

# Court Depositions of South West England, 1500-1700

## Case 18: Scolding in a Glastonbury Street

Case type: Defamation

Summary: Marie Burnell v Dorothy Cullen: Dorothy calls Marie a murderous whore as her neighbours sit knitting in their porch. Other witnesses reveal that Marie's husband had died of syphilis, a condition which he claimed she had given him.

Source: Somerset Heritage Centre, D/D/Cd/97

### Original Spelling Transcription

Burnell contra Cullen.<sup>13</sup>

Depositiones testi[monijum] de et super quibusdam posic[i]onibus et Ar[ticu]l[u]m libelli al[ia]s ex parte et per partem eusidam Marie Burnell

Repetit coram mro Cancellario 23 die Martii Anno domin 1681<sup>12</sup> in aula dom[in]us Solitic habitac[i]onis in p[rese]ntia Mr G:I lynton n:P:<sup>10</sup>

#### Deposition 1

Susanna Hewlett p[ar]o[chi]a de Glaston S[anc]ti Johan in Com[ita]tu Some[r]set vid[na]<sup>1</sup> ubi moram ferit ab infantia ib[u]m ort annoru[m] etatis sue 61 ant de circiter testis p[ro]duct admiss iurat etc

Ad 1 2 et 3 et 4 Ar[ticu]los libelli p[re]d deponit et dicit That she this deponent being at worke<sup>2</sup> in her Porch<sup>3</sup> at her dore some tyme about Paulstide last<sup>4</sup> but ye very day she cannot now call to mind there sate at worke with her one Mary Feare her contest<sup>11</sup> and one Joane Pittman her daughter and upon a Sudden she heard a Scoulding<sup>5</sup> in the Street whele they were there ye Producent<sup>21</sup> Mary Burnell came upp ye Streat by ye dore and p[re]sently after she heard a Scoulding<sup>5</sup> betweene her and ye Defendant Cullen who lived in ye other side of ye streat and ye said Cullen

called ye said Burnell Murderous whore<sup>6</sup> severall tymes whereuppon ye said Burnell came back to this deponent and her contest<sup>11</sup> and ye said Joane Pittman & badd them beare wittness of what ye said Cullen had cald her<sup>7</sup> ~~for that she should heare of it againe et al[ite]r et al[ite]r refert se ad iura~~

Ad 5 deponit et dicit yt the said Dorothy Cullen lived in the p[ar]ish of St John in Glaston et al[ite]r deponere nescit

Ad ultimu[m] deponit p[re]deposita p[er] eum fuiste et de vera et al[ite]r deponere nescit./.

Signu[m] Susanne Hewlett ^her mark<sup>8</sup>

## Deposition 2

Super Libello p[re]d

repetitent supra

Maria Feare ux[or]<sup>1</sup> Xpepfieri Feare p[ar]o[chi]a S[anc]ti Johanii Glaston ubi mora[m] ferit per spaci[u]m 7 annoru[m] ant de circiter annoru[m] etatis sua 28 ant de circiter testis product admiss iurat etc./.

Ad 1 2 3 et 4 Ar[ticu]los Libelli p[re]d deponit et dicit that upon a certeyne day upward of a Monethe since as she beleiveth but ye very day she cannot well remember she this deponent being in her Contests<sup>11</sup> Porch<sup>3</sup> a knitting<sup>9</sup> there came by up ye streat ye Producent<sup>21</sup> by ye dore and as soon as she was past along ye Defendant called ~~Some body that [...]~~ who lived a little above on ye other side of ye streat called some body Murderous whore<sup>6</sup> whereuppon ye said Burnell came back to this deponent and her contest<sup>11</sup> Susana Hewelett who was then alsoe workeing<sup>2</sup> in her said Pouch<sup>3</sup> and badd them bare wittness<sup>7</sup> by which the it seemed to them yt ye said Cullen had called ye said Burnell Murderous whore<sup>6</sup> Et al[ite]r deponere nescit Saving quod refert se ad iura./.

Ad 5 Ar[ticu]lum Libelli p[re]d deponit et dicit yt ye Defendant liveth in St Johns Parish in Glaston

Ad ultimu[m] deponit p[re]deposita p[er] eum fuiste et de vera Et al[ite]r deponere nescit./.

