

**Translation of the main text of Coras, *Arrest Memorable*, by Jeannette K Ringold, in *Triquarterly* 55 (Fall 1982): 86-103.**

*A memorable decision of the High Court of Toulouse, containing the prodigious story of our time of a supposed husband, enriched by one hundred and eleven fine and learned annotations by Monsieur Jean de Coras, counselor in the court and recorder of the trial, pronounced at the general decisions, September 12, 1560, printed in Paris, with royal permission, 1572.*

Translated by Jeannette K. Ringold and Janet Lewis

Text of the substance of the trial and of the decision

In the month of January 1559 Bertrande de Rols of Artigat in the Diocese of Rieux presented herself as supplicant and plaintiff before the judge of Rieux saying that about twenty years earlier when she was a young girl, nine or ten years old, she was married to Martin Guerre who was at that time also very young, and almost the same age as the supplicant: with whom she had lived nine or ten years and by him had a son called Sanxi, who is still living: but for a slight theft of wheat from his father he (Martin Guerre) left the country, and stayed abroad for eight years; during this time the supplicant had not any news from him.

After these eight years a person presented himself to her who was truly Arnault du Tilh, called Pansette, from Sagias, who called himself at all times Martin Guerre, and husband of the supplicant. And the said du Tilh, as is likely, being comrade in arms of the said Martin Guerre, heard from him (under pretext of friendship) several private and personal things about him and his wife.

The said du Tilh, confident that he carried with him completely the features and general appearance of the said Martin, violated in the first place all laws of friendship, and then employed a new kind of effrontery and trickery: he presented himself to the four sisters, the uncle, and relatives of the said Martin, and to the said Bertrande de Rols, and even to all those from Artigat and gave to all several particulars and such close proofs that not only strangers, but the said relatives, and even the supplicant were persuaded that he was truly Martin Guerre. So it should not be surprising that the supplicant was incredibly eager to see and recover her husband. And the said du Tilh had given her several private and personal proofs. Even acts of conversation that occur most secretly between married couples, and which others could not honestly know or hear; even to the point of showing her the places, the time and the hour of the secret acts of marriage. (Much easier to understand than it is proper to speak of or write.) And the conversations that they had before, after, and during the act. So that she was persuaded with the others that the said du Tilh was certainly Martin Guerre, her husband.

This done, the said du Tilh first took possession of the person of the supplicant, treating her familiarly in all ways during the span of three years, as if she were his wife, and then took possession of all the property of the said Martin, not only in Artigat but also other

property which the said Martin had in Hendaye in the country of the Basques of which he was native. Which property du Tilh then sold to several and various persons. In this error the said de Rols, supplicant, was lulled and kept for three years and more.

During these years they lived like truly married people, eating, drinking and sleeping as is customary. And from this cohabitation were born two children, one of whom died.

At last, this woman de Rols was made aware of this prodigious disgrace, this horrible and strange imposture which this du Tilh had practiced in taking on the name and identity of Martin Guerre, her husband.

Having informed the Judge of Rieux of this matter, and claiming that everything could be verified, she ended by asking double penance against the said du Tilh: making atonement by asking forgiveness of God, of the King, and of de Rols: bareheaded and barefooted, in a shirt, holding a burning torch in his hands, saying that he had falsely, arrogantly and extravagantly deceived, abused, betrayed, and tricked her by taking the name and assuming the identity of Martin Guerre, her real husband. And of all this he repents and asks her mercy; and for the material penance she asks two thousand livres with interest and the expenses of the trial.

As concerns the said du Tilh, he, being informed of the accusation, remonstrated that on the contrary, if ever a relative or husband were badly treated, slanderously persecuted by his own relatives, it was he who was so unjustly treated. For although everyone knew and understood that he was truly Martin Guerre of Artigat, nevertheless, for the sake of robbing him of a little property of the value of between seven and eight thousand livres, held and possessed for a long time by Pierre Guerre, his uncle, who became much too angered to give it up, had once already been brought to court by the said Martin, his nephew and defendant in the present trial for this reason, and the account cleared and the remaining sum paid before the said judge of Ricux. This man Pierre Guerre and his sons-in-law had premeditated and invented against him a new and, before this day, unheard-of kind of crime.

That is to say that he was not Martin Guerre but had assumed his name, and moreover they had induced and suborned the said de Rols to pursue him.

And, discussing in greater detail the fact, he concluded that having remained seven or eight years in the wars in the King's service, and several months in Spain to see the country, he became desirous of seeing his relatives, his child Sanxi, and even more the said de Rols, his wife: and it was three years ago that he returned to the said place, Artigat.

