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Résumé de l'article

Les historiens savent depuis longtemps que les auteurs de récits de crime ne rapportaient pas fidèlement les faits, mais il demeure difficile pour eux d'estimer précisément la part de fiction dans ces écrits en raison du manque de sources susceptibles d'en fournir une base comparative. Par une étude de cas, cet article se propose d'examiner deux brochures datées de 1606 relatant le meurtre d'un jeune garçon, Anthony James, la mutilation de sa soeur Elizabeth, de même que la conviction et l'exécution de leurs supposés assaillants, Agnes et George Dell. La coexistence de deux brochures décrivant la même série de crimes est inhabituelle; l'analyse comparative minutieuse et l'interprétation critique de ces récits permettront de poursuivre la réflexion sur les notions d'exactitude et de pertinence dans la couverture des procès criminels en Angleterre à l'époque moderne. Les deux versions contenaient de nombreux détails contradictoires; elles ciblèrent de toute évidence des publics fort différents, remplissant une panoplie de fonctions pour les lecteurs contemporains, et, ultimement, soulèvent la question de savoir si les auteurs ont cru, en ce cas, que justice fut faite.

Murder and Mutilation in Early-Stuart England: A Case Study in Crime Reporting

KEN MACMILLAN AND MELISSA GLASS*

Abstract

Although historians have long recognized that crime pamphlet authors were not very faithful reporters, it has been difficult for them to establish precisely how much fiction this literature contained because of the limited availability of other sources with which to compare them. Using a case study approach, this essay examines two murder pamphlets, both written in 1606, that describe the murder of a young boy, Anthony James, the mutilation of his sister, Elizabeth, and the conviction and execution of their alleged assailants, Agnes and George Dell. The presence of two pamphlets describing the same series of crimes was unusual, and, through a process of detailed comparison and critical interpretation, provides us with an opportunity to reflect further on the accuracy and purpose of crime reporting in early modern England. The two versions contain a great deal of contradictory information, were seemingly written for very different audiences, served a variety of functions for contemporary readers, and raise the question of whether the authors believed that justice was done in this case.

Résumé

Les historiens savent depuis longtemps que les auteurs de récits de crime ne rapportaient pas fidèlement les faits, mais il demeure difficile pour eux d'estimer précisément la part de fiction dans ces écrits en raison du manque de sources susceptibles d'en fournir une base comparative. Par une étude de cas, cet article se propose d'examiner deux brochures datées de 1606 relatant le meurtre d'un jeune garçon, Anthony James, la

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mutilation de sa sœur Elizabeth, de même que la conviction et l'exécution de leurs supposés assaillants, Agnes et George Dell. La coexistence de deux brochures décrivant la même série de crimes est inhabituelle; l'analyse comparative minutieuse et l'interprétation critique de ces récits permettront de poursuivre la réflexion sur les notions d'exactitude et de pertinence dans la couverture des procès criminels en Angleterre à l'époque moderne. Les deux versions contenaient de nombreux détails contradictoires; elles ciblaient de toute évidence des publics fort différents, remplissant une panoplie de fonctions pour les lecteurs contemporains, et, ultimement, soulèvent la question de savoir si les auteurs ont cru, en ce cas, que justice fut faite.

In late sixteenth and seventeenth century England, pamphlets typically consisting of ten to 20 pages were the most common way that English people gained knowledge of serious crime.¹ This genre of literature preceded the better-known Ordinary's Account and Proceedings of the Old Bailey, which began being published in 1676, and the various versions of the Newgate Calendar, which began to appear in the mid-eighteenth century. It also preceded newspaper accounts, novels, and biographies about crime and criminals, all of which became common in the eighteenth century and put an end to the crime pamphlet genre. These tales satiated a huge appetite for stories of true crime in late Tudor and Stuart England. To do so, they had to be shocking, entertaining, and instructive, simultaneously upsetting the readers' sensibilities, vicariously fulfilling their private desires for stories of crime and criminals, and warning readers about the wages of sin as well as the ultimate providence of God and authority of the church and state. These texts served as cautionary, religious, and morality tales that reflected on serious crime as one of the signs that English society had become ignorant, irreligious, and immoral.² This was a society that placed significant constraints on sexual, personal, and religious freedoms, and exhorted obedience, orderliness, deference, hard work, sexual restraint, and abstinence from all forms of vice.³ The crime pamphlet genre thus served as a metaphor for the social, political, and religious issues of the day, and was the principal means by

which people of late-Tudor and Stuart England gained knowledge of national criminal activity.

One question that has occupied scholars of the crime pamphlet genre was the extent to which the cases presented were accurate representations of crime and criminal justice.⁴ Put another way, how reliable were these texts at reporting crime? As Frances Dolan has shown, in the pamphlet genre in general, "one finds hundreds of titles that purport to offer relations of important events and discoveries, relations that often proclaim themselves true."⁵ Indeed, authors often made deliberate efforts to distinguish their "true relations" from "stories or tales," in order to emphasize their authenticity, despite the fact that many of the pamphlets related events that would have stretched the imagination even of the most superstitious and devout of early modern readers. As Malcolm Gaskill has put it, "objectivity was subordinated to embellishment and dramatization" as "the discovery and punishment of murder were pressed into the service of law and religion."⁶ Similarly, in a classic essay Peter Lake has suggested that authors were more interested in writing about crime in a way that titillated audiences, emphasized inversion of the social order, and reminded readers of the providence of God, the Devil, and of "divine justice."⁷ Authentic crime reporting was, therefore, not considered a necessary characteristic of this literature, especially if "true" reporting would have detracted from the typologies developed by Gaskill, Lake, and others. Natalie Zemon Davis has demonstrated that fiction in legal proceedings might have helped to bring about a "moral truth" that was in many ways more important than understanding what really happened.⁸

While these scholars have found the issue of authenticity subordinate to broader efforts to achieve the key characteristics and purposes of crime pamphlet literature, they have also been limited in their ability to assess the accuracy of these sources because little or no additional evidence about the crimes they describe is available for comparison. In rare situations when two pamphlets describe the same series of crimes, typically one is an abridgement of the other and the stories are broadly consistent.

