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***CURIOUS
PUNISHMENTS
OF BYGONE
DAYS***

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Curious Punishments of Bygone Days

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FOREWORD.

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In ransacking old court records, newspapers, diaries and letters for the historic foundation of the books which I have written on colonial history, I have found and noted much of

interest that has not been used or referred to in any of those books. An accumulation of notes on old-time laws, punishments and penalties has evoked this volume. The subject is not a pleasant one, though it often has a humorous element; but a punishment that is obsolete gains an interest and dignity from antiquity and its history becomes enduring because it has a past only and no future. That men were pilloried and women ducked by our law-abiding forbears rouses a thrill of hot indignation which dies down into a dull ember of curiosity when we reflect that they will never be pilloried or ducked again.

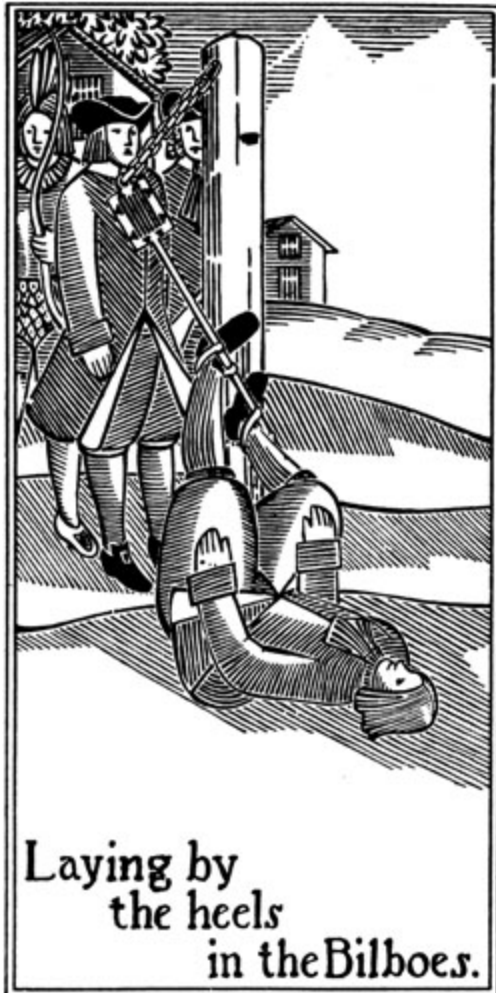
An old-time writer dedicated his book to “All curious and ingenious gentlemen and gentlewomen who can gain from acts of the past a delight in the present days of virtue, wisdom and the humanities.” It does not detract from the good intent and complacency of these old words that the writer lived in the days when the pillory, stocks and whipping-post stood brutally rampant in every English village.

Now, we also boast that, as Pope says:

“Taught by time our hearts have learned to glow
For others’ good, and melt for others’ woe.”

And I too dedicate this book to all curious and ingenious gentlemen and gentlewomen of our own days of virtue, wisdom and the humanities; and I trust any chance reader a century hence—if such reader there be—may in turn be not too harsh in judgment on an age that had to form powerful societies and associations to prevent cruelty—not to

hardened and vicious criminals—but to faithful animals and innocent children.



Curious Punishments of Bygone Days

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I

THE BILBOES

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There is no doubt that our far-away grandfathers, whether of English, French, Dutch, Scotch or Irish blood, were much more afraid of ridicule than they were even of sinning, and far more than we are of extreme derision or mockery to-day. This fear and sensitiveness they showed in many ways. They were vastly touchy and resentful about being called opprobrious or bantering names; often running petulantly to the court about it and seeking redress by prosecution of the offender. And they were forever bringing suits in petty slander and libel cases. Colonial court-rooms “bubbled over with scandal and gossip and spite.” A creature as obsolete as his name, a “makebayt,” was ever-present in the community, ever whispering slander, ever exciting contention, and often also haled to court for punishment; while his opposite, a make-peace, was everywhere sadly needed. Far-seeing magistrates declared against the make-bait, as even guilty of stirring up barratry, or as Judge Sewall, the old Boston Puritan termed it, at least “gravaminous.”

Equally with personal libel did all good citizens and all good Christians fiercely resent of word, not only of derision or satire, but even of dispassionate disapproval of either government or church. A tithe of the plain-speaking criticism cheerfully endured in politics to-day would have provoked a civil war two centuries ago; while freedom of judgment or expression in religious matters was ever sharply silenced and punished in New England.

That ultra-sensitiveness which made a lampoon, a jeer, a scoff, a taunt, an unbearable and inflaming offence, was of equal force when used against the men of the day in punishment for real crimes and offenses.

In many—indeed, in nearly all—of the penalties and punishments of past centuries, derision, scoffing, contemptuous publicity and personal obloquy were applied to the offender or criminal by means of demeaning, degrading and helpless exposure in grotesque, insulting and painful “engines of punishment,” such as the stocks, bilboes, pillory, brank, ducking-stool or jougs. Thus confined and exposed to the free gibes and constant mocking of the whole community, the peculiar power of the punishment was accented. Kindred in their nature and in their force were the punishments of setting on the gallows and of branding; the latter, whether in permanent form by searing the flesh, or by mutilation; or temporarily, by labeling with written placards or affixed initials.