Signu[m] Maria Feare ^her mark<sup>8</sup>

### Deposition 3

Burnell c[on] Cullen<sup>13</sup>

Deposic[i]ones di et Super quadam Allegac[i]oni Articulata ali ex p[ar]te et p[ro] partem Dorothie Cullen<sup>24</sup>

repetit coram Mro Jacobo Aiton Clico A:M Surro etc in Registro Epi in p[rese]nti G:l Lynten n.P <sup>10</sup>2 Maii 1682

Joannes Treasure p[ar]o[chi]a S[anc]ti Johannis Baptiste Glaston ubi moram ferit per Spaci[u]m 16 annoru[m] ant de circiter annoru[m] etatis Sua 47 ant de circiter testio product admiss iurat etc

Ad 2 3 4 et 5 Ar[tic]los Allegac[i]onis p[re]d deponit et dicit that he was very well acquainted with Nathaniel Burnell mention'd in these Articles and sayth yt he had ye repute of a very honest Poore man & never heard or understood but yt he was any way adicted to follow or keep company with strange weoman but sayth yt ye said Nathaniel was ill at ease and was in a wearing Condic[i]on soe yt he lookd ill and grene worse and worse, whereupon about Xmas 1680<sup>4</sup> at length he discovered yt he had ye French Pox<sup>14</sup> and yt he had gott if of his wife for he said yt his wife coming home from Wells he had carnall Knowledge<sup>22</sup> of her body & imediatly he found a great Alterac[i]on in himself & then growing worse & worse he discovered it to this deponent who was then Churchwarden<sup>15</sup> of St Johns Parish in Glaston & to divers others of Glaston & att length he grew soe bad in that distemper that this deponent & ye Overseers of the ye said p[ar]ish<sup>16</sup> w[i]th others of ye p[ar]ishioners concluded yt there should be some helpe looked after for him & by a generall consent they treated with one Mr Perryam Grimsteed w[hi]ch who did then Practice Phisick<sup>20</sup> about ye Cure and when ye said bournell came to ye said Perryam Grimsteed & he had made inspec[i]on into ye distemper he found it to be yt w[hi]ch is call'd ye French Pox<sup>14</sup> and ye next day being about ye 16th of March 1680 one Dr Jaques Flowerston coming to Glaston this Deponent with ye said Nathaniel burnell went to him to advise with him also about ye said distemper who upon search told ye said Nathaniel yt Hee had gotten ye French pox<sup>14</sup> then they advised with him about ye Cure but they having first told him yt they had treated w[i]th Mr Perryam about it he was unwilling to be concerned about it but he said yt he thought it would be a heard matter to cure him, then ye said burnelle did declare yt if he had ye Pox<sup>14</sup> he gott his it by his wife & complayn'd of her in a greivous manner, And he farther sayth that ye said said Burnells wife was then alsoe in a Languishing condic[i]on and ye said Perriam did declare yt she was in ye Same Condic[i]on with her husband but yt it did not appeare as yet to ye Full then this deponent did agree for ye Cure

of ye said burnell and his wife at first for three pounds & he afterward brought to tē50s<sup>17</sup> & he gave him 10s<sup>17</sup> in earnest for ye Cure. And sayth yt afterwards ye said Burnell was with ye said Perryam in order to a Cure, but being not curd he return'd to Glaston in a bad Condiç[i]on where he grew very ill, & did publickly declare that his wife had ruin'd him & yt she had brought him to yt Condiç[i]on, and this he declared generally to all people insomuch that it was nois'd through ye towne, every body discernyng of it And sayth that ye said Burnell grew worse & worse, till his Death & dyed in a Miserable condiç[i]on alwais crying out upon his wife that she had brought him to yt miserable end Condiç[i]on And sayth yt it is generally now beleived that in and about Glaston yt ye said Burne Mary Burnell ye Plaintiffe wife to ye said Nathaniel Burnell was ye cheife instrument of her said husbands distemper w[hi]ch hastned his death & ye cause of such beleife is for yt ye said Nathaniel did often & in extream e agonies & protestac[i]ons declare soe much. And he doth further sayth yt when ye said Burnell was this miserably dead he this deponent went to ye said Burnells house & meeting with his wife (ye Plaintiffe in this Cause) he asked her whither her husband was cured of his distemper w[hi]ch he formerly had upon him for yt if he was cured he was engag'd to pay Mr Perryam ye residue of ye Cure mony w[hi]ch he promis'd him if ye Cure was Perfected, to w[hi]ch she replyed yt he was not cured Et al[ite]r deponere nescit Saving yt ye Producent<sup>21</sup> was Sister to ye Deceased burnell ./.

Ad ultim[u]m deponit p[re]deposita per eum fuisse ant et vera. Et al[ite]r deponere nescit ./.

