizabeth in the Parlour on the Bedd but the woman of the House came in and prevented it, And alsoe that Charles said further hee had to doe with her twice by the oven under an oake that stands there; And that hee asked Charles if hee had gott any money of the said Elizabeth or her Sister Martha, and Charles answered hee never had gott any money either from Elizabeth or her Sister.

[Thomas Lamberts Deposition] Thomas Lambert Attested deposeth that Elizabeth Hutcheson and Martha Came to visit his house to get his daughter to lye with them, and that his wife understanding there was a man in the house said I regard there is one of the men in the House there is noe need for her daughter at present to lye with them, And sayth that the Children went out where Thomas Lamberts maid was out of doores and desired the maid Shee would beg leave for Betty Lambert to lye with them, saying that if Charles Sheepey had beene from home, they durst lye by themselves without feare, and Thomas Lambert alsoe saith that his daughter went to parte of the way home with the Children and that the said Children Betty and Martha cryed when they parted with Betty Lambert and that Betty Lambert was then troubled, that shee could not goe on to lye with them, not having her Mothers consent.

[Charles Sheepey] Sheepey being againe asked if hee gott any money of the said Children, Denyes that hee ever gott any of them, And that hee never tould them hee could conjure or tell them or either of them their fortune; Though hee said in his examination before in the Court hee would tell Elizabeth her fortune if he would let him kiss her; But further replies againe, that hee never had the use of the Body of the said Elizabeth, but her owne consent.

[Lewis Carpenter Deposition] Lewis Carpenter Attested Sayth that Betty Hutcheson asked Charles Sheepey to tell her, her fortune, and Charles said if shee would let him kisse her, hee would, this Lewis sayth Charles told him. Severall women being then in Court, namely the wife of Samuell Jenings, the wife of John Budd, the wife of Edward Hunloke, the wife of William Emley and the wife of Richard Guy, doe before the Court Solemly declare that they have made it their businesse to search Elizabeth Hutcheson And that they finde it soe with relation to the state of her body; That whereas the said Sheepey declares hee hath had the use of her body several tymes. The said Sheepey hath greatly wronged her in saying soe, As to them plainly appears according to the natural course of women, And that to the best of their understandings, What hath beene done, by the said Sheepey hath been forcibly; And futher they desire they make knowne the matter (for modestys sake) to some particular modest person, who may give the jury a more particular relation thereof; which the Courts approve of.

Sheepey being further required if hee have anything to say for himself before the Jury goe togeather; Sayth hee hath noe more to say, but as before, hee ever had the use of her body, but with her owne consent.

After the Charge given to the Jury and it being somewhat late at night they are required to go togeather; and if they agree of their Verdict before the Court come togeather on the Morrow morning, to Seale up their verdict in writeing, and then bring it into the Court; And the Sherife required to Attend them. And then the Court adjourned to the Eighth hower in the morning.

And according to the desire of the said women, the reasons for their asserting in Court as abovesaid, being made knowne, First to such modest person or persons as was judged requisite to impart the same to, was accordingly made knowne to the Jury.

[21st of the 12th Mo. Juryes Verdict] The Court came togeather and being sett, the Prisoner Sheepey is brought to the barr, And the Jury called over; And required whether they are agreed of their Verdict or noe, Answers they are agreed; And thereupon at the appointment of the rest the Foreman delivered their Verdict in writing Sealed to the Clerke; which the Clerke reads vitz, Wee find Charles Sheepey Guilty according as hee stands Indicted. The Bench after some tyme to consider of the sentence, by an Unanimous Consent agree and appoint the Clerke to read their Sentence, past upon the Prisoner; Which accordingly the Clerke read, as followeth:

[The Sentence] Charles Sheepey, The Grand Jury and Traverse Jury having found thee guilty according as thou has beene Indicted, The Bench have required mee to read thy Sentence, which is, That thou shall be whipt this day betwixt the howers of Two and Three in the afternoon upon thy naked Body at a Carts tayle, from the house of John Butcher in this Towne, to the house where Abraham Senior inhabitteth and from thence on the River side to High Street, and from thence downe to the Markett House, and that thou Shalt have as many stripes laid on as to the Magistrates (who shall be present at thy execution) Shall be thought meet and from thence thou shall be taken and kept in Irons for the space of three Moneths from this day next ensueing, during which tyme thou shall be whipt at Three several times more, in manner and forme as before is mentioned, that is to say on every third Seaventh day in each and every of the said three moneths, between the howers of Tenne and twelve of each said day, And that during thy said Three Moneths imprisonment thou shalt be made worke for thy bread; And shall pay the Court Charges and Fees; And after thy said Three Moneths Imprisonment thou shalt for the space of one yeare and nyne Moneths then next ensuing, be brought (where thou canst be found within this Province) to each and every Quarterly Sessions at Burlington within the said tyme, And then and there be whipt in manner and forme as afore is mentioned.