One of the earliest of these degrading engines of confinement for public exposure, to be used in punishment in this country, was the bilboes. Though this instrument to “punyssche transgressours ageynste ye Kinges Maiesties lawes” came from old England, it was by tradition derived from Bilboa. It is alleged that bilboes were manufactured there and shipped on board the Spanish Armada in large numbers to shackle the English prisoners so confidently expected to be captured. This occasion may have given them their wide popularity and employment; but this happened in 1588, and in the first volume of *Hakluyt's*

Voyages, page 295, dating some years earlier, reference is made to bilbous.

They were a simple but effective restraint; a long heavy bolt or bar of iron having two sliding shackles, something like handcuffs, and a lock. In these shackles were thrust the legs of offenders or criminals, who were then locked in with a padlock. Sometimes a chain at one end of the bilboes attached both bilboes and prisoner to the floor or wall; but this was superfluous, as the iron bar prevented locomotion. Whether the Spanish Armada story is true or not, bilboes were certainly much used on board ship. Shakespeare says in *Hamlet*: "Methought I lay worse than the mutines in the bilboes." In *Cook's Voyages* and other sea-tales we read of "bilboo-bolts" on sailors.

The Massachusetts magistrates brought bilboes from England as a means of punishing refractory or sinning colonists, and they were soon in constant use. In the very oldest court records, which are still preserved, of the settlement of Boston—the Bay colony—appear the frequent sentences of offenders to be placed in the bilboes. The earliest entry is in the authorized record of the Court held at Boston on the 7th of August, 1632. It reads thus: "Jams Woodward shall be sett in the bilbowes for being drunk at the Newe-towne." "Newe-towne" was the old name of Cambridge. Soon another colonist felt the bilboes for "selling peeces and powder and shott to the Indians," ever a bitterly-aborred and fiercely-punished crime. And another, the same year, for threatening—were he punished—he would carry the case to England, was summarily and fearlessly thrust into the bilboes.

Then troublesome Thomas Dexter, with his ever-ready tongue, was hauled up and tried on March 4, 1633. Here is his sentence:

“Thomas Dexter shal be sett in the bilbowes, disfranchized, and fyned £15 for speking rpchfull and seditious words agt the government here established.” He also suffered in the bilboes for cursing, for “prophane saying dam ye come.” Thomas Morton of Mare-Mount, that amusing old debauchee and roysterer, was sentenced to be “clapt into the bilbowes.” And he says “the harmeles salvages” stared at him in wonder “like poore silly lambes” as he endured his punishment, and doubtless some of “the Indesses, gay lasses in beaver coats” who had danced with him around his merry Maypole and had partaken of his cask of “claret sparkling neat” sympathized with him and cheered him in his indignity.

The next year another Newe-towne man, being penitent, Henry Bright, was set in the bilboes for “swearynge.” Another had “sleited the magistrates in speaches.” In 1635, on April 7, Griffin Montagne “shal be sett in ye bilbowes for stealing boards and clapboards and enjoyned to move his habitacon.” Within a year we find offenders being punished in two places for the same offence, thus degrading them far and wide; and when in Salem they were “sett in the stockes,” we find always in Boston that the bilboes claimed its own. Women suffered this punishment as well as men. Francis Weston’s wife and others were set in the bilboes.

It is high noon in Boston in the year 1638. The hot June sun beats down on the little town, the narrow paths, the wharfs; and the sweet-fern and cedars on the common give

forth a pungent dry hot scent that is wafted down to the square where stands the Governor's house, the market, the church, the homes of the gentlefolk. A crowd is gathered there around some interesting object in the middle of the square; visitors from Newe-towne and Salem, Puritan women and children, tawny Indian braves in wampum and war-paint, gaily dressed sailors from two great ships lying at anchor in the bay—all staring and whispering, or jeering and biting the thumb. They are gathered around a Puritan soldier, garbed in trappings of military bravery, yet in but sorry plight. For it is training day in the Bay colony, and in spite of the long prayer with which the day's review began, or perhaps before that pious opening prayer, Serjeant John Evins has drunken too freely of old Sack or Alicant, and the hot sun and the sweet wine have sent him reeling from the ranks in disgrace. There he sits, sweltering in his great coat "basted with cotton-wool and thus made defensive ag't Indian arrowes;" weighed down with his tin armor, a heavy corselet covering his body, a stiff gorget guarding his throat, clumsy tassels protecting his thighs, all these "neatly varnished black," and costing twenty-four shillings apiece of the town's money. Over his shoulder hangs another weight, his bandelier, a strong "neat's leather" belt, carrying twelve boxes of solid cartridges and a well-filled bullet-bag; and over all and heavier than all hangs from his neck—as of lead—the great letter D. Still from his wrist dangles his wooden gun-rest, but his "bastard musket with a snaphance" lies with his pike degraded in the dust.

The serjeant does not move at the jeers of the sailors, nor turn away from the wondering stare of the savages—he