

Consilium 25

Translated by Alice Browne

Argument

After Nicolaus Copernis had dined with his sister, and had copious amounts to eat and drink, he fell into a deep, snoring sleep, from which neither those present nor anyone else could find a way to awaken him, until he was aroused twenty-four hours after the dinner. But he did not talk coherently, or recognize any of his friends, and seemed completely helpless; he was not left disabled in any of his limbs, but he never returned to his right mind, and died of apoplexy barely a year later. The Fiscus suspected poison, and the prime suspect was the sister of the prematurely deceased Nicolaus, Lucia by name, who had lost her husband several years before and lived with her brother. The Fiscus alleged that she had given her brother some soporific poison in drugged wine, so that she could more safely spend the night with her lover. The Fiscus was convinced of her unchastity, and so argued that as a result of the violence of the poisonous drug Nicolaus first fell asleep, then sank into idiocy, and finally lost his life. I investigated the truth and came to the following opinion: Nicolaus fell into a sleep-inducing condition, and then into apoplexy, as a result of drunkenness. He recovered from this into a state of idiocy, then relapsed into apoplexy and passed away. It is improbable that he died as a result of any soporific or poisonous medicine.

Summary.

1. Good health, without any errors in diet, is what creates a presumption of poison being administered, when it is presumed that someone has been given something poisonous to drink.

2. When soporific drugs are powerful, they stupefy a person, or cast them into apoplexy; see also number 14.
3. Some vapors cause apoplexy.
4. Inebriation usually resolves after three days at most.
5. Drunkards are subject to cold diseases.
6. Wine in itself is warming.
7. Apoplexy always ends in paralysis, and see no. 15; for the falsity of this, see no. 16.
8. Cases of excessive sleep are always combined with fever, or at least most of the time.
9. Drunkards are people who often get drunk.
10. Wine has a variety of effects on intoxicated people.
11. All poisons have a dreadful and abominable taste and smell.
12. Athletes' bodily condition becomes dangerous when it has reached the peak of excellence.
13. Apoplexy, or another similar condition of the nerves, is sometimes induced by drinking too much.
17. [sic] Apoplexy sometimes ends in idiocy without paralysis of the limbs.

The evidence produced by the Fiscus included many pieces of evidence for the opposing view, which we need not examine. Only one important item was produced: that the said Nicolaus had been given a soporific drug by his sister on another occasion, as he said himself, although the drug did not take effect, because Nicolaus tasted a very unpleasant flavor in the wine brought to him as he was having dinner. This made him suspicious, so he drank less than usual at dinner, but he said that it made him very sleepy. Therefore he stayed awake, to prevent Lucia from letting her lover into the house that night. He was troubled with a severe headache that night, and the whole of the following day. Although all these things were not fully and entirely demonstrated, they were for the most part discovered by the Fiscus himself. Two witnesses gave evidence about the administration of the soporific drug, although

they disagreed about when it happened, and two others gave evidence about Lucia's search for several medicinal drugs, especially mandrake root. One said Lucia wanted to use it to beautify her hair, but the other (who was potentially disqualified from the case in many ways), gave definite evidence that Lucia wanted to use it in wine to send Nicolaus to sleep.

These facts presented a powerful argument, which afterwards was found plausible, that Nicolaus's illness and idiocy cannot be attributed to any other error, but only to the taking of poison. It has been established that Nicolaus enjoyed the best of health, and never allowed any mistake in diet, and yet he fell into the aforesaid symptoms immediately after dinner. Just as this excludes the possibility of innate poison, it makes it probable that the man was carried off as a result of being given poison, as I have often said elsewhere on the authority of Galen. The reason is that the onset of an illness, especially a serious illness, cannot be attributed to impurity of the body when it is established that the sick person has enjoyed good health, and it cannot be attributed to an error in diet, when it is clear he never made that kind of error. For we cannot say the illness resulted from intoxication, when it is established that he did not consume any food with a bad flavor at that dinner, only the best, and he did not eat immoderately. He ate a chicory salad and a dish of veal with verjuice, and a little roast veal from the same calf, some kind of meat in what they call a cold pasticchio, cheese, and various seasonal fruit, principally melons. None of these foods are of bad flavor in themselves, and besides they were all foods that Nicolaus ate regularly, so they would not have been likely to generate this somnolent illness, which was so serious that it destroyed his mind and eventually killed him. For this reason, the only remaining conclusion is that he contracted the illness from drinking a poison which was a potent and strong soporific, able by raising thick, cold vapors to bring a man to the most harmful state, that is, to idiocy, then to apoplexy, and finally to death. This is a common result of some soporific drugs, such as thornapple or

