Slander and Defamation as a Source for Historical Dialectology

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Ready access to large amounts of raw data is now taken for granted by both dialectologists and sociolinguists. Since the early 1950s it has been possible to taperecord natural speech in a wide variety of situations and to store it for later analysis. There is therefore a wealth of material available for synchronic descriptive work on the linguistic usage of this recent period, and it is a comparatively simple matter to fill gaps with further programmes of recording.

For those wishing to look at the spoken language as it was in earlier periods however, the situation is rather more frustrating. We can achieve an element of apparent time-depth by recording speakers of different ages and assuming that the speech of older members of the community represents an earlier stage, that of the younger members a later development. It is possible in fact, where a sound archive has been in existence for some time, to extend the time depth quite considerably. The earliest speakers recorded for the Welsh Folk Museum sound archive were born in the 1860s, and one or two as early as the late 1850s. The number of tapes which allow one to go back as far as this are comparatively few however, even in a large and long-established archive of this kind.

Very occasionally one may come across much earlier recordings of natural speech. In 1907 and 1909, for instance, an Austrian professor, Dr. Rudolph Trebitsch, visited Wales and recorded a total of fourteen speakers on phonographic rolls. These recordings have been preserved in the Phonogrammarchiv of the Austrian Academy of Sciences in Vienna, and tape copies have now been deposited in the Welsh Folk Museum sound archive.[1] The oldest of these informants was born in 1840, and several others in the 1850s and 1860s. I have never come across live recordings in Welsh of anyone born earlier than 1840 though; somewhere around this date must come a cut-off so far as direct evidence of linguistic usage is concerned.

Relying on the work of early dialectologists, we can reach back a little further. Fynes-Clinton's study of Bangor Welsh, published in 1913, quotes informants born as early as 1835 and 1839. And Henry Sweet's description of the dialect of Nant Gwynant, published in 1883, must surely take us back further again, though sadly he does not give details of who his informants were and when they were born.

Beyond this point evidence inevitably becomes anecdotal, and it is more difficult to gather reliable information about the spoken language. We turn, for instance, in Wales to the comments of antiquaries, in particular to the Parochialia of Edward Lhwyd who in 1696 drew up a questionnaire which he distributed throughout Wales. This questionnaire concentrated largely on farming methods, historical remains and local traditions, but one question did concern local dialect. "What Words, Phrases, or Variation of dialect in the Welsh seems peculiar to any Part of the Country?" A potentially fruitful source of information for an early period. Unfortunately very few of the clergymen who replied to Edward Llwyd bothered with this particular question, and those who did try to answer it provided only scanty and unsystematic information.

Other sources are equally frustrating. Something can be made of the way in which place names are written in various kinds of legal documents. though, of course, these were not drawn up with dialectal forms as a primary consideration, and other factors may well determine the exact spelling used in any one case. The actual legal documents involved - wills, inventories and accounts - were often written in English, and so of themselves cast no light on the spoken Welsh of the area. And where we do have access to letters, folk poetry and so on, written in Welsh and from a specific locality, there is always the problem of intereference between the dialect and standard Welsh. Anyone literate in Welsh, from the end of the Sixteenth Century onwards, would have been familiar with the Welsh Bible, and its forms would inevitably influence their written usage. Such texts cannot be treated as straightforward examples of local dialect, even when clear traces of it appear.

It is heartening therefore to discover and abundant and hitherto unexplored source for the spoken language in the legal records of early modern Wales. From the Sixteenth Century to the Nineteenth Century actions for slander and defamation were brought before the civil and ecclesiastical courts, and the records of such cases have survived in considerable numbers. A large proportion of this material has been transcribed and edited in calendar form by a historian, Richard Suggett, and it is therefore for the first time easily accessible to linguists who might find dealing with the original documents an onerous and daunting task. I am greatly indebted to him for his ready co-operation in making available these calendar summaries, not all of which have as yet been published.[2]

The most important of the secular courts which heard actions for slander was the Court of Great Sessions, which held sessions twice a year in each Welsh county between 1542 and 1830. Defamation cases, on the other hand, were brought before the Consistory Courts of the four Welsh dioceses, and survive in considerable quantities from the Eighteenth Century onwards.

