

PART I

ALICE'S EVIDENCE

DRAMATIS PERSONAE

The story that follows is peopled by a large cast. To aid the reader to follow their way through the intricacies of the discussion that follows, a list of characters was thought helpful.

Agnes the Ald. Living in Clifton at the time of the case, Agnes had previously been resident in Rawcliffe. She had given birth to a son there shortly before Alice's birth, about which she testified on behalf of Sir Brian de Rouclif, though it was specifically recorded that she was not his tenant.

John de Alne. A young man of eighteen years, John's role was to undermine the credibility of various of the witnesses for Alice de Rouclif (in effect Sir Brian de Rouclif) who he claimed to have known for the past six years. He pointed out that her witnesses were tenants of Sir Brian and that Alice Shap (presumably Sharpe) was a servant in his garden. He claimed Maud de Herthill had perjured herself by denying having committed adultery with Gervase de Rouclif (and was thus doubly damned, both for sexual immorality and for perjury). He claimed to have heard that Ellen Taliour had committed adultery with a Skelton man. Many of Alice's witnesses were poor (and hence liable to bribery).

John Barbour. A character witness for John Marrays, he spoke up for John's witnesses, but claimed not to know Alice's witnesses.

John called **Bawines.** A butcher of York, John spoke up for the standing of Sir Brian de Rouclif's witnesses.

Alice de Beleby. The wife of Richard de Warwyk, Alice was Alice de Rouclif's godmother. As was customary, she presumably gave Alice her name. She testified for John Marrays as to Alice's age by reference to Alice's baptism and her son's taking vows as a Carmelite friar the previous year.

Margery Bell. Married to John Gregson of Clifton, she testified regarding Alice's age on behalf of John Marrays by reference to the birth of her last child prior to Alice's birth and to the news of Alice's birth that circulated among her friends and neighbors.

Richard Bernard. The then bailiff of St Mary's Abbey, York, Richard presided over the formal contract of marriage (spousals) between John Marrays and his under-age fiancée, Alice de Rouclif. He testified for John.

Thomas Broun. A resident of Rawcliffe for the past ten years, Thomas claimed that Ellen de Rouclif had told him her daughter Alice's age (nearly eight) at the time her father, Gervase, died. He also testified for the good character of several of Sir Brian de Rouclif's witnesses.

Thomas de Bulmer. Described as a potter, by which a manufacturer of metal pots is implied, of York, Thomas primarily testified to matters he heard whilst in London, presumably in connection with his craft. He had been told that Ellen de Rouclif had complained maliciously about Sir Brian de Rouclif to the king in council and had received letters under the privy seal directed to Sir Brian. He further reported that on the very day of his deposition he had heard Ellen say when challenged by Sir Brian that she wished to support her daughter. He asserted that in fact Ellen was an active promoter of John Marrays's cause.

John Fische. Alice de Rouclif had two adult half-brothers. John, a clerk, was one of them, in his case the product of her mother's first marriage. He was 26 at the time of the case. His testimony was given in support of John Marrays. He claimed that Alice had been eight when her father died. He was a witness to Alice's spousals and alleged Alice was a willing party. He was also a visitor to Kenyngthorpe some months after Alice's removal there and stayed in the same room as her overnight. He used this opportunity to quiz his half-sister about her relationship with John Marrays.

Margaret de Folifayt. Margaret gave testimony about Alice's age on behalf of Sir Brian de Rouclif. She remembered Alice's birth by reference to the eventful delivery of a child of Maud de Herthill, whom she apparently names as "de Thornhill," revived by her own brother, Simon de Folifayt.

Agnes de Fritheby. A resident of Bootham, and hence within the influence of St Mary's Abbey, Agnes deposed that she had been present at the churching of Ellen de Rouclif following the birth of Alice and had herself given birth a few months later. Her testimony supported John Marray's cause.

Adam Gaynes. Adam was a resident of St Marygate and hence a tenant of St Mary's Abbey, so it is unsurprising to find that he testified on the part of John Marrays. He was a character witness; he claimed that John's witnesses were wealthier (and implicitly less likely to be bribed) than Alice's.

Agnes Gervaus Woman. A former servant, and perhaps mistress of Gervase de Rouclif, she was still living in Rawcliffe when she testified

for John Marrays in respect of Alice's age. She claimed Gervase told her the girl's age two years before his death.

