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Crime and Punishment in Elizabethan England

When Queen Elizabeth I assumed the throne of England in 1558 she inherited a judicial system that stretched back in time through the preceding Middle Ages to the Anglo-Saxon era. The concept of incarcerating a person as punishment for a crime was a relatively novel idea at the time. Most prisons were used as holding areas until trial and subsequent sentencing. Trials were skewed in favor of the prosecution, for example, defendants accused of a felony or treason were not allowed legal counsel. Justice was usually swift and often brutal.

William Harrison set himself the task of chronicling everyday life in Renaissance England during the late 1500s. Among his observations he included an overview of crime and punishment:

The Greatest Punishment

"The greatest and most grievous punishment used in England for such as offend against the State is drawing from the prison to the place of execution upon an hurdle or sled, where they are hanged till they be half dead, and then taken down, and quartered alive; after that, their members and bowels are cut from their bodies, and thrown into a fire, provided near hand and within their own sight, even for the same purpose."

Varying Punishment for Commoner and Nobility

"Sometimes, if the trespass be not the more heinous, they are suffered to hang till they be quite dead. And whensoever any of the nobility are convicted of high treason by their peers, that is to say, equals (for an inquest of yeomen passeth not upon them, but only of the lords of parliament), this manner of their death is converted into the loss of their heads only. In trial of cases concerning treason, felony, or any other grievous crime not confessed, the party accused doth yield, if he be a noble man, to be tried by an inquest (as I have said) and his peers; if a gentleman, by gentlemen; and an inferior, by God and by the country, to wit, the yeomanry (for combat or battle is not greatly in use), and, being condemned of felony, manslaughter, etc., he is hanged by the neck till he be dead, and then cut down and buried. But if he be convicted of wilful murder, done either upon pretended malice or in any notable robbery, he is either hanged alive in chains near the place where the fact was committed (or else upon compassion taken, first strangled with a rope), and so continueth till his bones consume to nothing. When wilful manslaughter is perpetrated, beside hanging, the offender hath his right hand commonly stricken off before or near unto the place where the act was done, after which he is led forth to the place of execution, and there put to death according to the law."

"Saved by books and clergy": A man who could read had "benefits of clergy" and could receive a reduced sentence for a first offense. Women who could read did not receive the same benefit.

Suicide

"Such as kill themselves are buried in the field with a stake driven through their bodies."

Theft

"Rogues and vagabonds are often stocked and whipped; scolds are ducked upon cucking-stools in the water. Such felons as stand mute, and speak not at their arraignment, are pressed to death by huge weights laid upon a board, that lieth over their breast, and a sharp stone under their backs; and these commonly held their peace, thereby to save their goods unto their wives and children, which, if they were condemned, should be confiscated to the prince. Thieves that are saved by their books and clergy,(see sidebar) for the first offence, if they have stolen nothing else but oxen, sheep, money, or such like, which be no open robberies, as by the highway side, or assailing of any man's house in the night, without putting him in fear of his life, or breaking up his walls or doors, are burned in the left hand, upon the brawn of the thumb, with a hot iron, so that, if they be apprehended again, that mark betrayeth them to have been arraigned of felony before, whereby they are sure at that time to have no mercy."

References:

Harrison, William, Description of Elizabethan England (originally published 1577-78, republished for the New Shakespeare Society 1877-1878); Rowse, A.L., The Elizabethan Renaissance: The Life of the Society (1971).

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