Rumour and Reputation in the Early Modern English Family

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In his recent book on the pursuit of fulfilment through friendship, sociability, honour, and reputation, Keith Thomas has commented that in early-modern England 'harmony was prized, whereas lawsuits, which set neighbour against neighbour, were [...] widely deplored as un-Christian breaches of charity'.[1] Bernard Capp, Craig Muldrew and Steve Hindle have all arrived at the same conclusion.[2] Steve Hindle put it this way: 'the ethos of community was one of charity, neighbourliness and reciprocal obligation'.[3] However, there are hints that despite all prescription and rhetoric in early-modern society, harmony, while desired, was not always achieved.[4] This article explores the role of rumour – or the hearsay and gossip that circulated in a community – in eroding or maintaining reputations within and across families. To achieve this, it considers the nature of gossip, including the way it carried gender connotations, and the social dynamics involved in the passage of rumour from local community to the central law courts. Early-modern people regularly entered into bitter disputes over wills, money and inheritance, title to land, boundaries, animal thefts, and a

[1] Thomas, *The Ends of Life*, p. 189.

[2] See, Capp, *When Gossips Meet*; Muldrew, 'The Culture of Reconciliation'; Hindle, 'A Sense of Place?'

[3] Hindle, 'A Sense of Place?', p. 108.

[4] Capp, *When Gossips Meet*, p. 185.

myriad of other small annoyances of daily life. Rumour operated in the space between the social interaction of neighbourly exchange and the litigiousness which formulated and attempted to mediate – and mitigate – local gossip. The courts were widely expected to be peace-keepers, restoring social order by arriving at judgements about legal rights and fairness.[5] Deciding whether or not they deserve their contemporary reputation as peace-makers in rumour-ridden local communities is important. Did the courts really succeed as peace-keepers? Indeed, did the strategies of dispute resolution employed by the courts respond to collective cultural norms and local perceptions of equity and fairness in Chancery cases? These are some of the questions this article seeks to answer.

Gossip, rumour, talk, words, fame: what do these things mean for and in the early-modern family and community? Things seen, remembered, and then spoken about formed the prosaic gossip that arose during the multiple social transactions of daily life, though these speech acts could be (and were) transformed into more formal, performed and hierarchal acts of spoken and then transcribed recall when moved into the forum of a court. Through this process destructive gossip could be neutralised into what was perceived as justice as the law settled differences over land and bond, deed and matters of promises made verbally. Historians of medieval and early-modern Europe have become more interested recently in the operational tactics – as well as the spatial locations – of talk, and the link between this and

[5] Hindle, 'The Shaming of Margaret Knowsley', pp. 176-80 citing, for example, Rysman, 'How the "gossip" became a woman'; Schofield, 'Peasants and the Manor Court: Gossip and Litigation in a Suffolk Village at the Close of the Thirteenth Century', pp. 3-42 (especially pp. 6-9) citing Bonfield, 'The Nature of Customary Law in the Manor Courts of Medieval England' and Beckerman, 'Towards a Theory of Medieval Manorial Adjudication: the Nature of Communal Judgements in a System of Customary Law'.

the construction of the social identities of groups. That people gossiped and spread rumours is not under question here. In 1591 John Florio remarked that the question 'what news?' was the first asked by any Englishman.[6] Although Florio gendered this as a masculine trait, 'what news?' was exactly the question that Agnes Filer asked Edward Loxton when he walked into a tavern in 1539, only to be astonished when he replied that there might be war.[7] Gossip took place in the fields and woods, across hedges, by the hearth, in the streets and in front of church authorities. Indeed, it took place increasingly in newspapers and, from the 1690s, in the 'secret histories' that acted to circulate gossip in and around the royal court of the later Stuarts.[8] Tale-tellers and their listeners made a clear distinction between the potentially seditious news, like Loxton's, and the news that indicated trouble within families. Spreading rumours that the monarch was dead was dangerous and deeply shocking, but news that led to disorder in family life also was seen to threaten the stability of households and ultimately, therefore, the commonweal. 'Sins of the tongue' – or the 'boneless member' as the tongue was sometimes called – were committed by those troublesome people in society whose defamatory words against their neighbours gained criminal recognition in the civil and ecclesiastical courts in the same way as the utterance by individuals of seditious words amounted to criminal speech acts of treason.[9]

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[6] Fox, 'News and Popular Political Opinion', p. 601 quoting John Florio, *Florios second frutes* (1591), sig. A2.

[7] Shagan, 'Rumours and Popular Politics in the Reign of Henry VIII', p. 53 citing TNA, E36/120 f. 55^{r}.

[8] Parsons, *Reading Gossip in Early Eighteenth-Century England*, and review of this book by Rebecca Bullard: doi:10.1093/res/hgq034.

[9] Cressy, *Dangerous Talk*, especially chpts. 1-3.

Rumour should not be reified; it was not a *thing*, but rather a journey of oral communication which left in its wake a scatter-pattern of interpersonal transactions between people whose relative power as orator or listener depended on their companion and position or place in every exchange. Stories that transferred to a legal setting needed to be sufficiently damaging to another's reputation – while also being plausible – if a complainant or defendant hoped to succeed. Really damaging rumours tended to leave the ostensibly safe confines of families and local communities, migrating first to regional centres, like York, where they were transformed into the 'evidences' of witness statements which were repeated in neutral spaces. The depositions in the 1676 case brought by James Danby against Charles Laton over land in Foxton manor were taken in the house of Jane Flower in Northallerton, in North Yorkshire, before the complaint travelled to London.[10] Privacies overheard needed to be backed up by spatial descriptions that seemed likely. The internal space of a gallery was far too open for secrets, whereas gardens allowed sound to dissipate and in their 'spatial range [...] confidences could be exchanged exclusively, in motion, rather than captured in stasis'.[11] Sometimes the actual transfer from community to the law court of a relatively straightforward case generated rumours spontaneously. What Adam Fox has called the 'environment of chatter and rumour-mongering' linked kin networks with the wider world and could be entirely harmless or could become corrosive.[12] When Dorothy Mann brought her former ward, Helen Ripley, to Chancery (along with Helen's husband and several of her kin) to reclaim debts incurred in Helen's upkeep, the defendant chose that moment to record that as a child she had not been properly fed, clothed or educated. Dorothy Mann was a widow of good repute, so the rumour was at first deflected to the reputation of a co-conspirator – a

[10] TNA, C22/93/8, Danby v Laton, 14 July 1676.

[11] Cf. Cowen Orlin, *Locating Privacy in Tudor London*, pp. 231-33.

[12] Fox, 'Rumour, News and Popular Political Opinion', pp. 601-02.

second guardian called William Leathley. It was alleged that Leathley's son had been 'weak in estate' and that Helen had needed to escape because he 'could not maintain her'.[13] It still left the out-of-pocket Dorothy Mann exposed at home to accusations of neglecting a child in her care. What Tim Stretton has called the 'elusive commodity' that was 'truth' suffered a tactical rearrangement which left the community divided.[14]

It is possible to make a distinction between gossip – an informal exchange of news or hearsay between one person and a select audience – and the rumour that turns into scandal – or, when gossip about someone or a group of people and events has become ubiquitous and 'everyone knows that everyone knows'.[15] Merry Wiesner-Hanks has argued that one of the few channels of power open to women was 'the spreading of rumours', which raises questions about female agency in igniting vexatious gossip.[16] However, caution needs to be exercised when associating the power of rumour with one sex or the other. Steve Hindle has demonstrated through the case of Margaret Knowsley that, having told tales of sexual harassment privately to female friends and confidantes, Knowsley's 'conversations were only the stone thrown into the pool' before 'the ever-widening ripples' turned into street confrontations between neighbours and, ultimately, full-blown scandal which focused on

[13] TNA, C6/130/124, Mann v Ripley and others, *c*. 1652-5.

