

Court Depositions of South West England, 1500-1700

Case 2: Defamation at the Water's Edge

Case type: Defamation

Summary: Jane Clerck v Richard Churcher: Jane is pushed into the water with her maid while washing clothes and is called an dishonest woman.

Source: Hampshire Record Office, 21M65-C3-4

Original Spelling Transcription

Deposition 1

4 Julii ^1569^ sup[er] li[bel]lo ex p[ar]te ^Jane^ Clerck con ^Richard^ Churcher¹³ dat

Johannes Wilkins de Sora Wintonglasier¹ ubi mora[m] fecit a na[tivita]te &c. libe[re] &c. testis &c. etatis xxv annos dicit q[uo]d d[i]c[t]am Clerck p[er] viii annos et dict Churcher et uxor sua tam diu b[e]n[e] novit

Ad 1 ar[tic]lu[m] li[bel]li refert se ad iur[a]

Ad 2 depo[ni]t et dicit that abowt Ester last² upon a working day (ut recolit) this depo[nen]t dwelling w[i]th Gillam glasier was requested by the saide Jane clerck to help her Mayde to the water³ w[i]th a buck⁴. And when they came right ov[er] the saide Churchers dore w[i]th ther buck of clothes⁴ the saide churchers wiff had left washing. And was in her howse where upon James Godslens wiff his contest¹² was standing upon a borde by the water⁵ redy to wash the clothes w[hi]ch this depo[nen]t & she brought forth. And then Churchers wiff came owte agayne from her howse w[i]th ii kettles And sayde to Mrs¹¹ Clerck then being ther / dost thou thrust my mayde from the wasshing place & imediatly went to the saide Godslens wiff & thrust her into the water. And then Mrs¹¹ Clerck demanded of the sayde Churchers wiff why she did soe. / And she sware that she wolde thurst her in allso, and w[hi]ch imediatly she did as sone as the saide Mrs¹¹ Clerck sett her fote uppon the borde

& thrust her twice back And sayde to the saide Mrs¹¹ Clerck, Thow arte no honest woman & w[i]th that the said Richard Churcher her husband came owte & saide to this depo[nen]t what have yo[u] to do w[i]th this / And sayde unto the saide Mrs¹¹ Clerck then being all wett, thow arte an dishonest woman⁶ And she asked what dishonesty know yo[u] by me And then this depo[nen]t wente his way et al[ite]r nescit depon[er]e

Ad 3 nescit depon[er]e.

Ad 4 veru[m] est.

Ad 5 credit ar[ticu]lu[m].

Ad 6 p[re]depo[s]ita p[er] eu[m] sunt vera &c.

Idem sup[er] Interr[ogatoriis]

Ad 1 satisfact est.

Ad 2 r[esp]ondet that he is owte of ev[er]ie bodies debte & otherwise very litle worth.⁷

Ad 3 nescit al[ite]r r[esp]ondere q[ui] p[re]deposunt

Ad 4 r[esp]ondet q[uo]d p[ro]us dicit et audivit.

Ad 5 venit rogatu Georgii Clerck mariti d[i]c[t]e Clerck

Ad 6 satisfact est al[ite]r nescit r[esp]ondere

Ad 7 r[esp]ondet q[uo]d indifferens

Ad 8 9 r[esp]ondet nega[tiv]e

Ad 10 r[esp]ondet that once L. Magdalene hill this r[esp]ondent did weare his armor et al[ite]r r[esp]ondet nega[tiv]e

Ad 11 r[esp]ondet q[uo]d credit ar[ticu]lu[m] ad deponend veritate[m].

Ad 12 r[esp]ondet that he dwelleth w[i]th Gillam Glasier.

Ad 13 satisfact est

^his mark¹⁰

Deposition 2

4 Julii ^1569^ sup[er] li[bel]lo ex p[ar]te ^Jane^ Clerck con ^Richard^ Churcher dat

Rabadge Godsland uxor⁸ Jacobi Godsland de Civi[ta]te Winton etatis xxviii annos libe[re] &c. testis &c. dicit q[uo]d dict Clerck p[er] iies annos et dict Chercher et uxor sua p[er] x. annos b[e]n[e] novit

Ad 1 ar[ticu]lu[m] li[bel]li refert se ad iur[a]

