

Court Depositions of South West England, 1500-1700

Case 12: Defamation at the Fair

Case type: Defamation

Summary: Elizabeth Blitham v Thomas Hayter: while Elizabeth is serving drink in a fair booth (alehouse), Thomas, a customer, calls her a whore.

Source: Wiltshire and Swindon History Centre, D1-42-56

Original Spelling Transcription

Repetit cora[m] d[o]c[t]or Nenckman sur[roga]to &c.: 17 Jan: 1639¹⁶ in p[ar]ta &c. / Blitham all[ia]s Samwayes cur & con hayter²¹ Sup[er] li[bel]lo

Deposition 1

1 testis

W[illia]mus Gilbert civi[ta]te nove[m]Sarum in com Wiltes tayler¹ ubi mora[m] ferit p[er] xxti annos ult natus apud [...]Chirton in com pred annoru[m] etate sue xlvii ant de circ[ite]r testis admiss &c. dep[oni]t prout seq[ui]tur vizt./

Ad prim[um] ar[ticu]l[u]m qui p[ar]t dep[one]re al[ite]r qua[m] referendo se ad lura./

Ad 2 ar[ticu]l[u]m li[bel]li pred dicit et dep[oni]t that at Mich[ael]mas² Last past & at Wayhill fayre this dep it chanced that the ar[ticula]t Thomas Hayter cha coming into this dep[onen]ts Booth³ there where he kept entertaynment for such as came full, where the producent²⁴ was Elizabeth Blitham was helping this dep[onen]ts wief to attend their guests¹² & to doe such other busines as was then there to bee done, hee the sayd Thomas hayter mistakeing or dislikeing as it seemed some words that the sayd Elizabeth spake, shortly fell out w[i]th her the s[ai]d Elizabeth and in an angry manner called her the sayd Eliz: Blitham whore.⁵ & durty whore⁵ In the p[re]sence & heering of this dep[onen]t his wief & one Amy due & to the hurt & discredit of her the s[ai]d Elizabeth as this dep[onen]t conceiveth Et al[ite]r se p[ar]t dep[one]re

Ad 3 r[esp]ondet that the s[ai]d Eliz: is a yong woaman nev[er] married that ev[er] this dep[onen]t heard of. Et al[ite]r se p[ar]t dep[one]re pro p[ar]te sut al[ite]r qua[m] referendo ni[si] ad art[icu]lum ar[ticu]lat.

Ad 4 ar[ticu]l[u]m ni[si] p[ar]t dep[one]re

Ad 5 refert se ad p[re]depo[s]ita p[er] eu[m] al[ite]r nescit

Ad 6 dicit eande[m] de veru[m]

Ad ult dicit p[re]depo[s]ita p[er] eu[m] de vera.

Idem ad Interit

Ad prim fit ut petit et p[ar]tes litigan bene novit et indifferen[t] favet p[er] tibus al[ite]r satisf[a]c[tu]m est sup[er]ius in titlo

Ad 2 neg[ative] r[esp]ondet ad singla

Ad 3 valet aere &c. para al[ite]r neg[ative]⁶

Ad 4 neg[ative] r[esp]ondet

Ad 5 credit rac[i]onis ut supra

Ad 6 optat vict[or] ins henti et sic &c. sic &c.

Ad 7 satisf[a]c[tu]m est sup[er]ius in depo[sicio]nis sue p[re]ambulo.

Ad 8 venit compuls et nihil receipt &c.

Ad 9 r[esp]ondet that as he now rem[em]brith it was in the evening of one of the fayre dayes & the last as he taketh it⁷ Et al[ite]r qua[m] p[re]dep[osi]t se p[ar]t r[esp]ondere p[ro] p[ar]te]sua.

Ad 10 r[esp]ondet that at the tyme & place before by him deposed of the s[ai]d Thomas hayter called her the s[ai]d Blitham whore⁵ two or iii tymes al[ite]r nescit

Ad 11 r[esp]ondet that he hath already sett downe their names & they were all in one & the same booth³ attending & goeing up & down

Ad 12 r[esp]ondet that she was then folding up of Lynnen w[i]th this R[esp]ondents wief⁸ & the def[endan]t was sitting in the Booth³ drinking opposite ag[ains]t her al[ite]r nescit

Ad 13 et 14 refert se ad predepo[s]ita p[er] eu[m] al[ite]r nescit

Ad 15 ni[si] concernit eu[m]

Ad 16 r[esp]ondet that it is true this R[esp]ondet was very unwilling of this suite but being questioned by the ar[ticla]t Cabble about the matter in question whether he heard his the s[ai]d Cabbles sonn in law (the def[endan]t) call the s[ai]d Elizabeth whore⁵, he told him hee did & that they were all in the same Booth³ together, and that his [...] wief was w[i]th the mayd opposite ag[ains]t the place where he the s[ai]d hayter was Et al[ite]r nunc ni[si] novit Co[m]municacionem inter eu[m] et d[i]c[tu]m Cabble./

Ad 17 r[esp]ondet that it is true he thanks God for it heertofore he hath bin somewhat distractid²² but not theis 5 or 6 yeers last past & he nev[er] kept the fayer but this yeere & the last & nev[er] thinks to doe it againe al[ite]r neg[ative] r[esp]ondet ad singla

Ad 18 r[esp]ondet that the p[laintif]fs sister lyveth w[i]th this R[esp]ondents wief & not a married woaman & she hath had a child being a single woaman for ought he knoweth, but Amy due is not his s[ervan]t Al[ite]r nescit