[14] Stretton, *Women Waging Law*, p. 14.

[15] Hindle, 'The Shaming of Margaret Knowsley', p. 392 citing the distinction made between gossip and scandal by Sally Engle Merry, 'Rethinking Gossip and Scandal', p. 275. Hindle suggests this is a crude taxonomy and points further to Spacks, *Gossip,* for discussions of the continua of meanings for gossip that might be best applied.

[16] Wiesner-Hanks, *Gender in History*, p. 138.

Knowsley herself.[17] The spreaders of rumours, thus, acquired their own reputations – which were often gender- and status-determined – as they and their words of gossip moved from place to place. Knowsley talked only from a position of 'dependency and subordination', bringing shame on herself and not the perpetrator.[18] Those who spread rumours might be 'leaving tales and newes' or they might be labelled as 'sowers of discord', gossiped about themselves, so that they, themselves, were embedded in the operation of rumour or became one strand of the end product in the act of telling.[19] Equally, the places where rumours either began or were fostered could lend more or less veracity to scandal as it emerged. When Mary Meggs was brought as a witness to a nuncupative will, the case was deeply undermined by rumours repeated in the Prerogative Court of Canterbury that she 'is a person of an infamous and base reputation [...] a very incontinent woman [...] of such imprudence that she danced naked before several lords or persons of quality'.[20]

Gossip is not negative *per se*. Chris Wickham and Phillipp Schofield, amongst others, have followed the lead of anthropologists in arguing that the sort of gossip that established *fama* (reputation) produced common versions of a past based upon the values and morality of a social (or talking) group.[21] Taking up Pierre Bourdieu's notion of *habitus*, Wickham, for

[17] Hindle, 'The Shaming of Margaret Knowsley', especially pp. 395-408, quoting p, 407.

[18] Hindle, 'The Shaming of Margaret Knowsley', p. 392.

[19] Fox, 'Rumour, News and Popular Political Opinion', pp. 601-02.

[20] Bonfield, 'Testamentary Causes', citing Prerogative Court of Canterbury, Probate 18/18/3 Hicks and Meggs v Singleton.

[21] See, Wickham, 'Gossip and Resistance among the Medieval Peasantry'; Schofield, 'Peasants and the Manor Court: Gossip and Litigation in a Suffolk Village at the Close of the Thirteenth Century'.

example, argues that gossip is critical to and for the formation of group identity, including expected gender behaviours from members of the group, because gossip 'articulates and bounds identity, group memory and legitimate group social practices'.[22] In the seemingly endless feud between Rowland Callow of Monmouthshire and Walter Heane of Gloucestershire, the two men always fought in front of several other members of the gentry who were later able to testify that Heane's sword had sliced off Callow's finger and Callow had bitten off some of Heane's ear. The behaviour of both men was anathema in the eyes of the witnesses and both were spoken of in withering terms.[23] Equally, when half a dozen women in the parish of Christ Church in London supported Elizabeth Brand and rounded on the single woman, Elizabeth Wyatt, for frequenting 'suspicious places' at 'unlawful hours', it was their unity of judgement that mattered.[24] So too did the spatial location of the rumoured story of illicit sex and Wyatt's alcohol consumption. Her honesty was diminished because witnesses observed her 'divers and sundry times [...] very much overcome with drink'.[25] The

[22] Wickham, 'Gossip and Resistance among the Medieval Peasantry', pp. 12, 23, quotation from p. 23 and see Pierre Bourdieu, *The Logic of Practice*.

[23] *Cases in the High Court of Chivalry 1634:1640* eds. Cust and Hopper, Callow v Heane, 1634-7, pp. 38-9.

[24] Cressy, 'Another Midwife's Tale: Alcohol, Patriarchy, and Childbirth in Early Modern London', p. 85.

[25] Cressy, 'Another Midwife's Tale: Alcohol, Patriarchy, and Childbirth in Early Modern London', p. 85.

social dynamic of rumour-mongering ensured that while Wyatt may have begun the social process as 'spinster', she came out of the church courts being called a 'whore'.[26]

Social conflict within communities could arise for many reasons – marital disharmony, domestic violence, drunkenness, sexual assault, theft, adultery, disagreements over children, and rivalries over wealth and assets. Conflict resolution was sought through arbitration by kin and friends, by the church, by guilds, and was, indeed, urged as a necessity by all members of the community including those whose relationship with others was horizontal, such as justices of the peace and clergymen. When disputes moved to the arena of the law court, both plaintiff and defendant knew the persuasive power of the reference to blood and kin. However, while the equity and civil courts usually found in favour of the plaintiff, statutory law was sluggish in responding to emotive calls to protect family lineage.[27] When cases came to parliament, they depended as heavily on the recycling of hearsay as any other inheritance suit. During James Percy's claim to the title of the Earl of Northumberland from 1671, Percy raised affidavits claiming not only 'ejectments for lands', but also 'scandalous words' spoken of him by Lady Elizabeth Percy and her friends.[28] When his case was thrown out in 1689 the House of Lords declared it 'groundless, false and scandalous',

[26] See, Gowing, *Domestic Dangers*, passim; Capp, *When Gossips Meet*. For the interaction between social labels – in this instance 'spinster' – and the behaviour of individuals in mutually-informing ways towards evolution of the language of social taxonomy, see Spicksley, 'A Dynamic Model of Social Relations'.

[27] Cf. Bonfield, 'Seeking Connections between Kinship and the Law', p. 77. One example was the slow change in the law in response to adultery cases to allow remarriage to protect the inheritance of legitimate heirs e.g. in the case of the Earl of Rutland from the 1670s.

[28] *The Case of James Percy* (1680), p. 2 and attached affidavits 18 January 1680.

even though he had proof of co-lateral descent down a male line.[29] Ultimately, the assaults upon Percy's character, and the multiple suits brought against him by the late earl's widow (on behalf of her daughter's inheritance), scuppered his chance of proving that he was 'the true and lawful Heir-male'.[30] Along the way, Percy blamed rumour-mongering combined with bribery by Lady Elizabeth; he was told that one lawyer he employed had been offered a hundred guineas to lose critical written evidence in the case, leaving him with only hearsay about his descent from the third son of the fifth earl.[31] So dependent was Percy on complex genealogical proofs that talk of him being a bastard and an imposter won the day for his enemies and he was left bemoaning the 'hard usage he hath found at Law'.[32]

Rumour, which followed from gossip in a cumulative process, defined social expectations, but could also destroy peaceful relations. The insights of cultural anthropologists such as Max Gluckman and Clifford Geertz, establish rumour as something fluid and transactional and lying on a sliding scale between the *privata fama* of the local gossip group (which may be feminised as women who were loquacious) and the *publica fama* of the law courts (which was often highly masculinised, could borrow institutional legitimacy and which could put more weight on the ear-witnessing of men than women). The gossip of a local community became at once accusatorial or defensive within a court setting; it was constructed anew and changed from hearsay to evidence or a basis for proving a case. The common knowledge that moved from community to court comprised narratives of events combined with the language of insult and/or praise, all of which was designed to establish

[29] *The Case of James Percy* (1680), p. 3 and attached affidavits 18 January 1680.