mandragora, and others which are discussed at length in [Sante] Arduino, *De venenis*, book 3, chapter 16 et seq. As even the most inexperienced vulgar know, these drugs extinguish or chill the animal spirits and the blood, especially when they are taken in quantity and frequently, as Galen states clearly in several places about the mandragora (which we know Lucia had given to her brother to drink with other drugs). See [Galen] *De Simp. Medicament. Facultatibus*, book 5, chapter 14, where he also discusses other soporifics, and *De compositione medicamentorum*, book 8, sect loc [?], chapter 3, where he teaches that drugs of this kind reduce a person to untreatable and incurable coldness, which presently reduces them to perpetual idiocy.

Moreover, this is no wonder, since we know that inhaling the vapors of certain things, either deliberately or through carelessness, and allowing them into the brain and spiritual parts, induces apoplexy. We see that charcoal smoke, evaporation from limestone, exhalations from certain hot springs, and even the fumes from wine and beer make men apoplectic; so how much more power must the thick, poisonous vapors of a soporific drug which is harmful and inimical to nature have to produce the same effect, and extinguish heat and life? Let it be a sign confirming this that people who have been poisoned with drugs of this kind have very pale and livid faces, and extremely heavy heads, the opposite of what happens to people who are drunk with wine; rather, when these drinkers fall asleep, their faces are red, because the spirits of the wine itself warm their heads. So we must decide that Nicolaus fell ill and eventually died from being given a harmful soporific, rather than from drunkenness, in accordance with the clear evidence that even while he was asleep his face was extremely pale, tending to a livid appearance, and even after he was awakened, his face retained the same pallor and lividity, not just for a few days, but until he died. This does not happen from the harmful effects of wine, as all intoxication is resolved after three days at most, when the virtue of the wine disappears, as Galen [commenting on

Hippocrates] book 5, aphorism 5, Jacques Houiller, and others bear witness.

Moreover, even if we take the view that Nicolaus fell into this sleep from drinking too much wine, it is still not likely that he could have fallen into idiocy from its effects after he was drunk, as this is completely contrary to reason and experience. To reason, because it is not possible for a cold effect such as idiocy to be induced by the heat of wine; although drunkards are very often harmed by wine, and even, because of frequent intoxication, always contract cold diseases, such as apoplexy, epilepsy, loss of memory, tremor, paralysis, gout, even dropsy, and idiocy itself, as doctors warn. See Galen, *De causis morborum*, chapter 3; Avicenna, p. [part?] 3, treatise 2, chapter 8; Aristotle enquires into the reason for this in [*Problems*] section 3, problem 5. However, this is not the case in people who do not get drunk frequently, but very rarely, for a single, not repeated, episode of drinking produces hot diseases, such as fevers, deliriums, erysipelas of the lungs, and other diseases of this kind. See Hippocrates, *De morbis*, book 3, section 3, number 53. It is well known that wine in itself is warming, and everyone knows that a drunk man becomes warmer than he is in himself; however, it happens by accident that repeated, copious drinking of wine, done habitually to the point of drunkenness, creates cold effects, by dissolving the better spirits, particularly the animal spirits, with its excessive heat, and is especially likely to summon diseases which damage the nerves. Therefore it is altogether contrary to reason and right discourse to claim that a single episode of drunkenness can generate such a serious cold disease. But experience confirms reason here, since every day we see that people who get drunk by chance, or rarely, become heated, are seized with fever, become flushed and happier, or angrier, sweat profusely, and encounter other symptoms of this kind, but they do not become chilled, and are not afflicted with cold diseases as a result. Since Nicolaus was not given to drunkenness otherwise, and on this one occasion when he is said to

have been drunk, even if we grant that he really was drunk, he fell into idiocy, and no sign of heat appeared in him; it cannot be true that he fell into idiocy from drunkenness, or rather from the virtue of the wine itself, but we must declare that he fell into this illness as a result of a narcotic drug which was cold, poisonous and powerfully soporific, since the resulting effects were congruent with this narcotic poison rather than with wine. Even if we grant that the wine contributed something to this, it is clear from the effect that the force of the poison was stronger than the power of the wine, and so it was idiocy that resulted, not drunkenness, because of the extreme chill that the narcotic introduced into his brain. The virtue of the wine, even if it was drunk to the point of drunkenness, could not moderate or mitigate the force of the drug, let alone overcome it, which shows all the more how violent and strong this soporific drug was. This is no wonder, because Lucia had previously tried other, more benign drugs to induce sleep, without achieving her aim; so, as she was bursting with excessive desire for love, it is reasonable that she had to move on to the most powerful drugs, with results that went beyond what she wanted; although one could perhaps assume that she administered a narcotic of such a violent kind as to destroy a man's mind, rather than just send him to sleep, so that she could satisfy her lust without having to consider her brother ever again, and did everything with this purpose in mind, as the Fiscus has clearly disclosed above.