Ellen Grigge. Ellen is noted in the depositions of Alice Porter and Beatrix Milner as a woman present at the birth of Alice de Rouclif and one their informants about the event, but she is not found as a witness at the time of the case. It is probable that she is also the anonymous woman "now senile because of old age" that Ellen Taliour described as present with her at the birth; this would explain her failure to testify although apparently still living.

Maud de Herthill. The servant of Master Robert de Slaykston and at the time of the case living in "Slaykston," but described as "of Rawcliffe," Maud specifically acknowledged that she had been asked to testify by Sir Brian de Rouclif. Maud was Ellen de Rouclif's servant at the time of her marriage to Gervase and worked for her again from just before John de Rouclif was born. She claimed to have been present and to have assisted at the birth. She herself gave birth to a daughter nearly a year later. Just before the following Easter Alice de Rouclif was born and was seen by Maud in her cradle.

John de Hornyngton. A York resident and sherman, John gave testimony as a character witness in support of several of Sir Brian de Rouclif's witnesses, "persons of good standing and worthy of trust."

John de Killom. Described as "of Clifton," John deposed as a character witness for several of Sir Brian de Rouclif's witnesses, stating that they were persons of sufficient wealth.

Isold de Kirkeby. The wife of William de Kirkeby, Isold was a resident in Bootham, a suburb of York within the sphere of influence of St Mary's Abbey. She testified for John Marrays regarding the birth of her own child a few months before that of Alice de Rouclif and her participation in Alice's baptism. It was she who bought the ewer and towels to the church of St Olave that the godparents used to cleanse their hands.

William de Kirkeby. The husband of Isold and termed "breuster" or brewer, William also testified for John Marrays. He claimed that John's witnesses carried greater weight than those for Alice (i.e., Sir Brian de Rouclif) and that he had "never heard any good" of several of Alice's witnesses.

William de Lynton. William's sole function was to testify to the effect that Ellen de Rouclif was a promoter of John de Marray's cause against her own daughter.

John Marrays. Although the relationship is never acknowledged, the likelihood is that John was the illegitimate son of William Marrays, subsequently abbot of St Mary's, York. His career is obscure, though he appears to have spent time in London and may have traded as a draper.

Latterly he appears to have been a member of the abbot's household at Overton. His marriage to Alice de Rouclif would have provided him with the security of land and the status and income that derived from this. It would also have helped consolidate the abbey's interests in Rawcliffe.

William Marrays. Although, like most monks, of obscure birth, since 1359, and by the time of the case, Dom. William was the mitred abbot of St Mary's, York, the wealthiest monastery in the North of England. He was probably the father of John Marrays and his sister Anabilla Wascelyne, but unsurprisingly did nothing to acknowledge that relationship throughout the case. He gave crucial testimony regarding the consummation of John and Alice's contract of a few weeks earlier at Kenythorpe, the home of Anabilla and her husband. His evidence purported to report a conversation with Joan de Rolleston, implicitly the abbot's granddaughter, who had been present in the room when the consummation was enacted. Joan herself was too young to testify in person, so the abbot effectively lent authority to evidence, which would otherwise have been inadmissible. Dom. William died in 1382.

John de Melsay. John, married to Lettice, represented a cadet branch of the armigerous Melsa or Meaux family who were landholders in the East Riding of Yorkshire. John was the principal godparent in respect of John de Rouclif and it was he who gave the infant his name at baptism. He was able to locate this event in time by reference to his moving from Shipton, where he lived at the time of John's birth, to his present home at Houghton, which he inherited by right of his wife on the death of her father, William, some two years later. Like his fellow godparent, Lady Margery de Rouclif, he testified for Sir Brian de Rouclif. He appears to have died in 1369.

Lettice de Melsay. The wife of John de Melsay, Lettice's testimony corroborates that of her husband in interesting and telling ways. She remembered John's birth because she was very ill at the time of Ellen de Rouclif's churching. She remembered moving to Hutton from Shipton some two years later because she had given birth to her son only six weeks earlier. She was further able to locate this in time by the fact that her father died when she was so heavily pregnant that she was unable to attend his funeral. Her deposition was made in support of Sir Brian de Rouclif.

Beatrix Milner. At the time of the case, Beatrix was married to John Milner in Clifton, but had lived in Rawcliffe until shortly after Alice de Rouclif's birth about which she testified on behalf of Sir Brian de Rouclif. She remembered Alice's birth in relation to her removal, but also knew Alice's age from her Rawcliffe neighbors, from Ellen Grigge, and from Henry Vaux.