[30] *The Case of James Percy* (1680), p. 5 and attached affidavits 18 January 1680.

[31] See, Stater, 'Percy, James', doi:10.1093/ref:odnb/21947.

[32] *The Case of James Percy* (1680), p. 5 and attached affidavits 18 January 1680.

character and public reputation.[33] The social credit that came with a good reputation was so important that relatively humble people would go to court (expensively) to protect their good name. There was extensive popular knowledge of law, as reflected in the multiple reprints of Thomas Phayer's *Book of Presidents* (precedents) after its first appearance in 1543.[34] Young single women as well as men would sue not only over their good name, but over their economic rights and both sexes truly believed in the equitable correction that could result from a story of injustice being sent to Chancery.[35]

The ideal of equity, normative gender expectation, and the way in which rumour and gossip operated in the interstices between oral communication in the community and the spoken word as it was recorded for Chancery, can all be seen at work in the small village of Clapham in Yorkshire in the year 1638. Rumours began to circulate in that year about the terrible death of a yeoman farmer called Miles Proctor. Proctor had been 'troubled with the falling sickness' and collapsed into the kitchen hearth, suffering horrendous burns.[36] Gossip

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[33] See, Gluckman, 'Papers in Honor of Melville J. Herskovits: Gossip and Scandal', pp. 307-16; Geertz, 'Local Knowledge: Fact and Law in Comparative Perspective'; Fenster and Smail, *Fama: the Politics of Talk and Reputation in Medieval Europe;* Kuehn, '*Fama* as Legal Status in Renaissance Florence', p. 29. For the gender distinction drawn between women's gossip and men's 'ear-witnessing', see Botelho, *Renaissance Earwitnesses: Rumor and Early Modern Masculinity* and review by Jennifer C. Vaught, doi:10.1253/cdr.2010.0004.

[34] Thomas Phayer's *Newe Boke of Presidents* (1543) went through multiple editions and was the standard legal handbook for all transactions over land and financial settlement.

[35] Fortier, *The Culture of Equity*, pp. 59, 142.

[36] TNA, C6/107/110, Proctor v Twistleton, Spalton, Nailer, Dickenson and Howson, 1641.

about Miles Proctor's death and subsequent events moved from Clapham to Chancery in a complaint lodged by his niece, Katherine Proctor, who reported that 'by practice and combinacion [sic] among them', Robert Twistleton, a group of his named 'conspirators', and others whose names she was 'trying to discover' had fraudulently taken possession of her uncle's land when she was 'the right heir and next of blood'.[37] Twistleton claimed that the dying Proctor had referred to him as 'my brother' in a nuncupative will from which he was to benefit, even though he was not blood-related.[38] The village of Clapham lies in the western foothills of the Yorkshire Dales, and the rich meadows and pastures on which Miles Proctor grazed his sheep in the winter were fed by the stream that ran down from Clapham Beck. As the men who seized the Proctor lands lived in villages nestled high in the fells, they had much to gain from seizing the lower-lying properties. However, locally Twistleton's story was not believed because he would never have been alone to hear the will from the dying man. Indeed, Miles Proctor would have been surrounded by family and friends, helping him to a good passing and witnessing any last wishes at law.[39] In the village it was widely rumoured that Miles Proctor had been *in extremis* after the fall, unable 'to give directions' because he had no 'disposing memory for the making of the supposed will'.[40] Neighbours also knew that his wife had tied his sagging jaw with a bandage and secured his tongue, effectively gagging him, so that she could feed him. The local gossip about how her uncle was both insensible and inaudible provided Katherine Proctor with the basis of proof she needed to defeat the

[37] TNA, C6/107/110, Proctor v Twistleton, Spalton, Nailer, Dickenson and Howson, 1641.

[38] TNA, C6/107/110, Proctor v Twistleton, Spalton, Nailer, Dickenson and Howson, 1641.

[39] Houlbrooke, *Death, Religion and the Family*, pp. 90-91; Cressy, *Birth, Marriage and Death*, pp. 329, 390-91.

[40] TNA, C6/107/110, Proctor v Twistleton, Spalton, Nailer, Dickenson and Howson, 1641.

disinheritance brought about by a group of men who were counting on possession proving nine-tenths of the law.

All group identities and divisions in communities were defined and mediated by moral languages that were used to make social judgements. A person's good name was most commonly slandered using gender imputation, though in the moral economy of trust, religion was a powerful signifier too.[41] Work on slander has shown that gender was inflected in the language of conflict and insult and it is defamation cases that have provided the richest evidence of the favoured gender-specific terms of abuse that peppered all gossip.[42] 'Goodwife' and 'gentleman' had their respective inverse terms in 'whore' and 'knave'. Words such as 'whore', 'jade', 'trull', 'baggage', 'quean', and 'bawd' were all designed to reveal sexual misdemeanour, lying, drunkenness, and husband-theft in women. Embellishments such as 'pockey lousey hedge whore' hinted not only at the extent of a sexual crime but also its potential locations.[43] For men it was 'knave', 'rogue' and 'rascal' that featured in the court evidence of defamation of character, though Laura Gowing points out that men's cuckoldry and dishonesty 'seems to lack the potential of competition that is so

[41] Cf. Shepard, 'Honesty, Worth and Gender in Early Modern England, 1560-1640', p. 88. For religion, see Cogan, 'Reputation, Credit and Patronage: Throckmorton Men and Women, *c*. 1560-1620'.

[42] Cf. Muldrew, 'Class and Credit: Social Identity, Wealth and the Life Course in Early Modern England', pp. 148-49. For the awful inescapability of women's social reputation and fate in life being tied up with what happened to them sexually, see Richardson, '"Who shall Restore my Lost Credit?": Rape, Reputation and the Marriage Market'.

[43] Gowing, *Domestic Dangers,* chpt. 3, quotation from p. 66.

fruitful for women's insults'.[44] Men were particularly prone to accusing one another of lying or being ill-bred or lowly-born. Compilations of words contained within them a package of meanings: 'thou liest like a knave', Francis Buller said of William Arundell, in front of witnesses.[45] The narrative at the centre of gossip defined not only the key language tropes involved but also the fluctuating gender composition of gossip groups.[46] Accusations of cowardice about men were a call to arms, as was the accusation that a man was of lesser status than his accuser. When John Woodman called Thomas Brome a liar over a debt, he embellished the accusation with 'thou art not a gentleman, thou art a dungehill [...] thou art a hogtrough and a base rascally fellow, and I am a better man then [sic] thou'.[47] Thus, rumour was not just about stories circulating in a community; it also had a typology of contempt and depended upon audience and gender for its impact. It also, as David Cressy has pointed out, sometimes moved seamlessly from being seen as the swearing, lying, scolding and berating of the 'constant jangler and wrangler' in a community to being understood as disturbance of 'the king's peace'.[48] Equally, the '[g]endered defamatory language fell as commonly from

[44] Gowing, *Domestic Dangers*, p. 77.

[45] *Cases in the High Court of Chivalry*, eds. Cust and Hopper, Arundell v Buller, May-December 1640, p. 4.

[46] See, Capp, *When Gossips Meet*, chpt. 5.

[47] *Cases in the High Court of Chivalry*, eds. Cust and Hopper, Brome v Woodman, February 1639/40-December 1640, p. 29.

