

Lastly to giue yo<sup>r</sup> hon<sup>rs</sup> fuller satisfaction hauing as I humbly Liber B B  
conceiue sufficiently proued, nothing in my Aduersaries Charge can  
bee actionable. I shall now proue also under Correction of this  
hon<sup>ble</sup> Court, That graunt they were actionable in themselues, yett  
as they are charged, they can beare noe action & th<sup>t</sup> by th<sup>e</sup> afores<sup>d</sup>  
Shephard who fol 44 sayth, They must bee charged w<sup>th</sup> the uery  
words false & malitiose, or it is not actionable, Both w<sup>ch</sup> words must  
bee fownd by a Jury, ffor if they find one of th<sup>e</sup> words, & not th<sup>e</sup>  
other, The accōn will not lye, as in fol. 85.

Norman & Symonds case, The p<sup>lf</sup> brought an accōn for words &  
declared th<sup>t</sup> they were spoken false & malitiose. The Jury find th<sup>e</sup>  
words false & inuiose, & it was adiudged, th<sup>e</sup> Accōn would not lye,  
because th<sup>e</sup> finding of th<sup>e</sup> Jury doth not warrant th<sup>e</sup> Declaraōn in th<sup>e</sup>  
substantiall forme of it, Trin. 7 Car. B. R.

Now I leaue it to yo<sup>r</sup> hon<sup>rs</sup> to iudge whither it is possible a Jury [p. 160]  
can find both or eyther of th<sup>e</sup> words, being neyther usd, nor charged  
in my Aduersaries declaraōn The s<sup>d</sup> Shephard calling them by th<sup>e</sup>  
Tytle of th<sup>e</sup> substantiall forme of th<sup>e</sup> Declaraōn.

Notw<sup>th</sup>standing (may it please yo<sup>r</sup> hon<sup>rs</sup>) the better to defend my  
selfe from th<sup>e</sup> malicious designes of Henry Spinke, & th<sup>t</sup> Light car-  
riaged woman Elionor Edwards, while shee was my seruant, yo<sup>r</sup>  
Pet<sup>r</sup> doth not deny any thing of his Charge or Declaraōn yett he  
humbly desyres yo<sup>r</sup> hon<sup>rs</sup> to consider th<sup>e</sup> sequence.

ffirst that th<sup>e</sup> words I am charged to speake were spoken & soe is  
charged to bee in open Court. now M<sup>r</sup> Dent & other members of th<sup>e</sup>  
Court, as also M<sup>r</sup> Jarbo, M<sup>r</sup> Turner & others by standers, att least  
six or seauen, who haue declared to mee, they can & will if need bee  
declare uppon oath, they being present att th<sup>e</sup> same time, that they  
heard noe such thing, or in that forme, as most of th<sup>e</sup> others my ad-  
uersaries hath procured ag<sup>st</sup> mee make mention of, hee hauing pro-  
cured fowre oaths, The p<sup>r</sup>sons of all w<sup>ch</sup> had, as I can proue p<sup>r</sup>fect  
preiudice ag<sup>st</sup> my p<sup>r</sup>son, Except M<sup>r</sup> Hyde, whose oath is nothing  
soe desperate or inuectiue ag<sup>st</sup> mee as th<sup>e</sup> others are: Ney yo<sup>r</sup> Pet<sup>r</sup>  
dare uenter all hee hath, th<sup>t</sup> th<sup>e</sup> s<sup>d</sup> Spinke cannott gett th<sup>e</sup> like oath  
of any credible p<sup>r</sup>son, as eyther of the other Three haue taken, all  
ouer th<sup>e</sup> Prouince, The men being of uery slender repute, in compari-  
son of th<sup>e</sup> p<sup>r</sup>sons p<sup>r</sup>sent whose oaths if need bee I can produce, who  
only testify of my taxeing her of a whorish or lasciuious carriage,  
while shee was my seruant, & in p<sup>r</sup>ticular w<sup>th</sup> Thomas Hewes, w<sup>ch</sup>  
is most true, And uppon w<sup>ch</sup> I forwarning her of this fellows Com-  
pany shee impudently receaues him into my howse when my Wife  
& I was gone to S<sup>t</sup> Maries; Lodging him in my Wifes bed, & Lying  
all night in th<sup>e</sup> roome w<sup>th</sup> him, as my seruants told mee att my Re-  
turne, & w<sup>ch</sup> shee did not deny, when I gaue her Correction for it