And although the passage of time had changed his face somewhat, since at his departure he had no beard, nevertheless he was recognized by all, especially by the said Pierre Guerre, his uncle, who had received and embraced him as his nephew. Until such time as when conducting his business affairs more closely, the defendant wanted to recover his property and the benefits that had accumulated during his absence. and about which, in a

friendly manner, he had often asked Pierre Guerre, his uncle, who had for a long time fed him with fine words.

At last he was forced for the sake of justice to sue him for the recovery of his property, but as for the interest and the reckoning of the accounts, the aforesaid Uncle Pierre Guerre would not come to any agreement. Thus in hatred of this, he as well as his sons-in-law had searched for all possible means to ruin and destroy him, and the first attempt was to kill him, and to this end they had often watched him and even one day (pushed so hard by avarice) assailed him in the presence of the said de Rols his wife and had beaten him and almost killed him, with a hard blow struck him to the ground and would have killed him but for the said de Rols his wife who unable to save him otherwise, stretched herself upon him to receive the blows.

Seeing themselves frustrated in their wicked plans in this instance, they invented the accusation of the prodigious and horrible crime which has been recounted, and which proves therefore that he (Pierre) should also deserve a cruel and monstrous punishment, that Arnaud should demand that justice be done him likewise by an equal punishment against the slanderers.

And he demanded that his wife and sisters be brought to him, assuring himself that they, who were all good and honorable women, would recognize him; and that currently the said de Rols now being in the power of the said Pierre Guerre, dwelling in his house, should be sequestered in some house of good people where she could not be seduced or suborned. For the rest he concluded with exonerating statements.

His testimony thus included true and ample statements (as has since been verified by the Basques, the father, mother, brothers, sisters and other relatives of Martin Guerre) concerning the year, month and day of the wedding; the father and mother-in-law; concerning persons who were there and who took part in the wedding; concerning the dress and clothing with which each one was attired at that time; concerning the priest who married them; and all the personal acts which were involved on the day of the wedding as well as before and after, even to mentioning the persons who at midnight of the celebration came to visit them in bed.

Beyond all this he brought testimony concerning the child, Sanxi Guerre, whom he claimed as his own, and about the day of his birth; the reason for his departure; persons whom he met on the road and the conversations which they had together; the places where he stayed during his absence, in Spain as well as in France; and concerning people whom he encountered in these two countries, and concerning each event; pointing out especially certain people with whom they could consult (as has since been done and everything verified), in order to make everything which he said still more persuasive and believable.

The procedure of the case was then discussed, followed by the order of confrontations with du Tilh, and also when the said de Rols should present herself in person to be heard, and to be held if necessary, and when certain witnesses included and named in the

account of the said du Tilh, calling himself Martin Guerre, and others who would be summoned officially, should be heard concerning certain points resulting from the trial. The aforesaid de Rols, upon being heard, replied in a similar way, and agreed in everything with the answers of the said du Tilh, except that she added that a little after her marriage with Martin Guerre, they lived eight or nine years together bound in an evil spell without being able to cohabit carnally, so that her closest relatives advised her to ask for a separation of the marriage, to which however she was never willing to listen.

At the end of these said nine years she was released from the spell, and to accomplish this she was instructed to have four masses said, which she did; and she named the priests, one of whom (and she pointed him out) had her eat some holy wafers and some *fouasses* (cakes cooked in the ashes of the hearth fire), from which she and her said husband felt so well that she conceived, immediately after, a son still living called Sanxi Guerre.

The said du Tilh, questioned on this sorcery and evil spell, the names of the priests and the ceremonies held, replied unfailingly in all things as had the said de Rols, without adding or subtracting. Proceeding with the confrontations, the said du Tilh requested that the said Rols be sheltered and at liberty, to avoid the threat of being compelled to bear false testimony; which was ordered and done.

The confrontations accomplished with those summoned and accused by the said du Tilh, request was made for a monitory letter<sup>1\*\*</sup> concerning the articles attached to the request about the alleged subornation of the said de Rols. By law he (du Tilh) is required to verify the accusations made by him. And, considering the matter in question to make public the said monitory letter, in order that the truth be better known, and legally and officially distributed at Pin, Sagias, Artigat, and the surrounding neighborhoods, this being necessary for the verification and recognition of the said prisoner, the so-called Martin Guerre, as well as concerning the life and reputation of each witness brought to court. The monitory letter having been published, the revelations summed up, the official inquest having been made, all this resulted, among other facts, in indicating that the said de Rols had all her life, and even during the absence of the said Martin, lived virtuously and honorably.