For example, *The Manner of the Cruell Outrageous Murther of William Storre* (1603) was retold in *Three Bloodie Murders* (1613), and the story of Thomas Savage, first told in *A Murderer Punished and Pardoned* (1668), was abridged some years later in *The Wicked Life and Penitent Death of Tho{mas} Savage* (1680?). In both cases, it is evident that the earlier version formed the central source for the later one, resulting in fairly consistent narratives, which make comparison between the two to judge accuracy of the reporting difficult if not impossible.⁹ Furthermore, given the sparse nature of archival sources about serious crime at this time, which is typically limited to the few lines on a felony indictment slip and much more rarely to deposition records and dossiers, it is difficult to reconcile the pamphlets with their real-life events. As Dolan and others have pointed out, in the absence of corroborating evidence — which was sometimes available in other forms of literature, but less so in the case of crime pamphlets — the issue then comes down to seventeenth-century readers' willingness to believe or disbelieve what they were reading.¹⁰

Employing a case study approach, this essay examines two anonymous murder pamphlets published by a bookseller named William Firebrand in 1606.¹¹ They are entitled *The Horrible Murther of a young Boy, of three years of age, whose sister had her tongue cut out* and *The Most Cruell and Bloody Murther committed by an Inkeepers wife ... and her Sonne*.¹² As their titles suggest, the two pamphlets reveal that a young boy named Anthony James was horribly murdered, that his sister, Elizabeth, was savagely mutilated, and that two innkeepers, Agnes Dell and her adult son George, were eventually convicted of murder and executed. One can easily imagine why this case of murder and mutilation was committed to paper not more than two months after the executions. The case was both sanguinary and sordid, satisfying the appetite of the most bloodthirsty of readers. It also contained elements of danger and excitement, caution and deterrence, providence and revelation, social inversion and reversion, and the firm — if not swift — hand of justice, both man's and God's. Through the active prosecution of the alleged murderers, the community was restored to order after such a heinous series of crimes, empha-

sizing the role of the criminal justice system in maintaining boundaries of behaviour and protecting innocents from miscreants. As Gaskill, Lake, and others have emphasized, these were all common characteristics in the crime pamphlet genre, which ensured that readers would be educated about social boundaries, religious ideologies, and community expectations.¹³

It is because of the richness of the stories and the conventional themes they develop that these two pamphlets are not unknown to historians and literary scholars. Luc Borot, for instance, has examined the commercial and journalistic value of the texts, while Sandra Clark, Elizabeth Hanson, and Vanessa McMahon have focused on these texts' emphasis on women as protagonists, God's providence, and techniques of criminal investigation, all of which are also key themes not only in these texts but in Elizabethan- and early Stuart- murder pamphlets more generally.¹⁴ What makes these two pamphlets worthy of deeper study, however, is that each describes the same series of criminal acts, but claims that a very different set of circumstances occurred. Unlike the pamphlets about Storre and Savage mentioned earlier, in which the differences are based primarily on the personal literary style of the authors rather than reportage, the two versions about the James and the Dells are, to the best of our knowledge, the most widely divergent retellings of the same crimes in all of murder pamphlet literature. From the ages of the children to the perpetrators of the crimes themselves, little aligns between the two pamphlets except for the most basic of facts — that a boy was murdered, his sister was mutilated, and two innkeepers were executed. Perhaps even more importantly in a genre of literature that, above all, sought to emphasize that justice was done and order was restored, whereas one author is entirely confident that the Dells were guilty and properly punished for their crimes, the other is much less certain, to the point of suggesting that the justice system had failed both the Jameses and the Dells. Regardless of their obvious lack of faithful reporting, the authors both take great efforts to help their readers better understand the role of the community in the criminal justice system, perhaps the one thing above all on which both authors agree.

The Story as First Reported

William Firebrand first registered the story of the Jameses and the Dells with the Company of Stationers of London on 25 September 1606, about six weeks after the Dells were executed.¹⁵ In doing so, Firebrand secured an early form of copyright on the story to prevent others from printing the same or a substantially similar book.¹⁶ This ten-page version, entitled *Horrible Murther*, begins with a “w[an]dring pedler & his wife (or Puncke)” arriving at the Dells’ inn in Hertfordshire, with the two children, whose names are never identified. According to the author, “The boy seemed not three yeares of age, and the girle not much above foure.” The children were seen entering the inn by a tailor, identified only by the initials “A. C.,” who wished to get a better view of the “winges, skirtes and tags” on the boy’s expensive coat so that he could make a pattern after them.¹⁷ After watching the Dells’ inn for three days, the tailor went to the inn only to be told by Mother Dell (we are never given her first name in this version) that the peddler and his wife had sold her some wares and left out the backside of the house with their children days before. A few days later, a hunting party discovered the boy’s body floating in a pond with a stick tied to his back, presumably so that the body would sink into the water. In the hopes of identifying the boy, the town council ordered that his coat should be displayed throughout the countryside and offered a 40-shilling reward (about a month’s wages for the average labourer) to anybody who could identify the coat. This caused the tailor to come forward and report his evidence. Justice of the Peace Sir Henry Butler then had the Dells — the son is referred to as “T. Dell” — brought before him, where they repeated that the children had left with their peddler parents on the same day they had arrived at the inn. Suspicious, but without enough evidence to lay a charge, Butler bound the Dells over to appear from Assizes to Assizes for four years. According to the author, “the time was not yet come wherein God had decreed to bring this cruell, barbarous, and bloody masacre to light”.¹⁸

Drawing on events ultimately revealed several years later, the author then claims that meanwhile Mother Dell had cut out the

girl's tongue and that her son had placed the child into the hollow of the tree to die. The girl was saved, however, by "the providence and appointment of God, ... he that preserved Daniel in the Lions den, and made the blinde to see, the lame to goe, and the dumbe to speake". God's agent was a "stranger" who heard the girl struggle and drew her out of the tree, before fleeing for fear that he might be accused of having caused her mutilation. The man's desertion led to the girl wandering the countryside for four years, living off the kindness of strangers and by the will of God, who "did both preserve her and provide for her".¹⁹ Readers in early modern England would have had no difficulty accepting God's frequent intervention in these earthly matters. As Alexandra Walsham has carefully shown, early seventeenth-century Protestants — and especially the more Puritan-leaning variety who were most likely to consume this pamphlet — believed in the divine power, knowledge, and wisdom of God to intersperse himself into human affairs.²⁰

Four years later, the girl returned to Hatfield and stumbled upon the Dell house. Her crying and gesticulations soon brought the neighbours out to inquire into the mute child, including the tailor who explained that this was the girl he had seen entering the Dells' inn years earlier. The crowd then forced its way into the house, where the girl used hand signs to indicate, correctly, that a set of stairs had recently been moved, thus proving that she had once been in the house. Neighbours later reported that the Dells had undertaken major renovations to their house, even though "they knew not from whence [Mother Dell] should have wherewith to defray that charge," indicating that the Dells had possibly come into some money through suspicious means.²¹ Thus convinced of the Dells' guilt, the townspeople brought them and the girl before Justice Butler, where the Dells stuck to their original story. Sufficiently convinced that this evidence warranted at least detainment, Butler prepared a *mittimus* (a writ instructing the gaoler to take somebody into custody) and committed the Dells to gaol until the next Assizes.

