

# Court Depositions of South West England, 1500-1700

## Case 5: Going Like a Strumpet

Case type: Defamation

Summary: Ann Smith v Jacob Guy: on a Friday before Whitsunday, Jacob (James) calls Anne a strumpet while she is outside in her garden.

Source: Hampshire Record Office, 21M65-C3-10

### Original Spelling Transcription

23 Junii 1592

Sup[er] li[bel]lo ex p[ar]te Anne Smyth con Jacobum Guy dat./<sup>10</sup>

#### Deposition 1.1

Jacobus Shackleford de Bradelywever<sup>1</sup> ubi oriund fuit etate circit[er] l ann[um] libe[re] &c. testes &c dicit q[uo]d p[ar]tes litigan b[e]n[e] novit./

Ad. 1. refert se ad iur[a]

Ad. 2. depo[ni]t et dicit that upo[n] the Fryday before Whitsunday<sup>2</sup> last past (ut recolit et al[ite]r no[n] recolit tempus) this depo[nen]t by oecasi brought home to the saide Ann Smiths dwelling howse in Preston Candover a pece of Cloth w[hi]ch he whad weved for her<sup>3</sup> / And the said Ann Smith was not w[i]thin, but her mayde went to her p[rese]ntly & adv[er]tesed her of this depo[nen]ts being there :/ And in the tyme whilest this depo[nen]t tarried there for her coming he did loke owt at the window & there p did see the said James Guy being at hedging<sup>4</sup> in his grounde over right the vicaredge gate / & did heare him the said James in earnest co[m]muni[cat]i[on] & chiding w[i]th ann the saide Ann Smith (as this depo[nen]t verely beleveth) it was ye said Ann Smith for he did not see her till she came into her howse/ And emongst oth[er] speches this depo[nen]t did then here the said Guy utter & speke to the said Ann Smith as he beleveth & as he hath before said, S the terme & worde/ Strumpett<sup>6</sup>, But he cannott tell wheth[er] he said Thow art a strumpett or goe like a strumpett<sup>6</sup>, he gave no grete heede there to becawse he was not desiered to

bere witness thereto :/ And then imediatly she the said Ann Smith cam[e] into this depo[nen]ts her howse/ & towlde this depo[nen]t unto her maydens yt she was called strompett<sup>6</sup> by the said Guy & was nev[er] so called before: & was shee the[n] asked this depo[nen]t by her if he hard not him say soe/ And this depo[nen]t answered her, In deade such a worde I harde But he beleveth that the said chiding & words fro[m] the s[ai]d Guy to the was soe uttered unto the said Ann Smith For w[hi]ch he reme[m]breth knoweth by that he well did know the mann[er] of her speech 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[ar] eu[m] sunt ver[a] &c /

H ^his mark<sup>7</sup>

## Deposition 2.1

Christiana Marten al[ia]s Capper de Chilton Candover etats circit[er] xx annor[es] liber oriund ap[ud] hide streat iux[t]a winton libe[re] &c teste &c dicit q[uo]d p[ar]tes litiga[n] b[e]n[e] novit./

Ad. 1. refert se ad iur[a]

Ad. 2. depo[ni]t et dicit That uppon Ester even<sup>2</sup> about two dayes before eith[er] ye feaste of Ester or Whitsentyde<sup>2</sup> last past ut recolit et al[ite]r no[n] recolit tempus the saide James Guy being at hedging<sup>4</sup> at his medow overight the vicaredge gate, & the saide Ann Smith then being in her garden nere unto that place / she the said Ann Smith used these speches in effect to the said Guy. viz how chance yo[u] have burst my Soves legge used som[e] speches of her mislike w[i]th the said Guy about the breking of her Soves legg wherew[i]th she charged him & at length saide unto him yo[u] are an honest man I warrant yo[u]: whereupo[n] the said Guy replied unto her the s[ai]d Ann Smith & said: I will have xx honest me[n] to say for me and thow shalt goe like a Strumpett<sup>6</sup>: Then q[uo]d the said Ann Smith to the said Guy: wilt thow say those words againe? thereto the said Guy p[rese]ntly replied unto her I that I will Thow art a strumpett<sup>6</sup> in the p[re]sence & hering of this depo[nen]t & her contest<sup>11</sup> Ann Edwards who then were scouring of a glasse window<sup>8</sup> of ye vicaredge howse there [...] nere unto & in sight of the said p[ar]ties ut depo[ni]t et al[ite]r nescit depon[er]e

Ad 3 nescit depon[er]e

Ad 4 ver[um] est

Ad 5 refert se ad iur[a]