Ad 19 refert se ad pr[e]depo[s]ita p[er] eu[m] & saieth the Booth³ was knowne by the signe of the Antelop¹⁹; & there were viii Roomes in it p[er] ad ut interr w[i]th forme but the doores were all open out of one Roome into another, & the Roome where the sayd hayter was temp[er]e pred was opposite to the buttery⁹ where the pl[ain]t[iff] was al[ite]r nescit

Ad 20 R[esp]ondet they were s[ervan]ts for that tyme ut interr & there was but a woaman more that was the Cooke. & a mayd of this R[esp]ondents that turned the spitt²³ Et al[ite]r qua[m] predep[osi]t nescit r[esp]ondere p[ro] p[ar]te sua. Saveing he saieth it is true the s[ai]d hayter did dislike the Reckoning¹⁷ about a pint of wyne & he did see the pl[ain]t[iff] for they used many words one to another & he called her whore⁵ ut p[re]dep[osi]t./

Ad 21 r[esp]ondet that she was not in the same roome but at the buttery⁹ doore opposite ag[ains]t the roome where the sayd hayter sate where they might & did plainly see & heere one another & he saieth that the s[ai]d haytor did not say Eliz: Blithem thou art a whore⁵ but speakeing to & of her called her whore⁵ ut p[re]dep[osi]t & he knoweth that he meant her the s[ai]d Eliz: because they two onely quarrelled & passed words each to other The first occasion as he now remembreth being For that the sayd Eliz: sitting folding up the Lynnen⁸ in the taphouse ut p[re]dep[osi]t the sayd to this R[esp]ondents wief that when they had done they would have the Musick & be merry amongst themselves w[hi]ch the s[ai]d hayter sitting in the next Roome & heering seemed to be angry at that they should have the

Musicke & replied some words unto her therupon & Thomas Wayte interr was then attending as he taketh it but this R[esp]ondents wief gave the Reckoning¹⁷ Et al[ite]r qua[m] p[re]dep[osi]t nescit./

Ad 22 r[esp]ondet that he was going up & downe betweene them to pacify the matter & this R[esp]ondent did then see him al[ite]r nescit

Ad 23 r[esp]ondet [...] affirme ad prim[um] p[ar]tem: et neg[ativ]e ad single quoad s[e]c[un]dum

Ad 24 refert se ad p[re]depo[s]ita p[er] eu[m] & temp[er]e interr there were then sitting w[i]th the sayd hayter in the Booth³ an old woama[n] & her daughter whose names he knew not, & one Mr Moggridg as they called him & the sayd hayter & Moggridge sate in th'inside w[i]th the yong wench¹³ betweene them & th'old woaman was on th'out side staying fer her daughter somtymes sitting somtymes standing For their credits he knows not they were all strangers to him & in all Likelyhood they must heere what the s[ai]d hayter then sayd al[ite]r nescit

Ad 25 refert se ad p[re]depo[s]ita p[er] eu[m] & farther saieth that as he now rem[em]breth & beleiveth there was noe other company in the Booth³ at that tyme but that company al[ite]r nescit

Ad 26 r[esp]ondet that in the towne he hath bin in the def[enden]ts company before that tyme & he hath heard him talke in Mr Turnlyes house in Sarum a iii or iiiior dayes before the fayre afores[ai]d & asked him whither he should not see him at the fayer to w[hi]ch the s[ai]d and the s[ai]d hayter sayd it might be this R[esp]ondent should see him ther or some such like answere he gave, but yet nev[er] had any familiarity w[i]th him al[ite]r nescit./

Willia[m] Gilbert¹⁵

Deposition 2

2

Alicia Gilbert uxor⁴ p[re]fati W[illia]m Gilbert de civi[ta]te Saru[m]taylor¹ ubi mora[m] ferit p[er] xxx ann[es] ult fere nata apud Charlton Musgrove in com Som[er]s[e]t Anoru[m] etate L ant de circ[ite]r testis admiss &c dep[oni]t prout seq[uitu]r vizt./

Ad 1. 2. 3. 4. et 5 ar[ticu]los li[bel]li pred dicit et dep[oni]t That at Wayhill fayer last past and in this dep[onen]ts husbands booth³ there yt chanced that th'art[iculate] Thomas hayter the p[ar]ty against whome she is produced in this cause came into the s[ai]d Booth³ w[i]th some other company to drinke and being there soe doing

the sayd Thomas hayter fell out w[i]th the producent²⁴ Eliz: Blithman about some words that then & there passed betweene them & especially for that the s[ai]d Eliz: would not come & drinke w[i]th him the s[ai]d hayter as this dep[onen]t conceived and thereupon then & there in an angry manner he the said Thomas hayter called her the sayd Elizabeth Blithman whore base whore & durty whore⁵ to the hurt & discredit of her the sayd Elizabeth Blithman who hath ev[er] bin accompted an honest mayden & to her great grief & discomfert, w[hi]ch words were soe spoken in the pr[e]sense & heereing of this dep[onen]t her sayd husband W[illia]m Gilbert & Amy due whome the s[ai]d Elizabeth prayed to beare witnes thereof saying pr[e]sently being much moved thereat that she would not put it up neere if there were anie Law in England fer him And this dep[onen]t farther saieth that the s[ai]d Eliz: is a yong mayden about xviii yeers of age as she hath bin informed Et al[ite]r ni[si] p[ar]t dep[one]re ut dicit

Ad 6 dicit eand de veru[m]

Ad ult dicit pr[e]depo[s]ita p[er] eu[m] de vera.