Before the Assizes met, Elizabeth James miraculously recovered her speech. During a game of cock-a-doodle-do with the other children, Elizabeth bellowed out her own "cock-a-doo-

dle-do,” to the amazement of those around her. This event was occasioned by the arrival of the same “messenger” (a rooster) that reminded the Apostle Peter of his obligations to Jesus Christ. Knowing the dubiety with which this miracle might be received, the author carefully advised the reader to accept it on faith: “with God nothing is impossible, & this ought not to be thought incredible.”²² With her voice now restored, the girl was brought once again in front of Justice Butler. She deposed that a man and a woman murdered her mother and father, had stolen “a great bagge of money” from them, and had given “a great deale of that money” to Mother Dell, presumably in exchange for the Dells’ role in dispatching the children, although the girl did not make a direct accusation to this effect. The girl then answered many more questions, “with more reason and sense, then [sic] is common to one of her age.”²³ At trial, she provided her testimony once again, the tailor testified what he knew, and the jury looked deeply into the girl’s mouth before quickly returning with a guilty verdict, leading to the Dells being hanged for murder.

As with nearly all murder pamphlets, the author of this one is unknown, and is likely to remain so. Anonymity limited an author’s liability, should there be concerns about a book’s content, and helped to ensure that the reader would not interrogate the author’s credibility. There were also certain advantages to the author, like his disorderly subjects, being an unknown “everyman.”²⁴ Because of the moral and religious commentary in these texts, the reader could more easily identify with the everyman than with a known person, whose own imperfect life, or whose reputation as a frequent author of sensational literature, might corrupt the purposes of the pamphlet. The sparseness of specific details suggests that the author did not have any close affinity to the case, but rather was writing from third-party testimony. Given the substantial number of references to God’s providence, it is also possible that the author was trained as a member of the clergy, or at any rate that this pamphlet was deliberately written, as Sandra Clark has termed it, “preacher-style, in the manner of the hell-fire sermon.”²⁵ Indeed, it is likely because of the pamphlet’s religious themes that Firebrand was interested

in publishing this story; according to the Stationers' register, nearly all of Firebrand's other publications between 1598 and 1609 were of a religious rather than a criminal nature.²⁶ It is also evident from the casual style and simplicity of writing that this book was written for a common audience. The title page indicated that it was to be sold "in the Pope's Head Alley, over against the Taverne door." Given the sanguinary content of this particular pamphlet, it is not surprising that it would have been beside a busy London tavern. In that venue, those of minimal literacy could read the book or repeat its content to the illiterate, thus widening the audience for this heinous series of crimes.²⁷

The Story Retold

At most five months later (the year 1606 then ending on 24 March 1607), the second version was published, this time jointly by Firebrand and another bookseller, John Wright, whose shop was in Christchurch, opposite Newgate Prison near St. Paul's Cathedral. This was the heart of London's bookselling trade, where reputable agents sold pamphlets, epic poetry, and erudite discourses to London's elite reading public. Given Firebrand's "copyright" on the story, it is possible that he teamed up with Wright in order to vent the book to the more educated audience that Wright was likely to attract, and also to ensure that, using Wright's superior resources and his greater credibility as a publisher of legal literature, the story would receive greater distribution offered by the licensed chapmen who operated throughout the English countryside. As early as the title of the book we are provided with more details than were in the earlier version: *The Most Cruell and Bloody Murther committed by an Inkeepers Wife, called Annis²⁸ Dell, and her Sonne George Dell, Four yeeres since, on the bodie of a Childe, called Anthony James*. The reader has been provided with the names of the culprits (not "T. Dell," but "George") and the murdered boy. This title alone suggests that the reader will be better informed about details of the case.

From the very beginning of this 18-page pamphlet — nearly twice the length of the earlier version — it is clear that it was

intended for a more literate and elite audience than its predecessor. Unlike the first version, which begins the story without any prefatory material, the second version begins with an anecdote from classical literature:

Herodotus writeth of Sesostris King of the Egiptians, that he was carried in a Chariot drawne with foure Kings, whom he before had conquered, when one of the foure, casting his eyes behind him, looked often upon the wheeles of the Chariot: which Sesostris earnestly noting, at least demaunded of him what he meant by looking back so often, who replied, I see that those things which are highest in the wheeles become lowest, and the lowest as soon become highest, *cogito de mutatione fortunae*, I thinke upon the inconstancie of things. Sesostris hereupon as in a glasse beholding himself, waxed more milde, and delivered the imprisoned Kings from that slaverie.²⁹

This passage, and the two paragraphs following, was intended to remind readers to conduct themselves virtuously in the face of temptation, because life is fleeting and everyone will ultimately face judgment. This was a well-trod Christian message and a familiar theme in pamphlet literature. The reference to Herodotus and the Latin passage — of which there are several more in this version — reveal both a learned author and a more knowledgeable audience than the first pamphlet's, or at least an audience that flattered itself into believing it was more worldly.

As the author begins the story that is the focus of the pamphlet, we finally meet the children's parents, also named Anthony and Elizabeth. Anthony senior was a young man "who in repute of the world was counted rich, and by the report of his neighbours held credible and honest." His wife Elizabeth was "an honest Countrey-maide" with a virtuous disposition, a diligent housekeeper, and a hard-working wife and mother. Together, they "lived like Abraham and Sara, he loving to her, she obedient to him."³⁰ Where the author got this information is, of course, unknown, and it is as possible as not that it is entirely fabri-

cated. In order for the story that follows to be as appealing and appalling as possible, it was necessary for the author to show the victims as hard-working and God-fearing Christian folk living in an ideal family unit. The reader would experience sympathy for the Jameses and vicariously, fear for their own lives, family, and property, which might just as easily be taken away. According to this author, the Jameses had sent their servants to the county fair — another sign of their benevolence, and perhaps also of misplaced trust in their fellow human beings — leaving the family alone in their home. Then a gang of thieves, numbering at least ten, entered the home with the intent to rob the Jameses of their possessions. Such a large number of vicious criminals, all of whom we soon learn are still at large, preying on good Christians by breaking into their homes, would have instilled fear into the audience of this pamphlet.

Even worse, the leader of this criminal gang was a woman, and not just a woman, but “a beast to make a prey of these harmless four.”³¹ In this society, women, as portrayed by Elizabeth senior, were supposed to be symbols of virtue and domesticity, making the leader of this gang more like an animal than a woman.³² She did not have “left in her any spark of womanhood, who by nature are kind, flexible, and remorseable.”³³ As Sandra Clark has written, “[t]he woman criminal was positioned as a freak of nature, an aberration different from other women,” whereas “[m]ale violence and criminality are not generally represented in terms of alienation from humanity.”³⁴ It was this woman who ordered the murder of the parents (making herself a “tragicall midwife” by slitting open Elizabeth’s pregnant womb), causing most of the men in the gang — who are figuratively emasculated in the process — immediately to repent and feel ashamed for their actions. During the entire course of events, the woman is described as a “bloody tigress,” “monstrous,” and a “devilish devil,” continuing the theme of the woman’s complete descent toward the base nature of earthly creatures and, to an extent, separating her from more common, “everyman” criminals.³⁵ Ultimately, most of these men departed from the group while the woman and two male companions, both por-

trayed as being perversely subservient to the woman, remained to bring the children to the Dells. This is, of course, a different account than the first murder pamphlet, in which the children were brought to the Dells by a peddler and his wife.