#### Idem super Interris

repetit ut supra

Ad 1 Interr[ogatoriu]m r[esp]ondet that he hath said as much as he can say to it in his former deposicion et al[ite]r r[esp]ondere nescit ./.

Ad 2 Intter[ogatoriu]m r[esp]ondet yt he never heard ye Plaintiffe & Defendant quarrell and sayth that since this [...] miscarriage of Nathaniel Burnell, his wives credit is not soe cleare as formerly. Et al[ite]r r[esp]ondere nescit

Ad 3 r[esp]ondet that Nathaniel Burnell was ye first cause of ye discourse that of what is before spoken for he beleivith if that had been first spoken of by him noe body would have had any thing to say of it Et al[ite]r r[esp]ondere nescit

Jn: Treasure<sup>8</sup>

### Deposition 4

Super Allegac[i]one p[re]d

Joannes Aplyn p[ar]o[chi]e de S[anc]ti Johannis Baptiste Glastonstocking maker<sup>18</sup>  
ubi mora[m] ferit ferit ab infantia ib[u]m [...] Annoru[m] etatis sue 32 ant de circiter  
testis product admiss iurat etc

repetit ut supra

Ad 2 3 4 et 5 Ar[ticu]los Allegac[i]onis p[re]d deponit et dicit that nathaniel Burnell  
mention'd in these Articles was heretofore of Glaston & had ever ye repute of  
a very honest man And sayth that about March last was twelve moneth ye said  
nathaniel came to this deponent in being overseer of ye Poore<sup>16</sup> of Glaston & to  
John Treasure his contest who was churchwarden<sup>15</sup> & told them that he was in a  
very bad Condi[c]ion for yt he then had ye French Pox<sup>14</sup> & desired that some care  
might be taken upon ye Parish Accompt for his Care for yt he was uncapeable to  
worke & he had not wherewithall to take care of ye same himselfe by reason of  
Poverty then this deponent told him that they were not immediatly to satisfy his  
desire upon beare his beare saying soe upon w[hi]ch he shewed them his Privities  
w[hi]ch were in such a Lamentable condic[i]on yt he really Pitty'd him then this  
deponent asked him how he gott it to w[hi]ch ye said Burnell replyed w[i]th horred  
wishes yt his wife was ye Cause thereof & that he gott it of her then saying that upon  
a certeyne tyme (sometyme before) she coming home from Wells she was very  
Solicitous with him for to lye with her w[hi]ch having soe se done he found yt he had  
gotten that distemper w[hi]ch they then saw, And this deponent further sayth that  
they did agree w[i]th one Mr Perryam a Phisic[i]on<sup>23</sup> for ye Cure & ye said Burnell  
was with him ye said Perryam but he return'd to Glaston very ill & in some tyme after  
dyed in a Miserable condic[i]on alwaies exclaiming against & crying out upon his wife  
that she had brought him to that passe. And he farther sayth that ye said Mr Perryam  
did say yt ye said burnells wife had likewise ye Pox<sup>14</sup> meaning ye Plaintiffe & yt she  
must alsoe be cured & upon ye agreem[en]t with this deponent & ye said Treasure  
he was to cure her alsoe And he further alsoe sayth yt of this now & for some tyme  
past there hath been a rumo[r] in & about Glaston Et al[ite]r rondere nescit Saving  
that ye Deceased Burnell was Sister to ye Producent<sup>21</sup>

Ad ultimu[m] deponit p[re]deposita p[er] eum fuisse et de vera./.

Idem super Interris

repetit ut supra

Ad primu[m] Interr[ogatori]u[m] refert se ad p[re]deposita et al[ite]r rondere nescit./.

Ad 2 r[esp]ondent yt ye Plaintiffe hath had a very ill report in Glaston for Severall  
yeares last past et al[ite]r r[ond]ere nescit./.

Ad 3 r[esp]ondet yt he this r[esp]ondent did often heare ye said Nath: burnell say yt his wife was ye cause of his Distemper & he was ye originall cause of ye report as he beleives Et al[ite]r r[esp]ondere nescit./

John Applin /<sup>8</sup>

## Deposition 5

Super Allegac[i]onem p[re]d

repetit coram Mro Josepho Shallitt apud adei mri lvaly infra Novu[m] Causu[m] me p[rese]nte G:l Lynten n.P<sup>10</sup>2 Maii 1682

Andreas Tincknell p[ar]o[chi]e S[anc]ti Johis Baptiste Glaston in Com[ita]tu Somerset woosted comer<sup>19</sup> ubi mora[m] ferit per spaciū[m] 9 annoru[m] ant de circiter annor[es] etatis sue 30 et ultra testis p[ro]duct. admiss iurat etc.