Eadem sup[er] Interriis

Ad prim[um] fit ut petit[ur] et p[ar]te litigan novit but she hath noe acquaintance w[i]th hayter et eque favet p[ar]tibus al[ite]r satisf[ac]tu[m] est sup[er]ius in tit[u]lo

Ad 2 neg[ative] r[esp]ondet ad single

Ad 3 est⁶fem covert¹¹ al[ite]r neg[ative]

Ad 4 neg[ative] r[esp]ondet

Ad 5 credit rac[i]ones ut supra al[ite]r nescit

Ad 6 optat vict ins henti et sic &c si &c

Ad 7 satisf[ac]tu[m] est sup[er]ius in tit[u]lo

Ad 8 venit citata et in partie p[ro]duc[iter]²⁴ al[ite]r neg[ative].

Ad 9 al[ite]r q magis perite q[ua]m ut pr[e]dep[osi]t ni[si] p[ar]t r[esp]ondere and as she now rem[em]breth it was upon the next day after Mich[ael]mas day² & it was in th'evening about viii of the clocke as she now alsoe remembreth & it was in a Room next th'entrance into the Booth³ iust before the Buttery⁹ doore /

Ad 10 r[esp]ondet that he called her soe more then once but it was only that tyme & place al[ite]r nescit

Ad 11 R[esp]ondet that in company w[i]th the s[ai]d hayter were one John moggridg a tanner¹⁰ in Castle Street a mayd & an old woaman and there were alsoe attending in the booth³ Ellis Antram W[illia]m Cully & Thomas Wayte this dep[onen]ts sayd husband s[ervan]ts for that tyme & this dep[onen]t temp[er]e interr was in the buttery⁹ doore folding up of Lynnen⁸ w[i]th the s[ai]d Eliz: & Amy due al[ite]r nescit r[esp]ondere

Ad 12 r[esp]ondent the def[endan]t was sitting at a bord¹⁸ ov[er] right the buttery⁹ doore & she was at in the buttery⁹ doore afores[ai]d, al[ite]r nescit

Ad 13 al[ite]r qua[m] ut pr[e]dep[osi]t ni[si] p[ar]t r[esp]ondet

Ad 14 refert se ad pr[e]depo[s]ita p[er] eu[m] al[ite]r nescit./

Ad 15 r[esp]ondet that it is true tempere interr the s[ai]d hayter came to this R[esp]ondents husbandes house to speake w[i]th her s[ai]d husband to know what he had sayd at Wayhill fayer & to know whither this R[esp]ondent & her husband w could testify ag[ains]t him what he had s[ai]d ag[ains]t the s[ai]d Eliz: Blithman, but this R[esp]ondent did not then tell him what he had spoken & it is true this R[esp]ondent had forgotten him till as is interr a sister of the s[ai]d Eliz: came for & asked whether [...] she new the man that had abused her sister at Wayhill fayer and thereupon as she now remembreth she told him she must sweare he called her the s[ai]d Eliz: whore⁵ and she saieth that it is true she nev[er] had much acquaintance w[i]th him but at the speaking the words afores[ai]d ev[er]y one s[ai]d his name was Thomas Robert hayter a shoemaker¹⁰ of Salisbury al[ite]r nescit

Ad 16 nescit

Ad 17 r[esp]ondet that she thanks god about 8 or 9 yeers since he was somewhat distracted²² but ev[er] since he has bin well & otherwise he is noe such man saveing he hath kept a Booth³ at Wayhill theis ii yeers & Last yeere at Burferd that is all that ev[er] he kept al[ite]r neg[ative]

Ad 18 neg[ative] r[esp]ondet quoad prim[um] p[ar]tem & she Lodgeth at Milford & the pl[ain]tiff's sister is Lyveing w[i]th this R[esp]ondent & is not a marryed woaman & she hath had a child being a single woaman al[ite]r nescit

Ad 19 r[esp]ondet the words were spoken in this R[esp]ondents s[i]d husbands booth³ knowen by the Signe of the Antelop¹⁹ And there were 7 or 8 rooms in ye booth³ & those rooms were watled ut interr w[i]th ferne but noe doores to any of them al[ite]r nescit

Ad 20 r[esp]ondet they weare there s[ervan]ts fer that present occasion & did soe helpe & attend ut interr & there were two more weomen kynd alsoe but at that tyme one was abroad & th'other sleeping. And it is true he uniuistly disliked ye Reckon¹⁷ & sware them out of a pint of sacke¹⁴, & the s[ai]d hayter did see the s[ai]d Elizabeth when as he called her whore⁵ as afores[ai]d Et al[ite]r qua[m] ut pr[e]dep[oni]t nescit.

Ad 21 r[esp]ondet that she was sitting at the Buttery⁹ doore & he was sitting at the boord in the next Roome & it is true he did not name her by her name but he called her whore⁵ & noe body els for there passed noe words twixt any one els but him the s[ai]d haytor & her the s[ai]d Elizabeth, & because indeed he first fell out w[i]th her because she would not be intreated by him to keepe her company, And this R[esp]ondent gave the reckoning¹⁷ to th'interr Thomas Wayte he gave who gave it to them the s[ai]d hayter & his company al[ite]r nescit

Ad 22 r[esp]ondet she was w[i]thin the buttery⁹ doore folding of Lynnen⁸ ut pr[e]dep[osi]t & this R[esp]ondent saw him the s[ai]d haytor when he spake the s[ai]d words al[ite]r nescit

Ad 23 R[esp]ondet that her husband told her he was w[i]th the def[endan]t tempe interr al[ite]r nescit p[ro] p[ar]te sua.