Beatrix de Morland. The widow of John de Midford, Beatrix managed a Bootham hostelry patronized by the de Rouclif family. Her

husband had been killed at Corpus Christi time following Alice de Rouclif's birth. She also recalled the birth of her own (deceased) daughter prior to Alice's birth. She thus testified as to Alice's age, but also (on the basis of hearsay evidence) to Alice's willingness to be married to John Marrays, whose witness she was.

Emmot Norice [the Nurse]. Formerly Alice's wetnurse, but resident in Huby at the time of the case, she gave evidence regarding Alice's age on behalf of John Marrays. She had a son of a few months who died only the day before Alice's birth and consequently she was engaged as Alice's wetnurse for the next three years (save for a brief period that presumably coincided with Ellen Taliour's initial appointment).

Robert de Normanby. Robert, who may have lived in the vicinity of Kennythorpe, testified on behalf of John Marrays that Alice de Rouclif lodged at Kennythorpe at John's sole expense and that John was free to visit her there as a husband his wife.

Agnes del Polles. Agnes was married to Ralph de Hesynwald (Easingwold) and was said to be 26 years at the time of her testimony. Like her fellow witness, Agnes de Richmond, she saw Ellen de Rouclif before and after her churching in respect of John de Rouclif as she was then living in St Marygate. The following Christmas she entered into service with Robert de Rouclif for four years (and so presumably worked alongside Agnes de Richmond for a while). She located Alice's birth in the Lent following John's death two weeks from Easter only a few months after his birth. She claimed to have no possessions save a (spinning) wheel, a pair of cards and a boy [*sic*]. She testified on behalf of John Marrays.

Adam Porter. As his name suggests, Adam was the gatekeeper of St Mary's Abbey, York. He would have admitted Alice de Rouclif and her mother to the abbey gatehouse and Richard Bernard's chamber prior to her spousals. Afterward, at the behest of John Marrays, he helped William Pottell to convey Alice to her new home at Kennythorpe. Adam's testimony was in support of John.

Alice Porter. A tenant of Sir Brian de Rouclif, Alice held lands and had her home in Clifton, but was married to Adam Porter, the gatekeeper of St Mary's Abbey. Alice and her husband thus had conflicting loyalties in this case, although she claimed to have been asked by one Thomas de Midelton to testify rather than by Sir Brian. At the time of Alice's birth she had been living in Skelton and heard of the birth from her Rawcliffe neighbors, from one Ellen Grigge, "who was present at Alice's birth," from the wife of William de Tange, and from Henry Vaux.

William Pottell. Employed by John Marrays, for whom he testified, as his factotum, William watched, but was unable to overhear, the spousals between his master and Alice de Rouclif. He subsequently helped to

convey Alice to Kennythorpe and regularly brought her presents there from his employer. He also made up the bed when John Marrays allegedly spent the night with Alice there and subsequently teased Alice about her relationship with John. He claimed to have been told Alice's age by her mother and two of her godparents.

Anabilla Pynder. A resident of Rawcliffe and living with her mother, Anabilla saw John de Rouclif in his cradle and gave birth herself shortly after on the Tuesday following Martinmas, which like Lady Margery de Rouclif, she recalled fell on a Sunday that year (i.e., 1352). She recalled that on the following Monday, Ellen de Rouclif sent her "some writing which was said to be good for pregnant women. She also remembered seeing Alice de Rouclif in her cradle when she was born rather more than a year later (i.e., 1354). Like Ellen Taliour, as a young nursing mother, she was asked to be wetnurse to Ellen de Rouclif's new baby, but likewise declined on the grounds that her own infant was too young. She testified in support of Sir Brian de Rouclif.

Agnes Quysteler. A resident of Rawcliffe for the past ten years and the wife of Robert Quysteler, she gave hearsay evidence only about Alice's age on behalf of Sir Brian de Rouclif.

Agnes de Richmond. Aged 29 years and married to Robert de Richmond at the time of the case, Agnes had been in service with Robert de Rouclif at the time of John de Rouclif's birth and had witnessed Ellen de Rouclif arrive for and leave after her churching. Agnes is described as of St Marygate and so by implication was a tenant of St Mary's Abbey. She testified on behalf of John Marrays.

Alice de Rolleston. The daughter of Anabilla Wascelyne, presumably by an earlier marriage, she was only fourteen when she testified. She had a younger sister, Joan, who was implicitly under twelve and so unable to testify in person. Her testimony closely echoed that of her mother.

