

Court Depositions of South West England, 1500-1700

Case 3.2: Settling Scores in a Somerset Parish (II)

Case type: Defamation

Summary: Joan Castle v Alice Illary and Richard Illary: this case is a counter-suit to the suit raised by Alice and Richard against Joan (see Case 3.1).

Source: Somerset Heritage Centre, D/D/Cd/20

Original Spelling Transcription

^10 December 1584^

Examinac[ion] testim[onium] Johane Castle facte no[m]ibus et Artic[u]lis libelli ex sua p[ar]te dat con Rich[ard]u[m] Illury¹⁰ dat et oblat sequit[ur]./

Deposition 1

Thom[a]s Lane¹ p[ar]ochie de Powlton in Com[itatu] Som[er]s[e]t husband[man]² ubi mora[m] trapit p[er] spaci[u]m xxiiii Annor[es], et antea ap[u]d Priddy ubi natus, etatis l Annor[es] libere Condi[i]o[n]is testis p[ro]ductus admiss & et prima exa[m]i[n]atus de noticia p[ar]t[iu]m dicit se novisse Jo[h]an Castle p[er] spaci[u]m xvi Annor[es], et Rich[ardu]m Illury p[er] spaci[u]m duor[es] Annor[es] ut dicit bene novit./

Sup[er] p[ri]mo artic[u]lo exa[m]inatus dicit et deponit s that she the articulated Jone Castle w[i]th in the p[ar]ishe of West pennard, and div[er]s other p[ar]ishes next ther unto adioynge is accompted for an honest woman of good conv[er]sac[i]on, and of good Creditt.³ et al[ite]r nescit depon[er]e.

Sup[er] secundo deponit dicit q[uo]d refert se ad iura &c.

Sup[er] tertio exa[m]i[n]atus dicit et deponit That uppon a sonday happeninge aboute midsom[er] laste paste⁴ before this his examinac[i]on ut modo recolit: This deponent was p[er]sonally p[rese]nte in the Churchyard of West pennard w[i]th the articulated Jone Castle and Richard Illury, togeth[e]r w[i]th John Fry, John Gremsteede and

Willyam Rawlins wher and when he this deponent emonge many oth[e]r wordes by and betweene the said Jone and Richard uttered and had, hard the said Jone Castle say firste unto the said Richard Illury yo[u] have greatly misused me in sayinge that I shoulde be the death of my husband and that I did burne⁵ hym: doe then quoth the said Richard (did I sey soe) so [...] have xxte more aswell as I: p[re]sente ther and then and hearinge the wordes the p[ar]ties above named. et al[ite]r nescit deponere

Sup[er] quarto et quinto nescit depon[er]e.

Sup[er] sext deponit eand de veru[m]

Sup[er] ult deponit q[uo]d p[re]depo[s]ita p[er] eu[m] sunt vera &c et fama &c

By Thomas Lane⁶

Deposition 2

Johannes Fry¹ p[ar]jochie de Westpennard in Com[itu]Som[er]s[e]t husbandma[n]² ubi mora[m] trapit a nativitate ibi n[un]que oriundus et natus etatis Lxxvii Annor[es] libere Conduc[i]o[n]is testis p[ro]ductus admiss &c et p[ri]mo exa[m]i[n]atus de noticia p[ar]t[i]m dicit q[uo]d novit Rich[ardu]m Illury p[er] spaci[u]m duor[es] Annor[es]: et Jo[h]am Castle p[er] spaci[u]m xl Annor[es] ut dicit bene novit:

Sup[er] p[ri]mo deponit that the articulated Jone Castle is accompted for an honest woman and for a woman of good Creditt & conv[er]sac[i]on³ et al[ite]r nescit depon[er]e./

Sup[er] secundo refert se ad iura.