Ad 24 this R[esp]ondents husband afores[ai]d Et al[ite]r refert se ad pr[e]depo[s]ita p[er] eu[m] & farther saieth that as she now remembreth the s[ai]d hayter the yong wench¹³ & Moggridg sate on the bench the yong wench¹³ betweene them & they must heere the s[ai]d wordes as she thinketh al[ite]r nescit

Ad 25 r[esp]ondet the s[ai]d Moggridge was there ut pr[e]dep[osi]t but she saw & heard the s[ai]d hayter speake the wordes, & as she now remembreth there was not any other company in the house at that tyme save only the s[ai]d company, & there was noe noise at all but what the s[ai]d hayter made al[ite]r nescit.

Ad 26 nescit r[esp]ondere but she was nev[er] familiar w[i]th him, nor of his acquaintance that she kneweth of

^her mark^¹⁵

Deposition 3

Amia due de Milferd in com Wiltes spinster⁴ ubi mora[m] ferit p[er] iii menses ult antea apud Laverstock in com pred a na[tivita]te sua fere ib[em] nata annorum apud Comeldon in com pred annoru[m] etate sue xix ant de circ[ite]r testis admiss &c dep[oni]t prout sequit[ur] vizt./

Ad 1. 2. 3. 4 et 5 ar[ti]c]los li[bel]li pred dicit et dep[on]it That at Wayhill fayer Last past & upon the monday night after Mich[ael]mas day² last as she now remembreth & in the Booth³ of her pr[e]contest²⁰ W[illia]m Gilbert there where this dep[onen]t de then attended it chanced that th'ar[ti]cula]t Thomas Hayter comeing into the s[ai]d Booth³ to drinke w[i]th some other company vizt a yong wench¹³ an old woaman & another man one John Moggridge a tanner¹⁰ of Sarum, & there being drinking of sacke¹⁴ the s[ai]d hayter espyeing the producent²⁴ Eliz: Blithman (as they passed by him) spake unto her to come & drinke w[i]th him but the s[ai]d Elizabeth refused soe to doe wishing him the s[ai]d hayter to use them well that he had there already having the s[ai]d yong wench¹³ twixt him & the s[ai]d Moggridge where & soe went away to the Buttery⁹ doore where upon the s[ai]d hayter fell out w[i]th the s[ai]d Elizabeth in & then & there in an angry manner called her the s[ai]d Elizabeth Blithman whore base whore durty whore & Rotten whore⁵ to the hurt & discredit of her the s[ai]d Eliz: & to the takeing away of her good name & fame being spoken soe as afores[ai]d in the pr[e]sence & heering of this depo[nen]t the s[ai]d W[illia]m Gilbert & his wief & dyv[er]s others, And this dep[onen]t further saieth that the s[ai]d Eliz: pr[e]sently spake to this dep[onen]t & her pr[e]contests²⁰ to beare witnes how the s[ai]d Hayter used her saying she would be revenged on him if there were any Lawe in England, And she saieth the s[ai]d Eliz is a yong woaman about xix yeers of age as she taketh it Et al[ite]r ni[si] p[re]dep[osi]t.

Ad 6 dicit eand de veru[m]

Ad ult dicit pr[e]depo[s]ita p[er] eu[m] de vera

Eadem sup[er] Interriis

Ad 1 r[esp]ondet that she doth know the p[ar]tyes Litigant vizt the pl[ain]t[iff] theis iii or iiij yeers ye def[endan]t about a xii monethes she favours them a like al[ite]r satisf[ac]tu[m] est sup[er]ius in tit[u]lo

Ad 2 neg[ative] r[esp]ondet./

Ad 3 valet &c para nihil but what her frends will bestow on her⁶

Ad 4 neg[ativ]e r[esp]ondet

Ad 5 credit rac[i]ones ut supra al[ite]r nescit

Ad 6 optat vict ins henti &c

Ad 7 satisf[ac]tu[m] est sup[er]ius ins in tit[u]lo.

Ad 8 venit citata et impensite p[ro]duc[iter]²⁴ al[ite]r neg[ative]

Ad 9 refert se ad pr[e]depo[s]ita p[er] eu[m] al[ite]r mag[is] pr[e]cise ni[si] p[ar]t
saveing she sayeth it was in ye evening & in the roome next against the Buttery⁹
doore in the booth³ afores[ai]d./

Ad 10 r[esp]ondet quod nescit p[ro] certe but he called her whore⁵ more then once
the tyme & place afores[ai]d

Ad 11 r[esp]ondet besides this R[esp]ondet & her pr[e]contests²⁰ there were
pr[e]sent Ellis Antram W[illia]m Cully & Thomas Wayte that were attenders in the
s[ai]d Booth³ the tyme aforesayd & she was close by the pl[ain]t[iff] when the words
were spoken sitting by her as she now remembreth al[ite]r nescit et ni[si] memorit./

Ad 12 r[esp]ondet temp[er]e interr the def[endan]t was sitting in a Roome opposite
the Buttery⁹ afores[ai]d & the pl[ain]t[iff] was sitting at the buttery⁹ doore al[ite]r
nescit

Ad 13 et 14 refert se ad pr[e]depo[s]ita p[er] eu[m] Et al[ite]r qua[m] ut pr[e]dep[osi]t
r[esp]ondere./

Ad 15 non concernit eu[m]

Ad 16 nescit p[ro] p[ar]te sua

Ad 17 he is now a very sencible man & she nev[er] knew him otherwise & he hath
kept a booth³ ii or iii tymes Et al[ite]r neg[ative] r[esp]ondet ut credit./

Ad 18 neg[ative] r[esp]ondet quoad se ip[s]am & she lodgeth at Milford, where she
lyveth, & the pl[aint]iffs sister is dwelling there & she is noe marryed woeman & had
a child not being marryed /