Ad 2 3 4 & 5 Ar[tic]ulos Allegac[i]onis p[re]d deponit et dicit that he this deponent was neighbour to ye deceased Nathaniel Burnell mention'd in these Articles and sayth yt he was a very honest man & this deponent was formerly very much in his company And alsoe that upon a certaine tyme before Michaelmas last<sup>4</sup> was two yeares twelve Moneth there happen'd a difference betweene ye Deceased Nath: Burnell mention'd in these Articles & his wife (ye Plaintiffe in this Cause) insomuch that they fought, and she threw him downe & brake his head, shortly upon which she ye said Plaintiffe and went to Wells And he further sayth that some tyme after her returne he this deponent did meet w[i]th ye said Burnelle ye Deceased who told him that his wife had undone him for yt she had pox'd<sup>14</sup> him & then told him yt she had been lately at Wells & when she came home she was more than usually [...] to him & desir'd him very urgently to goe to bedd with him which he accordingly did & whiles he was yett in ye Act of Copulac[i]on with her she bad him lye close or she would thrust a pin in him w[hi]ch to satisfy her he did to his utmost strength & then imediatly as he ended he found a strang alterac[i]on in himselfe & from yt very tyme (he then said) that he grew worse & worse till he came to yt passe And further sayth yt many tymes after this he ye said Nathaniel did even weeping complaine to this Deponent yt his wife had ruind him being then in Extreame misery by reason of the highth of his distemper and sayth yt it was reported after yt she his said wife yt Plaintiffe was troubled with ye same distemper for she was ill for some Moneth about yt tyme and complayn'd Extreamly in her head back & all her Limbs. And he further sayth that ye said Nathaniel Burnell continued in a deplorable state till his dying day he dying about a yeare since to ye best of this deponents remembrance. Et al[ite]r deponere nescit ./

Ad ultimu[m] deponit p[re]deposita p[er] eum fuisse et de vera Et al[ite]r deponere nescit ./

Idem Super Interriis

repetit ut supra

Ad primu[m] Interr[ogatoriu]m r[esp]ondet that he cannot say any more to it that what he hath said before et al[ite]r deponere r[esp]ondere nescit ./.

Ad 2 Interr[ogatoriu]m r[esp]ondet that since ye first sicknesse of ye said Nath: Burnell the said Mary his wife is out of all manner of Credit amongst ye better sort of People et al[ite]r r[esp]ondere nescit./.

Ad 3 Interr[ogatoriu]m r[esp]ondet yt ye said Mary Burnells husband ye Deceased was ye first causer of all ye reports mention'd in his former deposic[i]ons Et al[ite]r r[esp]ondere nescit /

Andrew Tinknell<sup>8</sup>

## Deposition 6

Super Allegac[i]one p[re]d

repetit ut Supra

Anna Spurlock p[ar]o[chi]e de S[anc]ti Johannis Baptiste Glastonuxor<sup>1</sup> Will[ia]mi Spurlock ubi mora[m] ferit ab infantia ib[um] ort annoru[m] etate sue 30 57 ant de circiter testis p[ro]duct admiss iurat.

Ad 2 3 4 et 5 Ar[ticu]los Lib Allegac[i]onis p[re]d deponit et dicit that there was a greate rumor and report in and about the towne of Glaston that Natha: Burnell in his life tyme had gotten ye French Pox<sup>14</sup> and that he gott hit from his wife ye Plaintiffe in this Cause And sayth that ye Saturday before ye Deceased Nathaniel Dyed she went to see him where he lay in his bead (he dying ye Munday following) and she sayth that he was in a sad lamentable condic[i]on and he spake to this deponent telling her yt his tyme was but short & therefore Desir'd her when he was Dead to stripp him & the tyme being com she went to stripp him & when she had soe strip'd him she found his body full of large blew spotts an for ye Scabbs were fallen of and his members were almost eaten off and upon them there was a Plaister w[hi]ch ye said Deceaseds sister did take of this deponent refuseing to doe it, and sayth when they had fully stript him they went there way And further sayth that ye next day the Plaintiffe sent for this deponent & desir'd her to goe upp with her into ye Chamber that they she might beare witnessse how it was with her husband for yt she said there was a Speech about towne that his Members were cutt of but this deponent replyed that it was not cut of but there was but little left but she urged her to goe upp with her to see him w[hi]ch accordingly she did & when they came upp to him where he lay she ye s[ai]d Plaintiffe uncover'd him & then she put her finger upon ~~toe~~

up his yard in her hand of w[hi]ch there was little left save only ye middle thereof w[hi]ch was as heard as a board being there very little flesh thereon of, then she told this deponent that now she could testify yt it was not cutt of soe away she went. Et al[ite]r deponit et dicit that ye said Plaintiffe before her said husbands death was alsoe very ill & complain'd ixtreamly of ye Paine w[hi]ch she endur'd and every body concluded that it was ye Pox<sup>14</sup> that he was troubled with but what ye reale cause was she knoweth