Finally, it is obvious that this unnatural sleep which seized Nicolaus did not come from the virtue of the wine, because it exceeded the limits of that kind of sleep; although there are records of intoxication from wine lasting more than three days, yet it does not exceed that length of time by more than eight or ten or at most twelve hours, because it is overcome by the digestive action of the inborn heat. It was not apoplexy, because apoplexy always ends in paralysis; but this disease did not end in paralysis, so it was not apoplexy. Daily experience bears witness that apoplexy ends in

paralysis, as do all the doctors without exception. Galen, *De locis affectis*, book 2, chapter 2; Paulus Aegineta, book 3, chapter 18; Aëtius book 6, chapter 27; Avicenna, part 3, treatise 5, chapter 12, and others. So the only remaining possibility is that the unnatural sleep resulted from the force of a drug whose violence caused Nicolaus to fall into idiocy. Other unnatural sleeps are always accompanied by fever, such as lethargy, torpor, catalepsy, and the like, as anyone can establish by referring to the practical physicians, and they can last for several days.

But in spite of all these arguments, I am convinced that the truth is that Nicolaus fell into apoplexy as a result of drunkenness, then from apoplexy into idiocy. First, because there is no dispute that Nicolaus ate a great deal during that dinner, and drank more than a great deal: in particular, he drank a whole bottle (the kind called a flask) of red Montepulciano, and almost a whole bottle of muscatel, as well as several glasses of domestic white wine, and when he had become merry from the wine, he invited his sister to drink several times, but she always reproached him for drinking too much and advised him not to drink so much, as four witnesses testified unanimously. This is in complete contradiction to the argument of the Fiscus, since if Lucia was planning for her brother to sleep deeply as a result of what he was drinking, and be asleep for the whole night and not be awakened by anything, she should have encouraged him and urged him to drink, rather than dissuading him from drinking.

Secondly, because Nicolaus was sometimes harmed by drinking too much wine, and became drunk from it more than once, as was affirmed by reliable witnesses. Although he was not really a drunkard (for, as we have said elsewhere, we do not call everyone who gets drunk a drunkard, but specifically a person who often gets drunk), nevertheless when he was at dinner and friends challenged him to drink, he was very reluctant to lose the contest, and so would drink to the point of drunkenness; there is testimony

in the proceedings that he was drunk at least three or four times in the space of two years, which even the Fiscus cannot deny. It is not a valid argument against this to say that, granted that he was drunk on other occasions, yet this last time he was not drunk, but definitely poisoned, because the effects of his drunkenness were seen to be completely different on the other occasions. Then he was said to be overtaken with inordinate and extraordinary merriment: he became redder in the face, and with complete lack of modesty talked about indecent matters even with his own sister there: the next day he was troubled with a headache, and vomited a lot, and so on. But on this last occasion he was so overcome by sleep that he did not awaken for twenty-four hours, and his face became extremely pale; the next day he was unable to move, and he was left in a state of idiocy. So it is unlikely that drunkenness alone could have caused such different effects from on other occasions, especially as he was quite young, not having completed his thirty-eighth year. But I say these arguments are invalid: for the answer is that wine produces different effects in the intoxicated in accordance with differences in bodily constitution, and these effects are sometimes contrary to each other in the same person, not only in different people. This is dealt with at length in Aristotle, *Problems*, section 1, number 30, and Andrea Bacci, *De vinorum historia*, book 9, chapter 18. Therefore, when wine encounters a body filled with bile, it makes a man quick to anger, noisy, and rash; if it encounters a body filled with blood, it makes him compassionate, good-natured, joyful, and ready for love; if with melancholy, it makes him silent, sad, and tearful; if with phlegm, it makes him sleepy, idle, lazy, and inactive; these effects are in accordance with the greater or lesser quantities of these humors in the head and brain, since wine agitates these humors to a remarkable degree. So, since we know that Nicolaus had suffered from a heaviness or heavy pain in his head for several days before the dinner in question (for he had joked during dinner that he wanted to treat his headache by drinking copiously at this dinner), and this pain was the result of a lot of phlegmy and frigid humor, it

is no wonder that if he was intoxicated with a lot of wine, that humor could be stirred up and completely obstruct the ventricles of the brain, causing an apoplexy; and this is the reason why the effects of his violent drunkenness were completely different from the effects produced on other occasions when Nicolaus got drunk.