Ad 19 r[esp]ondet they were spoken in a Booth³ ut pr[e]dep[osi]t & there were 7 or
8 Roomes in the s[ai]d Booth³ p[ar]ted & wated ut interr & they are private saveing
there ar were noe doores in the passages out of one into th'other al[ite]r nescit

Ad 20 r[esp]ondet they were his s[ervan]ts & did attend ut interr & there were
two weomen kynd more vitz the Cooke woaman & one of goody Gilberts one
maydens Et al[ite]r qua[m] pr[e]dep[osi]t saveing she saieth it is true he disliked the
Reckoning¹⁷ saying they were over reckoned a pint of sacke¹⁴ but she doth not
remember his arme of beares or grizy ar'st beares./

Ad 21 r[esp]ondet she was not in the roome temp[er]e interr but was sitting at the buttery⁹ doore ut pr[e]dep[osi]t opposite the Roome where the s[ai]d hayter sate & it is true he did not call her by her name when as he called her whore⁵ ut pr[e]dep[osi]t but she knoweth he called her the s[ai]d Eliz whore⁵ ut pr[e]dep[osi]t because she was the woaman that only he spake unto & that spake to him againe, & Gilberts wief gave the Reckoning¹⁷ to th'interr Wayte & he gave it to the s[ai]d hayter & his company al[ite]r nescit

Ad 22 r[esp]ondet that she was at the Buttery⁹ doore ut pr[e]dep[osi]t where the s[ai]d Eliz. was temp[er]e & plac verboru[m] & this R[esp]ondent did see him when he spake the s[ai]d words al[ite]r nescit

Ad 23 nescit r[esp]ondere p[ro] p[ar]te sua.

Ad 24 r[esp]ondet the s[ai]d Will[ia]m Gilbert & there was (ut pr[e]dep[osi]t) in company w[i]th the s[ai]d hayter temp[er]e interr John Moggridge an old woaman & a yong wench¹³ whose names she knew not, & the wench¹³ sate betweene the s[ai]d hayter & Moggridg & the old woaman sate at the bord¹⁸ end as she now remembreth; & in all likelyhood they must heere the words spoken by the s[ai]d hayter aswell as this R[esp]ondet al[ite]r nescit

Ad 25 r[esp]ondet the s[ai]d Moggridge was w[i]th the def[endan]t temp[er]e interr and she knew it was the s[ai]d hayter that spoke the words before by her deposed because she saw him speake them & observed the passages that were betweene them the s[ai]d pl[ain]t[iff] & def[endan]t & at that tyme there was not any other or very little other company in the s[ai]d booth³ soe that there was noe noise at all but what they made al[ite]r nescit

Ad 26 r[esp]ondet she was nev[er] in the def[endan]ts company before but she knew him before & hath heard him talke before that tyme in his shop as she hath passed by al[ite]r neg[ative] r[esp]ondet /

Repetit cora[m] duo d[o]ctore Lyme conc[illiar]o 1639 iuxta &c./

^her mark¹⁵

Modernized Spelling Transcription

Repeated before Dr Nenckman etc. on 17 January 1639¹⁶ on the part of Blitham (alias Samwayes) and against Hayter²¹ upon the libel.

Deposition 1

Witness 1

William Gilbert of the city of Salisbury in the county of Wiltshire, tailor¹, where he has lived for 20 years. Born in [...]Chirton in the same county, age 47. The witness is admitted and deposes as follows:

To the first article he has nothing to depose and refers himself to the law.

To Article 2 of the above libel he says and deposes that at Michaelmas last past² and at Weyhill fair, ~~this dep~~ it chanced that the articulate Thomas Hayter cha coming into this deponent's booth³ there, where he kept entertainment for such as came, full where the producent²⁴, was Elizabeth Blitham, was helping this deponent's wife to attend their guests¹² and to do such other business as was then there to be done. He the said Thomas Hayter mistaking or disliking, as it seemed, some words that the said Elizabeth spoke, shortly fell out with her the said Elizabeth and in an angry manner called her the sayd Eliz Blitham whore⁵, and dirty whore.⁵ In the presence and hearing of this deponent, his wife and one Amy Due and to the hurt and discredit of her the said Elizabeth, as this deponent conceives. And otherwise he has nothing to depose.

To Article 3 he responds that the said Eliz is a young woman never married that ever this deponent heard of. And otherwise he has nothing to depose on his part other than referring to the article.

To Article 4 only what he has deposed.

To 5 he refers only to what he has already deposed.

To 6 he says it is true.

To the final he says that what he has deposed is true.

Interrogatories

To the first it is as stated and he knows the litigant parties and favours the parties alike and otherwise he has satisfied this claim.

To 2 he responds no.

To 3 he has paid his debts etc. and otherwise says no.⁶

To 4 he responds no.

To 5 he believes it for the reasons above.

To 6 he hopes that right will take place etc.

To 7 he has satisfied this in the deposition he has already given.

To 8 he comes as commanded and receives nothing etc.

To 9 he responds that as he now remembers it was in the evening of one of the fair days and the last as he takes it.⁷ And otherwise he knows nothing for his part.

Ad 10 he responds that at the time and place before by him deposed of the said Thomas Hayter called her the said Blitham whore⁵ two or three times.

To 11 he responds that he has already set down their names and they were all in one and the same booth³ attending and going up and down.

To 12 he responds that she was then folding up of linen⁸ with this respondent's wife and the defendant was sitting in the booth³ drinking opposite against her.

To 13 and 14 he refers himself to what he has already deposed and otherwise knows nothing.

15 does not concern him.