Sup[er] tertio dicit et deponit That uppon a sonday happeninge aboute midsomer laste paste⁴ before this his examinac[i]on ut modo recolit et tempus al[ite]r no[n] p[er]fecte recordat[u]r this deponent was p[er]sonally p[re]sente with the articulated Jone Castle, and Richard Illury togeth[e]r w[i]th Thom[as] Lane this deponentes p[re]conteste⁸, John Gremsteed and Willyam Rawlins in the Churchyard of the p[ar]ishe Churche of west pennard, wher and when emonge oth[e]r wordes and speacheis then & ther by them the said Jone and Richard uttered this deponent hard the said Jone Castle say unto the said Richard Illury the wordes followinge viz thow saidest that I had burned⁵ my husband and that I was, and am a whore⁷, noe said he I said not that thowe were an whore⁷ but xxti more will say and have said that thow haste burned thy husband, aswell as I. p[re]sente then and ther the p[ar]ties above named and hearinge the wordes et al[ite]r nescit depon[er]e.

Sup[er] quarto et quinto nescit depon[er]e

Sup[er] sexto deponit eand de veru[m]

Sup[er] ult deponit q[uo]d p[re]depo[s]ita p[er] eu[m] sunt vera &c et fama &c

His mark⁶

Deposition 3

Johannes Gremsted¹ p[ar]ochie de Westpennard in Com[itatu] Som[er]set husbandma[n]², ubi natus ac mora[m] trahens a nativitate etatis Lvii Annor[is] ant de circit[er] libere Condi[i]o[n]is testis p[ro]ductus admiss iurat &c et p[ri]mo exa[m]i[n]atus de noticia p[ar]tiu[m] dicit q[uo]d novit Jo[h]am Castle p[er] spaci[u]m xxx Annor[is] et Rich[ard]u[m] Illury p[er] spaci[u]m 2 Annor[is] ut dicit bene novit

Sup[er] p[ri]mo nescit depon[er]e deponit that excepte this matter, the articulated Jone Castle has ben accounted for an honest woman.³

Sup[er] secundo dicit q[uo]d refert se ad iura.

Sup[er] tertio exa[m]i[n]atus deponit et dicit that uppon a sonday happeninge aboute midsomer laste paste⁴ before this his examinac[i]on ut modo recolit et tempus et diem al[ite]r p[er]fecte no[n] recordat[u]r was this deponent was p[er]sonally p[rese]nte w[i]th the Articulated Jone Castle and Richard Illury togeth[er] w[i]th Thom[as] Lane John Fry this deponents p[re]conteste⁸ and Willyam Rawlins in the Churchyard of the p[ar]ishe Churche of Westpennard wher and when amonge oth[er] Com[m]unicac[i]on by and betweene them the said Jone and Richard had, this deponent hard the said Jone Castle say the unto the said Richard Ca Illury: Thow saidest that I had burned⁵ my husband: then quoth he so saith xxti more aswell as I: p[rese]nte then and ther the p[ar]ties above named ut dicit et al[ite]r nescit depon[er]e

Sup[er] quarto et quinto nescit depon[er]e.

Sup[er] sexto deponit eand de veru[m]

Sup[er] ult deponit q[uo]d p[re]depo[s]ita p[er] eu[m] sunt vera &c et fama Laborare &c.

J⁶

Deposition 4

Will[ia]mus Rawlins¹ p[ar]ochie de Westpennard in Com Som[er]s[e]t husband[man]² ubi natus ac mora[m] trahens a nativitate sua (duobus Annis exceptis) etatis Lxiiii Annor[es] libere Condi[i]o[n]is testis p[ro]ductus, admiss &c et primo exa[m]i[n]atus de noticia p[ar]tiu[m] dicit q[uo]d novit Jo[h]am Castle p[er] spaci[u]m xl Annor[es] et Rich[ardu]m Illury p[er] spaci[u]m duores Annor[es] ut dicit bene novit./

Sup[er] p[ri]mo articlo libelli exa[m]i[n]atus dicit et deponit, that he this depon[en]t nev[er] knewe nor hard but that the articulated Jone Castle hath ben alwaies accompted for an honest woman, and a woma[n] of good lief before this matter happened³ et al[ite]r nescit depon[er]e.

Sup[er] secundo dicit q[uo]d refert se ad iura.

