



Criminal Justice in Colonial America, 1606-1660

Bradley Chapin

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This study analyzes the development of criminal law during the first several generations of American life. Its comparison of the substantive and procedural law among the colonies reveals the similarities and differences between the New England and the Chesapeake colonies.

Bradley Chapin addresses the often-debated question of the “reception” of English law and makes estimates of the relative weight of the sources and methods of early American law. A main theme of his book is that colonial legislators and judges achieved a significant reform of the English criminal law at a time when a parallel movement in England failed. The analysis is made specific and concrete by statistics that show patterns of prosecutions and crime rates.

In addition to the exciting and convincing theme of a “lost period” of great creativity in American criminal law, Chapin gives a wealth of detail on statutory and common-law rulings, noteworthy criminal cases, and judicial views of how the law was to be administered. He provides social and economic explanations of shifts and peculiarities in the law, using carefully arranged evidence from the records. His treatment of the Quaker cases in Massachusetts and the witchcraft prosecutions in New England throws new light on those frequently misunderstood episodes. Chapin’s book will be of interest not only to scholars working in the field but also to anyone curious about early American legal history.

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