The complainant's case was set out in a writ and declaration in the case of the secular courts, or a 'libel' in the case of the ecclesiastical courts. These set out the main facts of each case: the names of the parties in dispute, the residence and style or occupation of the defendant, and in the case of ecclesiatical courts of the plaintiff too, the date and place of the offence, and - most importantly for the linguist - the exact wording of the slander or defamation. This was given in Welsh or English, according to the language of the original insult, and where the abuse was in Welsh, an English translation generally follows.

Examples of cases from both the secular and ecclesiastical courts are given below in calendar form, that is a type of summary which omits the repetitive common form of the legal documents, but preserves the unique detail of each case. The first is a case form the Court of Great Sessions for Anglesey.

1660 Sessions held at Beaumaris on 1 Oct. 12 Charles II
(reference: Wales 16/9)
David Griffith v. David ap Moris of Llangristiolis,
yoeman (damages claimed: 100)
Declaration (Membrane 8b): the def. on 16 Sept.
12 Charles II at Erriannell spoke of the plt. these
scandalous Welsh words:
"Lleidir wyt ti a ladrottaist ddau oyn o ddar
John Owen David."
In English:
"Thou art a theefe and thou hast stolen two lambs
from John Owen David."
Plea: Not guilty: issue [not tried]

The second example is taken from the records of the Consistory Court of Llandaff, and illustrates the form of cases brought before the ecclesiastical courts.

1738 Jennett John of Baislegg, spinster c. Samuel David of
Michaelston y Vedw.
Libel (reference: LL/CC/G 850): Exhibited 12 May.
The def. in Nov.-April last at Coed Kernew defamed
the plt. by speaking these Welsh words:
"Whore iw hi a myfi gesim hi gant waith."
In English:
"She is a whore and I have had her a hundred times."

Some entries are considerably longer, involving a series of pleas and the depositions of witnesses, but the two shown here are in the main typical, as the majority of cases did not proceed to trial or judgement. They are also typical as to content, in that the secular courts dealt largely with accusations of theft and other felonies, while the ecclesiastical courts heard allegations of sexual misdemeanours.

We find then in these records numerous examples of reported speech dating from the period 1542 to 1830, and we have reasonably full information as to when and where they were spoken, and some detail about the social status of the people involved. Since the crux of the legal case was the actual slander or defamation, the words complained of had to be accurately reported, with no temptation for the clerks of the court to modify natural, informal language in the direction of the literary norm.

So far, so good. There are however, inevitably problems. The records have not survived evenly. Some periods and localities are more fully represented than others, and there are frustrating gaps in the available data. The context of these cases is rather monotonous, being limited to actionable verbal abuse. And there are also some difficulties with the varying spelling conventions used by the clerks of the courts.

Overall, however, this is a potentially fruitful source of information on the spoken language of periods for which such data is otherwise rare and at best anecdotal.

Information on a wide range of dialectal features can be gleaned from these documents then, and the distribution of lexical items, morphological markers and phonological variants at different periods can be mapped. It is possible in may cases to compare the resulting picture with what is known of the distribution of the corresponding forms in contemporary Welsh. And for areas on the English border where the language has now been lost this material provides priceless evidence as the nature of the spoken Welsh once current there.

First, then, an example of morphological variation. There are in modern Welsh two alternative realisations of the 3sg past inflection on the verb, odd and ws, giving for instance gwelodd and gwelws for 'he/she saw'. Of the two, odd is found in the standard language, and in the dialects of north Wales and the south-west. Ws is limited to the dialects of the south-east.

It is a comparatively straightforward matter to map the distribution of these variant in the slander data for different periods. 3sg past forms of the verb are common and the two realisations quite distinct. Examples of such forms are given below.

1731 Trefdraeth (Anglesey)
"... fe a ddygodd oen o'r morfa ..."
"... he stole a lamb out of the marsh ..."

1726 Gladestry (Radnor)
"Di girn di dorrws y twlle sydd in di hatt di."
"Thy horns did brak the holes that is in thy hatt."