To 16 he responds that it is true this respondent was very unwilling of this suit. But being questioned by the articulated Cabble about the matter in question whether he heard his, the said Cabble's son-in-law (the defendant), call the said Elizabeth whore⁵, he told him he did and that they were all in the same booth³ together, and that his [...] wife was with the maid opposite against the place where he the said Hayter was. And otherwise know he knows only of the communication between him and the said Cabble.

To 17 he responds that it is true he thanks God for it heretofore he has been somewhat distracted²² but not these five or six years last past and he never kept the fair but this year and the last and never thinks to do it again and otherwise responds no to the question.

Ad 18 he responds that the plaintiff's sister lives with this respondent's wife and not a married woman and she had had a child being a single woman for ought he knows, but Amy Due is not his servant.

To 19 he refers himself to what he has already deposed and says the booth³ was known by the Sign of the Antelope¹⁹; and there were eight rooms in it (as is in the

interrogatory) with form but the doors were all open out of one room into another, and the room where the said Hayter was at the time was opposite to the buttery⁹ where the plaintiff was.

To 20 he responds they were servants for that time and there was but a woman more that was the cook and a maid of this respondent's that turned the spit.²³ And otherwise he knows no more than he has already deposed saving he says it is true the said Hayter did dislike the reckoning¹⁷ about a pint of wine and he did see the plaintiff for they used many words one to another and he called her whore⁵ as he has already deposed.

To 21 he responds that she was not in the same room but at the buttery⁹ door opposite against the room where the said Hayter sat where they might and did plainly see and hear one another and he says that the said Hayter did not say 'Eliz Blithem, thou art a whore'⁵ but speaking to and of her called her whore⁵ as he has already deposed and he knows that he meant her, the said Eliz, because they two only quarreled and passed words each to other, the first occasion as he now remembers being for that the said Eliz:, sitting folding up the linen⁸ in the taphouse, as he had already deposed, the said to this respondent's wife that when they had done they would have the music and be merry amongst themselves. Which the said Hayter sitting in the next room and hearing seemed to be angry at that they should have the music and replied some words unto her thereupon and Thomas Wayte was then attending as he takes it but this respondent's wife gave the reckoning.¹⁷ And otherwise he knows no more than he has already deposed.

To 22 he responds that he was going up and down between them to pacify the matter and this respondent did then see him.

To 23 he responds [...] and affirms the first part: but says no to the second part.

To 24 he refers himself to what he has already deposed and at the time there were then sitting with the said Hayter in the booth³ an old woman and her daughter whose names he knew not, and one Mr Moggridge as they called him and the said Hayter and Moggridge sat in the inside with the young wench¹³ between them and the old woman was on the outside staying for her daughter, sometimes sitting, sometimes standing. For their credits he knows not, they were all strangers to him and in all likelihood they must hear what the said Hayter then said.

To 25 he refers himself to what he has already deposed and further says that as he now remembers and believes there was no other company in the booth³ at that time but that company.

To 26 he responds that in the town he has been in the defendant's company before that time and he has heard him talk in Mr Turnlyes house in Salibury a three or four days before the fair aforesaid and asked him whither he should not see him at the fair ~~to which the said~~ and the said Hayter said it might be this respondent should see him there or some such like answer he gave, but yet never had any familiarity with him.

William Gilbert¹⁵

Deposition 2

2

Alice Gilbert, wife⁴ of the aforementioned William Gilbert of the city of Salisbury, tailor¹, where she has lived for 30 years. Born in Charlton Musgrove in the county of Somerset, about 50 years old. The witness is admitted and deposes as follows viz:

To Articles 1, 2, 3, 4 and 5 of the libel she says and deposes that at Weyhill fair last past and in this deponent's husband's booth³, there it chanced that the articulate Thomas Hayter, the party against whom she is produced in this cause came into the said booth³ with some other company to drink. And being there so doing, the said Thomas Hayter fell out with the producent²⁴ Eliz Blithman about some words that then and there passed between them and especially for that the said Eliz would not come and drink with him the said Hayter, as this deponent conceived. And thereupon then and there in an angry manner he, the said Thomas Hayter, called her the said Elizabeth Blithman whore, base whore and dirty whore⁵ to the hurt and discredit of her the said Elizabeth Blithman, who has ever been accounted an honest maiden and to her great grief and discomfort. Which words were so spoken in the presence and hearing of this deponent, her said husband William Gilbert, and Amy Due, whom the said Elizabeth prayed to bear witness thereof, saying presently being much moved thereat, that she would not put it up ~~near~~ if there were any law in England for him. And this deponent further says that the said Eliz is a young maiden, about eighteen years of age as she has been informed. And can depose and say nothing further.

To 6 says it is true.

To the final she says that what she has deposed is true.

Interrogatories

To the first it is as stated and she knows the litigant party but she has no acquaintance with Hayter and favours each party equally and otherwise has satisfied this claim.

To 2 she responds no.

To 3 she is⁶feme covert¹¹ and otherwise says no.

To 4 she responds no.

To 5 believes it as above and otherwise knows nothing.

To 6 she hopes that right may take place and so etc.

To 7 she has satisfied this claim.

To 8 she comes at the citation of the party producent²⁴ and otherwise says no.

To 9 al[ite]r & magis perite q[ua]m ut pr[e]dep[osi]t ni[si] p[ar]t r[esp]ondere and as she now remembers it was upon the next day after Michaelmas day² and it was in the evening about eight of the clock as she now also remembers and it was in a room next the entrance into the booth³ just before the buttery⁹ door.

To 10 she responds that he called her so more then once but it was only that time and place.