Sup[er] tertio dicit et deponit That uppon a sonday happeninge aboute midsom[er] last paste⁴ before this his examinac[i]on ut modo recolit et tempus al[ite]r p[er]fecte no[n] recordat[u]r this deponent was p[er]sonally p[rese]nte in the Churchyard of the p[ar]ishe Church of Westpennard together w[i]th Jone Castle, Richard Illury, John Fry, John Grymsteede and Thom[a]s Lane this deponents p[re]conteste⁸ wher and when he this deponent hard the said Jone Castle say first unto the said Richard Illary Thow saidest quoth she that I did burne⁵ my husband, did I quoth the said Richard so xxti more aswell as I have said. p[rese]nte then and ther and hearinge the wordes the p[ar]ties before named ut dicit et al[ite]r nescit depon[er]e./

Sup[er] quarto et quinto nescit depon[er]e.

Sup[er] sexto deponit eand de veru[m]

Sup[er] ult deponit q[uo]d p[re]depo[s]ita p[er] eu[m] sunt vera &c.

X [his mark]⁶

Deposition 5

Examinac test[imoni]um Jo Castle secundur p[ro]duct sup[er] li[bel]lo Castle ac con Illery dat et oblat sequit[u]r./

Johanes Priddy p[ar]ochie de West pennard in Com som[er]s[e]t husbandman² ubi mora[m] trapit p[er] spaci[u]m sex Annor[es] et antea ap[u]d Lighe ubi habitavit p[er] duor[es] Annor[es] spaci[u]m natus ap[u]d Wedmoore etatis xxxiiii Annor[es] libere Condi[i]ois testis p[ro]ductus admiss &c et p[ri]mo exa[m]inatus de noticia p[ar]tiu[m]

dicit q[uo]d Jo[h]am Castle p[er] spaci[u]m vi Annor[e]s et Rich[ardu]m Illary p[er] duor[e]s Annor[e]s spac[iu]m ut dicit bene novit./

Sup[er] p[ri]mo deponit that he this depon[en]t nev[er] knewe but that she the articulated Jone Castle hath ben alwaies accompted for an honest woman and of good conv[er]sac[i]on:³ and nev[er] hard oth[er]wise of her. ut dicit untill this suite was Comenced et al[ite]r nescit depon[er]e /

Sup[er] secundo deponit et refert se ad iura &c.

Sup[er] tertio deponit That aboute St James tide last paste⁴ before this his examinac[i]on ut modo recolit et tempus et diem al[ite]r p[er]fecte no[n] recordat[u] this deponent happened to be p[er]sonally p[re]sente w[i]th the articulated Jone Castle and Richard Illary w[i]th out the doore of the said Jone but very neere thereunto w[i]thin the p[ar]ishe of West pennard wher was also p[re]sente one Walter hoppard hearing these wordes following; wher and when this depon[en]t amonge many oth[er] worde and speaches had betweene the said Jone Castle, and Richard Illury heard the same Richard openly say these wordes following or the very like in effect: viz goe burne taile thow haste burned thy husband⁵ and so will Swifte the vis surgion and xxti more may as well as I. / p[re]sente then and ther ye p[ar]ties aforesaid et al[ite]r nescit depon[er]e./

Sup[er] quarto exa[m]inatus deponit that at the very sametime and place before deposed he this depon[en]t herd the said Richard Illury say that she was an Irishe gille, and also the wordes before deposed of./ et al[ite]r nescit depon[er]e.

Sup[er] Quinto deponit that by reason of speaking these wordes she is slandered, by reason she was and hath ben alwaies accompted for and honest woman.³ et al[ite]r nescit depon[er]e

Sup[er] sexto deponit eand de veru[m]

Sup[er] ult deponit q[uo]d p[re]depo[s]ita p[er] eu[m] sunt vera &c. /

[his mark]⁶

Deposition 6

Maria Bowre p[ar]ochie de Brodly in Com[itatu] Som[er]s[e]t maiden⁹ ubi mora[m] trapit a nativitate: uno Anno except ibi n[un]q[u]e natus etatis xx Annor[e]s Libere Condictois testis p[ro]ductus, admiss et primo exa[m]inatus de noticia p[ar]tiu[m] dicit q[uo]d [...] p[er] spaci[u]m xii ce Annor[e]s et Rich[ardu]m Illury p[er] spaci[u]m duor[e]s Annor[e]s ut dicit bene novit./