[48] Cressy, *Dangerous Talk*, p. 20 citing Herefordshire RO, BG 11/5/35 Case of John Holt, 1641.

women's tongues and men's', though how, where and why it fell (and to which court audience) is crucial to understanding the context which generated the insults and the gossip.[49]

The broader conversational tropes that established friendship and enmity overlapped with the relationships that were established by public office. The person who was one's friend could be someone to whom one was tied by real affection, someone who was on-side (as opposed to being an enemy) or someone whose friendship was simply instrumental, supplying patronage, loans and business in exchange for service. John Houghton, the publisher of multiple volumes of *Collections for Improvement of Husbandry and Trade* from 1691, dispensed advice to those who worked the land on how to build trust, particularly between landlords and tenants; he represented himself as 'a broker of jobs, advowsons, property and investments'.[50] Rumours about who could (or could not) be trusted not only helped communities to function as social units, they were embedded in or part of a social process. Gossip about friend/enemy was, then, integrally tied to cultural stereotyping and linked inexorably to a gender dynamic within a gossip group. 'Thou art a jack' and a 'stinkeinge beggarly base knave', said John Oakes to John Aston in November 1637, adding that 'before he had done with him he would make him knowne to be soe to all his neighbours'.[51] Hugh Prust, a Devon attorney, threatened John Pincombe, a barrister, by

[49] Cressy, *Dangerous Talk*, p. 24.

[50] Glaisyer, 'Readers, Correspondents and Communities: John Houghton's *A Collection for Improvement of Husbandry and Trade* (1692-1703)', p. 246. Glaisyer adapts her three categories of friend from Tadmor, '"Friend" and "Family" in *Pamela*: a Case Study in the History of the Family in Eighteenth-Century England', pp. 298-99.

[51] *Cases in the High Court of Chivalry 1634-1640*, eds. Cust and Hopper, Aston v Oakes, January-February 1637/8, p. 6.

saying ‘he would imblason my name to my shame and sound a trumpet of my discredit’, some of which he then blasted out at the dinner parties of other men to attack his opponent’s social status.[52] Slanderers made their own gossip. According to Richard Cust and Andrew Hopper, once the Court of Chivalry became focused, from 1634, on cases of ‘scandalous words likely to provoke a duel’, its pleadings and witness statements were filled with the rumours spread by men.[53] This male arena of public gossip was taken so seriously that in almost three-quarters of the cases the plaintiff was successful. Thus, gossip – about both enemies and friends – provided communities at once with the ingredients for social cohesion or the scandal that resulted in community disintegration. The reputations women and men sought to uphold may have been different at times, but both sexes were embroiled in a social dynamic which placed friend and enemy simply on opposite sides of the same coin.

Importantly, however, most cases that came to court were not defamation cases; instead, the vast majority of cases involved squabbles over money, inheritance and failures of loan repayment. Several Westminster courts exercised civil law jurisdiction in economic disputes and it was not unusual for wealthier members of society to invoke the jurisdiction of multiple courts. Over 80 percent of the business in the Court of King’s Bench and no less than 88 percent of the suits in the Court of Common Pleas by 1640 concerned financial affairs.[54] In a society that was dependent on the spoken word in personalized financial transactions over land usage and/or transfer, what might be termed one person’s unsubstantiated rumour about a past transaction was another person’s evidence of something

[52] *Cases in the High Court of Chivalry 1634-1640*, eds. Cust and Hopper, Pincombe v Prust, May 1639-July 1640, p. 220.

[53] *Cases in the High Court of Chivalry 1634-1640*, eds. Cust and Hopper, pp. xxvi-xxvii.

[54] Muldrew, ‘Credit and the Courts’, pp. 24, 36.

long-thought to be legal and binding. Nicola Whyte has demonstrated how important women's memories of the 'geography of tenure and custom' were in regulating the land economy, largely because of the tactile and mobile nature of so much of their work as they gleaned, carted cheese and moved animals around, tying corn for great tithes and walking between mill and dairy, woods and meadow.[55] Their experience of the landscapes of economic usage established for them a language of authority when memory was needed to settle a matter.[56] This was the case when some of Mary Raw's neighbours in the tiny Yorkshire hamlet of Fryup called upon her to establish their rights in a strict settlement case involving division of land between several family members. After an 'ill-designed person' destroyed several indentures and then spread rumours about how other family members were keeping him from his right inheritance, Mary was able to counteract the loss of social credit by pointing out where hedges and walls needed to be erected.[57] Her memory circumvented any future trouble and the conflict remained confined to the village. The memories of the elderly were relied upon to establish histories of title and descent, but also to recall reputations for honesty amongst neighbours. For example, John Smith, who was sixty-six, was able to depose that Batts close had always, in his memory, been in Foxton manor and he was able to give evidence of Vincent Parkin and his two sons farming the land under copyhold of the manor for twenty-two years. Thomas Hudson, who was even older at seventy-eight, bore witness that while much of the land belonged in Foxton manor, he remembered his father actually gifting some of the grounds in the disputed woodland to the manor of Wynton where it had been transformed into parkland for game. The authority of his

[55] Whyte, 'Custodians of Memory', pp. 153, 155-56, 160-62.

[56] See, Flather, *Gender and Space in Early Modern England*, passim.

[57] NYRO, ZDS/I/1/38/12-17, 20, 27, Mortgages and Family Settlement Papers, Raw-Peirson, 17 October 1775.

testimony was recorded with the words 'all the time of his remembrance'.[58] While it was the length of the remembrance that gave weight to the evidence, it was also the case that attribution of levels of honesty in witness statements was closely related to the age of the deponent.[59]

When a suit was brought to Chancery it was with good reason that exhibits proving the existence of covenants, descent of title, loans or mortgages were gathered alongside the pleadings and depositions. Memory and the surviving concrete evidence together established a case. Shutting down the rumours of wrong-doing became vital to those involved in disputes, not least because 'local networks were fluid and overlapping, and a neighbour might well be on friendly terms with both parties'.[60] Craig Muldrew has suggested that so powerful was this paradigm of proof that the concept of trust itself 'was equated with justice'.[61] People exhibited a touching faith in the power of legal documents to settle their differences and bring them justice. They pulled 'writings' out of wooden trunks, chests, cupboards, and tin boxes to show to bailiffs and officers of the law courts. Often locked, these private hiding places were used to prevent theft, but also to ensure that a family member or friend who was not trusted did not gain access to knowledge that they could use to ill purpose.[62] When Mary Tunstall, from Scar Gill House in the Yorkshire Dales, drew up her will she placed it together with 1000 marks for her daughter's portion in a wooden chest which had two locks. She divided the keys between her unmarried daughter and her son-in-law (whom she appointed executor),

[58] TNA, C22/93/8, Danby v Laton, 14 July 1676.

[59] Shepard, 'Honesty, Worth and Gender in Early Modern England, 1560-1640', p. 92.

[60] Capp, *When Gossips Meet*, p. 185.

[61] Muldrew, 'The Culture of Reconciliation', p. 928.