To 11 she responds that in company with the said Hayter were one John Moggridge, a tanner¹⁰ in Castle Street a maid and an old woman and there were also attending in the booth³ Ellis Antram William Cully and Thomas Wayte this deponents said husband's servants for that time and this deponent at the time was in the buttery⁹ dooerfolding up of linen⁸ with the said Eliz: and Amy Due and otherwise cannot respond.

To 12 she responds that the defendant was sitting at a board¹⁸ over right the buttery⁹ door and she was at in the buttery⁹ doore aforesaid.

To 13 she knows nothing more than she has already deposed for her part.

To 14 she refers herself to what she has already deposed and otherwise does not know.

To 15 she responds that it is true that at the time the said Hayter came to this respondents husband's house to speak with her said husband to know what he had said at Weyhill fair and to know whether this respondent and her husband w

could testify against him what he had said against the said Eliz: Blithman, but this respondent did not then tell him what he had spoken and it is true this respondent had forgotten him till (as is interrogated) a sister of the said Eliz: came for and asked whether [...] she knew the man that had abused her sister at Wayhill fair and thereupon as she now remembers she told him she must swear he called her the said Eliz: whore⁵ and she says that it is true she never had much acquaintance with him but at the speaking the words aforesaid every one said his name was Thomas Robert Hayter a shoemaker¹⁰ of Salisbury.

To 16 she knows.

To 17 she responds that she thanks God about eight or nine years since, he was somewhat distracted²² but ever since he has been well and otherwise he is no such man saving he has kept a booth³ at Weyhill these two years and last year at Burford that is all that ever he kept and otherwise she responds no.

To 18 she responds no to the first part and she lodges at Milford. And the plaintiff's sister is living with this respondent and is not a married woman and she has had a child being a single woman.

To 19 she responds that the words were spoken in this respondent's said husband's booth³ known by the Sign of the Antelope¹⁹. And there were seven or eight rooms in the booth³ and those rooms were wattled at the time with fern but no doors to any of them.

To 20 she responds they were their servants for that present occasion and did so help and attend at the time and there were two more women kind also but at that time one was abroad and the other sleeping. And it is true he unjustly disliked the reckon¹⁷ and swore them out of a pint of sack¹⁴, and the said Hayter did see the said Elizabeth when as he called her whore⁵ as aforesaid and otherwise she knows nothing more than she has already deposed.

To 21 she responds that she was sitting at the buttery⁹ door and he was sitting at the board¹⁸ in the next room and it is true he did not name her by her name but he called her whore⁵ and no body else for there passed no words between any one else but him the said Hayter and her the said Elizabeth, and because indeed he first fell out with her because she would not be entreated by him to keep her company. And this respondent gave the reckoning¹⁷ to the interrogated Thomas Wayte he gave who gave it to them the said Hayter and his company.

To 22 she responds that she was within the buttry⁹ door folding of linen⁸ as she has already deposed and this respondent saw him the said Hayter when he spoke the said words.

To 23 she responds that her husband told her he was with the defendant at the time and otherwise does not know for her part.

To 24 this respondent's husband aforesaid And otherwise she refers to what she had already deposed and farther says that as she now remembers the said Hayter the young wench¹³ and Moggridge sat on the bench, the young wench¹³ between them and they must hear the said words as she thinks.

To 25 she responds that the said Moggridge was there as she has already deposed but she saw and heard the said Hayter speak the words, and as she now remembers there was not any other company in the house at that tyme save only the said company, and there was no noise at all but what the said Hayter made.

To 26 responds that she knows him but she was never familiar with him, nor of his acquaintance that she knows of

^her mark^¹⁵

Deposition 3

Amy Due of Milford in the county of Wiltshire, spinster⁴, where she has lived for three months. And before in Laverstock in the same county since her birth and was there born age in Gomeldon in the same county, about 19 years old. The witness is admitted and deposes as follows viz:

To Articles 1, 2, 3, 4 and 5 of the libel she says and deposes that at Weyhill fair last past and upon the Monday night after Michaelmas day² last as she now remembers and in the booth³ of her precontest²⁰ William Gilbert, there where this deponent de then attended, it chanced that the articulate Thomas Hayter coming into the said booth³ to drink with some other company viz. a young wench¹³, an old woman and another man one John Moggridge, a tanner¹⁰ of Salisbury. And there being drinking of sack¹⁴ the said Hayter espying the producent²⁴ Eliz: Blithman (as they passed by him) spoke unto her to come and drink with him. But the said Elizabeth refused so to do, wishing him the said Hayter to use them well that he had there already, having the said young wench¹³ between him and the said Moggridge where. And so went away to the buttry⁹ doore whereupon the said Hayter fell out with the said Elizabeth in and then and there in an angry manner called her the said Elizabeth Blithman

whore, base whore, dirty whore and rotten whore⁵ to the hurt and discredit of her the said Eliz: and to the taking away of her good name and fame. Being spoken so as aforesaid in the presence and hearing of this deponent the said William Gilbert and his wife and diverse others. And this deponent further says that the said Eliz: presently spoke to this deponent and her precontests²⁰ to bear witness how the said Hayter used her, saying she would be revenged on him if there were any law in England. And she says the said Eliz is a young woman about nineteen years of age as she takes it. And otherwise she cannot depose.

To 6 she says it is true.

To the final she says that what she had deposed is true.

Interrogatories

To 1 she responds that she does know the parties litigant viz. the plaintiff these three or four years, the defendant about a twelve moneths, she favours them alike and otherwise has already responded.

To 2 she responds no.

To 3 she is worth nothing but what her friends will bestow on her.⁶

To 4 she responds no.

To 5 she believes it as above and otherwise cannot depose.

To 6 she hopes right may take place etc.

To 7 she has already satisfied this in her deposition.