Map 1 shows the distribution of these variants in the Eighteenth Century data, and although there are inevitably gaps in the available information, the picture is very similar to that of the present day. The ws variant is characteristic of the south-east, with odd found in the north and west. Mapping the data for the Sixteenth and Seventeenth Centuries gives very similar results, allowing us to extrapolate back that much further again.

I should perhaps add that this map, and indeed all the maps on this handout, have been prepared using the location of the quarrel as a basis, as this information is given in almost every case. The home village of the speaker is given less regularly and is therefore less useful for this purpose. It seems unlikely that any serious bias results from this decision since home villages usually turn out, when they are mentioned, to be identical with the location of the quarrel or at least close by.

A third variant realisation of the 3sg past form of the verb exists in contemporary spoken Welsh, a periphrastic form involving the auxiliary ddaru. This is in modern Welsh confined to north Wales. And here again, mapping the forms which arise in the slander cases, as in the example below, reveals that this distribution was already in force in earlier times.

1760 Llansannan (Denbigh)
" ... fe ddarfu hi ddwyn y blawd."
" ... she stole the meal."

Map 2 shows the position in the Eighteenth Century, and here again, mapping the equivalent material for the Sixteenth and Seventeenth Centuries gives very similar results.

It is worth making the point that the southern border counties, which have long since been completely anglicised, are shown here to be part of the south-eastern area characterised by the ws inflection. Material of this kind, which allows us to draw reliable conclusions as to the dialectal affiliations of such areas, is of considerable value.

Lexical variants characteristic of the modern dialects can also be found in this material, and mapped appropriately. Though here the examples for any one item tend to be rather thinner on the ground. Whereas the 3sg past inflection will show up on any number of different verbs, any one specific lexical item will inevitably turn up less frequently.

Here are some typical examples: first, the distribution of varying terms for 'heifer'. In north Wales we find heffer, a loan from English; in mid Wales anner; and in the south-east treisiad. Examples of each are shown below, and thier geographical distribution is summed up in Map 3.

1773 Pwlheli (Caernarfon)
"Ti a ddygaist heffer."
"Thou hast stolen an heifer."

1577 Defynnog (Brecon)
"Thomas ap Madock aeth am henneyr i yn lledraddaidd."
"Thomas ap Madock toke away my heyfor theveshlye or feloniously."

1758 Llantrisant (Glamorgan)
"Beth am y trisedy."
"What of the heyfers."

Map 4 shows the equivalent map for 'barley', with the loan form barlish in the south-west and the native haidd elsewhere. Examples of both lexical items are shown below.

1634 Denbigh (Denbighshire)
" ... lleidr fy haidd i ..."
" ... theefe to my barly ..."

1706 Roch (Pembrokeshire)
"Llydyr y marlish y ..."
"Theefe of my barly ..."

In neither case is there enough data to justify drawing up separate maps for different periods. The picture is clear, and compatible with the maps of lexical distribution drawn up by Alan Thomas in his dialect atlas The Linguistic Geography of Wales. Here again then the earlier picture as gleaned from the slander data is similar to that which still exists in the modern dialects.

The third type of variation which can be mapped from this material is phonological variation. This is rather more problematic than either morphological or lexical variation, where all that was required of the clerk of the court was that he should note the lexical items and inflections used by the speaker correctly. When we come to the question of the speaker's accent we are asking rather more of him, namely that he should manipulate the spelling conventions in such a way as to reveal the characteristic accent of the speaker, departing if necessary from the normal literary covention of the day.

Surprisingly, this does actually happen, though not with complete regularity. In the south-east, for instance, we find that the south-eastern realisation of word-initial chw as hw is often noted, with chwaer 'sister' being written as whar, and chwech 'six' as hwech, as in the example shown below.

1725 Neath (Glamorgan)
" ... y mae iti whech o blant heb yr un o'r un tad ai gilidd ..."
" ... thou hast six children & not any one hath ye same man to his father as the other ..."

Map 5 shows the distribution of such forms as found in material dating from the Eighteenth Century. It is difficult to know what weight to place on the standard language forms here. Do they reflect actual usage, with initial chw appearing side by side with dialectal hw? Or do they merely reveal uncertainty over spelling conventions among the clerks noting down the details of each case?