Indeed, once the stories in the two narratives begin to merge when the children arrive at the Dells' inn, the differences between the two versions become immediately obvious. For example, in this version the girl is listed as eight years old and the boy as seven.³⁶ In the first version, the ages were four and three, which might have raised some doubts in readers about the ability of the girl, four years later, to remember events that allegedly happened when she was four years old. Whether it is accurate or not, giving the girl's age as eight would certainly have lent more credibility to the story given that her evidence was crucial in bringing about a conviction against the Dells. At the Dells' inn, the children were seen not only by the tailor — in the second version named Henry Whilpley, not "A. C." as in the first version — but also by a labourer who was working at the Dells' inn, Nicholas Deacon, not mentioned in the first version at all. Whereas in the first version, the tailor had merely viewed both children from afar, in the second the tailor apparently had seen only the boy, not the girl, and had taken his measurements and a pattern directly from the coat, never having later approached Mother Dell in search for the child, nor having reported his knowledge of the boy's coat to the authorities until much later.

The two versions also differ in the Dells' initial testimony to Justice Butler, from acknowledging that the children had arrived and departed with their peddler parents to outright denial that they had ever seen the boy at all. Each pamphlet also offers a different version of how the girl accused the Dells. In *Horrible Murther*, the girl had allegedly been seen by the tailor entering the Dells' inn and, upon her return, had discovered the removal of a set of stairs inside the house, clear evidence of her connection to the Dells and therefore of their complicity in the crimes. In *Most Cruell and Bloody Murther*, she was not known to be the boy's sister until a bailiff brought her into the presence of Butler, who managed to find out the girl's name and, after producing

several coats including that of her dead brother, which she was able to identify, that she had something to do with the incident four years previous. Finally, there are also rather significant differences in the description of the roles played by the Dells in each version, a topic to which we shall return below.

As with *Horrible Murther*, the author of *Most Cruell and Bloody Murther* will likely remain a mystery. He seems to have been better educated than his predecessor, deliberately appealing to a higher-level audience, and purporting to have had better access to details of the case. This is possibly because he undertook actual investigation after the fact, or because he was more closely associated with somebody who witnessed the depositions or trial, or simply because he believed that additional circumstantial detail would lend greater journalistic authenticity and credibility to his account.³⁷ However, the author's claims that he had omniscient, even intimate, knowledge of the Jameses and of the original crime of robbery and murder, including actual conversations held between Anthony and Elizabeth James and the murderous woman, obviously damage the veracity of the story. Even as it increases the readers' level of excitement and fear and allows the author to reflect more intensely on the animalistic nature of criminal behaviour and women's weaker state, this clear embellishment must have created a similar level of skepticism in early seventeenth-century readers as it does in modern ones. However, because the crime pamphlet genre was mainly about maintaining social boundaries, offering lessons on morality and piety, and serving as cautionary tales to would-be criminals and victims, it probably did not matter much to the author or his readers precisely how accurate the account was.

Was Justice Done?

A much more important difference between the two texts is the description of the roles played by the Dells in this series of crimes. In *Horrible Murther*, the author made it clear that the Dells were major players in these events. He claimed that George had killed the boy and that Mother Dell had removed the girl's tongue

after the peddler and his wife had already paid them and moved on. The subtitle of the pamphlet makes this clear: “which murder and massacre *was done by* [emphasis ours] a woman called Mother Dell, and her Sonne.” As we have seen, the author also claimed that it was George who hauled the girl into the tree trunk, leaving her to die. Yet the girl’s testimony revealed only that “the man and woman had given a great deale of ... money to the olde woman [Mother Dell]: and that the olde woman did at that time lift up her hands three times, and did sweare three times, that she would never tell any body who they were.”³⁸ In this version, Mother Dell allegedly accepted money in exchange for her silence, but the girl did not accuse the Dells of murder or mutilation, even though the author made it clear that this is what had occurred. This author was firmly convinced that the Dells had committed these crimes, and that execution was the proper punishment. Indeed, it was perfectly common in this genre of literature for authors to emphasize that justice was done and that the criminals had duly paid for crimes.

The only extant legal document about this case is the felony indictment slip, which was presumably prepared by Butler, another justice of the peace, or a coroner after the final examination of Elizabeth James.³⁹ This document survives in The National Archives of the United Kingdom and follows the standard formula for criminal indictments, including being written in rather poor Latin.⁴⁰ It is worthwhile to quote this indictment, in translation, in its entirety:

Hertford. The jurors present for the king that George Dell, lately of King’s Hatfield ...,⁴¹ baker, and Agnes Dell, lately of King’s Hatfield ..., widow, lately wife of a certain George Dell, on the fourth day of July in the year of the reign of our lady Elizabeth, queen of England, the fourth and fortieth, not having God before their eyes, but led astray with diabolical incitement, with force and arms etc.,⁴² at King’s Hatfield ... with malice aforethought, in and upon a certain Anthony James, in the peace of God and of the lady queen, did feloniously assault with a knife value 1d⁴³,

which the same George had in his hands then and there, and he held the throat of Anthony James and did then cut. The same Anthony he threw and completely submerged into a certain pond of water. Concerning the accused of the throat cutting and the throwing and the submerging of the aforesaid Anthony James, Anthony died instantly then and there in the pond. And the aforesaid Agnes Dell was feloniously present then and there when the aforesaid George Dell did commit the felony and murder in the aforesaid form, feloniously aiding and abetting comforting and counseling George. And so the aforesaid George Dell and the aforesaid Agnes Dell killed and murdered Anthony James out of malice aforethought at King's Hatfield ... on the aforesaid day and year in the manner and form aforesaid against the peace of the lady queen Eliz., her crown and dignity.⁴⁴

In summary, the indictment charged George and Agnes with murder on the grounds that the son slit the boy's throat and that his mother was present while the crime was being committed and protected him thereafter.⁴⁵ This roughly accords with the first pamphlet, and explains why they were found guilty of murder.