And as for the accused, among one hundred and fifty witnesses heard, there were thirty or forty who assured that he was truly Martin Guerre because they had seen and been often with him since his childhood, and recognized on him certain marks and scars that the said Martin had. Others, and in greater number, deposed that he was- Arnauld du Tilh called Pansette, and for the same reasons, that they had known him from the cradle. The rest of the witnesses, to the number of sixty and more, deposed that there was such a great likeness that they were in doubt and did not dare commit themselves as to whether it was the one or the other. There were also two observations made on the resemblance of Sanxi Guerre, son of Martin, and of the sisters of the said Martin, to the accused, which resulted in two very different proofs: by the first it was reported that Sanxi, son of Martin, did not

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<sup>1</sup> A monitory letter was an order for an ecclesiastic judge to reveal to the secular judge whatever might enlighten the court of justice in regard to certain criminal acts.

resemble the accused at all, and by the second summary, that the sisters of Martin resembled the accused strongly.

This matter being brought to court, the said du Tilh, prisoner, was sentenced and condemned to lose his head, and to be quartered, and the decision announced to the said de Rols. From which sentence this du Tilh appealed to the High Court of Toulouse. The which, making use of its customary wisdom, and considering the importance of this case, ordered Pierre Guerre, uncle, and the said de Rols, to come in person. Afterwards they were confronted In full court, where came first the wife; in whose presence the said du Tilh showed a very assured countenance, and much more so than the said de Rols: so much so that there were few judges present who were not persuaded that the prisoner was the true husband, and that the imposture came from the side of the wife and the uncle. Nevertheless the court being insufficiently informed by that, ordered that further evidence on certain facts be officially required, and that other witnesses than those called by the first judge, should be heard. But imagine! These inquiries having been made by order of the court, the judges were more uncertain than ever: for among twenty-five or thirty witnesses heard officially, nine or ten were sure that it was Martin Guerre, and seven or eight that it was Arnould du Tilh: and the rest because of conflicting circumstances and the resemblance of the prisoner to Martin Guerre remained in doubt, not daring to be positive whether it was the one or the other.

From which it is easy to gather and understand that the judges were in great perplexity, seeing the condition and risk of the case, because of the conflicts of the conjectures and the contradictions of the proofs. For on the one hand there were five or six reasons and important conjectures that this was *not* Martin Guerre but truly Arnould du Tilh or some other unworthy impostor. The first reason for their perplexity was the great number of witnesses, up to forty-five and more, who were certain that the accused was Arnould du Tilh or at least not Martin Guerre, giving good and pertinent reasons such as having been customarily and frequently in the company of the said du Tilh, and of Martin Guerre, having often drunk and eaten since their childhood with the one or the other.

Upon this it should be noted that there were three or four kinds of witnesses to be considered. The first kind of witness was a maternal uncle of the said du Tilh, called Carbon Barrau, and for this reason the more exempt from any suspicion because it was not at all believable that blood in this case would have wanted to lie, especially because, without any motive, this would bring about the ignominious death of his own nephew.

This the said uncle Barrau showed clearly at the presentation which was made to him of his nephew before the said judge of Rieux as well as afterwards in court in Toulouse; for seeing him in the hands of justice, with heavy irons on his legs and in danger of his life, he immediately started to cry, and groaned bitterly.

In the second place, there were witnesses who formerly made contracts with the said du Tilh or were present at his contracts as secondary witnesses, and the documents were produced. As for the third kind, all these witnesses were almost in agreement that Martin Guerre was taller and darker, a man thin in body and legs, a little bent, carrying his head

between his shoulders, the chin cleft and a little thrust forward, whose lower lip drooped a little, having small teeth, a large and flattened nose, an ulcer on his face, and a scar on the right eyebrow: whereas, the prisoner, however, is short, thick-set and strong of body, having a heavy leg, does not have a flat nose, nor is bent, nor has any of the said scars.

In the fourth place, the cobbler who made shoes for Martin Guerre deposed that this Martin was fitted at twelve points, whereas the prisoner is fitted at only nine. And another testified that the said Martin was skilled at fencing and at palestrine, which game the prisoner neither practiced nor understood.

In the fifth place, there were three witnesses, to one of whom, by name Jean Espagnol, innkeeper from Tonges, the said du Tilh disclosed himself at his return, begging him to say nothing about it: for Martin Guerre was dead, having given him his property. To the other, by name Valentin Rougie who named him and recognized him as du Tilh, he (du Tilh) had signaled with his finger that he should be silent. To the third, by name Pelegrin de Liberos, he made a similar sign, and moreover gave him two handkerchiefs, instructing him to give one to Jean du Tilh, his brother. In the sixth place, two other witnesses deposed that a soldier from Rochefort, not long ago passing through Artigat, and astonished to see the said du Tilh calling himself Martin Guerre, had said loudly that he was a fraud; for Martin Guerre was in Flanders, having but one leg, the other of wood, because he had lost it when struck by a cannonball before St. Quentin on St. Lawrence's Day.