Ad ultim[u]m deponit p[re]deposita p[er] eu[m] fuisse et de vera

Eadem super Interris

Ad prim[um] r[esp]ondere nescit more than what she hath before deposed.

Ad 2 r[esp]ondet yt since this accident ye Plaintiffe is of little Credit. Et al[ite]r dep[re] r[esp]ondere nescit./

Ad 3 r[esp]ondere nescit ./.

Signu[m] Anne Spurlock ^her mark<sup>8</sup>

## Modernized Spelling Transcription

Burnell against Cullen.<sup>13</sup>

Depositions of witnesses to some of the articles of the libel on the part and for Marie Burnell.

Repeated before the Chancellor on 23 March 1681<sup>12</sup> in the hall of his accustomed place of dwelling in the presence of Mr G.L. Lynton N.P.<sup>10</sup>

### Deposition 1

Susanna Hewlett of the parish of St John, Glastonbury in the county of Somerset, widow<sup>1</sup>, where she has lived since infancy and where she was born, age 61. The witness is produced, admitted, sworn etc.

To Articles 1, 2, 3 and 4 of the libel she deposes and says that she this deponent being at work<sup>2</sup> in her porch<sup>3</sup> at her door some time about St Paul's tide last<sup>4</sup> (but the very day she cannot now call to mind), there sat at work with her one Mary Fear, her contest<sup>11</sup>, and one Joanne Pittman, her daughter. And upon a sudden she heard a scolding<sup>5</sup> in the street while they were there, the producent<sup>21</sup>, Mary Burnell, came



up the street by the door and presently after, she heard a scolding<sup>5</sup> between her and the defendant, Cullen, who lived in the other side of the street. And the said Cullen called the said Burnell murderous whore<sup>6</sup> several times whereupon the said Burnell came back to this deponent and her contest<sup>11</sup> and the said Joane Pittman, and bade them bear witness of what the said Cullen had called her<sup>7</sup> for that she should hear of it again and otherwise and otherwise she refers to the law.

To 5 she deposes and says that the said Dorothy Cullen lived in the parish of St John in Glastonbury and otherwise she knows nothing.

To the final she deposes that what she has already deposed is true and otherwise she knows nothing.

Signed Susanne Hewlett ^her mark<sup>8</sup>

## Deposition 2

On the above libel

Repeated as above

Maria Fear, the wife<sup>1</sup> of Christopher Fear of the parish of St John, Glastonbury where she has lived for the space of seven years, age 28. The witness is produced, admitted, sworn etc.

To Articles 1, 2, 3 and 4 of the libel she deposes and says that upon a certain day upward of a month since as she believes (but the very day she cannot well remember), she this deponent being in her contest's<sup>11</sup> porch<sup>3</sup> a knitting<sup>9</sup> there came by up the street the producent<sup>21</sup> by the door. And as soon as she was past along, the defendant called somebody that [...] who lived a little above on the other side of the street called somebody murderous whore.<sup>6</sup> Whereupon the said Burnell came back to this deponent and her contest<sup>11</sup>, Susanna Hewlett, who was then also working<sup>2</sup> in her said porch<sup>3</sup>, and bade them bear witness<sup>7</sup>, by which the it seemed to them that the said Cullen had called the said Burnell murderous whore.<sup>6</sup> And otherwise she knows nothing saving that she refers to the law.

To Article 5 of the libel she deposes and says that the defendant lives in St John's parish in Glastonbury.

To the final she deposes that what she has deposed is true and otherwise she knows nothing.

Signed Maria Feare ^her mark^8

### Deposition 3

Burnell against Cullen

Depositions relating to the articles of the allegation on the part of and for Dorothy Cullen.<sup>24</sup>

Repeated before Mr Jacob Aiton, surrogate etc. in the presence of G.L. Lynton N.P<sup>10</sup> on 2 May 1682.

John Treasure of the parish of St John the Baptist Glastonbury, where he has lived for the space of around 16 years, age 47. The witness is produced, admitted, sworn etc.