Ad ult p[re]depo[s]ita p[ar] eu[m] sunt ver[a] &c

O ^her mark<sup>7</sup>

### Deposition 3.1

Agnes Edwards de Preston Candov[er] ibu[m] oriund etate circit[er] xl ann[um] libe[re] &c testes &c dicit q[uo]d p[ar]tes litigan b[e]n[e] novit

Ad. 1. nescit depon[er]e

Ad. 2. depo[ni]t et dicit That upo[n] East[er] eve last past<sup>2</sup> (ut recolit et al[ite]r non recolit tempus) the said Ann Smith being in her garden of the vicaredge howse at Preston Candov[er] & the said Guy at hedging<sup>4</sup> in a close harde by: the s[ai]d Ann Smith had co[m]municac[i]on w[i]th the said Guy abowt the breking of her Sowes legg wherew[i]th she charged him./ And at thereupo[n] sayde to him yo[u] are an honest man I warrant yo[u] / whereunto the said Guy p[resen]tly sayde to the said Ann Smyth I will have xx honest men shall accompt me to be an honest man, And thow shalt goe like a strumpett<sup>6</sup> / Then the said Ann Smyth asked of the sayde Guy wilt thow say those words againe: yea that I will q[uo]d the saide Guy Thow art a strumpett<sup>6</sup> in the p[re]sence sight & hering of this depo[nen]t the[n] also being in [...] the s[ai]d garden ut r[...]scowring of the glasse window<sup>8</sup> next opening into the said garden & her contest<sup>11</sup> Chri[sti]an Marten was on the insyde of the howse at that window helping this depo[nen]t abowt the scowring of ye window<sup>8</sup> ut depo[ni]t 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[ar] eu[m] sunt ver[a] &c.

I ^her mark<sup>7</sup>

## Deposition 1.2

Jacobus Shackleford sup[er] Interr

Ad 1 r[esp]ondet that he is a pore wever of litle or smale habilyte<sup>9</sup> ut r[esp]ondet resid satisfirit

Ad 2 de r[esp]ondet p[ro]ut sup[er]ius ad li[bell]um depo[ni]t et al[ite]r nescit depon[er]e.

Ad 3 r[esp]ondet that the said words by him testified were soe spoken in the afternone towards the evening, & then were both his contests<sup>11</sup> scowring of the glasse window in the p[ar] of the said vicaredge towards ye garden one of the[m] on the inside of the window & the oth[er] on the garden side. ut r[esp]ondet et resid satisfirit

Ad 4 r[esp]ondet ut sup[er]ius ad li[bell]um p[re]depo[si]t et al[ite]r nescit r[esp]ondere /

Ad 5 r[esp]ondet q[uo]d p[ar]tibus in differens.

Ad 6 r[esp]ondet ut sup[er]ius p[re]depo[si]t et al[ite]r nescit dep r[esp]ondere /

Ad ult satisfirit./

H ^his mark<sup>7</sup>

## Deposition 2.2

Christiana Marten sup[er] Interr

Ad 1 r[esp]ondet yt she is [...] a pore mayde servant & yt is her maintenance<sup>9</sup> ut r[esp]ondet et resid satisfirit./

Ad 2 r[esp]ondet ut p[re]depo[si]t ad li[bell]um et al[ite]r nescit of r[esp]ondere

Ad 3 r[esp]ondet yt the time of the day was abowt the afternone & yt her contest<sup>11</sup> James Shacleford was in the hall of ye vicaredge howse at that tyme having the[n] brought home a pece of Cloth for Mres<sup>5</sup> Smith w[hi]ch he had weved for her<sup>3</sup> ut r[esp]ondet.

Ad 4 r[esp]ondet ut p[re]depo[si]t viz yt she being scowring the glasse window<sup>8</sup> in the [...] hall looking into the garde[n] next ye Orchard, did through the glasse window

see the p[ar]ties aforesai ar[ticu]late & here the words before by her deposed ut de r[esp]ondet /

Ad 4 5 r[esp]ondet q[uo]d vellet victor ins henti :/

Ad 6 r[esp]ondet yt she hard no oth[er] unseemly speches spoken by Mrs<sup>5</sup> Smyth to the s[ai]d James Guy then those w[hi]ch she hath allredy deposed / et ideo nescit ulter r[esp]ondere huc Interr./

Ad 7 satisf[a]c[t]um est./

M ^her mark<sup>7</sup>

### Deposition 3.2

Agnes Edwards sup[er] Interr[ogator]iis.