[62] Cowen Orlin, *Locating Privacy in Tudor London*, pp. 300-01.

so that neither of them could open the chest without the other being present. However, the person she did not trust was her eldest son and because she was determined to close down any potential strife during her lifetime she disclosed to him nothing at all.[63] Thus, secrecy often surrounded the evidences of a person's life and possessions in order to preserve peace. However, the increased use of wills, and, indeed, *inter vivos* transfers of real and personal estate, led to a measure of individualized patterns of family inheritance which increased the potential for family conflict, even though most people used their wills to opt for common law inheritance practice.[64] Indeed, Mary Tunstall retained her son as her heir, but to prevent ruin of her estates she left instructions that her son was to obey the management decisions of his brother-in-law.

Remembrances of boundary lines and promissory bonds became legal proof once embedded in a law suit. In rural areas, 'riding the boundary' visibly and physically provided evidence from what people said and saw about who owned what land. In 1676 the Marchioness of Winchester wrote to the steward of the Wharton family (who were the occupying tenants of her land in Swaledale) asking him to question all of their tenants in an effort to quash a rival claim to the land. What she desired in oral testimony was their memories of 'my father riding that very boundary'.[65] In a sense, she turned rumour into law. Customary rights – which mostly related to common land – were highly exclusive and tightly

[63] NYRO, ZDS/II/1/3/6, Will of Mary Tunstall, n.d.

[64] Bonfield, 'Seeking Connections between Kinship and the Law', pp. 52-53, 66.

[65] NYRO, R/Q/R9/118, Rental of the Wharton estates in Swaledale, 1676; NYRO, ZQH/7/1/17 Letters from the Marquess and Marchioness of Winchester to Thomas Wharton, 28-29 September 1676 reprinted in *Documents Relating to the Swaledale Estates of Lord Wharton in the Sixteenth and Seventeenth Centuries*, pp. 133-42.

controlled by local communities who depended upon collective memory and Rogationtide ridings to keep out some people while establishing their own (inclusive) rights to be fishing in ponds, grazing sheep, running gaggles of geese and so on.[66] Different groups had agency in deciding who had customary rights within certain boundaries. Male oligarchies of parishes had the decision-making power to decide who belonged within the parish boundaries, and manorial boundaries were used to exclude people.[67] Tenants in the manor of Snape and Well were angry when Mary Milbank encouraged her tenants to graze sheep on Causwick common and dig stone out of the marl pits on Watlass moor to cure for lime. She claimed the manorial rights of Watlass and they countered by saying she operated outside the boundary of Snape and Well where the marl pits lay.[68] The boundaries really mattered. Lying one side of a boundary or another could make the difference between being able to hunt deer (or not), cut wood (or not), dig for minerals (or not) and the rumour of a pending boundary dispute instantly caused disruption and division within a community. Rumours from the past could also leak into present disputes and the consequences of earlier legal cases could have an impact on a person's reputation for honesty, almost by cross-generational infection. Mary Milbank's reputation was threatened for several years because, although she claimed she was doing no more than defending a boundary her father had established long beforehand, her story could not be corroborated by boundary ridings because a woman called Margaret Danby (who we shall meet in a moment) had been so furious when she lost a Chancery case four decades earlier that she had destroyed the court rolls containing the copyhold record. Mary Milbank appealed to community memory of her father's tenants digging for stone 'by

[66] Clark and Clark, 'Common Rights to Land', pp. 1009-36.

[67] Hindle, 'A Sense of Place?', pp. 102, 104, 108.

[68] NYRO, ZAL/6/6 [MIC/1360], Cecil v Milbank, Pleading in Chancery, 18 November 1718 and Answer of the Defendant, 5 December 1719.

the side of the high road that leads to Watlass from the said moor [...] where everyone that passeth by might very easily see them digging'.[69] However, the bitterness of her neighbours still lingered as a consequence of the earlier dispute.

The work that has been done on kin networks has revealed the intrinsic vitality of words in binding together families and communities in webs of mutual trust that could quickly break down once personal recall was transposed to the space of the law court. The gendered words of insult that turned rumour into scandal in society often just gave flavour to the stories that circulated about financial wrongdoing. A household's collective credit was hugely important and individual reputations counted within the household collective.[70] Honour and trust could be lost by a family or kin network through the destroyed reputation of just one person. Men's economic assessment of other men led quickly to rumoured downfall and defensive litigation.[71] By the 1630s Hester Temple of Stowe was acutely aware of what she called the 'despret debts' of her extended family and had calculated her husband's debts alone at £6450, 80 percent of which were owed in a tangled mesh of family bonds.[72] She personally arranged a private loan of £1000 through a London agent and her own debts were considerable. However, it was her sons and sons-in-law who wrote to her, fretting about how they might suffer 'ruin' or be 'undone' in the process by which the homo-sociality of the

[69] NYRO, ZAL/6/6 [MIC/1360], Cecil v Milbank, Answer of the Defendant, 5 December 1719.

[70] Shepard, 'Manhood, Credit and Patriarchy', p. 83.

[71] See, Foyster, *Manhood in Early Modern England*, pp. 34-35 and Fletcher, *Gender, Sex and Subordination*, p. 127.

[72] Capern, 'Gender, Debt and Family Transaction', citing British Library, Temple Papers, Add. MS 52,475A.

network of men (including their male servants) collapsed into disputes which involved physical violence over honour.[73] Women might be perceived as counteracting the problem and restoring male reputations.[74] Indeed, the concept of the goodwife (*álà* Thomas Tusser) had considerable cultural purchase at all levels of society. When William Stout's brother was rumoured to be 'somewhat outward', his brother intervened by trying to find him a good wife.[75] Equally, when rumours reached the ears of Ann Ogle in 1721 (via some gossipy tenants and an estate steward) that her nephew and heir might be mismanaging her estates, she wrote telling him that 'I should be more satisfied to have a line or two from yourself to let me know that you were about gittinge a good wife'.[76] However, it was not men alone whose reputations could be destroyed by rumours of mismanaged estates and finances, as will be seen.

An increased use of wills and strict settlements resulted in a staggering climb in the number of suits from the late sixteenth century onwards, as Craig Muldrew has pointed out: 'about 60,000 suits being initiated yearly before the central courts [...] 400,000 suits being initiated in urban courts [...] 500,000 private suits [...] in the thousands of small rural courts'.[77] This huge burden of litigation was evidence not only of conflict, but also of the role

[73] Capern, 'Gender, Debt and Family Transaction', citing Huntington Library, Temple Papers, STT 1276, John Lenthall to Hester Temple, 22 November 1629. See also, Beaver, 'Honor, Property, and the Symbolism of the Hunt in Stowe, 1590-1642'.

[74] See also, Muldrew, '"A Mutual Assent of her Mind"?'

[75] *The Autobiography of William Stout* ed. Marshall, p. 116.

[76] NYRO, ZQM/10/12 [MIC 2046/211], Ann Ogle to Henry Chaytor, 24 August 1721.

[77] Muldrew, 'The Culture of Reconciliation', p. 918 incorporating his statistical estimations from Brooks, *Pettyfoggers,* pp. 49-51; 56-57; 305 n. 21.

of the courts in mediation and reconciliation on behalf of communities that were regularly torn apart by economic strife. Courts were accessible conduits for hearsay and gossip, which drifted from local community to different court settings.[78] Lloyd Bonfield has spoken of law in 'multiple and overlapping layers', its multiple jurisdictions, judgements and precedents mediating relations between kin.[79] Anne Richmond of Lancashire complained about (and utilized) this very thing in 1649. She defended herself in a suit brought in Chancery against her by Clement Toulson by saying that he had an identical suit out against her in one of the other central courts and that she should not be 'questioned, sued or molested att one and the same tyme for one and the same thing'.[80] It was a tactic only (it worked in her case), but it is important for demonstrating people's perceptions of the damage that could be done to their reputations if local rumour about them translated into evidential talk scattered through several legal spatial locations.