Ad 2 depo[ni]t et dicit that about a fortnight afore Ester last² ut recolit this depo[nen]t & the saide John Wilkens her contest¹² at Mrs¹¹ Clercks request carried a bucke of Clothes⁴ to the wasshing place³ right ov[er] the saide Churcher dore And when they came thither the sayde Churchers mayde had done wasshing of her Clothes And then Mrs¹¹ Clerck layde downe a borde to wash upon And this depo[nen]t stode upon the borde and im[m]ediatly the saide Churchers wiff came owte of her howse w[i]th a cople of kettles in her hand to the wasshing place, and being greved w[i]th the saide Mrs¹¹ Clerck for wasshing ther she thrust this depo[nen]t in to the water And then w[i]th Mrs¹¹ Clerck asked her why she did soe, And the saide Churchers wiff awnswered & swore that she wold thrust her in allso & so she ded, and sayde she the saide Mrs¹¹ Clerck was no honest woman⁶, And then the saide Richard Churcher came owte of his howse And taking his wiffes parte in conclusion saide the saide Mrs¹¹ Clerck was no honest woman.⁶ Why q[uo]d Mrs¹¹ Clerck what unonesty do yo[u] know by me. et al[ite]r nescit depon[er]e.

Ad 3 nescit depon[er]e.

Ad 4 veru[m] est.

Ad 5 refert se ad iur[a].

Ad ult p[re]depo[s]ita p[er] eu[m] sunt vera &c.

Eade[m] sup[er] Interr[og]atoriis

Ad 1 satisfact est

Ad 2 no[n] concernit ea[m].⁷

Ad 3 4 satisfact est

Ad 5 venit rogatu Mr Clerck marite di[ct]e Clerck.

Ad 6 satisfact est

Ad 7 est indifferens

Ad 8 r[esp]ondet that she is ther at Mr Clerck once in a weke⁹ to helpe wash a bucke⁴ et al[ite]r r[esp]ondet nega[tiv]e

Ad 9 r[esp]ondet nega[tiv]e.

Ad 10 11 12 no[n] concernit ea[m].

Ad ult satisfact est.

^her mark¹⁰

Modernized Spelling Transcription

Deposition 1

4 July ^1569^ Suit on the part of ^Jane^ Clerck against ^Richard^ Churcher.¹³

John Wilkins of the Soke, Winchester, glasier¹, where he has lived since birth, age 25. He has known the said Clerck for eight years and the said Churcher and his wife for the same time.

To Article 1 of the libel he refers himself to the law.

To the second, he deposes and says that about Easter last² upon a working day (he recalls) this deponent dwelling with Gillam Glasier was requested by the said Jane Clerck to help her maid to the water³ with a buck⁴. And when they came right over the said Churcher's door with their buck of clothes⁴, the said Churcher's wife had left washing. And [she] was in her house whereupon James Godslen's wife, his contest¹², was standing upon a board by the the water⁵ ready to wash the clothes which this deponent and she brought forth. And then Churcher's wife came out again from her house with two kettles. And said to Mrs¹¹ Clerck, then being there: 'dost thou thrust my maid from the washing place?' And immediately went to the said Godslen's wife and thrust her into the water. And then Mrs¹¹ Clerck demanded of the said Churcher's wife why she did so. And she swore that she would thrust her in also, and which immediately she did as soon as the said Mrs¹¹ Clerck set her foot upon the board and thrust her twice back. And said to the said Mrs¹¹ Clerck: 'thow art no honest woman' and with that the said Richard Churcher, her husband,

came out and said to this deponent: 'what have you to do with this?' And said unto the said Mrs¹¹ Clerck, then being all wet: 'thow art an dishonest woman'.⁶ And she asked: 'what dishonesty know you by me?' And then this deponent went his way and otherwise he knows nothing.

To 3 he knows nothing.

To 4 he says it is true.

To 5 he believes the article to be true.

To 6 he says that what he has already deposed is true.

Interrogatories

To 2 he has already satisfied this in his deposition.

To 2 he responds that he is out of everybody's debt and is otherwise very little worth.⁷

To 3 he says nothing other than what he has already deposed.

To 4 he responds as he says he heard.

To 5 he comes at the request of George Clerck, husband of the said Clerck.

To 6 he has already satisfied this in his deposition and otherwise he says nothing.

To 7 he responds alike.

To 8 [and] 9 he responds no.

To 10 he responds that once L. Magdalene Hill, this respondent did wear his armour and otherwise he responds no.