To 8 she comes upon being cited and her charges paid by the producent²⁴ and otherwise says no.

To 9 she refers herself to what she has already deposed and otherwise cannot be more precise, saving she says it was in the evening and in the room next against the buttry⁹ door in the booth³ aforesaid.

To 10 she responds that she does not know for sure but he called her whore⁵ more than once, the time and place aforesaid.

To 11 she responds that besides this respondent and her precontests²⁰, there were present Ellis Antram, William Cully and Thomas Wayte that were attenders in the said booth³ the time aforesaid. And she was close by the plaintiff when the

words were spoken, sitting by her as she now remembers and otherwise knows and remembers nothing.

To 12 she reponds that at the time the defendant was sitting in a room opposite the buttery⁹ aforesaid and the plaintiff was sitting at the buttery⁹ door and otherwise she cannot depose.

To 13 and 14 she refers herself to what she has already deposed and otherwise cannot respond more.

15 does not concern her.

To 16 she does not know for her part.

To 17 he is now a very sensible man and she never knew him otherwise and he has kept a booth³ two or three times and otherwise responds no, as she believes.

To 18 she responds no, that she herself lodges at Milford, where she lives, and the plaintiffs sister is dwelling there and she is no married woman and had a child not being married.

To 19 she responds they were spoken in a booth³ as she has already deposed and there were seven or eight rooms in the said booth³ parted and wattled at the time and they are private saving there are were no doors in the passages out of one into the other.

To 20 she responds they were his servants and did attend at the time and there were two women kind more viz. the cook woman and one of Goody Gilbert's own maidens. And otherwise knows nothing more than she has already deposed saving she says it is true he disliked the reckoning¹⁷ saying they were over reckoned a pint of sack¹⁴ but she does not remember his arm of bears or grizy ar'st bears.

To 21 she responds she was not in the room at the time but was sitting at the buttery⁹ door as she has already deposed, opposite the room where the said Hayter sat. And it is true he did not call her by her name when as he called her whore⁵ as she has already deposed, but she knows he called her the said Eliz whore⁵ as she has already deposed because she was the woman that only he spoke unto and that spoke to him again. And Gilbert's wife gave the reckoning¹⁷ to the interrogated Wayte and he gave it to the said Hayter and his company.

To 22 she responds that she was at the buttry⁹ door as she has already deposed where the said Eliz. was at the time and place and this respondent did see him when he spoke the said words.

To 23 she does not know for her part.

To 24 she responds that the said William Gilbert and there was (as she has already deposed) in company with the said Hayter at the time John Moggridge, an old woman and a young wench¹³, whose names she knew not. And the wench¹³ sat between the said Hayter and Moggridge and the old woman sat at the board¹⁸ end as she now remembers. And in all likelihood they must hear the words spoken by the said Hayter as well as this respondent.

To 25 she responds that the said Moggridge was with the defendant at the time and she knew it was the said Hayter that spoke the words before by her deposed because she saw him speak them and observed the passages that were between them the said plainiff and defendant and at that time there was not any other or very little other company in the said booth³ so that there was no noise at all but what they made.

To 26 she responds that she was never in the defendant's company before, but she knew him before and has heard him talk before that time in his shop as she has passed by and otherwise responds no.

Repeated before Doctor Lyme, chancellor 1639 etc.

^her mark^¹⁵

Notes

¹ (technicalities of the court) 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.

² (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).

³ (interpretation) The booth was an alehouse, providing drinks and entertainment for guests at Weyhill fair.

⁴ (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.

⁵ (technicalities of the court) 'Whore' was an actionable word in the church courts.

⁶ (technicalities of the court) Statement of worth: in interrogatory questioning, witnesses were often asked to state how much they (or another witness) were worth (all debts paid). The question was designed to discredit witnesses based on their economic value. Reputation and credibility was linked to economic wealth; those of higher social status and wealth were presumed to be more trustworthy. Some described their worth as a cash value, some in terms of the goods they owned and others talked about their worth in much broader terms (e.g. 'not much worth').

⁷ (interpretation) For a defamation suit to be successful, it is important that witness give details of events happening at the same time and place and that their testimonies corroborate the same story.

⁸ (interpretation) Evidence of women's work: domestic chore but related to the running of the alehouse.

⁹ (gloss) A buttery was a small room used for the storage of victuals and cooking pots.

¹⁰ (technicalities of the court) Occupational or social status descriptors (e.g. baker, joiner, yeoman) were typically recorded for men.

¹¹ (gloss) 'Femme covert': this means that she is a woman under the laws of coverture. This was a common law convention that a man would assume ownership of the moveable estate a woman brought with her to a marriage and generated within the marriage.

¹² (interpretation) Evidence of women's work: retail.

¹³ (gloss) A wench is a young woman.

¹⁴ (gloss) Sack is a type of wine.

¹⁵ (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).

¹⁶ (technicalities of the court) Until the Gregorian Calendar was adopted in 1752, the English New Year began on 25th March. According to our modern dating system, these depositions were actually taken in 1640.

¹⁷ (gloss) A reckoning was an account of a transaction (like a bill).

¹⁸ (gloss) A board is a table.

¹⁹ (gloss) Alehouses, inns and taverns were known by the 'Sign of', referring to the signs that were hung outside.

²⁰ (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.

²¹ (technicalities of the court) This is a dispute between private parties, known in the church courts as an instance suit.

²² (gloss) The word 'distracted' is used here to indicate that the witness has been of poor mental health.

²³ (interpretation) Evidence of women's work: this servant is turning a spit alongside a female cook.

²⁴ (gloss) The 'producent' is the party in the case who has produced the witness.

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