Ad 1 r[esp]ondet that she is a pore Laboring mayden servant & liveth by her labor<sup>9</sup>, resid satisfacerit /

Ad 2 r[esp]ondet ut ad li[bel]lum depo[ni]t et al[ite]r nescit depon[er]e.

Ad 3 r[esp]ondet quoad tempus / That she cannot certainly tell wheth[er] it was tw within two dayes before Ester or Whitsontyde<sup>2</sup> last, but she sayth yt she is awnswered yt the tyme was one of those two tymes ut recolit abowt the aft[er] none & the said Shacleford her constcontest<sup>11</sup> then was in the hall of the s[ai]d vicaredge howse, et resid in p[re]depo[sit] p[ar] eu[m] satisfacerit./

Ad 4 r[esp]ondet ut ad li[bel]lum depo[ni]t et al[ite]r nescit r[esp]ondere

Ad 5 r[esp]ondet q[uo]d vellet victor ins henti

Ad 6 r[esp]ondet ut p[re]depo[sit] et al[ite]r nescit r[esp]ondere

Ad ult satisfacerit

J ^her mark<sup>7</sup>

### Modernized Spelling Transcription

23 June 1592

On the libel given on the part of Anne Smyth against Jacob (James) Guy.<sup>10</sup>

## Deposition 1.1

Jacob Shackelford of Bradley, weaver<sup>1</sup>, where he was born, around 50 years old. Free witness etc. who says that he knows the litigant parties well.

To 1 he refers himself to the law.

To 2 he deposes and says that upon the Friday before Whitsunday<sup>2</sup> last past (he recalls and otherwise he does not recall the time) this deponent by ~~o~~ccasi brought home to the said Ann Smith's dwelling house in Preston Candover a piece of cloth which he whad weaved for her<sup>3</sup>. And the said Ann Smith was not within, but her maid went to her presently and advertised her of this deponents being there. And in the time whilst this deponent tarried there for her coming, he did look out at the window and there p did see the said James Guy being at hedging<sup>4</sup> in his ground over right the vicarage gate. And did hear him, the said James, in earnest communication and chiding with ann the said Ann Smith (as this deponent verily believes) it was the said Ann Smith, for he did not see her till she came into her house. And amongst other speeches this deponent did then hear the said Guy utter and speak to the said Ann Smith as he believes and as he has before said, S the term and word 'Strumpet'.<sup>6</sup> But he cannot tell whether he said 'Thow art a strumpet' or 'go like a strumpet'<sup>6</sup>, he gave no great heed thereto because he was not desired to bear witness thereto. And then immediately she, the said Ann Smith, came into this deponent's her house and told this deponent unto her maidens that she was called 'strumpet'<sup>6</sup> by the said Guy and was never so called before. And was she then asked this deponent by her if he heard not him say so. And this deponent answered her 'Indeed such a word I heard'. But he believes that the said chiding and words from the said Guy to the was so uttered unto the said Ann Smith For which he remembers knows by that he well did know the manner of her speech and otherwise he cannot depose.

To 3 he cannot depose.

To 4 he says it is true.

To 5 he refers himself to the law.

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

H ^his mark<sup>7</sup>

## Deposition 2.1

Christian Marten alias Capper of Chilton Candover, around 20 years old, free born in Hyde Street near Winchester. Free witness etc. who says that she knows the litigant parties well.

To 1 she refers herself to the law.

To 2 she deposes and says that upon Easter eve<sup>2</sup> about two days before either the feast of Easter or Whitsontide<sup>2</sup> last past, she recalls and otherwise she does not recall the time, the said James Guy being at hedging<sup>4</sup> at his meadow over right the vicarage gate, and the said Ann Smith then being in her garden near unto that place, she the said Ann Smith used these speeches in effect to the said Guy, viz: 'how chance you have burst my sow's leg?' used some speeches of her mislike with the said Guy about the breaking of her sow's leg, wherewith she charged him. And at length said unto him: 'you are an honest man, I warrant you'. Whereupon the said Guy replied unto her, the said Ann Smith, and said 'I will have 20 honest men to say for me and thow shall go like a strumpet.'<sup>6</sup> Then said the said Ann Smith to the said Guy: 'Wilt thow say those words again?' Thereto the said Guy presently replied unto her 'I that I will, thow art a strumpet'<sup>6</sup> in the presence and hearing of this deponent and her contest<sup>11</sup> Ann Edwards, who then were scouring of a glass window<sup>8</sup> of the vicarage house there [...] near unto and in sight of the said parties as she deposes and otherwise she cannot depose.

To 3 she cannot depose.

To 4 she says it is true.

To 5 she refers herself to the law.