To Articles 2, 3, 4 and 5 of the allegation he deposes and says that he was very well acquainted with Nathaniel Burnell (mentioned in these articles) and says that he had the repute of a very honest poor man and never heard or understood but that he was any way addicted to follow or keep company with strange women. But says that the said Nathaniel was ill at ease and was in a wearing condition, so that he looked ill and green worse and worse. Whereupon about Christmas 1680<sup>4</sup> at length he discovered that he had the French Pox<sup>14</sup> and that he had got it off his wife, for he said that his wife, coming home from Wells, he had carnal knowledge<sup>22</sup> of her body and immediately he found a great alteration in himself. And then growing worse and worse, he discovered it to this deponent who was then churchwarden<sup>15</sup> of St John's Parish in Glastonbury and to diverse others of Glastonbury. And at length he grew so bad in that distemper that this deponent and the overseers of the the said parish<sup>16</sup> with others of the parishioners concluded that there should be some help looked after for him. And by a general consent, they treated with one Mr Perryam Grimsteed which who did then practice physick<sup>20</sup> about the cure and when the said Burnell came to the said Perryam Grimsteed and he had made inspection into the distemper, he found it to be that which is called the French Pox.<sup>14</sup> And the next day being about the 16th of March 1680, one Dr Jaques Flowerston coming to Glastonbury, this deponent with the said Nathaniel Burnell went to him to advise with him also about the said distemper, who upon search told the said Nathaniel that he had gotten the French pox.<sup>14</sup> Then they advised with him about the cure but they having first told him that they had treated with Mr Perryam about it, he was unwilling to be concerned about it but he said that he thought it would be a hard matter to cure him. Then the said Burnell did declare that if he had the Pox<sup>14</sup> he got his it by his wife and complained of her in a grievous manner. And he further says

that the said said Burnell's wife was then also in a languishing condition and the said Perryam did declare that she was in the same condition with her husband, but that it did not appear as yet to the full. Then this deponent did agree for the cure of the said Burnell and his wife at first for three pounds and he afterward brought to t̄50s<sup>17</sup> and he gave him 10s<sup>17</sup> in earnest for the cure. And says that afterwards the said Burnell was with the said Perryam in order to a cure, but being not cured he returned to Glastonbury in a bad condition, where he grew very ill. And did publicly declare that his wife had ruined him and that she had brought him to that condition, and this he declared generally to all people insomuch that it was noised through the town, everybody discerning of it. And says that the said Burnell grew worse and worse, till his death and died in a miserable condition always crying out upon his wife that she had brought him to that miserable end condition. And says that it is generally now believed that in and about Glastonbury that the said Burne Mary Burnell, the plaintiff (wife to the said Nathaniel Burnell), was the chief instrument of her said husband's distemper which hastened his death. And the cause of such belief is for that the said Nathaniel did often and in extreme e agonies and protestations declare so much. And he does further say that when the said Burnell was this miserably dead, he this deponent went to the said Burnell's house and meeting with his wife (the plaintiff in this cause) he asked her whether her husband was cured of his distemper which he formerly had upon him. For that if he was cured, he was engaged to pay Mr Perryam the residue of the cure money which he promised him if the cure was perfected, to which she replied that he was not cured. And otherwise he knows nothing saving that the producent<sup>21</sup> was sister to the deceased Burnell.

To the final he deposes that what he has already deposed is true. And otherwise he knows nothing.

#### Interrogatories

Repeated as above.

To Interrogatory 1 he responds that he has said as much as he can say to it in his former deposition and otherwise he knows nothing.

To Interrogatory 2 he responds that he never heard the plaintiff and defendant quarrel and says that since this [...] miscarriage of Nathaniel Burnell, his wife's credit is not so clear as formerly. And otherwise he knows nothing.

To 3 he responds that Nathaniel Burnell was the first cause of the discourse that of what is before spoken. For he believes if that had been first spoken of by him, nobody would have had any thing to say of it. And otherwise he knows nothing.

Jn: Treasure<sup>8</sup>

## Deposition 4

On the above allegation.

John Applin of the parish of St John the Baptist Glastonbury, stocking maker<sup>18</sup>, where he has lived since he was born, [...] age 32. The witness is produced, admitted, sworn etc.

Repeated as above.