In *Most Cruell and Bloody Murther*, the author made claims about the Dells' roles that contradicted both the first version and the indictment. He claimed that Agnes Dell, when providing counsel to the gang, advised that "the Boy should be murdered, and his sister have her tongue cut out."⁴⁶ In this version, however, it was the gang members who killed the boy while the Dells were temporarily put in charge of the girl, and the gang's woman leader who cut out the girl's tongue and forced her to throw it into the pond after her brother. This author also reported that the woman sold the mutilated girl to a beggar, and that it was this beggar who had put the girl into the hollow tree, not George Dell. George Dell is described as having, at his mother's behest, helped to attach a wooden stake to the dead boy's back and to

lead the gang to the pond, where the boy's body was left. Agnes Dell seems to have remained at home during these incidents. This author emphasized that despite the Dells' lesser role in these crimes, they were, nonetheless, well remunerated for their participation and therefore just as guilty. After the crimes, Mother Dell managed to pay off £50 in outstanding debt and put another 100 marks (£66) into renovations — which is roughly consistent with the first version.⁴⁷ Thus, in the second version, the Dells were aiders and abettors to the gang and accepted money for their assistance and subsequent silence, but did not themselves directly undertake either of these heinous crimes.

This distinction might not have made much difference to early seventeenth-century readers, but it was important in the eyes of the law. William Lambarde, author of *Eirenarcha* (1588), the Elizabethan instructional manual for justices of the peace, detailed the difference between principals and accessories to murder. Although both might be deemed felons, and thus subject to death if convicted, principals bore greater responsibility for the crime because they were the individuals who physically committed the crime. Accessories generally had a less direct role in the crime. According to Lambarde, “[I]n ancient times the Lawe tooke knowledge of three sortes of Accessories: some before the Felonie done, as commaunders thereof: others at the very time of the Felonie, as those that (being present) gave force or aide thereunto: and others after the Felonies committed, as those which received or comforted Felons knowing of the offences that they had made.”⁴⁸ According to the second author, the Dells committed all three acts that would lead to a charge of accessory to murder, though none that might lead to being considered principals, because they did not murder the boy and were not present during his murder. Moreover, in the anonymous *Compleat Justice*, compiled from the works of Lambarde and others in the early seventeenth century, the author stated: “an accessory cannot be proceeded against until the Principall be tried.” In the case of the Dells, however, the principals were never captured despite the fact that the Dells were ultimately tried, convicted, and executed.⁴⁹ If the author of the second pamphlet is reporting

the facts correctly with regard to the Dells' role in the murder, then there is an evident legal inconsistency here.

Furthermore, according to the second author, even the judge implied evidence of the Dells' more limited role in the case. At trial, Judge William Daniel encouraged Agnes to defend herself from her accusers as follows:

{T}hat keeping an Inne, shee had many guests, and many children lay at her house, of which number (for ought shee knewe), that [the boy] might bee one, but who brought them, from whence they came, or whether they will [where they are], she is not bound to take notice of. This might have been some instance of her innocency, but so to deny a question, the truth of which was not of sufficiency to heare her argue, a suspition and mistrust of herself, and prooves her to be guilty.⁵⁰

In a criminal justice system that would not see the entrance of lawyers as advocates for more than another century, it was common for judges to provide legal assistance in this way. Apparently, however, Agnes Dell could not recognize that the judge was giving her a way out by helping her to explain how the girl had knowledge of her house, and how Whibley and Deacon could testify that they had both seen the boy. The author seems to imply that had Agnes simply accepted this version of events, she and George would have been acquitted, because the case rested entirely on the testimony that the children had been at the Dells' inn. There was otherwise no physical evidence or witness testimony actually proving the charges in the indictment, and even the circumstantial evidence was very weak. It was only Agnes's outright denial that she had ever had anything to do with the children and the community's suspicions that tilted the scales of justice toward a guilty verdict.

The author continues to sow seeds of doubt regarding the Dells' guilt by reporting an alleged dialogue between the mother and her son at the end of the pamphlet. According to a prisoner who was listening in, George was overheard to say to his mother: "[T]he law hath cast me, and I am resolved for death, I pray you

(if you can) resolve the world, whether I am guilty or no?" His mother answered: "Sonne be contented, take thy death patiently, it is now too late, I have spoken what I will."⁵¹ Through this dialogue, the author has raised yet another possibility of misjudgment toward the Dells. To this author, George seems to have been convinced that he was wrongly convicted, and although he accepted his impending death, he wanted to die with his reputation intact. In the last line of the pamphlet, the author claims that, after the executions, "the young man (though the Mother before this was beloved) [was] the most lamented for."⁵² This is a very unusual ending for a seventeenth century murder pamphlet. Most pamphlets (like *Horrible Murther*) end by assuring the reader of the guilt, confession, and repentance of the condemned, and of the fairness of the justice system in rooting out earthly evils.⁵³ Instead, this author suggests multiple times that George was not a murderer, implying that George, and perhaps Agnes, suffered an injustice. Given that in neither version of the pamphlet, nor in the indictment, is there any direct evidence that Elizabeth James, Whibley, or Deacon actually accused George Dell of murder, the confusion of the condemned on the eve of death, and the author's unconventional conclusion to this murder pamphlet, is, perhaps, understandable.

The explanation for this rather unusual ending might involve the author's desire to remind his audience that the gang of thieves remained on the loose, and perhaps also to distinguish Mother Dell from the other women in the pamphlet. The adult women — all of whom were more richly described than any of the men, including George — range from an honest and virtuous gentlewoman (Elizabeth James), to an indebted widow who succumbed to evil for money (Agnes Dell), to a woman who was described as sub-human and innately criminal (the gang leader). By portraying each woman in this way, the author was able to reflect on several key early modern female stereotypes. Indeed, more than any other character in the story, Agnes Dell's surrender to temptation and her consequent fate reminds the reader of the Herodotus analogy that opens the pamphlet. Interestingly, *Most Cruell and Bloody Murther* contains another major adult female

character. The pamphlet ends with a separate incident, *the severall practises of Jobane Harrison, and her daughter, condemned and executed ... for Witchcraft*, which occurred during the same Assizes session in which the Dells were condemned. In adding this narrative of a bewitched woman to that of the Dells, the author could reflect more deeply on the ultimate descent of women into evil, in this case entering into a pact with the Devil.⁵⁴ Thus, limiting Agnes Dell's role in this story might have been a device used by the author to depict women at several stages on a sliding gender and societal scale, ranging from the most desirable form of virtue to the most despicable form of vice. The author's attempt to distinguish among these various women, and perhaps to remind his audience of the dangers that still faced them from the agents of this tragedy who as yet went unpunished, seemingly superseded his desire to show that justice had been done.