The second reason for the perplexity of the judges of the High Court of Toulouse was the summation of evidence made by the judge of Rieux on the question of the resemblance of the prisoner to Sanxi Guerre, the son of Martin, by which summary it is reported, as has been said, that there was no resemblance, as several witnesses heard in the same inquiry also confirmed.

The third reason for their perplexity was that Martin Guerre was from the Basque country, and as everyone knows well they speak a language quite different from French and Gascon, little understandable except to those who are of the country; and nevertheless the said du Tilh, prisoner, spoke only a few stolen words.

The fourth reason for their perplexity given in sum by several witnesses was that the said du Tilh had been from his childhood on confirmed thoroughly in all vices, given over to every kind of thievery and impudence—an habitual denier and blasphemer of the name of God—and all this to such an extent that if he had thought up this new impudence and deception no one should be surprised.

On the contrary, there were thirty or forty witnesses to the fact that the prisoner was truly Martin Guerre, among whom were the four sisters of the said Martin, who assured the court and gave good and great reasons for this, such as having known and been together with him habitually since his earliest years. and having eaten and drunk often with him, and, as sisters, having been cared for and nourished together with him.

Among these witnesses there were also three or four kinds of witnesses who should be considered with great care. First came the four sisters of whom we have just spoken, as good and honorable women as are to be found in Gascony, who constantly maintained that the prisoner was certainly Martin Guerre, their brother and husband of the said de Rols, and who knew perfectly well that he was such. And equal assurance was given by two of the brothers-in-law of the said Martin, married to the said sisters.

In the second place, there were witnesses who were at the wedding ceremonies of the said Martin and de Rols, and especially one Catherine Boëre who at midnight brought the feast (which they called the *réveille*), who obstinately assured that this was the man who married the said de Rols, and whom she found bedded with her.

Thirdly, the greater part of the witnesses reported marks and made invincible presumptions—to wit, that Martin Guerre had two broken teeth in his lower jaw, a scar on his forehead, an ingrown nail on a forefinger, three warts on the right hand and one on the little finger, and a drop of blood in the left eye, which marks have all been found on the prisoner.

Besides, several witnesses uncovered the conspiracy made by Pierre Guerre, his wife and his sons-in-law, to have the prisoner killed and destroyed, even to having bargained with Jean Loze, consul of Palhe, if he would furnish for his part a certain sum of money, that Pierre Guerre would pay the rest, in order to have the prisoner killed; the which the said Loze refused, saying that he would rather put up the money to save him, for he was his relative as even Pierre Guerre had several times said and affirmed. Besides, they deposed that rumor had it in Artigat that Pierre Guerre and his sons-in-law were bringing this suit against the will of the said de Rols, and that some among them had often heard the said Pierre Guerre say that the said prisoner was truly his nephew Martin Guerre.

Fourthly, almost all the witnesses who were heard affirmed that the prisoner, when he arrived in Artigat, greeted by name all the acquaintances of Martin Guerre whom he encountered, without ever having seen or met them otherwise; and if they had any difficulty in recognizing him, he recalled to them things from the past, and said to each one personally: Don't you remember when we were in such and such a place, twelve, fifteen or twenty years ago, when we did such and such a thing in the presence of such and such a person; when we talked of such and such a thing? Even to the said de Rots, his presumed wife, he spoke, as has been shown above, of the most private and personal acts which can take place between husband and wife; and at the first meeting, he said to her, Go fetch me the white hose lined with white taffeta which I left in a certain chest when I went away. The truth of this was agreed to by de Rols, and it has since been verified that the hose were still there.

Such things do not fall within the province of information given to him by others, for one can surely teach certain speeches, and give proofs and indications, but to present knowledge of so much and of so many diverse persons never before seen or known, that is impossible except by magic, or other forbidden art. And there we have the proof by witnesses.

In the second place, the sum of the testimony brought concerning the resemblance of the accused with the sisters of Martin Guerre was affirmed and more than that by several witnesses heard to say at the official inquiry that eggs are nor more similar.

In the third place, die said de Rols. who so virtuously pursued the said accused, when she was confronted with the said prisoner du Tilh (telling whoever was willing to believe her word that she would undergo a thousand cruel deaths rather than swear that he was not Martin Guerre, her husband), never dared to swear: but said rather flatly that she did not wish to swear, nor believe, either; in which action could not be more openly revealed the deception or the calumny of the said de Rols.