Third, because if the wine with which Nicolaus became intoxicated had been doctored or poisoned, it is very unlikely that he would have gulped it down with such avidity; rather, he would have completely abstained from it, as he presumably did on the other occasion when he wrongly thought that a drug had affected the taste of the wine. It is impossible to conceal poisonous drugs, however much they are accompanied by other herbs to disguise their smell and taste, because apart from the fact that they all smell and taste vile, as I have said elsewhere on the authority of numerous doctors, *Quaestiones medico-legales*, book 2, title 2, question 7, number 8, Nature herself, as one drinks, recognizes their abominable properties without taste or smell, and refuses to drink them; if they have been drunk, disgust, nausea and vomiting try to expel them, so it is not probable or possible that Nicolaus could have gulped down so many glasses of the wine with the greatest delight, apart from the fact that he did not give the slightest indication of any distaste for it. But our opponent might say that not all the wine was drugged, only part of it. But even if we grant this, if all the wine in one bottle or flask was spiked with a soporific drug, Nicolaus would never have drunk all that wine with such avidity, apart from the fact that he never gave any sign to those present that there was any extraneous taste or smell. We should add that Lucia drank from both bottles on Nicolaus's invitation; two witnesses deposed that she drank some of the white wine called muscatel. Only one deposed about the red Montepulciano; but both witnesses agree that when Nicolaus invited Lucia to drink some red wine, she refused, saying she was not thirsty yet. However, one of the witnesses who described Nicolaus's challenge and Lucia's refusal testified that when the

other witness was not there Lucia was challenged by Nicolaus again and drank a glass of the red wine. It is no use to say that Lucia diluted it with a lot of water and escaped the effects of the drug, because we assume that the drug was very powerful, and so even if it did not stupefy Lucia in the way it did Nicolaus, it would still have had some effect on her, or at least made her sleepy in some way. But she was a woman, and therefore very afraid even to smell that poisoned wine, let alone taste it; who will say she was willing to drink a whole glass of it? She must have been afraid that she would fall asleep and be unable to let her lover into the house, or even if she let him in, she would not be able to enjoy herself with him, which was the reason for letting him in. Finally, it is clear that even if Nicolaus had been given a soporific drug in his wine, its power would have been completely destroyed by the virtue of the wine, and so it could not produced its effects, especially as it was a large quantity of wine, of a strong quality, so, as all soporifics are cold, they would easily have been overcome by the heat of the wine.

There is an easy response to the opposing arguments, for the witnesses who deposed about Nicolaus's sister giving him a soporific on another occasion only deposed it as hearsay from Nicolaus himself. While he was dining with them (and perhaps even then he had had rather a lot to drink), he boasted that his sister had given him drugged wine on another occasion, although he did not assert this definitely, but only said that once, when he suspected that his sister was trying to give him wine with a soporific at dinner in order to deceive him, he took very good care of himself. As he was a very foolish man, and did not know what would result from this, he said this to show off his own good sense. But in a man of such limited intelligence this suspicion could be empty, and the soporific he boasted about tasting in the wine could have been something imaginary, when there was nothing of the sort in the wine, or it could have been something resulting from something wrong in the bottle. At that time Nicolaus himself used

to complain that the wine at home did not smell or taste good, because the bottle in which it was fetched was dirty, and the servants had not taken the care they should in changing it, as two witnesses deposed in Lucia's defense. The fact that Nicolaus had a headache after that night should not and cannot be attributed to him drinking drugged wine, since it has been established that he did not drink the wine because of the strange taste he noticed in it. Therefore he had a headache for some other reason, perhaps from lack of sleep, because he was very busy staying awake so that Lucia would not let her lover into the house that night, and did not sleep at all, which could very easily have caused him to suffer in this way.

Our opponents' argument that Nicolaus was in good health and fell ill immediately after that dinner is irrelevant in this case, because it is neither novel nor unusual for very strong and athletic people suddenly and unexpectedly to become apoplectic. For this reason Hippocrates expresses suspicion about the bodily state of athletes when it reaches its peak of excellence, book 1, aphorism 3, and Celsus, in book 2 of his *De Medicina*, chapter 2, has this to say about the same issue: "If someone has become fuller, handsomer, and of higher color, he should be suspicious of these good qualities of his." So it is irrelevant that Nicolaus was in excellent health, and yet suddenly was felled by apoplexy. Suspicion of poisoning comes into play when a person is in excellent health and after eating something suddenly falls into a symptom of a kind which is related to poison; but Nicolaus's symptoms were not symptoms related to poison, they were symptoms arising from massive fullness in the head, and they were in proportion to his increasing intoxication. Besides, it is not true that Nicolaus was in good health, because, as has been agreed and we stated above, for several days his head had already been very weighed down and filled with a large quantity of phlegm, so that it was easy for the phlegm to be stirred up by the excessive abundance of wine, obstruct the ventricles of the brain, and cause apoplexy, although