Participation and Community

Whether the Dells were misjudged or not for their role in these crimes, one thing that is emphasized by both authors is the role of the local community in protecting victims of crime and bringing criminals to justice, in order to promote healing and restore boundaries that were breached when serious crimes were committed. These were important messages for the authors of murder pamphlets to communicate to their audiences, and both managed to do so very effectively, even if this meant sometimes straying from the truth. The authors especially commend Justice Butler's sound handling of the case. He undertook thorough investigation and interviews of the witnesses and the Dells, bound the suspects to appear at multiple Assizes (expecting either more evidence, an explanation of their behaviour, or a confession), engaged in rigorous questioning and testing of the girl to ensure her story held — at one point, according to the second pamphlet, Butler had the girl examined by “14 knights and grave Gentlemen of note ... to make a further trial of her constancy”⁵⁵ — and ultimately had the Dells gaoled, when he believed that he had enough evidence to produce a presentment

that resulted in an indictment by a grand jury and ultimately conviction.⁵⁶ In addition, at least according to the first author, at trial it was Butler who “opened some part of this foule offence” to the court.⁵⁷ That is, acting on behalf of the crown, Butler made an opening statement to the judge and jury, presumably reciting certain details of the case before witnesses were examined, and he might even have undertaken principal prosecution of the Dells. Lambarde, who carefully described the “Marian Pre-Trial Procedure” in his *Eirenarcha* (1588), would have been proud of the delicate balance Butler maintained between showing restraint from accusing the Dells without evidence and engaging in rigorous investigation ultimately leading to their conviction when more evidence became available.⁵⁸ At a time when it was not uncommon for the central government to step in when JPs were too zealous or too casual about their jobs, Butler’s actions, according to these authors, demonstrate that the state’s trust in him was well placed.⁵⁹

Considering the scandalizing nature of the crimes, the authors also suggested that the local community showed a high degree of restraint. Hatfield’s residents could have pushed to have the Dells tried solely on the testimony of Whilpley and Deacon, or they could have shunned the Dells in the community because of their suspicions, in effect convicting them in the court of public opinion. Instead, the community seems to have continued to hold the Dells in good esteem during their four years of suspicion, at least until Elizabeth James turned up in Hatfield: “though Dels wife was by the graver judgments held in some suspition, yet was her honest carriage such to tarvelors [sic:travellers], and to all sorts of people shee had to deale withall, that generally the whole country acquitted her, and held her of honest condition.”⁶⁰ This was, evidently, not a community that wanted to rush to judgment, even if its residents could have easily put the boy’s death, and the scandal it caused in the community, behind them by trying the Dells on the slim evidence they had. Although this case took place long before the notion of “innocent until proven guilty” entered the English criminal justice system — the accused was still generally expected to prove their inno-

cence, rather than a prosecutor or victim proving the accused guilty — clearly this idea existed in some inchoate form by the early seventeenth century.

Once the Dells were on trial for their lives, however, the second author made it clear that the community was also perfectly willing to bring gossip into the courtroom in order to add to the circumstantial evidence already available and ensure a conviction: “[M]any credible persons of Hatfield, who in the life of her husband (being a blinde man, and living in great discontent together) hath often heard him say: thou mayst rise a while, but a day will come when thy villanies and murthers will appeare, when they fall shall be low enough.”⁶¹ Continuing the simile of the rising and falling of fortunes being like the spokes on a moving wheel, this passage was very likely yet another example of outright fabrication intended to emphasize the responsibility of the community to participate in the justice system. The community’s willingness to give Agnes Dell the benefit of the doubt in the absence of evidence, then to use gossip to help bring about her conviction, shows that a person’s reputation could have serious impact on the outcome of a trial, especially in cases where the evidence was otherwise entirely circumstantial.⁶² Moreover, as Gaskill has noted, courtroom testimony about suspected murderers often “confirmed community convictions about the guilt of a suspect,” in this case after sufficient circumstantial evidence had been provided.⁶³

Likewise, both authors emphasize that the conviction was ultimately secured by the participation of a wide range of individuals representing both the central government and the peripheral community. Not only were a coroner, judge, and jury involved — the minimum legal complement to secure a conviction for felony murder — this case also involved the participation of many others. These included eye witnesses, constables and bailiffs, the Dells’ neighbours, several ranking men in the community, and of course the living victim of the tragedy, a young girl who could not have been more than 12 at the time of the conviction. Both authors noted the importance of the townsfolk and county residents who kept up interest in the case (at one point “the only

table-talk in the country”) over the space of several years.⁶⁴ To be sure, this degree of participation was also partly a result of the clear fact that the boy was from a wealthy family, as indicated by his clothing; the display of his coat throughout the countryside and the offer of a large reward for information owed as much to his social status as to the community’s desire for justice. According to both authors, God was also a prominent participant in the case, helping the girl in her time of need, loosening her speech so that she might reveal her brother’s murderers, and electing (because his will was not always made known to man) to keep the names and locations of the gang members secret until he chose to reveal them. As Cynthia Herrup and others have pointed out, participation at various levels — divine, state, and local — was a key requirement for the success of the legal system in early modern England. It demonstrated a balance between the “rule of law” and the “practice of law” that encouraged English subjects to believe the law worked in their best interest, rather than merely in the interest of the elite orders.⁶⁵ At least according to these authors, this notion was amply shown in this case.

Even following the case, once order had been restored, the community recognized its responsibility to continue protecting Elizabeth James. After the girl returned to Hatfield, the “Justices and knights of the Shire” recognized that “the towne had an especiall charge to provide more carefully for her, and not to suffer her any longer to lye in the streets.” To this end, they put her into parish relief so that she could be cared for and — out of sympathy and practicality, and perhaps a hint of the macabre — “her brothers coate was given to her to weare out.”⁶⁶ The protection afforded the traumatized orphan girl, again probably aided by the fact that she came from a wealthy family, exemplifies the responsibility of elites to care for the needy in their communities, a phenomenon that has been seen as critical to community relations throughout England.⁶⁷ Of course, these many community members had a vested interest in getting involved in this case. Their community was scandalized by these events, and their active involvement in bringing the Dells to justice and helping the girl brought about resolution that promoted

the healing of the community as a whole after such a heinous series of crimes. The common desire of these authors to emphasize that community participation was vital to the outcome of this case in particular, and to the success of the criminal justice system in general, was among the very few elements in these pamphlets in which both authors would seem to agree.

Conclusion

Although the existence of these two murder pamphlets describing the same series of crimes in very different and contradictory ways shows, as scholars have elsewhere asserted, that crime reporting was often inaccurate in its details, nonetheless both pamphlets served important purposes in early seventeenth-century England. The first and shorter version of the case was unambiguous about the Dells' role and kept details to a minimum, a simplistic narrative that would not have caused much confusion among readers. In drawing the narrative to a strong conclusion, in which the criminals met their correct fate in a black-and-white justice system, the wages of sin were clearly shown, and disorder was replaced with order, this pamphlet served a common, tavern-frequenting audience well. The second, longer, more erudite, and significantly more detailed account, raised a number of questions about the Dells' role in these affairs, reflected contemporary concerns about women, crime, and criminality, and emphasized the ongoing threat to society of a gang of thieves and murderers still on the loose. Wealthier and better-educated readers would see the complex and disorderly nature of society and be better forewarned about the constant dangers that surrounded them and their families, as well as the limited ability of the justice system to deal with these dangers. Regardless of their inherent contradictions, both versions would see their audiences' knowledge of state and divine authority, social customs, community relations, behavioural boundaries, and English criminal law (balanced between deterrence and punishment) reinforced through these narratives. Clearly, these elements of crime reporting were more important to the authors and their readers, than the journalistic

accuracy of the stories. Of course, other than William Firebrand, it is unlikely that many contemporaries would have been familiar with both texts and their competing narratives, which means that only a modern audience is in a position to reflect on the nature and quality of crime reporting in early-Stuart England.