Fourthly, during the three or four years that the accused and the said de Rols were together she never complained; even on the contrary, when someone said that the prisoner was not her husband, she contradicted him brusquely, affirming that he was her husband or some devil in his skin, that she knew him very well, and that if anyone was henceforth so mad as to say the contrary she would have him killed. She complained moreover to several people that the said Pierre Guerre, and his wife, the mother of the said de Rols, wished to force and constrain her to accuse the said prisoner and to say that he was not her husband, even to threatening her with dragging her out of the house if she did not say it.

Fifthly, this fact was also brought forward that after du Tilh had been accused on other charges and made prisoner by the authority of the Seneschal of Toulouse, and at the request of the Cadet Jean d'Escornebeuf (acting always under the authority and protection and with the help of the said Pierre Guerre), the said de Rols unceasingly complained of this to the said Pierre Guerre and his wife, who wanted to constrain her to accuse the prisoner, plotting to have him killed or at least sent to the galleys. And when he was released from prison, by virtue of the reversed judgment of the Seneschal, and had returned to Artigat, the said de Rols received him, and caressed him as her husband, and as soon as he arrived, gave him a white shirt and even washed his feet, and afterwards they went to bed together.

Nevertheless, the next morning, in broad daylight, the said Pierre Guerre, as if he were co-guardian of the said de Rols, accompanied by his sons-in-law, all armed, made him (du Tilh) prisoner even though now there could not be new charges, and the said de Rols had not yet made the said Pierre Guerre guardian for this purpose, because the guardianship was not yet established that day until the evening after vespers, as even this Pierre Guerre has since confessed.

So all this, it would seem, did not come from the said de Rols, for the reasons already given, and even taking into consideration all that she did for the prisoner the night before. For as soon as he was again arrested she sent him his clothing and some money to live on. And the court had strong reason to believe in this judgment that the prisoner was Martin Guerre, not only because of what was said, but in addition because this opinion favored the marriage, the children, the issue of it, and the cause of the accused.



In accordance with this opinion as the most just, it seems that the conjectures and arguments to the contrary are of little or no value. For, first as to the number of witnesses, the answer is clear as to what has been said above, that more trust should be given to witnesses testifying for the prisoner, although they are not very many, as much because they testified to more believable things, as because they also affirmed and witnessed in favor of the marriage, the children, and the accused.

As for Carbon Barrau, uncle of the said du Tilh, and other witnesses who detailed so closely the facts against the said prisoner, they were promptly and validly excused, and the reasons found good and well-proved. The account of the soldier was also of no concern, for he himself was not heard at all, but others testified as to what they had heard him say. Again of no importance are the indications presented by the witnesses, for this has been sufficiently answered above, that the witnesses have been validly excused. Moreover, there are very few physical indications noted by them which are not present in the accused, setting aside the height and weight, but here the answer is easy, therefore, as other witnesses not excused testified, even though the accused when he left seemed taller and thinner, nevertheless, since then, through the passage of years, he would have filled out in body and become heavier in the legs.

Even less can one allege the dissimilarity between the said accused and Sanxi Guerre, son of Martin, for beyond the fact that such judgments by resemblance (as has been said so often above) are not very sure, there is a contrary and more probable conclusion drawn from the resemblance of the prisoner to the sisters of Martin Guerre, especially since the likeness is to a greater number of persons, and such who are of the same age, or nearly so, as the one to whom the comparison is made.

And to say that the said prisoner does not know how to speak the Basque language, the truth of the fact brings the answer, for upon inquiry it is shown that Martin Guerre was brought as a small child from the country of his birth, and at that time he was only approximately two years old. Nor is it of any importance that the said du Tilh has been from his youth dissolute, of an immoral life, and given to all kinds of evil-doings, for the prisoner does not seem to be such a man, but rather, Martin Guerre.

Moreover, it does not seem very difficult to reply to the reasons given by the accused that he was Martin Guerre, for to say first of all that we must trust more the witnesses who testified for the prisoner because they affirm: this reason cannot be accommodated to this fact, because the other witnesses, or most of them, also affirm that the accused is Arnould du Tilh, in addition to denying that the prisoner is not Martin Guerre. Especially since they restrict themselves so well to places, times, and persons, that we are outside of the terms of that common rule that two witnesses who affirm are more believable than a thousand who deny.

And in the second place, which is the principal point in this matter, the witnesses who so obstinately affirmed that the prisoner was Martin Guerre, have since recognized their error, and have abandoned it in court, as will hereafter be stated.

