

If You Do the Crime, You Have to Deal
with the Pain

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Today, crime consists of activities such as murder and robbery. In recent years, crime rates have increased. According to the National Crime Victimization Survey, the violent crime rate went from 1.6 in 2004 to 1.8 in 2005. According to the United States Department of Justice, there were an estimated 417,122 robbery offenses and an estimated 16,692 persons were murdered nationwide in 2005. How different were crime offenses back in the colonial period? What did crime consist of and what were the consequences and/or punishments?

Colonial America believed in social order. Repentance was the basis of colonial law. The first law brought over from England was the common law. Common law was the mind set that all colonists had. The mind set of most colonists was based on their religious beliefs. It was called divine moral law and the civil law was based on it. The first book of laws was the Massachusetts code of 1648. Adultery and fornication were just some of the acts colonists considered immoral. Some well known people were even caught doing immoral acts. Benjamin Franklin was known for being sexually active in London and Philadelphia and William Byrd even kept record of his mistresses.

Colonies started to blame the English for bringing criminals over to them. England wanted to get rid of their criminals, so they decided to ship them over to the colonies. Unlike today, there was no police force in the colonial period. Because there was no police force in the colonies, there was no one there to stop the criminals.

With no police force in the colonies, people usually volunteered to enforce the rules, but what were those rules? People considered lying, drunkenness, sexual offenses and just bad behavior as crime. Playing cards and even flirting were crimes. Shame and

humiliation were used to keep servants and children in line. Punishments for crimes were set in the middle of the town for everyone to see. Mutilation to a person's body was considered the best way to teach that person a lesson back then. Serious punishments consisted of whippings and going to the pillory, a wooden frame with holes for a person's head and hands. While a person was in the pillory, people would throw objects at them for them to suffocate such as eggs, tomatoes and rotten fruit. Ants and bees would then come to torture the body for public humiliation. Other forms of punishments included the stocks, a wooden structure with holes for the ankles of the criminal to be locked with a seat consisting of the sharpened edge of the board, and the ducking stool, a chair where criminals were tied up and ducked under water.

Religion was a major part of the colonial period. It was the backbone for all colonies. Heresy, believing something against the church's teachings, was a major crime. It could lead to being exiled. If that person was caught returning, it could lead to death. Blasphemy, lacking respect for God, was another major crime. The punishments for blasphemy were whippings, the pillory, having a hole in the tongue caused by a hot iron or the gallows, a structure built for hangings. Many religious leaders would preach about God punishing the city of Sodom and Gomorrah to remind people what would happen if they disobeyed God. Other laws included observing the Sabbath and other religious services, not traveling on Sundays and swearing. It was also considered that witchcraft was a crime. It was believed that those who practiced witchcraft made pacts with the devil. The biggest witchcraft conspiracy was the Salem Witch Trials.

Public humiliation was the basis of punishments for crimes. Adulterers had to have an A sewed onto their clothes and the same for counterfeiters but with a C. Some

people would have their ears clipped or branded. Public executions were apart of everyday life. These executions were attended by thousands of people. If somebody broke the code, that person would have to confess in front of the church.

Other forms of punishment didn't include physical torture. Criminals could also get fined. Living in a world where agriculture ruled everything, stealing hogs was a crime. Hog thieves could have been fined the equivalent of ten pounds or whipped twenty-five times. Instead of paying ten pounds, a criminal could pay 400 pounds of tobacco. The tobacco was shared between the owner of the hog and the person who caught the crime and told someone. For other offenses, the criminal could be sent to the pillory or be sentenced to death.

Another crime would be bastardy, creating a child between two people that were not married. In England, between 10% and 30% of children were born within 8 months of the marriage. Mothers often engaged in infanticide to avoid costs and the stigma. They would lie and say that they had a stillborn, but with stillborns, women needed a witness to prevent a conviction of murder. Preachers would use these executions to their advantage to preach about the theme of ultimate destruction of illicit sex. Punishments for this crime would either be whippings, 10 to 40 lashes or fines up to five pounds. The whips were short and made out of leather. The whips had multiple tails. For extensive sentences, salt water could be splashed on the criminal with no time to rest in between. Along with this crime, prostitution also rose. Names for prostitutes included punks, nightwalkers, ladies of pleasure, whores and doxies.

High treason was another crime. People would be executed and then disemboweled. The body would be cut up into four separate parts and those parts would

be buried in four different locations. This was done so that the body would never be at rest.

But not all punishments were fair. A person's status could determine his punishment. If a person had a higher status, he got a less punishment. It also held up for genders too. A woman could be whipped publicly while a man could just get fined for the exact same crime. Slaves were always given the physical torture depending on his conviction. Children were also punished. If a child knew the difference between right and wrong, the child could be punished as early as age eight. The worst a child could be punished were whippings.

Crime was pretty harsh back in those days. It makes a person think that today's world has it easy. If someone gets beat like those in the colonial period today, the person who beat them could get in trouble. Is torturing people still apart of the world today to teach someone a lesson or for pure enjoyment?

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