To Articles 2, 3, 4 and 5 of the allegation he deposes and says that Nathaniel Burnell mentioned in these articles was heretofore of Glastonbury and had ever the repute of a very honest man. And says that about March last was twelve months [ago], the said Nathaniel came to this deponent in being overseer of the poor<sup>16</sup> of Glastonbury, and to John Treasure, his contest<sup>11</sup> who was churchwarden.<sup>15</sup> And told them that he was in a very bad condition for that he then had the French Pox<sup>14</sup> and desired that some care might be taken upon the parish account for his care, for that he was incapable to work and he had not wherewithal to take care of the same himself by reason of poverty. Then this deponent told him that they were not immediately to satisfy his desire upon bare his bare saying so, upon which he showed them his privities which were in such a lamentable condition that he really pitied him. Then this deponent asked him how he got it, to which the said Burnell replied with horrid wishes that his wife was the cause thereof and that he got it of her, then saying that upon a certain time (sometime before) she coming home from Wells, she was very solicitous with him for to lie with her, which having so se done he found that he had gotten that distemper which they then saw. And this deponent further says that they did agree with one Mr Perryam, a physician<sup>23</sup>, for the cure and the said Burnell was with him the said Perryam, but he returned to Glastonbury very ill. And in some time after, died in a miserable condition, always exclaiming against and crying out upon his wife that she had brought him to that pass. And he further says that the said Mr Perryam did say that the said Burnell's wife had likewise the pox<sup>14</sup> (meaning the plaintiff) and that she must also be cured and upon the agreement with this deponent and the said Treasure, he was to cure her also. And he further also says that of this now and for some time past, there has been a rumour in and about Glastonbury. And otherwise he knows nothing saving that the deceased Burnell was sister to the producent.<sup>21</sup>

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

Interrogatories

Repeated as above

To the first interrogatory he refers himself to what he has already deposed and otherwise knows nothing.

To 2 he responds that the plaintiff has had a very ill report in Glastonbury for several years last past and otherwise he knows nothing.

To 3 he responds that he this respondent did often hear the said Nath: Burnell say that his wife was the cause of his distemper and he was the original cause of the report as he believes. And otherwise he knows nothing.

John Applin<sup>8</sup>

## Deposition 5

On the above allegation

Repeated before Mr Joseph Shallitt with Mr Ivaly in this new cause, in the presence of G.L. Lynton N.P.<sup>10</sup> on 2 May 1682.

Andrew Tincknell of the parish of St John the Baptist Glastonbury in the county of Somerset, worsted comber<sup>19</sup>, where has has lived for the space of around nine years, age 30. The witness is produced, admitted, sworn etc.

To Articles 2, 3, 4 and 5 of the allegation he deposes and says that he this deponent was neighbour to the deceased Nathaniel Burnell (mentioned in these articles) and says that he was a very honest man and this deponent was formerly very much in his company. And also that upon a certain time before Michaelmas last<sup>4</sup> was two years twelve months [ago], there happened a difference between the deceased Nath: Burnell (mentioned in these articles) and his wife (the plaintiff in this cause) insomuch that they fought, and she threw him down and broke his head, shortly upon which she, the said plaintiff, and went to Wells. And he further says that some time after her return, he this deponent did meet with the said Burnell, the deceased, who told him that his wife had undone him for that she had poxed<sup>14</sup> him and then told him that she had been lately at Wells and when she came home she was more than usually [...] to him and desired him very urgently to go to bed with him, which he accordingly did. And whilst he was yet in the act of copulation with her, she bade him lie close or she would thrust a pin in him, which to satisfy her he did to his utmost strength. And then immediately as he ended, he found a strange alteration in himself and from that very time (he then said) that he grew worse and worse till he came to that pass. And further says that many times after this, he the said Nathaniel did even weeping complain to this deponent that his wife had ruined him, being then in extreme misery by reason of the height of his distemper. And says that it was reported after that she, his said wife that plaintiff, was troubled with the same distemper for she was ill for some month about that time and complained extremely

in her head, back and all her limbs. And he further says that the said Nathaniel Burnell continued in a deplorable state till his dying day, he dying about a year since to the best of this deponent's remembrance. And otherwise he knows nothing.

To the final he deposes that what he had already deposed is true. And otherwise he knows nothing.

#### Interrogatories

Repeated as above

To the first interrogatory he responds that he cannot say any more to it that what he has said before and otherwise depose he knows nothing.

To Interrogatory 2 he responds that since the first sickness of the said Nath: Burnell, the said Mary his wife is out of all manner of credit amongst the better sort of people. And otherwise he knows nothing.

To Interrogatory 3 he responds that the said Mary Burnell's husband, the deceased, was the first causer of all the reports mentioned in his former depositions. And otherwise he knows nothing.

Andrew Tinknell<sup>8</sup>

#### Deposition 6

On the above allegation.