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

O ^her mark<sup>7</sup>

## Deposition 3.1

Agnes Edwards of Preston Candover where she was born, around 40 years old. Free witness etc. who says that she knows the litigant parties well.

To 1 she cannot depose.

To 2 she deposes and says that upon Easter eve<sup>2</sup> last past (he recalls and otherwise she does not recall the time) the said Ann Smith being in her garden of the

vicarage house at Preston Candover, and the said Guy at hedging<sup>4</sup> in a close hard by, the said Ann Smith had communication with the said Guy about the breaking of her sow's leg, wherewith she charged him. And at thereupon said to him: 'you are an honest man, I warrant you.' Whereunto the said Guy presently said to the said Ann Smith 'I will have 20 honest men shall account me to be an honest man, and thou shall go like a strumpet'.<sup>6</sup> Then the said Ann Smith asked of the said Guy 'Will thow say those words again?' 'Yea, that I will' said the said Guy 'Thow art a strumpet'<sup>6</sup>, in the presence, sight and hearing of this deponent then also being in [...] the said garden and [...] scouring of the glass window<sup>8</sup> next opening into the said garden and her contest<sup>11</sup> Christian Marten was on the inside of the house at that window, helping this deponent about the scouring of the window<sup>8</sup> as she deposes and otherwise she cannot depose.

To 3 she cannot depose.

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 etc.

I ^her mark^<sup>7</sup>

## Deposition 1.2

The Interrogatory of the above Jacob Shackelford

To 1 he responds that he is a poor weaver of little or small ability<sup>9</sup> and has already responded to the rest.

To 2 de he responds as above to the libel and otherwise he cannot depose.

To 3 he responds that the said words by him testified were so spoken in the afternoon towards the evening, and then were both his contests<sup>11</sup> scouring of the glass window in the par of the said vicarage towards the garden, one of them on the inside of the window and the other on the garden side. And he has already responded to the rest.

To 4 he responds as above to the libel. And otherwise he cannot respond.

To 5 he responds that she is indifferent to the parties.

To 6 he responds as in his above deposition and otherwise cannot dep respond

To the final he has already satisfied this in his deposition.

H ^his mark^7

## Deposition 2.2

The Interrogatory of the above Christiana Marten

To 1 she responds that she is [...] a poor maid servant and that is her maintenance<sup>9</sup> and has already responded to the rest.

To 2 she responds as above in her deposition to the libel and otherwise she cannot of respond.

To 3 she responds that the time of the day was about the afternoon and that her contest<sup>11</sup> James Shackelford was in the hall of the vicarage house at that time having then brought home a piece of cloth for Mrs<sup>5</sup> Smyth which he had weaved for her<sup>3</sup>, she responds.

To 4 she responds as she has already deposed viz.: that she being scouring the glass window<sup>8</sup> in the [...] hall looking into the garden next the orchard, did through the glass window see the parties aforesai articulate and hear the words before by her deposed, she de responds.

To 4 5 she responds that she wishes victory to whoever has the right.

To 6 she responds that she heard no other unseemly speeches spoken by Mrs<sup>5</sup> Smith to the said James Guy than those which she has already deposed. And to this Interrogatory she cannot otherwise respond.

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

M ^her mark^7

## Deposition 3.2

The Interrogatory of the above Agnes Edwards

To 1 she responds that she is a poor labouring maiden servant and lives by her labour<sup>9</sup>, and has already responded to the rest.

To 2 she responds to the libel and otherwise cannot depose.

To 3 she responds to the time that she cannot certainly tell whether it was tw within two days before Easter or Whitsontide<sup>2</sup> last, but she says that she is answered that the time was one of those two times as she recalls about the afternoon and the said Shackleford her eonstcontest<sup>11</sup> then was in the hall of the said vicarage house, and the rest she has satisfied in what she has already deposed.

To 4 she responds to the libel and otherwise cannot respond.

To 5 she responds that she wishes victory to whoever has the right.

To 6 she responds as she has already deposed and otherwise she cannot respond.

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

J ^her mark<sup>7</sup>

## Notes

<sup>1</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>2</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>3</sup> (interpretation) Weaving: evidence of men's work.

<sup>4</sup> (gloss) Hedging is related to agriculture, involving the planting and trimming of hedges (evidence here of men's work).

<sup>5</sup> (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.

<sup>6</sup> (technicalities of the court) 'Strumpet' was an actionable word in the church courts.

<sup>7</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>8</sup> (interpretation) Evidence of work performed by female servants.

<sup>9</sup> (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').

<sup>10</sup> (technicalities of the court) This is a dispute between private parties, known in the church courts as an instance suit.

<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.

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