Sup[er] p[ri]mo exa[m]i[n]ata deponit that she nev[er]r knewe nor hard but that she hath ben alwaies accompted for an honest woman and of good Conv[er]sac[i]on³, nor nev[er] hard oth[er]wise of her untill this suite was Com[m]enced et al[ite]r nescit depon[er]e

Sup[er] secundo refert se ad iura./

Sup[er] tertio deponit That one a [...] tyme happening after whitsontide laste paste⁴ before this her examination ut modo recolit et al[ite]r no[n] recordat[u]r this deponent was in service w[i]th the articulated Jone Castle, when ther Came unto the said Jone Castle, the articulated Richard Illury unto her howse w[i]thin the p[ar]ishe of West pennard and desired her the said Jone Castle beinge at dinn[er] to speake w[i]th her. Who went immediately from her dinn[er] unto the doore to him, who beinge both togoeth[er] this deponent Came out of the hall of the said house and stode in the entry to thend she woulde hire ther talke wher and when emonge many oth[er] wordes and speacheis by and betweene the said Richard and Jone had and uttered, this deponent hard the said Richard say unto the said Jone these wordes following or the like in effect. viz goe burne taylor thou diddest burne thy husband⁵ and so will and Cumme xxti more say aswell as I p[rese]nte then and ther w[i]th them the said Richard and Jone, one John Priddy this depon[er]ts preconteste.⁸ et al[ite]r nescit depon[er]e./

Sup[er] quarto deponit that this deponent at the very time and place before by her deposed of, she hard the said Richard Illury say that she was an Irishe gille, and also the wordes before deposed of. et al[ite]r nescit depon[er]e./

Sup[er] Quinto deponit: That she the articulated Jone Castle is slandered by meanes of speaking these wordes because she was alwaies accompted for an honeste woman.³ et al[ite]r nescit depon[er]e.

Sup[er] sexto deponit eand de veru[m]

Sup[er] ult deponit q[uo]d p[re]depo[s]ita p[er] eu[m] sunt vera &c.

[her mark]⁶

Modernized Spelling Transcription

Witness examinations on the part of Joan Castle named in the articles of the libel against Richard Illery¹⁰ given and offered as follows:

Deposition 1

Thomas Lane¹ of the parish of Pilton in the county of Somerset, husbandman², where he has lived for the space of 24 years, and before lived in Priddy where he was born. 50 years old. Produced as a free witness and at first examination has known Joan Castle for the space of 16 years and Richard Illary for the space of two years and knows them well.

To the first article of the examination he says and deposes s that she, the articulated Joan Castle, within the parish of West Pennard, and diverse other parishes next there unto adjoining is accounted for an honest woman of good conversation, and of good credit³ and otherwise he knows nothing.

To the second he deposes he says he refers himself to the law etc.

To the third examination he says and deposes that upon a Sunday happening about Midsummer last past⁴ before this his examination and as he recalls, this deponent was personally present in the churchyard of West Pennard with the articulated Joan Castle and Richard Illary, together with John Fry, John Gremsted and William Rawlins. Where and when, he this deponent among many other words by and between the said Joan and Richard uttered and had, heard the said Joan Castle say first unto the said Richard Illary: 'you have greatly misused me in saying that I should be the death of my husband and that I did burn⁵ him dō'. Then, said the said Richard, 'did I say so? So [...] have twenty more as well as I'. Present there and then and hearing the words the parties above named. And otherwise he knows nothing.

To the fourth and fifth he knows nothing.

The sixth he deposes is true.

To the final he deposes that what he has deposed is true etc.

By Thomas Lane⁶

Deposition 2

John Fry¹ of the parish of West Pennard in the county of Somerset, husbandman², where he has lived since birth and where he was born, 76 years old. Produced as a free witness and at first examination has known Richard Illary for the space of two years and Joan Castle for the space of 40 years and knows them well.

To the first he deposes that the articulated Joan Castle is accounted for an honest woman and for a woman of good credit and conversation⁴ and otherwise he knows nothing.

To the second he refers himself to the law.