apoplexy and sudden death can sometimes be caused even without this disposition, solely from excessive drinking of wine: Galen, book 3, *De Temp[eramentis]*, and Hippocrates, *Sententiae [Aphorisms]*, Book 5, aphorism 5, and Bacci, *De vinorum historia*, chapter 17. But if apoplexy does not kill, it is usually followed by idiocy, either permanently, as happened to Nicolaus, or temporarily, as in other cases. Therefore, since the illness and its symptoms are congruent with the error committed in diet, and the antecedent causes, we should not blame the illness on a soporific drug, especially as there is conclusive evidence about the mistakes in diet, and there is really no definite information about a soporific drug.

The facts they adduce from the doctors about the virtue of some soporific drugs are irrelevant. Even if, as they claim, these drugs were used, they could not have caused such severe idiocy and apoplexy with a single dose, for the doctors discuss the frequent use of drugs of this kind. Elsewhere we see that even opium, which is the most powerful of the soporifics, is used in copious quantities, especially by the Mauritanians, as we see in Garcia de Orta's *Historia aromatum*, book 1, chapter 4, and it does not kill people or make them into idiots, but only makes them sleepy. Even deadly nightshade, according to Dioscorides, *De materia medica*, book 4, chapter 49, taken up to two drachmas in weight (he means the root), only causes mental alienation for three days, like many other drugs, and it is not easy to find a poison which can really make someone lose his mind. So Nicolaus's idiocy should be attributed to the apoplexy caused by his drunkenness, rather than to the virtue of any soporific.

What they add about the signs testifying to poisoning by a soporific drug rather than drunkenness in Nicolaus is altogether empty, because the things they say would have a place if Nicolaus had fallen from drunkenness into sleep, for then the redness of the face and other signs of drunkenness would have appeared. But

Nicolaus fell from drunkenness into apoplexy, which, as everyone knows, depresses the animal spirits and suffocates the heat of the head and the brain. So it is no wonder that his face appeared extremely pale, tending towards lividity, because of the extinction of the spirits and of the heat, or even that he retained the same pallor after he came to himself, because it was impossible for no serious symptoms to remain after a severe apoplexy, bearing witness to the power of the illness preceding them, as always happens in any case of apoplexy. We have already said that apoplexy is always followed by numbness of the limbs and paralysis, and this is universally known and agreed.

The same response should be made to the next objection, which argued that it is improbable that idiocy could follow drunkenness, since wine is wonderfully warming, not chilling, and idiocy derives from extreme cold: because even if we grant this is true when idiocy immediately follows on drunkenness, it does not apply when apoplexy has been aroused by drunkenness, and then idiocy is aroused by apoplexy, because, as we have said, apoplexy suffocates and extinguishes the heat and the spirits, and leaves a chill in the brain which then results in idiocy.

We grant the argument that the stupor that seized Nicolaus was not, and could not have been, the result of the wine; it resulted from apoplexy, and it is not a valid argument to say that this illness could not have been apoplexy, because it would have ended in paralysis, as it always does. Because, apart from the fact that this is not always true, it sometimes happens that apoplexy is limited to the nerves inside the head, or the substance causing apoplexy is transmitted to the brain, and afterwards the resulting cold spreads out from there, resulting in memory loss or idiocy, as in our case: we may observe similar cases in the literature; clear examples are the accounts given of Messala Corvinus, Francesco Barbaro, Georgius Trapezuntius, Litosthenes, and others: for these, see Schenck, book 1, *Observationes [medicae] rarae*, chapter on

apoplexy. Therefore, even if we accept that apoplexy cannot run its course without paralysis of some part of the body, we still must admit that this apoplexy did very serious damage to the brain, resulting in idiocy. As a result of all this we must conclude that the truth is that Nicolaus's idiocy resulted from the apoplexy preceding it, not from any soporific or violently poisonous drug, and afterwards he died from a relapse into apoplexy. So it seems that Lucia is completely blameless in this affair, and cannot be tortured to extract further information, because cogent signs point to no suspicion whatever that Nicolaus was poisoned, but show conclusively that he fell from drunkenness into apoplexy.