In this same area the dipthong au in monosyllables is often realised as ou, with aur 'gold' being pronounced our, and dau 'two' being pronounced dou, as in the example below.

1707 Trallwng (Brecon)
" ... fe fi iddo ddoi o blant o ordderch ..."
" He had two bastards."

This also shows up in the data, as we see from Map 6, which again draws on Eighteenth Century material. And here again there is some variation, with the local form appearing in some cases and not in others. The precise status of this variation is again uncertain.

These maps again allow us to draw conclusions as to the dialectal affiliation of the southern border counties, As with the morphological example discussed earlier, we find these areas linking in neatly with the south-east as a whole.

In this paper it has been possible only to present a brief sample of the kind of material one can derive from these early slander and defamation cases. Work now in progress should allow a fuller picture to emerge of the range of dialectal characteristics which can be extracted from this promising source.

Notes

1. W.F.M. sound archive tape no. 6832. Transcripts of these recordings, some made by Dr. Trebitsch himself, and others by his informants, are also held in the museum, together with full details of the name, age and background of each informant. (W.F.M. Accessions Correspondance F83.150) For an account of this early program of recordings, see Trebitsch (1908 and 1909).

2. Suggett (1983) and Suggett (unpub.). Suggett (1983) contains a calendar of the following cases: Court of Great Sessions for Denbighshire, Montgomeryshire and Glamorgan: Llandaff Consistory Court (Part 1), and the Consistory Court of the Archdeaconry of Carmarthen. Suggett (unpub.) contains a calendar of the following cases: Court of Great Sessions for Anglesey, Caernarfonshire, Flintshire, Breconshire, Radnorshire, Cardiganshire, Pembrokeshire, Carmarthenshire and Glamorgan (additional cases). Llandaff Consistory Court (Parts 2 and 3), Bangor Consistory Court, and the Consistory Court of the Archdeaconry of Brecon.

References

Fynes-Clinton, O.H. (1913) The Welsh Vocabulary of the Bangor District. Oxford: Oxford University Press.

Lhwyd, E. (1909-1911) Parochialia. Addendum to Archaeologia Cambrensis.

Suggett, R.F. (1983) An Analysis and Calendar of Early-modern Welsh Defamation Suits. SSRC Final Report (HR 6979).

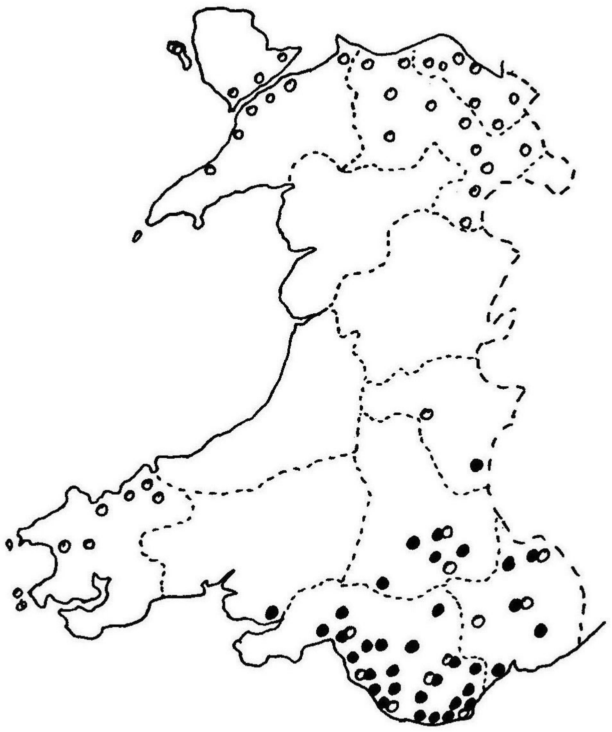
Suggett, R.F. (unpub.) Supplementary parts of the Calendar.

Sweet, H. (1882-4) Spoken north Welsh. Transactions of the Philological Society, 409-484.