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Endnotes

- 1 On pamphlet literature in general, see Joad Raymond, *Pamphlets and Pamphleteering in Early Modern Britain* (Cambridge: Cambridge University Press, 2003); Margaret Spufford, *Small Books and Pleasant Histories: Popular Fiction and its Readership in Seventeenth-Century England* (Cambridge: Cambridge University Press, 1985); and Tessa Watt, *Cheap Print and Popular Piety* (Cambridge: Cambridge University Press, 1991). Broad-sides and lyrical ballads were also used to disseminate crime news, though they were much less common than pamphlets.
- 2 For a more complete discussion of crime pamphlets, see Malcolm Gaskill, "Reporting Murder: Fiction in the Archives in Early Modern England," *Social History* 23 (1998): 1–30; Peter Lake with Michael Questier, *The Antichrist's Lewd Hat: Protestants, Papists & Players in Post-Reformation England* (New Haven, CT: Yale University Press, 2002), chapter 1; Lake, "Deeds Against Nature: Cheap Print, Protestantism and Murder

- in Early Seventeenth-Century England,” in *Culture and Politics in Early Stuart England*, ed. Kevin Sharpe and Peter Lake (Stanford: Stanford University Press, 1993); and Ken MacMillan, “True Crime Reporting in Early Modern England,” in *Oxford Research Encyclopedia of Crime, Media, and Popular Culture*, ed. Nicole Rafter and Eamonn Carribine (Oxford: Oxford University Press, 2016). For examples of the genre, see Ken MacMillan, *Stories of True Crime in Tudor and Stuart England* (London: Routledge, 2015).
- 3 The idea of order and the danger of disorder is well established in the historiography of early modern England. See, for example, Anthony Fletcher and John Stevenson, eds., *Order and Disorder in Early Modern England* (Cambridge: Cambridge University Press, 1985); Alison Wall, *Power and Protest in England 1525–1640* (London: Bloomsbury, 2000).
 - 4 This question has been asked of other printed crime narratives as well, such as the *Ordinary’s Accounts* and *Proceedings of the Old Bailey*. See, for example, Robert B. Shoemaker, “The Old Bailey Proceedings and the Representation of Crime and Criminal Justice in Eighteenth-Century London,” *Journal of British Studies* 47 (2008): 559–80.
 - 5 Frances Dolan, *True Relations: Reading, Literature, and Evidence in Seventeenth-Century England* (Philadelphia: University of Pennsylvania Press, 2013), 2–4, quotation at p. 2.
 - 6 Gaskill, “Reporting Murder,” 5.
 - 7 Lake, “Deeds against nature,” 258–74.
 - 8 Natalie Zemon Davis, *Fiction in the Archives: Pardon Tales and their Tellers in Sixteenth-Century France* (Stanford: Stanford University Press, 1987), 3–4.
 - 9 A version of each story will be found in MacMillan, *Stories of True Crime*, chapters 5 and 25. The others will be found in Early English Books Online.
 - 10 Dolan, *True Relations*, 10–12; Adrian Johns, *The Nature of the Book: Print and Knowledge in the Making* (Chicago: University of Chicago Press, 1998); Barbara Shapiro, *A Culture of Fact: England, 1550–1720* (Ithaca, NY: Cornell University Press, 2000), chapter 4.
 - 11 For examples of this approach in criminal justice history, see Mary Clayton, “The Life and Crime of Charlotte Walker, Prostitute and Pickpocket,” *The London Journal* 33 (2008): 3–19; William B. Robison, “Murder at Crowhurst: A Case Study in Early Tudor Law Enforcement.” *Criminal Justice History* 9 (1988): 31–62; and, for a more extended case study, James Sharpe, *The Bewitching of Anne Gunter: The Horrible and True Story of Deception, Witchcraft, Murder, and the King of England* (New York: Routledge, 2001).
 - 12 Originals will be found in the British Library rare books collection: *The Horrible Murther of a young boy, of three years of age, whose Sister had her*

tongue cut out: and how it pleased God to reveale the offenders by giving speech to the tongueless Childe (London, 1606) [hereafter *Horrible Murther*]; *The Most Cruell and Bloody Murther committed by an Inkeepers Wife, called Annis Dell, and her Sonne George Dell, Foure yeeres since* (London, 1606) [hereafter *Cruell and Bloody Murther*].

- 13 See also MacMillan, "True Crime Reporting"; MacMillan, *Stories of True Crime*, 13–19.
- 14 Luc Borot, "Early Journalism in Sixteenth- and Seventeenth Century England: The Interface Between Literature and 'Popular Culture'," *Sederi* 9 (1998): 47–8; Sandra Clark, *Women and Crime in the Street Literature of Early Modern England* (New York: Palgrave Macmillan, 2003), 148–56; Elizabeth Hanson, "Torture and Truth in Renaissance England," *Representations* 23 (1991): 66–8; Lake, "Deeds against nature," 259, 270; Vanessa McMahon, *Murder in Shakespeare's England* (London: Bloomsbury, 2004), 21–2. For an example of the commonness of these themes, see the various murders described in *Sundry Strange and Inhumane Murders, lately committed* (London, 1591), reprinted in MacMillan, *Stories of True Crime*, chapter 3.
- 15 Edward Arber, ed., *A Transcript of the Registers of the Company of Stationers of London, 1554–1640*, 3 vols. (London, 1876), 3: 143.
- 16 See, generally, Cyndia Susan Clegg, *Press Censorship in Jacobean England* (Cambridge: Cambridge University Press, 2001), chapter 1.
- 17 *Horrible Murther*, 1.
- 18 *Ibid.*, 3.
- 19 *Ibid.*, 4–5.
- 20 See, especially, Gaskill, "Reporting Murder"; Lake, *Antichrist's Lewd Hat* and "Deeds against Nature"; and Alexandra Walsham, *Providence in Early Modern England* (Oxford: Oxford University Press, 1999). With reference to this specific case, see McMahon, *Murder in Shakespeare's England*, 21–2.
- 21 *Horrible Murther*, 3.
- 22 *Ibid.*, 7. An attempt at an explanation for the girl's recovery of speech is made in W. B. Gerish, *Hertfordshire Folklore* (Wakefield, Yorkshire: E. P. Publishing, 1970), 7–10. Drawing on cases from the nineteenth century and medical expertise, Gerish suggests that if some portion of the tongue remained, once the girl was restored to better health and made more attempts to speak, the shock caused to the tongue and vocal cords might have eased and allowed for the partial return of speech, though not likely as dramatically as is suggested in these accounts.
- 23 *Horrible Murther*, 9.
- 24 For the idea of the criminal as "everyman," see especially Andrea McKenzie, *Tyburn's Martyrs: Execution in England, 1675–1775* (London: Bloomsbury, 2007).