To the third he says and deposes that upon a Sunday happening about Midsummer last past⁴ before this his examination, and the day and time he does not recall perfectly, this deponent was personally present with the articulated Joan Castle, and Richard Illary together with Thomas Lane this deponent's precontest⁸, John Gremsted and William Rawlins in the churchyard of the parish church of West Pennard. Where and when among other words and speeches then and there by them the said Joan and Richard uttered, this deponent heard the said Joan Castle say unto the said Richard Illary the words following, viz: 'you said that I had burned⁵ my husband and that I was, and am a whore'.⁷ 'No,' said he, 'I said not that you were an whore'⁷ but twenty more will say and have said that you have burned your husband, as well as I'. Present then and there the parties above named and hearing the words and otherwise he knows nothing.

To the fourth and fifth he knows nothing.

The sixth he deposes is true.

To the final he deposes that what he has deposed is true etc.

His mark⁶

Deposition 3

John Gremsted¹ of the parish of West Pennard in the county of Somerset, husbandman², where he was born and where he has lived since birth, 57 years old. Produced as a free witness and at first examination has known Joan Castle for the space of 30 years and Richard Illery for the space of two years and knows them well.

To the first ~~knows nothing~~ he deposes that except this matter, the articulated Joan Castle has been accounted for an honest woman.³

To the second he refers himself to the law.

To the third he says and deposes that upon a Sunday happening about Midsummer last past⁴ before this his examination, and the day and time he does not recall perfectly, this deponent was personally present with the articulated Joan Castle and

Richard Illary together with Thomas Lane, John Fry, this deponent's precontest⁸ and William Rawlins in the churchyard of the parish church of West Pennard. Where and when, among other communication by and between them the said Joan and Richard had, this deponent heard the said Joan Castle say the unto the said Richard Ga Illary: 'Thow said that I had burned⁵ my husband'. Then, said he, 'so say twenty more as well as I'. Present then and there the parties above named. And otherwise he knows nothing.

To the fourth and fifth he knows nothing.

The sixth he deposes is true.

To the final he deposes that what he has deposed is true etc.

J⁶

Deposition 4

William Rawlins¹ of the parish of West Pennard in the county of Somerset, husbandman², where he was born and has lived since birth (except for two years), 64 years old. Produced as a free witness and at first examination has known Joan Castle for the space of 40 years and Richard Illary for the space of two years and knows them well.

To the first article of the libel he says and deposes that he this deponent never knew nor heard but that the articulated Joan Castle has been always accounted for an honest woman, and a woman of good life before this matter happened³ and otherwise he knows nothing.

To the second he refers himself to the law.

To the third he says and deposes that upon a Sunday happening about Midsummer last past⁴ before this his examination, and the day and time he does not recall perfectly, this deponent was personally present in the churchyard of the parish church of West Pennard together with Joan Castle Richard Illary, John Fry, John Gremsted and Thomas Lane, this deponent's precontest.⁸ Where and when he this deponent heard the said Joan Castle say first unto the said Richard Illary: 'Thow said,' said she, 'that I did burn⁵ my husband'. 'Did I?' said the said Richard, 'so twenty more as well as I have said'. Present then and there and hearing the words the parties before named and otherwise he knows nothing.

To the fourth and fifth he knows nothing.

The sixth he deposes is true.

To the final he deposes that what he has deposed is true etc.

X [his mark]⁶

Deposition 5

Witness examinations on the part of Joan Castle named in the articles of the libel against Richard Illery given and offered as follows:

John Priddy of the parish of West Pennard in the county of Somerset, husbandman², where he has lived for the space of six years and before in Leigh upon Mendip where he lived for the space of two years and was born in Wedmore, age 34 years old. Produced as a free witness etc. and at first examination has known the said Joan Castle for the space of six years and Richard Illary for the space of two years and knows them well.

On the first he deposes that he this deponent never knew but that she, the articulated Joan Castle, has been always accounted for an honest woman and of good conversation³ and never heard otherwise of her as he says until this suit was commenced and otherwise he knows nothing.

On the second he deposes and refers himself to the law etc.