To 11 he responds that he believes the article is true.

To 12 he responds that he dwells with Gillam Glasier.

To 13 he has already satisfied this in his deposition.

^his mark¹⁰

Deposition 2

Rabadge Godsland, wife of Jacob Godsland⁸ of Winchester, age 28. She has known the said Clerck for three years and the said Churcher and his wife for ten years.

To Article 1 of the libel she refers herself to the law.

To the second she deposes that about a fortnight before Easter last², she recalls, this deponent and the said John Wilkins, her contest¹², at Mrs¹¹ Clerck's request, carried a buck of clothes⁴ to the washing place³ right over the said Churcher's door. And when they came there, the said Churcher's maid had done washing of her clothes. And then Mrs¹¹ Clerck laid down a board to wash upon. And this deponent stood upon the board and immediately, the said Churcher's wife came out of her house with a couple of kettles in her hand to the washing place. And being grieved there, she thrust this deponent into the water. And then with Mrs¹¹ Clerck asked her why she did so. And the said Churcher's wife answered and swore that she would thrust her in also and so she did, and said she, the said Mrs¹¹ Clerck, was no honest woman.⁶ And then the said Richard Churcher came out of his house and taking his wife's part, in conclusion said the said Mrs¹¹ Clerck was no honest woman.⁶ 'Why,' said Mrs¹¹ Clerck, 'what dishonesty do you know by me?' And otherwise she knows nothing.

To 3 she knows nothing.

To 4 she says it is true.

To 5 she refers herself to the law.

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

Interrogatories

To 1 she has already satisfied this in her deposition.

2⁷ does not concern her.¹⁴

To 3 and 4 she has already satisfied this in her deposition.

To 5 she comes at the request of Mr Clerck, the husband of the said Clerck.

To 6 she has already satisfied this in her deposition.

To 7 she responds alike.

To 8 she responds that she is there at Mr Clerck's once a week⁹ to help wash a buck⁴ and otherwise she says no.

To 9 she says no.

10, 11 and 12 do not concern her.

To the final she has already satisfied this in her deposition.

^her mark^¹⁰

Notes

¹ (gloss) A glasier is a glass cutter or window maker. Male depositions: occupational or social status descriptors (e.g. baker, joiner, yeoman) were typically recorded in the brief biographical statement at the beginning of the deposition.

² (interpretation) In describing when a particular event had taken place, witnesses often reported the time in relation to the liturgical calendar (e.g. referring to church seasons and feast days).

³ (interpretation) Washing clothes: evidence of men's and women's work. It is interesting that a man helps a maid to carry the washing.

⁴ (gloss) A 'bucking' or a 'buck' is a basket of dirty clothes, which was sometimes very heavy.

⁵ (interpretation) The water (probably a river/stream): this location of work could be a very sociable site, as women from other households were also washing clothes.

⁶ (technicalities of the court) This is not the usual language of defamation. 'Unhonest' does not describe a particular offence that Jane Clerck is alleged to have committed. See Laura Gowing, 'Gender and the Language of Insult in Early Modern London', *History Workshop Journal*, 35, 1993, 1-21.

⁷ (technicalities of the court) Statement of worth: in interrogatory questioning, witnesses were often asked to state how much they (or another witness) were worth (all debts paid). The question was designed to discredit witnesses based on their economic value. Reputation and credibility was linked to economic wealth; those of higher social status and wealth were presumed to be more trustworthy. Some described their worth as a cash value, some in terms of the goods they owned and others talked about their worth in much broader terms (e.g. 'not much worth').

⁸ (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.

⁹ (interpretation) Rabadge is referred to as a 'mayde' (servant) but works for the Clercks only once a week and is married. She is therefore probably not a live-in servant.

¹⁰ (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).

¹¹ (gloss) Use of the word 'Mrs' does not denote a married woman but a woman of social standing. This usage persisted until at least 1800. See A. Erickson, 'Mistresses and Marriage: or, a Short History of the Mrs', *History Workshop Journal*, 78, 2014, 39-57.

¹² (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.

¹³ (technicalities of the court) This is a dispute between private parties, known in the church courts as an instance suit.

¹⁴ (technicalities of the court) Rabadge says this does not concern her because she is married and under the laws of coverture. This was a common law convention that a man would assume ownership of the moveable estate a woman brought with her to a marriage and generated within the marriage.

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