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- 25 Clark, *Women and Crime*, 181.
- 26 The Stationers' Register records a total of 13 pamphlets published by Firebrand. Arber, *Registers of the Company of Stationers*, 3: 114–357 passim.
- 27 Spufford, *Small Books*, chapters 1, 3.
- 28 This pamphlet refers to Mother Dell's name as "Annis," while the indictment slip, which will be discussed later, indicates her name was "Agnes." "Annis" is likely closer to how her name was pronounced, but it was probably written as "Agnes" and we will follow this convention here.
- 29 *Cruell and Bloody Murther*, sig. A2.
- 30 Ibid., sigs. A2v–A3r.
- 31 Ibid., sig. A3r.
- 32 See Erica Fudge, *Brutal Reasoning: Animals, Rationality, and Humanity in Early Modern England* (Ithaca, NY: Cornell University Press, 2006), chapters 3–4; Greta Olson, *Criminals as Animals from Shakespeare to Lom-broso* (Berlin: De Gruyter, 2013), part I.
- 33 *Cruell and Bloody Murther*, sig. B1v.
- 34 Clark, *Women and Crime*, 53–4.
- 35 *Cruell and Bloody Murther*, sig. B1v. The theme of "everyman" criminals — that the temptation to sin can arise in anyone given the right circumstances — versus "monsters" who were criminal by nature is common in crime literature. For an example, see Garthine Walker, "Everyman or a Monster?: The Rapist in Early Modern England, c.1600–1750," *History Workshop Journal* 76 (2013): 5–31.
- 36 *Cruell and Bloody Murther*, sig. A3r.
- 37 See Borot, "Early Journalism," 47–8; and Clark, *Women and Crime*, 155–6, 181.
- 38 *Horrible Murther*, p. 9.
- 39 No evidence of a "dossier," or a file that contained copies of deposition, etc., could be discovered in the Hertfordshire Archives, though it would have been relatively common for one to be prepared and submitted to the court along with the presentment. A presentment (or indictment) for murder was usually prepared by a coroner at the inquest, but given the space of time between the discovery of the boy's body and the trial, it is likely that a JP undertook the task of preparing this document.
- 40 For context, see John Langbein, *Prosecuting Crime in the Renaissance: England, Germany, France* (Clark, NJ: Lawbook Exchange, 2013), chapter 2; and J. S. Cockburn, ed., *Calendar of Assize Records, James I: Hertfordshire Indictments* (London: Her Majesty's Stationery Office, 1975), chapter 7.
- 41 In all cases here, the ellipses replace the words "otherwise known as Bishop's Hatfield in the county aforesaid."
- 42 The passage "not having God before their eyes ... with force and arms" is standard in most felony indictments and does not reflect these charges in particular.

- 43 One responsibility of the coroner's inquest, of which we have no details for this case, was to value the instrument of death, known as the deodand. In this case, the value was given as 1 pence.
- 44 The National Archives ASSI 35/48/2, m. 11. The calendar entry in Cockburn, *Calendar of Assize Records, James I: Hertfordshire Indictments* is as follows: "Dell, George, baker, and Dell, Agnes, widow of Hatfield, indicted for murder. On 4 July 1602 at Hatfield they assaulted Anthony James; George Dell cut his throat with a knife (1d) and threw his body into a pond" (entry 163).
- 45 Modern readers might find it curious that there is no mention of the mutilation of Elizabeth Dell, the sole living victim who served as the prosecution's — and God's — star witness. At this time, assaults, even ones so terrible as the removal of a person's tongue, were misdemeanours and not felonies, which means that crimes of this nature would normally have been handled at the Quarter Sessions court and would not have been part of the felony indictment.
- 46 *Cruell and Bloody Murther*, sig. A4v.
- 47 Ibid., sig. B2r.
- 48 Lambard, William, *Eirenarcha: or of the office of the justices of peace* (London, 1588), 286–7.
- 49 *The Compleat Justice* (London, 1656), 4. See also Matthew Hale, *Pleas of the Crown* (London, 1682), 47–52, 215–24.
- 50 *Cruell and Bloody Murther*, sig. B3v.
- 51 Ibid., sig. C2r.
- 52 Ibid., sig. C2v.
- 53 A number of examples of this characteristic will be seen in MacMillan, *Stories of True Crime*. See also James Sharpe, *Crime in Early Modern England, 1550–1750*, 2d ed. (London: Longman, 1999), 228–32.
- 54 See Marion Gibson, *Early Modern Witches: Witchcraft Cases in Contemporary Writing* (London: Routledge, 2000), 151–7; for context, Clark, *Women and Crime*, chapters 1–2.
- 55 *Cruell and Bloody Murther*, sig. C1v.
- 56 Procedurally, a presentment was offered to the grand jury, which could find it "true" if the jury believed there was enough evidence to convict, thus turning it into an indictment and committing the accused to trial. Presentments found to be lacking in sufficient evidence were supposed to be "rent to pieces" in the presence of the accused and the cases did not proceed to trial.
- 57 *Horrible Murther*, 9.
- 58 See also Langbein, *Prosecuting Crime*, Part I.
- 59 Alison Wall, "'The Greatest Disgrace': The Making and Unmaking of JPs in Elizabethan and Jacobean England," *English Historical Review* 119 (2004): 312–32.

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- 60 *Cruell and Bloody Murther*, sig. B3v.
61 *Ibid.*, sig. C2r.
62 Other contemporary pamphlets also emphasize the dangers of a poor reputation, which often led to a conviction of (on?) slim circumstantial evidence. See, for example, the case of Margaret Fernseed in MacMillan, *Stories of True Crime*, chapter 7.
63 Gaskill, "Reporting Murder," 4.
64 *Cruell and Bloody Murther*, sig. B4v.
65 Cynthia Herrup, "Law and Morality in Seventeenth-Century England," *Past and Present* 106 (1985): 102–23; Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge: Cambridge University Press, 1987); Wrightson, Keith, "Two Concepts of Order: Justices, Constables and Jurymen in Seventeenth-Century England," in *An Ungovernable People: The English and Their Law in the Seventeenth and Eighteenth Centuries*, ed. J. Brewer and J. Styles (New Brunswick, NJ: Rutgers University Press, 1980).
66 *Cruell and Bloody Murther*, sig. B4v.
67 See Keith Wrightson, *English Society 1580–1680* (London: Routledge, 1982); E. P. Thompson, "The Patricians and the Plebs," in *Customs in Common: Studies in Traditional Popular Culture* (New York: Penguin, 1992).