

## Chapter XI. Of Sundry Kinds of Punishments Appointed for Malefactors

“In cases of **felony, manslaughter, robbery, murder, rape, piracy**, and such capital crimes as are not reputed for treason or hurt of the estate, our sentence pronounced upon the offender is to hang till he be dead. For of other punishments used in other countries we have no knowledge or use, and yet so few grievous [serious] crimes committed with us as elsewhere in the world. To use torment also or question by pain and torture in these common cases with us is greatly abhorred sith [since] we are found always to be such as despise death and yet abhor to be tormented, choosing rather frankly to open our minds than to yield our bodies unto such servile halings [draggings] and tearings as are used in other countries. And this is one cause wherefore our condemned persons do go so cheerfully to their deaths, for our nation is free, stout, haughty, prodigal of life and blood, as Sir Thomas Smith saith lib. II, cap 25 De republica, therefore cannot in any wise digest to be used as villains and slaves in suffering continually beating, servitude, and servile torments. No, our jailers are guilty of felony by an old law of the land if they torment any prisoner committed to their custody for the revealing of his complices [accomplices].

The greatest and most grievous punishment used in England for such an offend against the state is drawing from the prison to the place of execution upon an hardle or sled, where they are hanged till they be half dead and then taken down and quartered alive, after that their members [limbs] 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. 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 the Parlement) this manner of their death is converted into the loss of their heads only, notwithstanding that the sentence do run after the former order. In trial of cases concerning **treason**, felony, or any other grievous crime not confessed the party accused doth yield, if he be a nobleman, to be tried by an inquest (as I have said) of his peers; if a gentlemen; and an inferior by God and by the country, to with the yeomanry (for combat or battle is not greatly in use); and, being condemned of felony, manslaughter, etc., he is eftsoons [soon afterwards] hanged by the neck till he be dead, and then cut down and buried. But if he be convicted of willful murder done 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 in nothing. We have use neither of the wheel [a large wheel to which a condemned prisoner was tied so that his arms and legs could be broken] nor of the bar [the tool used to break the bones of prisoners on the wheel], as in other countries, but 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....

If a **woman poison her husband** she is burned alive; if the **servant kill his master** he is to be executed for petty treason; he that **poisoneth** a man is to be boiled to death in water or lead, although the party die not of the practice; in cases of murder all the accessories are to suffer pains of death accordingly. **Perjury** is punished by the pillory, burning in the forehead with the letter P, the rewalting [destruction] of the trees growing upon the grounds of the offenders, and loss of all his movables [possessions]. Many trespasses also are punished by the cutting off one or both ears from the head of the offender, as the utterance of **sedition words** against the magistrates, **fray-makers**, petty **robbers**, etc. **Rogues** are burned through the ears, **carriers of sheep out of the land** by the loss of their heads, such as kill by poison are either boiled or scalded to death in lead or seething water. **Heretics** are burned quick, **harlots** [prostitutes] and their mates by carting, ducking [dunking in the river], and doing of open penance in sheets in churches and marketsteads are often put to rebuke. Howbeit, as this is counted with some either as no punishment at all to speak of, or but smally regarded of the offenders, so I would wish **adultery** and **fornication** to have some sharper law. For what great smart [hurt] is it to be turned out of an hot sheet into a cold, or after a little washing in the water to be let loose again unto their former

trades? Howbeit, the dragging of some of them over the Thames between Lambeth and Westminster at the tail of a boat is a punishment that most terrifieth them which are condemned thereto, but this is inflicted upon them by none other than the knight marshal, and that within the compass of his jurisdiction and limits only....

**Witches** are hanged or sometimes burned, but thieves are hanged (as I said before) generally on the gibbet or gallows....

**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 the 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 hold their peace, thereby to save their goods [money and possessions] unto their wives and children, which if they were condemned should be confiscated [seized] to the prince....”

## EARLY MODERN "TABOO"!

**(PG-13) WARNING: This game contains adult themes - player discretion advised.**

### INSTRUCTIONS:

- Print this page and cut out the pieces.
- Divide into teams or pairs.
- Try to get your partner or team to guess the correct taboo without saying the word itself or the three words listed with it.
- **BONUS POINTS: Find and/or read an early modern play that deals with these taboo topics! (We promise there's *\*at least\** one for each!)**

<b>SEDITION</b> <i>Slander, against, state</i>	<b>WOMEN ON STAGE</b> <i>Gender, theatre, lady</i>	<b>ADULTERY</b> <i>Marriage, cheat, sex</i>	<b>BUGGERY</b> <i>Anal, butt, penetration</i>
<b>SUICIDE</b> <i>Kill, self, life</i>	<b>PROSTITUTION</b> <i>Sex, money, women</i>	<b>FORNICATION</b> <i>Sex, sleeping, screwing</i>	<b>NECROPHILIA</b> <i>Sex, dead, living</i>
<b>INCEST</b> <i>Sex, sibling, relations</i>	<b>CROSS-GENDER DRESSING</b> <i>Clothes, pants, sex</i>	<b>CROSS-CLASS DRESSING</b> <i>Clothes, status, money</i>	<b>OATHS / SWEARING</b> <i>blasphemy, words, vulgar</i>
<b>HERESY</b> <i>Church, religion, God</i>	<b>TREASON</b> <i>Betray, monarch, country</i>	<b>WITCHCRAFT</b> <i>Woman, devil, summon</i>	<b>ALCHEMY</b> <i>Man, lead, gold</i>
<b>CROSS-CLASS MARRIAGE</b> <i>Status, below, above</i>	<b>CANNIBALISM</b> <i>Eat, human, flesh</i>	<b>BESTIALITY</b> <i>Sex, animals, fornication</i>	<b>MURDER</b> <i>Kill, person, end</i>