Joan de Rolleston. The younger daughter of Anabilla Wascelyne and so, unlike her sister Alice, too young (i.e., below twelve) to testify in person in the case. During Alice de Rouclif's stay at Joan's parents' home in Kennythorpe, the two girls shared a bed. (Such an observation could suggest that Alice was nearer in age to Joan than her older sister.) It was from this bed that Joan was alleged displaced by John Marrays and so witnessed the couple having sex one night a little before Christmas 1364. Joan subsequently narrated what she had seen and heard to Dom. William Marrays, who was probably her grandfather.

Alice de Rouclif. The daughter and heiress of Gervase de Rouclif, a minor landowner from the village or hamlet of Rawcliffe just west of York (and now a suburb of the city), it was her marriage to John Marrays that is at the center of this case.

Sir Brian de Rouclif. Sir Brian was the senior representative of the armigerous de Rouclif family at the time of the case and was the de facto defendant of the action started in the church court by John Marrays for restitution of conjugal rights. It would appear that Sir Brian claimed wardship—and hence control of her marriage—over the orphaned Alice de Rouclif by right of his lordship over her lands in Rawcliffe, where he was a significant landowner. Sir Brian is historically obscure beyond this case. His brother, Guy de Rouclif, was a senior clerk in the Privy Seal office.

Ellen de Rouclif. The widow of Gervase de Rouclif and Alice’s mother, Ellen had apparently been married once before and probably lost her first husband in the Black Death. She married Gervase de Rouclif in Alne in the aftermath of the Black Death. She testified to the dates of the births of both her two children by Gervase. Ellen appears to have been instrumental in arranging her daughter’s marriage to John Marrays and was a key witness for John giving evidence for Alice’s age, her spousals (including the words used) and subsequent consummation and of her affection for her “husband.” She also described some of the presents Alice received from John whilst resident at Kennythorpe. She claimed that Alice was eight at the time of her husband’s death.

Ellen de Rouclif. Ellen was the widow of Elias de Rouclif, and hence the mother-in-law of Eufemia, the wife of John, son of Elias, who testified for Alice. She herself testified for John Marrays in respect of Alice’s age, which she remembered by reference to the birth of her own daughter.

Eufemia, the wife of John, son of Elias de Rouclif. Eufemia was almost certainly the daughter-in-law of Ellen, widow of Elias de Rouclif, her fellow witness, but she testified nominally for Alice de Rouclif, in practice for Sir Brian de Rouclif, presumably because she and her husband held their land of Alice. She proffered only hearsay evidence—“the relation of women”—for Alice’s birth and hence age.

Gervase de Rouclif (deceased at the time of the case). Gervase was a minor landholder in the village or hamlet of Rawcliffe. He married Ellen shortly after the Black Death and had two children by her. John, the older, died as an infant, leaving the young Alice as his sole heiress on his death.

Isabel de Rouclif. The wife of John de Grandesby of Tollerton, Isabel was also the niece of Gervase de Rouclif and was engaged to serve him and his wife immediately following Alice’s birth. She further recalled Alice’s age at the time of her own marriage nine years previous. She gave evidence in support of John Marrays.

John de Rouclif (deceased at the time of the case). The first child of Gervase and Ellen de Rouclif, John died in infancy. His importance in the case is that the timing of his birth helped to locate in time that of his

younger sister, Alice de Rouclif, and hence the age of Alice at the time of the consummation of her contract to John Marrays.

Katherine de Rouclif. The wife of Robert de Rouclif, Katherine lived in Bootham, a short walk from the gatehouse of St Mary's Abbey, where Alice de Rouclif's spousals were contracted. She looked after Alice in her home what was probably the following morning immediately prior to her first being taken to Kennythorpe. Her testimony was designed to show that Alice was favorably disposed toward John Marrays. Katherine also gave evidence about Alice's age, claiming to have been pregnant at the same time as Ellen de Rouclif. Her evidence was given in support of John Marrays.

Margery [or Margaret] de Rouclif. Aged sixty or more at the time of the case, Margery was Alice's paternal aunt. She gave evidence on behalf of John Marrays in respect of the births of both Alice and her deceased older brother John, and hence for Alice's age. She was present in the de Rouclif family home when John was born and also attended the churching. She came to visit and saw Alice in her cradle on the day she was born. She also remembered that Alice was nine at the time of her brother's death.