As for the marks and scars imprinted on the eyes, forehead, hands, and nails of the said du Tilh, prisoner, and formerly recognized on the body of Martin Guerre, it will be answered that a part of these marks, like the warts on the hands, the drop of blood in the eye, the ingrown nail, are proven by only one witness each, and by this they are individual witnesses, far from being a thousand, each one testifying to his own fact.

As for the other marks, such as the broken teeth, and similar ones, it is no new thing that two people should resemble each other, not only in features and characteristics of the face, but also in some specific bodily marks.

Furthermore, it is said, upon inquiry, that it is rumored in the said place of Artigat that Pierre Guerre and his sons-in-law constrained the said de Rols to bring the case; the reply is that proof by rumor and gossip is not acceptable save in certain cases which cannot be considered here.

Moreover, one could not personally put trust in the knowledge that the prisoner had of all of those whom he met for the first time without the help of magic, of which he was then greatly suspected, for later at his execution he did confess that some people had given him certain information. Even less can one be helped by the resemblances of the said sisters of the said Martin with the said prisoner, because, as has often been said, judging by resemblance is uncertain, of which several examples could be cited. It is easy also to answer to the fact that the said de Rols, confronted by the accused, refused to swear, for that could not change the truth in any way.

This is also the case in criminal matters in which proof by oath is not lawful. In addition, there are people who are so superstitious that they would not dare to swear, were it even to things evidently true. By the same token, it is answered that for the said three years, the said de Rols made no complaint, and even defended him obstinately against those who said the contrary, that this same du Tilh was Martin Guerre her husband, Even when he was detained for the same reason under the authority of the Seneschal of Toulouse. she often went to see him, giving him help with money and other necessary things, always remaining, as is to be presumed, in the same error.

In the conflict of so many and diverse reasons, and the unwillingness to accept conjectures and proofs, anyone can perceive that the court was in great perplexity, but the good and all-powerful God, showing that he always wishes to help justice and that such a prodigious matter should not remain hidden and unpunished, at the moment when the court was about to pronounce judgment, made the true Martin Guerre appear as if by miracle.

Having arrived from Spain, having one wooden leg (as, one year before, had been reported by the soldier who has been mentioned earlier), Martin Guerre presented a narrative testimony of the whole imposture, demanding to be heard. The court ordered that he be heard, while holding him in legal custody under the palace guard, and, furthermore, that he should later be confronted with the aforesaid prisoner du Tilh, Pierre

Guerre, Bertande de Rols, and the sisters of the said Martin, together with certain other witnesses who were chief among those who had so pertinaciously affirmed that the prisoner was truly Martin Guerre. He was heard and, being sworn, gave answers on the same questions that had been put to the said prisoner, not always so certain, so suitable, nor in such a great number, nor of such numerousness as the answers the said prisoner had given. Afterwards he was confronted with the said prisoner du Tilh, who showed himself more obstinate than ever, calling the said newly-arrived Martin Guerre a liar, a troublemaker, a good-for-nothing, and stating that he would prove, even to subjecting himself to the penalty of hanging, that this newcomer had been bought with cold cash and instructed by Pierre Guerre, however not always so well instructed that he did not become confused and clearly demonstrate this presumption. And upon this he began to discourse and to interrogate him on several events which took place in the house of the said Martin Guerre, upon which truly the newcomer did not reply as satisfactorily as the prisoner had done and was still doing.

Seeing which, the justices found it advisable to ask apart and in secret of the newcomer some of the most hidden things about which neither the one nor the other had as yet been interrogated, nor of anything approaching such; this was done, and he replied accurately, as has since been verified. Having dismissed him, the justices had the prisoner brought, to whom they put the same questions, as many as ten or twelve, to which he replied completely like the other. All this amazed all present, and made them fall into the belief that the prisoner had used magic, as had been rumored in such places as Artigat, Pin, and Sagias, and other surrounding neighborhoods.

Upon which the court, to be more certain, ordered the principal witnesses who had affirmed that the prisoner was Martin Guerre to come in person, even the four sisters, and the brothers-in-law of the said Martin, together with the uncle, brothers and certain relatives of the said du Tilh, so that the two might individually and together be exhibited so that between them the one recognized to be truly Martin Guerre might be chosen. All the aforesaid witnesses came, with the exception of the brothers of the said du Tilh, who, by no multiplication of penalties, summonses or orders, could be forced to come and testify against their brother.

The oldest sister arrived first, who, after contemplating the newcomer a moment, recognized him as her brother, and, weeping, went to embrace him. The sister said to the judges, Here is my brother Martin Guerre, and frankly confessed the error in which this abominable liar (indicating the said du Tilh here present) through false information had placed and kept me and my other sisters, not to speak of all the people of Artigat, for so long. Upon which the said newcomer also began to weep. After this the other sisters likewise recognized him, as did all the other witnesses who before had so firmly maintained that the prisoner was Martin Guerre.