On the third he deposes that about St James tide last past⁴ before this his examination, the day and time he does not recall perfectly, this deponent happened to be personally present with the articulated Joan Castle and Richard Illary without the door of the said Joan but very near thereunto within the parish of West Pennard, where was also present one Walter Hoppard hearing these words following. Where and when this deponent among many other words and speeches had between the said Joan Castle and Richard Illury, heard the same Richard openly say these words following or the very like in effect: viz. 'go burn tail, thow hast burned thy husband⁵ and so will swift the vis surgeon and twenty more may as well as I'. Present then and there the parties aforesaid and otherwise he knows nothing.

On the forth examination he deposes that at the very same time and place before deposed he this deponent heard the said Richard Illary say that she was an Irish gille, and also the words before deposed of. And otherwise he knows nothing.

On the fifth he depoess that by reason of speaking these words she is slandered, by reason she was and has been always accounted for an honest woman.³ and otherwise she knows nothing.

On the sixth he deposes that it is true.

On the final he deposes that what he has deposed is true etc.

[his mark]⁶

Deposition 6

Maria Bowre of the parish of Brodly in the county of Somerset, maiden⁹, where she had lived since birth (except for one year) and where she was born, age 20. Produced and admitted as a free witness etc. and at first examination says that [...] for the space of 12 years and Richard Illary for the space of two years and knows them well.

On the first examination she deposes that she never knew nor heard but that she has been always accounted for an honest woman and of good conversation³, nor never heard otherwise of her until this suite was commenced and otherwise she knows nothing.

On the second she refers herself to the law.

On the third she deposes that on a [...] time happening after Whitsontide last past⁴ before this her examination, the time she does not recall perfectly, this deponent was in service with the articulated Joan Castle, when there came unto the said Joan Castle the articulated Richard Illary unto her house within the parish of West Pennard and desired her the said Joan Castle being at dinner to speak with her. Who went immediately from her dinner unto the door to him, who being both together, this deponent came out of the hall of the said house and stood in the entry to the end she would hear their talk. Where and when among many other words and speeches by and between the said Richard and Joan had and uttered, this deponent heard the said Richard say unto the said Joan these words following or the like in effect. viz: 'go burn tail, thow did burn thy husband⁵ and so will and come twenty more say as well as I'. Present then and there with them the said Richard and Joan, one John Priddy this deponent's precontest.⁸ And otherwise she knows nothing.

On the fourth she deposes that this deponent at the very time and place before by her deposed of, she heard the said Richard Illary say that she was an Irish gille, and also the words before deposed of. And otherwise she knows nothing.

On the fifth she deposes that she, the articulated Joan Castle, is slandered by means of speaking these words because she was always accounted for an honest woman.³ And otherwise she knows nothing.

On the sixth she deposes that it is true.

On the final she deposes that what she has deposed is true etc.

[her mark]⁶

Notes

¹ (interpretation) The same witness is produced by both parties (see Case 3.1).

² (gloss) A husbandman is an agricultural worker. Male depositions: occupational or social status descriptors (e.g. baker, joiner, yeoman) were typically recorded in the brief biographical statement at the beginning of the deposition.

³ (interpretation) As Joan Castle has allegedly been defamed, it is important to establish the honesty of the plaintiff in this counter-suit.

⁴ (interpretation) In describing when a particular event had taken place, witnesses often reported the time in relation to the liturgical calendar (e.g. referring to church seasons and feast days).

⁵ (gloss) 'Burn' is used here as an imputation of venereal disease.

⁶ (technicalities of the court) Witnesses were asked to sign their depositions: signatures range from full names to simply initials or marks (sometimes images linked with trades).

⁷ (technicalities of the court) 'Whore' was an actionable word in the church courts.

⁸ (technicalities of the court) The words 'contest' or 'precontest' were used to refer to someone who was also a witness and had given a testimony in the same case.

⁹ (technicalities of the court) Female depositions: marital status descriptors (e.g. singlewoman, widow, wife) were typically recorded in the brief biographical statement at the beginning of the deposition.

¹⁰ (technicalities of the court) This is a dispute between private parties, known in the church courts as an instance suit.

Prepared as part of the Womens Work in Rural England project.