Lady Margery de Rouclif. Lady Margery, the widow of Sir John de Rouclif, is perhaps the most impressive of all the deponents in the case, though as the mother of Sir Brian de Rouclif she cannot be considered impartial. Aged seventy years at the time of the case, her testimony is full of telling details. Following John de Rouclif's birth before Martinmas thirteen years earlier, Lady Margery, as the child's godmother was present at his baptism in St Mary's Abbey. She remembered the names of her fellow godparents and that Martinmas that year (i.e., 1352) fell on a Sunday. Her memory was further aided by recollecting the birth of her daughter's son, John, whose life was initially sufficiently uncertain as to require immediate baptism, by the fact that she leased out some of her lands that year and the associated indentures were so dated, and by reference to the births of other village children to women who were then Lady Margery's neighbors since she was then living in Rawcliffe. She also testified she had heard it said that Ellen de Rouclif had acknowledged before "Lord de Percy" and "many knights and esquires" that her daughter Alice was then not yet twelve.

Robert de Rouclif. Robert is described as Alice de Rouclif's blood brother, which must make him an illegitimate son of her father prior to his marriage to Ellen. He was married to Katherine and lived in Bootham. He was a witness to Alice's spousals and claimed to know Alice's age from her mother and the wetnurse. He testified on behalf of John Marrays. He died in 1377.

William Sampson. A goldsmith of York, he corroborated Thomas de Bulmer's account of Ellen de Rouclif petitioning the king and his council,

stating that Ellen “took away royal letters to the parties to have justice.” He reported further that Ellen had also taken proceedings before Lord de Percy for the return of her daughter and that she had provided deponents for the action within the Church court. William’s testimony offers no explanation of how he came by this information. He likewise corroborated Thomas de Bulmer’s account of the verbal exchange between Ellen and Sir Brian de Rouclif, which he claimed to have witnessed. William further claimed that Margaret de Rouclif, Cecily de Shupton, and especially Ellen de Rouclif were promoters of John Marray’s cause.

Alice Sharpe. A widow and resident of Rawcliffe, she gave testimony about Alice’s age nominally on behalf of Alice and in effect for Sir Brian de Rouclif, whose tenant she was. She recalled Alice’s birth by reference to the birth of Maud de Herthill’s daughter, who was memorably revived by the intervention of Simon de Folifayt.

Cecily de Shupton. Cecily appears to have been a family friend of the de Rouclifs—William Sampson specifically described her as Ellen de Rouclif’s friend—and came to their home around the time that Ellen gave birth to her two children by Gervase. She was present at Ellen’s churching in respect of John. As such she was able to testify on behalf of John Marrays to both births, and hence Alice’s age, and also to Alice’s abduction.

Isabel de Strensall. Isabel lived in Bootham for two years around the time of John de Rouclif’s birth and remembered being pregnant at the time she attended Ellen de Rouclif’s churching—presumably at St Olave’s—in respect of this delivery. She subsequently moved to York and was resident in Jubbergate at the time of the case. She testified for John Marrays.

Joan Symkyn Woman. Joan is described as “of Rawcliffe” and presumably was or had been closely associated with one Simon. Her testimony on behalf of Sir Brian de Rouclif, whose tenant she was, reinforced that given by her fellow witness Maud de Herthill since she was present at the birth of Maud’s daughter some twelve years earlier. She is described as possessing only her clothes, a bed, and a small brass pot.

Ellen Taliour. The wife of Thomas Taliour of Skelton at the time of the case, her importance is as a key witness for Sir Brian de Rouclif in respect of Alice de Rouclif’s age. Ellen had been in service with Gervase de Rouclif’s friend William de Huntyngton, and had had an illegitimate baby boy. Because she was a nursing mother, her former mistress Emma de Huntyngton tried to get her to agree to act as wetnurse for Gervase and Ellen de Rouclif’s first child, John. On that occasion she declined, but accepted when subsequently asked again in respect of their next child, Alice, since by then Ellen felt her son old enough to wean. Ellen claimed

to have been hired against the birth and was present, together with an older (and subsequently senile) woman. Immediately following the birth, she took the infant Alice into York to be baptized. She suckled Alice for only three weeks until illness prevented her, but remained with the family for a full year in accordance with her contract.

Alice de Tange. The wife of William de Tange and a resident of Rawcliffe, she was a tenant of Sir Brian de Rouclif and testified in his favor regarding Alice's birth and age. She recalled giving birth to a son shortly before Alice was born.