The said de Rols was then brought, who suddenly, as soon as she set eyes upon the said newcomer, and trembling like a leaf shaken by the wind, her face all bathed in tears, ran to embrace him, asking his pardon for the error, which, through imprudence augmented by the seductions, lies, and trickery of the said du Tilh, she had committed.

She accused the sisters of the said Martin above all others, who had too easily believed and affirmed that the prisoner was Martin Guerre, their brother. Added to this were the incredible longing that the said de Rols had felt, to have her husband back, and things that persuaded her too easily that the prisoner was he, even because he gave evidence of knowing personal and private matters; but as soon as she began to perceive the fraud she had wished a hundred thousand times for death, which she would have brought upon herself but for the fear of God.

Seeing that this impostor robbed her of her honor and her reputation for chastity, she promptly brought the prisoner to justice and pursued him so actively that by verdict of the judge at Rieux he was condemned to lose his head, and to be quartered, and nor content with that, after the appeal brought by him to the court at Toulouse, she presented a request to the said court that she be permitted to come (for she remained in detention throughout the appeal) in order to protest the outrage which had been done to her, and to continue the case.

It is not irrelevant upon this to describe the countenance of the newcomer who, having shed tears at confronting and meeting again his sisters, nevertheless, at the great weeping and extraordinary lamentations of the said de Rois, showed not a single sign of grief or sorrow. On the contrary, with an austere and fierce countenance, and hardly deigning to look at her, said to her: Put aside your tears, by which I cannot nor I ought not to be moved. And do not excuse yourself by the example of my sisters nor my uncle; for there is neither father, mother, uncle, sisters, nor brothers, who should better know their son, nephew, or brother than the wife should know the husband. And for the disaster which has befallen our house no one is to blame but you.

Upon which the judges tried to excuse the said de Rols, but in this first meeting they could not in the least soften his heart nor distract him from his severity. And thus the imposture of the said du Tilh having been completely exposed, and the newcomer having been accepted and recognized by all as uniquely Martin Guerre, and the case having been in this way brought to a conclusion to be judged definitely; the court having heard it, after great and considered deliberation, pronounced the verdict, which follows.

## THE VERDICT

Concerning the trial conducted by the judge of Rieux against Arnauld du Tilh (called Pansette, so-called Martin Guerre, prisoner in the Conciergerie, appellant of the said judge), it is stated that the appeal of the said du Tilh has been granted, performed and nullified. And in punishment and reparation for the imposture, deception, assumption of a name and person, adultery, rape, sacrilege, enslavement, robbery and other such offenses committed by the said prisoner du Tilh, the court, as a result of the trial, has condemned, and condemns him to make honorable amend before the church of Artigat, and this on his knees, In a shirt, bareheaded and barefoot, the hang man's rope around his neck, and

holding in his hands a burning wax taper, to ask pardon of God, the King, the Court, the aforesaid Martin Guerre and de Rols espoused, and this done, the said du Tilh shall be delivered into the hands of the executioner of the High Court, who will lead him through the rounds of the usual streets and crossroads of the said place of Artigat, and, with the rope around his neck, will bring him before the house of the said Martin Guerre, where for this purpose a gallows shall have been set up, to be hanged and strangled and after, his body to be burned. And for certain reasons and considerations, and in this action the Court has judged, and adjudges, the goods of the said du Tilh to the daughter fathered by him with the said de Rols under pretext of marriage, falsely pretended by him, assuming the name and the person of the said Martin Guerre, and by this means deceiving the said de Rols, less the expenses of the trial. And further more the court has excluded and excludes from the case the said Martin Guerre and Bertrande de Rols, together with the said Pierre Guerre, uncle of the said Martin, and has dismissed and sends this to the said judge of Rieux in order that he may execute this present verdict according to its form and tenor.

Legally pronounced the twelfth day of September, 1560.

### **Text of the Proceedings of the execution**

Afterwards to carry out the said verdict, this du Tilh was brought from the Conciergerie to Artigat, where the execution was to take place, and there was heard by the said judge of Rieux, before whom, the sixteenth of September of the said year 1560, he confessed at great length his impudent and daring misdeed. Nevertheless, he declared that that which had given him the first occasion to plan his brash and monstrous enterprise had been when seven or eight years earlier, having returned from Picardie, some people, especially Dominique Pivol and Pierre de Guilhet, inhabitant of Mane, took him for Martin Guerre, with whom, moreover, they had been familiar and intimate friends, noting which and considering that, since the most personal and chosen friends of the said Martin Guerre were deceived about him, he would very well be able, with a little help, to deceive and get around many others, he decided to play the tragedy which has just been heard.