The huge increase in litigation from the late sixteenth century is explicable in terms of rapid economic growth and 'the sheer complexity of innumerable reciprocal obligations' of a personal nature that resulted.[81] The systems that governed domestic and local economies could lead quickly and easily to collapses in trust between individuals. In the absence of banks, money changed hands privately, either with verbal assurances of its future repayment or on a promissory note or bond. With verbal agreements about money and land transfer often being ratified simply by pulling in neighbours as witnesses (and vital security for debts

[78] Muldrew, 'The Culture of Reconciliation', pp. 915-18.

[79] Bonfield, 'Seeking Connections between Kinship and the Law', pp. 49-51, quotation from p. 50.

[80] TNA, C6/103/134, Toulson v Richmond, 1649.

[81] Muldrew, 'The Culture of Reconciliation', p. 925.

incurred), there was heavy reliance on that most imprecise form of human recall – memory. Hearsay meant more than gossip in early-modern society, because it also meant that people had heard it said that agreements had been struck. Opportunities for misremembering and disagreeing over financial arrangements grew to staggering proportions because of the dozens of transactions, small and large, that multiplied in any one year in a community. Craig Muldrew has observed that 'the memory of transactions' became part of 'the fabric of the community'.[82] It was this collective memory that the people appointed by the six clerks of Chancery hoped that they could capture to settle a case. Kin networks were not just bound by affective ties and sociability; they formed also complex webs of debt and obligation that could lead to intense and entrenched dislikes forming between people whose lives were deeply (and often legally) interconnected.

Although much work has been done on the language of insult in early-modern England, further work still needs to be done to reveal the patterns of linguistic change when community gossip was generated by rumours and tension within families and between kin before it shifted to the law courts. The provocative keywords that acted as catalysts in turning rumour into serious social conflict and physical violence may not have operated in the same way in the court setting and, indeed, may have been defused by their transportation from the spaces of village gossip to the written pleadings and depositions. Early-modern people trod a fine line when they combined a deep faith in the justice of the law with an intense desire to win their legal cases because channelling vicious rumours into the courts could come at a price. Suits in Chancery were usually finalized within two years, unless they involved a seriously entangled set of estate debts, and the emphasis was on quick settlement to calm

[82] Muldrew, 'The Culture of Reconciliation', pp. 921-29, quotation from pp. 927.

tensions at home.[83] The interrogatories set by the plaintiff for the defendant/s and vice versa set the narrative and the process, but the local gossip can often most clearly be seen in the depositions of the witnesses called for each side. Some people were more susceptible to vented spite during witnessing procedures. Those in the roles of sheriff, bailiff and justice of the peace not infrequently found themselves subject to rumours of misdoings and misrepresentation. In 1609 John Kyrle, serving as sheriff of Herefordshire, had to deny information which had been sent to the Earl of Shrewsbury during a court case 'by an unknown person [...] expressly to afflict me'.[84] Accusations about being the cause of friction which travelled beyond the locale could later return, exposing the accused to rumours of treachery. When Sarah Wilkinson found herself at odds with the paternal family of her dead daughter's child in 1649 over her seizure of copyhold lands belonging to her granddaughter, she pointed out that she only took what 'shee hopeth she lawfully may' because of a wardship.[85] However, witness statements transformed this into avariciousness and 'sinister design'.[86] In York on 8 April 1650 she was, therefore, asked to defend herself against accusations of 'causeless malice'; indeed, the deposition evidence about her 'covetous disposition' suggests that, as an elderly, independent and wealthy widow, she was resented by the kin network.[87]

[83] Horwitz and Polden, 'Continuity or Change in the Court of Chancery?' pp. 24, 53.

[84] TNA, C115/85/13, Master Harvey's Exhibits, John Kyrle to Gilbert Talbot, Earl of Shrewsbury, 1609.

[85] TNA, C6/106/115, Oldfield v Wilkinson, 1649.

[86] TNA, C6/106/115, Oldfield v Wilkinson, 1649.

[87] TNA, C6/106/115, Oldfield v Wilkinson, 1649.

The feminization of covetousness reveals a gendered perception of what constituted honest financial dealings. Sarah Wilkinson was not only the defendant in a Chancery suit, she was also the plaintiff in a suit in the manor court of Wakefield over her dower lands, prompting her relatives to complain of an 'extremity of demand', as if, no matter what the legalities, women ought to refrain from ostentatious shows of ownership.[88] In 1619 the husband and wife partnership of Edward and Susan Alston accused Elizabeth Elsam of behaving 'contrary to all right equity' because she and her father were fraudulently plotting to keep all of her late husband's estate 'the benefitt thereof to themselves'.[89] She was accused of being deceitful and dishonourable 'to defeate and defraude the orators' when 'rumour had it Elizabeth had money with her father and others for her use liable and sufficient to satisfie and pay ye said Orators their severall debts, costs and damages'.[90] They said she 'sett on foote some fraudulent [...] deeds or gifts or conveyances pretended to have been made' by her husband and that she had hidden the probate inventory of his goods so that they could not reckon his true wealth.[91] What they called her 'absolute refusal' to reveal her true wealth, became the proof of her greed, made the worse because Susan Alston had obtained an order in the court of Common Pleas in 1606 for repayment of around £25 of debt owed by Elizabeth's late husband, Thomas, for three loans Susan had granted him when she had been, herself, a widow.[92]

[88] TNA, C6/106/115, Oldfield v Wilkinson, 1649.

[89] TNA, C6/106/115, Oldfield v Wilkinson, 1649.

[90] TNA, C6/106/115, Oldfield v Wilkinson, 1649.

[91] TNA, C6/106/115, Oldfield v Wilkinson, 1649.

[92] TNA, C6/1/9, Alston and Alston v Elsam, 1619.

Recent work on kinship reveals the importance of the social interconnectedness of communities. Family units were bound by economic reciprocities, but this was not separable from the wider functions of kin support that accompanied unwritten rules of family honour and sociability. The extraordinary enmeshing of kin in a complex web of lending, debt, and obligation (linking both town and country) in economic interdependence does support the idea that, at least in terms of diffused social support, kinship really mattered.[93] Craig Muldrew has been most responsible for bringing analyses of economic drivers and social structure closer together. Muldrew argues that early-modern markets were not driven by the individualism envisaged by Marxist historians or the liberal paradigm of self-interest that follows Adam Smith, but rather a 'network of credit that was so extensive and intertwined' and based on long-term private transactions that the accumulation of reciprocal debts, while straining local economies of trust, also encouraged maintenance of trust and local loyalties.[94] In an age before banks, it is hardly surprising that the economy, thus arranged, was dependent on kin connections and family trust that turned into contractual bonds. Of course, the other side of the equation was that families could also be driven into conflict by debt in ways that deeply disrupted wider community cohesion.

The social cohesion that depended heavily on economic trust in families was arguably most keenly experienced in remote farming communities. The Danby family of North Yorkshire offers a window into the process of rumour escalation, and family disintegration involving the law courts, that could result from any breakdown of familial credit-debt

[93] See, Wall, 'Economic Collaboration of Family Members'; Cressy, 'Kinship and Kin Interaction'; Muldrew, 'Rural Credit, Market Areas and Legal Institutions'; Tadmor, 'Early Modern English Kinship'.