Repeated as above.

Anna Spurlock of the parish of St John the Baptist Glastonbury, the wife of<sup>1</sup> William Spurlock, where she has lived since birth and was born, age 30 57. The witness is produced, admitted, sworn etc.

To Articles 2, 3, 4 and 5 of the allegation, she deposes and says that there was a great rumour and report in and about the town of Glastonbury that Natha: Burnell in his life time had gotten the French Pox<sup>14</sup> and that he got it from his wife, the plaintiff in this cause. And says that the Saturday before the deceased Nathaniel died, she went to see him where he lay in his bed (he dying the Monday following) and she says that he was in a sad, lamentable condition and he spoke to this deponent, telling her that his time was but short and therefore desired her when he was dead to strip him. And the time being come, she went to strip him and when she had so stripped him, she found his body full of large blue spots and for the scabs were fallen off and his members were almost eaten off. And upon them there was a plaster which the said deceased's sister did take off, this deponent refusing to do it. And

says when they had fully stripped him, they went their way. And further says that the next day, the plaintiff sent for this deponent and desired her to go up with her into the chamber that they she might bear witness how it it was with her husband, for that she said there was a speech about town that his members were cut off. But this deponent replied that it was not cut off, but there was but little left, but she urged her to go up with her to see him which accordingly she did. And when they came up to him where he lay, she the said plaintiff uncovered him and then she put her finger upon ~~took up~~ his yard in her hand of which there was little left, save only the middle thereof, which was as hard as a board, being there very little flesh thereon of. Then she told this deponent that now she could testify that it was not cut off, so away she went. And otherwise she deposes and says that the said plaintiff, before her said husband's death, was also very ill and complained extremely of the pain which she endured, and everybody concluded that it was the pox<sup>14</sup> that he was troubled with but what the real cause was she knows [not].

To the final she deposes that was she has already deposed is true.

#### Interrogatories

To the first she cannot respond more than what she has before deposed.

To 2 she responds that since this accident, the plaintiff is of little credit. And otherwise ~~dep~~ she cannot respond.

To 3 she cannot respond.

Signed Anne Spurlock ^her mark<sup>8</sup>

## Notes

<sup>1</sup> (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.

<sup>2</sup> (interpretation) Witnesses were not always specific in describing the work they performed, as this was incidental to the case.

<sup>3</sup> (interpretation) The porch, on the boundary of the house and the street, acted as an important site of work for women engaged in spinning, knitting and other forms of textile work, offering good light and sociability.

<sup>4</sup> (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).

- <sup>5</sup> (gloss) 'Scolding' is noisy, quarrelsome behaviour, usually involving abusive speech. In early modern England, it was typically associated with women.
- <sup>6</sup> (technicalities of the court) 'Whore' was an actionable word in the church courts.
- <sup>7</sup> (technicalities of the court) To successfully file for defamation, the plaintiff had to produce witnesses who had heard and saw the words spoken. Asking these individuals to bear witness at the time demonstrates the litigiousness of early modern society.
- <sup>8</sup> (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).
- <sup>9</sup> (interpretation) Textile work: evidence of women's work related to production (potentially for the market).
- <sup>10</sup> (gloss) N.P. stands for 'Notarius Publicus' or public notary.
- <sup>11</sup> (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.
- <sup>12</sup> (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, this deposition was actually taken in 1682.
- <sup>13</sup> (technicalities of the court) This is a dispute between private parties, known in the church courts as an instance suit.
- <sup>14</sup> (gloss) The French Pox is syphilis, a sexually transmitted infection.
- <sup>15</sup> (gloss) A churchwarden was an elected representative of the parish. His duties included (but were not restricted to) keeping order in church and the parish.
- <sup>16</sup> (gloss) An Overseer of the Poor was a parish official, responsible for administering poor relief.
- <sup>17</sup> (gloss) 's' used after a number refers to shillings (e.g. 50 shillings).
- <sup>18</sup> (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.
- <sup>19</sup> (gloss) A worster comber was a comber of wool used in textile production. 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.
- <sup>20</sup> (gloss) 'Physick' was the practice of medicine.
- <sup>21</sup> (gloss) The 'producent' is the party in the case who has produced the witness.
- <sup>22</sup> (gloss) Carnal knowledge is an archaic term for sexual intercourse, often used in legal documents.



<sup>23</sup> (technicalities of the court) Occupational or social status descriptors (e.g. baker, joiner, yeoman) were typically recorded for men.

<sup>24</sup> (technicalities of the court) Here, witnesses are now produced in defense of Dorothy Cullen

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