1688, 12th day, 3rd Month

Personall Actions

Joseph Hutcheson plaintiff Charles Sheepey Defendant action case, noe declaration Attachement the goods Attached to be delivered back and the action to be withdrawn

John Tomlinson Plaintiff Charles Sheepey Defendant Tomlinson saith hee took noe Attachment out.

February 23th, 1690

Charles Sheepey Plaintiff William Righton Defendant Jury (vizt) Joshua Wright, John Hollinshead, Samuell Furnis, Thomas Butcher, Thomas Farnsworth, John Joyner, Thomas Gladwin, Peter Fretwell, Henry Grubb, Samuell Ogbourne, Thomas Dugglas, Richard Love Attested. Declaration Read, the declaration as to 2s 6d. per day owed per defendant But the Defendant saith that hee is greatly dampnifyed for the Plaintiffs neglecting his worke.

Samuell Houghton Attested, saith that hee agreed with the Defendant to pay to the Plaintiff 2s 6d. per day And that the Plaintiff was to stick to and followe the Defendants worke untill it was finished; But saith the Plaintiff neglected the

Defendants worke, And that the defendant was thereby damnifyed, Jury find for the Plaintiff, and give him his Debt, and Costs of suite, Judgement awarded.

May 8, 1691

[Charles Sheepey perjured and Pilloryed] Charles Sheepey appeares in Court and upon his Attestation informes against Abraham Seniors Selling Rum as followes, hee deposeth that hee hath seene Mary the wife of Abraham Senior give Rum to an Indian or Indians Twice at one tyme and hee tooke wampam for it, and saith it was about halfe a yeare ago, And that hee did not discover it untill about a Moneth last past, when hee (this deponent) was sett inn the Stocks upon Mary Seniors Accomp; And further saith John Fleckna and Henry Pope was by when shee delivered the said Rum and that they sawe it, John Fleckna and Henry Pope being thereupon Attested say they never sawe Abraham Senior or his wife give or sell any Rum to any Indian or Indians (except onely to one Indian called Indoweys William Biddles man, when hee came downe from William Biddles an Errand: Whereupon Sheepey againe answered and said that was not the Indian hee speakes of, and further then said that Fleckna and Pope was not by when Shee Sold the Rum to the Indian. Whereupon it plainly appearing that the said Sheepey hath given a false Evidence, the Court order that hee be sett in the Pillory forthwith one hower, And hee noe more to be admitted in Evidence.

June, 1691

William Righton Plaintiff Charles Sheepey Defendant Jury Attested. William Wood againe taken into the Jury and Thomas French dismisi. The Declaration Read. The Defendant require the Plaintiff to prove his declaration.

[Attested] Samuell Houghton being already Attested as a Jury man, Saith that the Defendant Charles, was as much engaged to the Plaintiff in carrying on the building as hee (this deponent) who was the Mater Bricklayer. And further saith that here was agreement between Plaintiff and defendant for carrying on the building, but cannot say that it was agreed between them that, the Defendant should abide by it untill it was finished.

[Attested] Thomas Revell Deposest that William Righton came to seeke out the Defendant Charles to come to his worke, and that said Charles would not come but went to Snodens and gott drunk.

[Attested] William Righton junr. Deposest that hee knows that his Father (the Plaintiff) Hyred the Defendant Sheepey with Samuell Houghton to build his House, and that said Sheepey was to have Two Shillings per day, And further saith that upon the Plaintiffs paying the said Defendant Twenty Shillings of wages, hee (the Defendant) promised hee would not leave the worke until it was finished.

[Verdict] The Jury find for the Plaintiff and give him forty one Shillings Dammages and Costs of suite Judgement awarded for Costs of suite Currant silver money, or Equivalent. And 2d. damages.

August 8, 1694

Abraham Senior Plaintiff versus Charles Sheepey Defendant Action Debt withdrawne.

August 27, 1697

Christopher Snoden plaintiff Charles Shippey defendant The Plaintiff and defendant Called and Appeare, The declaration reade. The defendant pleads Satisfaction. the Jury Attested. Abraham Senior Attested, deposeth that Charles Shippey hath paid two or three peices of eight to him the deponent on the Account of Christopher Snoden since the said Christopher went into England And that by the said Christophers order, And that the said deponent Kept the said Shippey in his house Sick for three or four months, some time after the said Snoden went to England.

The Traverse Jury return and bringe in theire verdict And find for the defendant Shippey. Judgement Awarded. The plaintiff Christopher Snoden Craves an Appeal, the Bench grant it he the said plaintiff fulfilling the terms and conditions of an Appeal According to the Law of Appeals prescribes which he hath done.

November 1700

[Action] Christopher Snoden Plaintiff Charles Sheepey Defendant call'd and both appear'd. The Declaration read The Defendants Attorney craving a former Declaration it being not to be found – Therefore the Action is continued till next Court.

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