[94] Muldrew, 'Interpreting the Market', p. 169.

systems.[95] Surviving Chancery records and private family papers allow the trail of vicious stories to be followed from the Danby family to neighbours, to court and back again. *Fama*-in-transit reveals the degree to which the law was 'processual', or responding to the concerns of the everyday in the lives of those involved.[96] In common with so many other kin networks, disintegration in relationships in the Danby family began with a large network of debts. The process began when Thomas Danby met with a premature death in August 1667. He was the head of a family estate centred on Thorp Perrow and Masham near Bedale. When he died the estate was encumbered with £15,910 of debt (an eye-watering £1.3 million in today's currency).[97] Like so many men of the landed gentry in the late seventeenth century, Thomas Danby had struggled for years after his father bequeathed such large portions to his three brothers (John, Francis and Christopher) and two sisters (Katherine, who was married to Henry Best, and Alice, who was married to John Read) that there was too much of a gap between what he owed and his rental income for him comfortably to survive. Despite a marriage that had brought a £2000 dowry and an interest in two coal mines, Thomas Danby was unable to pay off his siblings and was, instead, at the time of his demise, suing his wife's sister and brother-in-law for the right to receive the rent charge on a coal mine at Evenwood. Gossip in the town of Malton, where his brother-in-law was Member of Parliament, was that

[95] The summary of the Danby family case here selects some of the research findings of an article in preparation: Capern, 'Femininity and Honour in the Early Modern English Court of Chancery'.

[96] Schofield, 'Peasants and the Manor Court', p. 6 citing Bossy, *Disputes and Settlements*; Comaroff and Roberts, *Rules and Processes*, and Geertz, *Local Knowledge*.

[97] The debt calculations can be found in Chancery papers such as TNA, C22/780/8, Danby and Danby v Danby, 1676 and family papers such as NYRO, ZS* Box, Danby v Danby, 1680. Figure calculated using TNA Currency Converter.

the two men hated each other and that Thomas Danby's wife, Margaret, encouraged him to deny agreements made at the time of her sister's marriage.[98]

Thomas Danby died in unpleasant circumstances. While on a trip to London with his wife and two infant sons, he got into a brawl with three strangers in a tavern and one of them drew a sword and thrust it into his throat causing a 'mortall wound [...] five thumb widths deep by half a thumb widths wide'.[99] Margaret Danby went into widow's quarantine in London, being joined by her sister-in-law, Anne, who was married to Thomas Danby's youngest brother, Christopher. Henry Best sent money from Yorkshire to support the two women ahead of them returning to Yorkshire with the body.[100] Thomas Danby was eventually buried at Thorp Perrow on 23 September, after which Margaret Danby was able to exploit two changes to the law to take full possession of her eldest son's estates.[101] Firstly, the abolition of the Court of Wards made it easier for her to claim guardianship rights to her son, and, secondly, the Statute of Distributions allowed her to seize the goods of her child and claim legal representation of the heir to the estate.[102] The death of her eldest son in 1671 left her in full control of the estates of her infant son. However, by then she was being sued by a number of people for return of several sums. Margaret Danby had been accustomed to running the estate, even when her husband was alive, and had also independently raised loans in the past from tenants. Witnesses stated that in 1665 the Danby estate steward, Robert Batt,

[98] TNA, C6/171/80, Palmes and Palmes v Danby and Danby, 1664.

[99] NYRO, ZS*, Box of legal cases 1667.

[100] NYRO, ZS*, Danby v Danby, Copy of deposition of John Danby, n.d. 1680.

[101] TNA, C104/262(I), Master Tinney's Exhibits, Bundle 14, Title deeds and indentures deposited 17 July 1684 in case of Danby v Danby.

[102] Bonfield, 'Seeking Connections between Kinship and the Law', pp. 56-60, 72-5.

pressed them for loans that were for the sole use of Margaret Danby and that when they had told the steward she was 'then under coverture', Batt had continued to raise the loans, entering into a bond for £300 himself with one of the plaintiffs in the case.[103] When asked what security Margaret Danby could give, Batt was reported as having said that the debt was secured 'upon her honour'.[104] A neighbour remembered that she 'did expresse herself that none should loose [sic] a farthing by her husband'.[105] Margaret Danby was a woman who constantly referenced her honour, as if it were a social attribute reflective of her social station.[106] Members of the family did report that after Thomas Danby's death Margaret Danby had told them that she would 'rectify her son to her husband in ye kindness she would show to her relations'.[107]

As the law suits multiplied and progressed, Margaret Danby's reputation transformed from honourable widow into something less savoury as she tackled the family's financial crisis. In a series of indentures between 1669 and 1671 she conveyed the family estates to a series of people in exchange for several sums amounting to about £10,000. The land remained in trust in her name on promise of future payment of securities.[108] On 19 April 1672 she sold her son's inheritance to John Rushworth for 99 years and Rushworth sold it on again

[103] TNA, C22/785/32, Fenton v Danby, 7 December 1670.

[104] TNA, C22/785/32, Fenton v Danby, 7 December 1670.

[105] TNA, C22/785/32, Fenton v Danby, 7 December 1670.

[106] TNA, C22/785/32, Fenton v Danby, 7 December 1670.

[107] NYRO, OUTFAC 141, Copy of deposition Anne Danby 1683 (I would like to record my thanks to Leslie Tyson who shared with me this reference and alerted me to the litigation in the Danby family).

[108] TNA, C10/217/61, Tempest v Danby, 1684.

to Philip Lawson, a lawyer, who Margaret Danby later made the beneficiary of her will.[109] However, her inability to pay the securities led to claims of ownership to the land by the trustees and by the mid-1670s she was in serious difficulties with the family over the unpaid portions and for jeopardising the estate. Rancorous disputes at home resulted in Chancery suits with every member of her husband's family, turning them from solicitous in-laws into combative enemies who spread rumours designed to destroy her character. Between 1671 and 1672 she entered into direct confrontation with Alice and John Read by taking possession of land which had been granted to them for rent in lieu of Alice's portion. John Read retaliated by sending his agents to break down the doors of a mill and cut down several hundred trees for wood. His men assaulted Margaret Danby's tenants and she brought a Chancery case – naming herself as guardian of her son – against him for compensation. Statements to the court indicate that neighbouring gentry gossiped about family breakdown.[110] Anne Danby, who had supported Margaret Danby in London, was (at least by her account) thrown out of a family property in Farnley with her husband and their young children. She told a melodramatic story of suffering, being placed in a small house with 'floors all earthen as wet and moist as in ye open streets when it rained'.[111] The children, she said, co-habited with rats, frogs and newts in their beds and when Margaret Danby visited her, she 'came to torment me [...] with fingers and thumb, teeth and tongue'.[112] The imagery hinted at the behaviour of a street whore. According to Anne Danby, Margaret Danby placed the family under a tyranny, before

[109] TNA, C104/262(I), Master Tinney's Exhibits, Bundle 14, Indenture of 19 April 1672 deposited 2 October 1683; NYRO, ZS* [MIC/2087], Legal Papers, Will of Margaret Danby, 5 October 1683.

[110] TNA, C22/773/40, Danby v Read, 16 January 1673/4.

[111] NYRO, OUTFAC 141, Copy of deposition, Anne Danby 1683.

[112] NYRO, OUTFAC 141, Copy of deposition, Anne Danby 1683.