And to achieve this more easily he decided to inquire and inform himself as cleverly as possible through the said Pivol, de Gullhet, and other close friends and neighbors, concerning the estate of the said Martin Guerre, his father, wife, sisters, uncle, and other relatives, together with whatever this Martin Guerre used to say and do before he went away. All this he remembered tenaciously, and even more, when the said de Rols had accepted him as Martin Guerre her husband, having spoken with her day and night on all this, it was easier to learn from her still more, and better to confirm what the others had told him, always denying, however, that he was a necromancer, and had used no charms spells or any kind of magic.

For the rest, he confessed having been a rascal in many ways, even having committed several thefts and outrages. He also confessed being in debt to several persons, whom he named during the hearing, for various sums of money, quantities of grain, wine, and

millet—and, moreover, for certain hundredweights of wool to be specified at greater length, requesting that the said creditors be satisfied with the goods which he still had at du Pin, from his late father Arnauld Guilhem du Tilh, as well as from others, presently held and occupied by Carbon Barrau, his maternal uncle, whom in this way he had already placed in authority. Together with this he made a complete inventory of what was owed him and by whom.

After this he established as his heiress his daughter Bernarde du Tilh, whom he had by the said Bertrande de Rols, and gave her as guardians Jean du Tilh his brother, resident of Pin, and Dominique Rebendaire, resident of Toulouse. making them also executors of his will.

Again the said du Tilh, having been heard, persisted in the confession, even to three and four times; and even again on the ladder to the gallows in front of the house of the said Martin Guerre, where the execution was carried out, he confessed frankly to having constructed and carried out the said imposture in the manner heretofore described, asking pardon of the said Martin Guerre and Bertrande de Rols, espoused, and of the said Pierre Guerre, uncle of the said Martin, with great manifestations of repentance, and detestation of his deed, all the while crying upon God for mercy, through His Son Jesus Christ.

And thus he was executed, his body hanged, and afterwards burned.

A RAISON CEDE

### ***Translator's note***

*Janet Lewis asked me to write a note about the translators' problems and pleasures. This is Coras' account, and it is appropriate to talk about it as such. At times the text was difficult because of inconsistencies of punctuation and capitalization. Coras' printer, and I suppose most printers of that time, had no standardized procedures, and it is important to remember that the language itself wasn't really standardized until at least a century later. Coras often wrote in incomplete sentences, skipping subjects or verbs. Sometimes one sentence stands isolated in pages of commentary Coras annotated his writing with "one hundred and eleven fine and learned annotations." Sometimes he mentions the classics, Homer, Cicero or Virgil, or the Bible to illustrate a point. At other times he just shows off his learning. Upon occasion he is so preoccupied with an argument that he mentions it first in a note and later in the body of the text. In his "exposition of the words of the verdict" Coras expounds at great length on every single term of the verdict.*

*Coras' own character is evident throughout his story of the trial of Martin Guerre. He was a thoughtful and caring judge who was convinced of the reasonableness of the testimony presented in favor of du Tilh. One sees his effort to comprehend the trial in the breaks and repetitions in the narrative and a certain confusion in the style. He clearly regrets the outcome of the trial and tries to explain why he was deceived. He first announces three or four kinds of witnesses, but then comes through with six! At times his*

*statements are puzzling because he tries to see and present both sides at once. This happens when he discusses the value of affirmative testimony as contrasted with the negative.*

*It is also evident that during his career as Martin Guerre, du Tilh was involved in more than one trial, but it is not always clear which trial Coras is referring to. This has apparently confused every writer who has made use of the case.*

*At times we really hear Coras' frustration and astonishment. After much evidence has been presented to prove that the accused was truly Martin Guerre, he exclaims: "Mais quoy"—"But imagine, the judges remained more uncertain than ever." The "mais quoy" comes straight from the heart and is hard to translate. At the conclusion of the proof by witnesses Coras exclaims, "Et voile, and there we have the proof by witnesses." And again we hear his voice. He clearly didn't care much for Pierre Guerre and yet the court decided to put no penalties on him at the end. He is also surprised by the unforgiving severity of the real Martin Guerre towards Bertrande.*

*We declined to translate the final words of the book: a raison cede, It seemed a very fine conclusion, and the implications of reason and right in English and French are too great for us to deal with.*

*We join Praviel in his conclusion that the story of this scoundrel, executed in a small village, remains alive for us because Coras, this fine and gentle learned man, has recounted it.—Jeannette K. Ringold*