William de Tange. Like his wife, William is described as resident in Rawcliffe and a tenant of Sir Brian, for whom he gave evidence. He deposed that Gervase de Rouclif, Alice's father, was his near neighbor and was godfather to his son who was born shortly before Alice's own birth.

Margery Thewed. Margery was married to Robert and, like her husband, was described as a tenant of Sir Brian de Rouclif, in whose garden she had formerly been employed. She testified in support of Sir Brian regarding Alice's age. She recalled that William de Tange, who worked with her in Sir Brian's garden, had a son a little before Alice was born and that Gervase de Rouclif acted as the child's godfather. (Margery's testimony implied that William's son—and hence Alice—was then not yet eleven, whereas William himself said he was not yet twelve.)

Robert Thewed. A tenant of Sir Brian de Rouclif, for whom he testified, he was a resident in Rawcliffe. Robert claimed a degree of friendship with Gervase de Rouclif, the father of Alice, and consequently was invited to the feast to celebrate Ellen de Rouclif's churching in respect of Alice. He also recalled the birth of his son born about a year later. In this way he gave evidence respecting Alice's age.

Master Adam de Thornton. A clerk and notary public by apostolic authority, Master Adam was a witness to Alice de Rouclif's spousals within the precinct of St Mary's Abbey. It may be surmised that he took responsibility for drawing up the marriage terms. Like all those present at the spousals, he testified for John Marrays.

Henry Vaux. A resident of Rawcliffe from birth, Henry was a tenant of Sir Brian de Rouclif and had been a servant of Gervase de Rouclif, Alice's father, a few months before Alice was born. Immediately before he entered service with Sir Brian, he had been on pilgrimage to St James (implicitly Santiago de Compostella). He was able to testify to Ellen de Rouclif's pregnancy, and hence to Alice's age, on behalf of Sir Brian.

Anabilla Wascelyne. The sister of John Marrays and, in all probability, daughter of Dom. William Marrays, the abbot of St Mary's, York, she was married to Stephen and lived with him and her two daughters at

Kennythorpe. She was a key witness for John, testifying that Alice wanted the marriage, had admitted to having had sex with John on Saturday before Christmas 1365, and was already an adolescent who looked to be about fourteen. She further recalled some of the presents Alice received from John whilst staying at Kennythorpe. Her testimony is lent added authority and liveliness by several pieces of reported speech allegedly recording Alice's intimate thoughts and concerns.

Stephen Wascelyne. The husband of Anabilla, he likewise appeared for John Marrays. He described Alice de Rouclif as boarding at his house according to an arrangement made by John. He also referred to Alice's abduction and reported Alice's alleged desire to have her contract with John properly solemnized.

PREFACE

The vivid light that trial, inquisition, or the like records can shed on past societies has long been appreciated by scholars of the premodern era, not least because they offer the promise of illuminating the lives of ordinary people. Emmanuel Le Roy Ladurie's *Montaillou* "the world famous portrait of life in a medieval village," published in 1978 and swiftly translated into English, perhaps first caught the popular Anglo-Saxon imagination, followed (at least in translation) in 1980 by Carlo Ginzburg's *The Cheese and the Worms*.¹ We may also notice Natalie Zemon Davis's gripping *The Return of Martin Guerre* (1983) (subsequently made into a film and even a musical), Gene Brucker's *Giovanni and Lusanna* (1986), Richard Wunderli's *Peasant Fires* (1992), and most recently Robert Bartlett's elegant *The Hanged Man* (2004).² These works make rather different uses of the underlying evidence. Neither Davis nor Wunderli have direct access to court material and hence cannot explore any actual witness testimonies. Brucker does have actual depositions, but he is more concerned to ascertain what actually happened and what light this throws on Florentine society of the mid-fifteenth century. None of these works is primarily interested in the form in which witnesses gave their testimony or (with the exception of Ginzburg) their choice of language or imagery.

Interest in the possibilities of court material for the reconstruction of the past has stimulated a growing appreciation of the difficulties inherent in using such source material fostered not least by Davis's brilliant *Fiction in the Archives*, such that the question of why the evidence takes the form it does, why do witnesses testify as they do, has begun to displace a primary concern with "what the evidence tells us."³ Two other more recent works deserve mention here, namely John Arnold's path-breaking analysis of Inquisition records—the very sources used by Ladurie—and Noël Menuge's imaginative exploration of the relationship between romance and legal narratives.⁴ This primary focus on narrative and on the way testimony is constructed is central to this present study.