(allegedly) arriving one day to abduct her children. The gossip Anne Danby later spread about what happened on that day was that 'when my poor children were all taken from me going to see them take horse as I passed through town [...] many of ye people stood all at their doors with tears in their eyes bewailing my sad usage'.[113] Margaret Danby's defence was that she tried to look after the children rather than allow them to be raised by an alcoholic father, but witnesses never forgot the pitiful wailing of her sister in law.

In 1675 Catherine and Henry Best acted decisively against Margaret Danby by claiming guardianship of her surviving son and suing her in Chancery because her administration of Thomas Danby's 'goods, chattels, rights, credits and debts' and conversion of the estate to her own use meant that 'the said debts are now swollen and do amount unto the sume of four and twenty thousand pounds at least'.[114] Rumour had it that not only had her in-laws claimed the child, but two of the uncles, John and Francis Danby, had extended protection to the seized children of Anne Danby as well. Between 1676 and 1680 they all sued Margaret Danby in Chancery over her seizure of the estate, deposing that local gossip was that she said 'she cared not what became of ye estate' as long as it never descended to any of them.[115] They complained that she was guilty of fraud and that her own son was likely to 'be wholly ruined and undone unless some stop be upon [her ...] proceedings'.[116] Margaret Danby rallied her estate steward and servants to her defence. They testified that she had sheltered, fed and clothed all her in-laws and their dependants and would have continued 'in her kindness' if they had not 'by their will and unthankfull carriage and ill demeanour

[113] NYRO, OUTFAC 141, Copy of deposition, Anne Danby 1683.

[114] NYRO, ZS*, Copy of pleading, Danby v Danby, 1675.

[115] NYRO, ZS*, Box of Family Papers, Pleadings in Danby v Danby, 1675.

[116] TNA, C22/780/8, Danby v Danby, 1676-1677.

wilfully run themselves into the def[endants] displeasure'.[117] The counter-gossip was that John and Francis Danby 'did disturb the family', sitting up drinking late into the night, plotting and shouting, 'utter[ing] very opprobrious language' to Margaret Danby and calling her servants 'whores and rogues'.[118] In 1681 Margaret Danby retaliated by taking out a writ against her own son, at which point the family-generated rumours worsened. Indeed, the neighbourhood heard that she may have killed her oldest son ten years before. Thus, when the younger boy died from a fall in 1683, some of the accounts that circulated were that Margaret Danby had killed him too. Furthermore, it was rumoured that at the time of the first boy's death she had had an illegitimate child who she had, all along, intended as an imposter heir to the estate. Rumours are not discrete; they form rolling narratives. In this narrative Margaret Danby transformed from worryingly covetous widow to whore and unnatural child-murdering mother. Anne Danby tried to give evidential weight to the emerging reputation by claiming in later depositions that her sister-in-law might not even be human; her evidence was that after Thomas Danby's death she 'observed no tears flow from her eyes' and that she 'could not cry or take on like other women'.[119] Anne's son even reported that he thought his uncle Thomas Danby had been 'murdered by villains of [Margaret's] contrivance'.[120] As he was Margaret Danby's heir by this stage, he had much to gain from destroying her reputation.

David Cressy has pointed out the inherent difficulties faced by the historian encountering the fragmented 'truth-telling and evidence, credulity and credibility, authenticity and verification' found in the depositions and reported local gossip that went to

[117] TNA, C22/780/8, Danby v Danby, 1676-1677.

[118] TNA, C22/780/8, Danby v Danby, 1676-1677.

[119] NYRO, OUTFAC 141, Copy of deposition, Anne Danby 1683.

[120] NYRO, ZS*, Box of legal papers, copy of deposition of Abstrupus Danby, 1680.

central courts such as Chancery.[121] However, the erosion of truth tells its own tale about the operation of rumour as it moved from family, to neighbourhood, to court – and, indeed, back again. Despite the evidence of her loyal tenants and servants, Margaret Danby came to be known in the neighbourhood as an inhumane pariah. Long after her death her neighbours were claiming to be 'very great sufferers' by a woman who had become an infamous and legendary figure, one who had wanted to 'wage warre' on her own family.[122] However, Margaret Danby, herself, claimed that while the neighbourhood rumoured that she was 'mad, a busy person, a dangerous person', she was actually the victim destined to be 'undowne' by those who conspired against her locally when 'no man ought to be deprived of his estate'.[123] The latter is an enlightening co-option of the masculine by a woman who felt entitled to the property she seized. The judgement made by the Lord Chancellor at this point is equally enlightening about the intersection of gender with the cultural norms of 'concord, reconciliation, and peaceable relations' that encouraged the courts to demand ethical and charitable Christian behaviour.[124] He declared her a vexatious litigant and dismissed her case. Thus, when Margaret Danby no longer had a living child, Chancery would no longer take her side. The Lord Chancellor decided that further tit-for-tat litigiousness would just generate more family gossip about base and wicked behaviour. In other words, further suits brought by

[121] Cressy, 'Agnes Bowker's Cat', p. 9.

[122] TNA, C5/115/16, Danby v Dale, Answer to Interrogatories of Robert Dale, 25 November 1695; NYRO, ZS*, Copies of pleadings and depositions in Danby v Danby 1680-5.

[123] NYRO, ZS*, Box of Family Papers, Affidavit of Margaret Danby, 1688.

[124] Muldrew, 'The Culture of Reconciliation', pp. 918-19.

the Danby family to Chancery no longer served a purpose, he thought, and he brought the Danby battle – at least in its legal arena – to an abrupt and decisive end.[125]

One of the findings, then, of this article is that when attention is shifted away from defamation cases – with the language of inflammatory insult that flourished in their dedicated court spaces – what is revealed is that damaging gossip about the reputations of individuals was, in fact, modified or deflected in the transformation into formal evidence presented in the most common legal cases, or those which concerned land and capital. The expenditure of gossipy words about whores and rogues – which can undoubtedly be found sometimes in Chancery cases involving serious family crisis – is still far exceeded by the weight of words recalling property entitlement, ridings, bonds, and debt obligations. This does not mean that rumour-mongering was shut down in communities or that families did not find themselves embroiled in escalating scandal. However, it does mean that the law courts took their lead from the hegemonic cultural assumption that social harmony should prevail. When judges were unable to stop the tide of rumour pedalled by a local gossip network, they acted by declaring a litigant vexatious. Typological gossip in property cases tended to be oblique rather than immediate in the rhetoric. The *privata fama* was transformed, and even neutralised, in the linguistic journey made to *publica fama* in the courts. Therefore, not only can it be said that the law courts were quite successful at processing local property disputes in peace-keeping ways, it can also be concluded that the relative lack of interest shown in local gossip about feminine sexual reputation reveals a complexity and spatial-specificity to the employment of gendered words of abuse. The female/male honour-dichotomy encapsulated by whore/knave was not considered socially-appropriate or even persuasive in all contexts.

[125] NYRO, ZS*, Accounts of Abstrupus Danby, 1680 and ZS, Danby Family Papers, Memoirs, Diaries and Accounts of Abstrupus Danby, 1688.

This raises important questions about the role of the defamation courts – perhaps they existed for local communities to vent essentially empty disputes. In a society that appears to have valued concord above all, it was those weighty matters of the assets and finances of families and kin networks that required the most seriousness of attention. When it came to these cases, gender imputation was much more subtly employed and not so readily valued as evidence for one side or the other.

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