Thomas, A.R. (1973) The Linguistic Geography of Wales, a Contribution to Welsh Dialectology. Cardiff: University of Wales Press.

Trebitsch, R. (1908) Phonographische Aufnahmen der irischen Sprache, in Irland und einiger Musikinstrumente in Irland und Wales, ausgefuhrt von Dr. Rudolf Trebitsch im Sommer 1907. Berich xii, Phongramm-Archivs-Kommission, Vienna.

Trebitsch, R. (1909) Phonographische Aufnahmen der welschen Sprache in Wales, der manxschen Sprache auf der Insel Man, der gaelischen Sprache in Schottland und eines Musikinstrumentes in Schottland ausgefuhrt im Sommer 1909. Berich xviii, Phongramm-Archivs-Kommission, Vienna.



Map 1

Eighteenth Century

○ odd

● ws

Map 2

Eighteenth Century

* ddaru

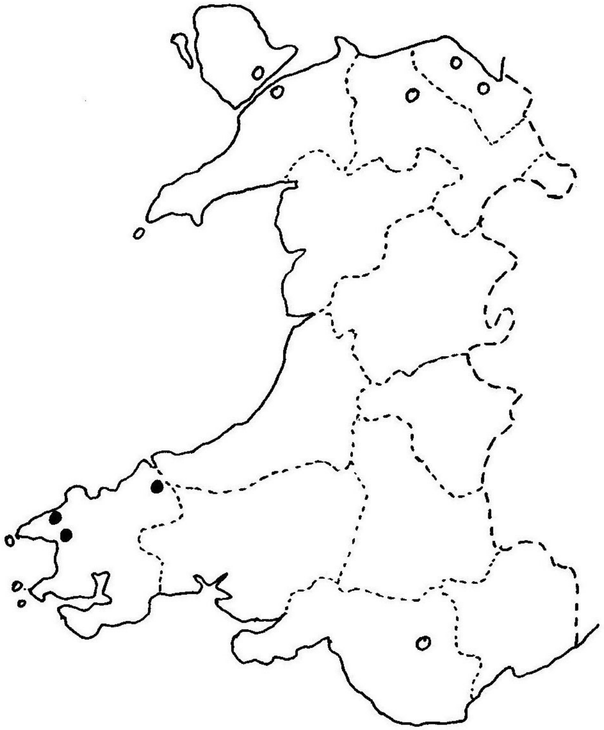
Map 3

'heifer'

○ heffer

● anner

* treisiad



Map 4

'barley'

○ haidd

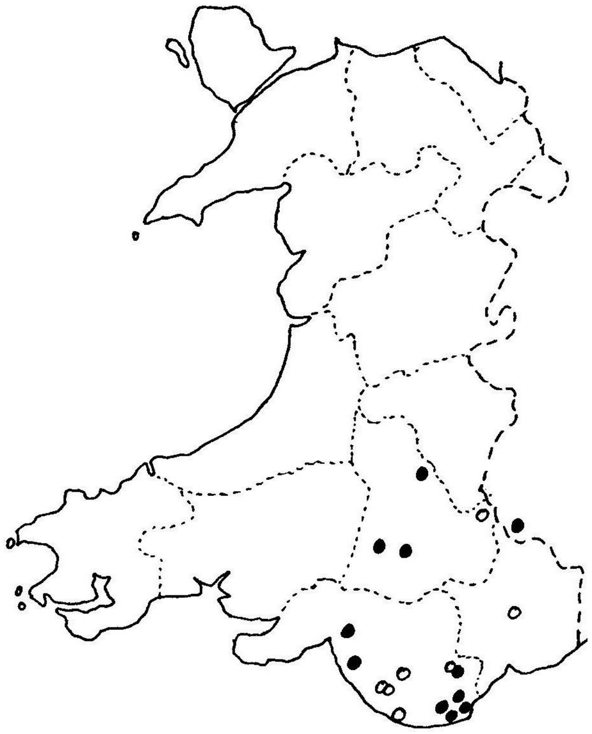
● barlish

Map 5

Eighteenth Century

○ chw

● hw



Map 6

Eighteenth Century

○ au

● ou