

CONSILIUM LXXV
Translated by Patricia Coyne

Chapter One of Book Three, Concerning inability to copulate and procreate.

When Angela Beverentia Veneta was making a profit from her body in Rome, for a period of two years when there was the opportunity for proximity, or more truthfully for longer, she had had an intimate acquaintance and commerce with D. Joannis Baptista Verallus who was more than seventy years old during the two year period; but at the very same time she had a sexual relationship with Joannis Jacobus Ferrarius, a young man of twenty-four years of age, well set up, handsome, red-haired, whom alone she loved deeply and desperately, as is established most clearly in the proceedings; moreover, she had conceived twice during this two-year period and had given birth to two children, Matthaeus, clearly with his red hair and in his appearance resembling the aforementioned Joannis Jacobus, and Eugenia who was endowed with the same hair. At the death of D. Joannis Baptista at the age of more than seventy-four, she took herself to her native land and when she returned to Rome after fifteen years she brought a suit against Domina Maria Veralla, Marchionissa Spata, as the daughter and heir of Dominus Joannis Baptista, to obtain support and a dowry for the above mentioned children, as if they had been begotten from the same D. Joannis Baptista; but despite having no adequate proof for demonstrating this fact, she awaited a decision on these claims from the Sacred Rota in the presence of this Tribunal and when refused she yet tried to approach it a second time: but although the inability of D. Joannis Baptista to procreate appeared to be very clear, it seemed best in this case, since it pertains to medical observation, to demonstrate by the following discourse that the

aforementioned D. Joannis Baptista could not have been able to procreate in the course of nature.

Summary

1. Old men are able to procreate whenever they are able to copulate.
2. This is not something rare or unusual but natural, since old men even in very advanced age are able to procreate.
3. Man, just as he has no fixed period of time for being born, so has none in respect to copulation and procreation.
4. A man is able to procreate, as the proverb says, as long as he is able to lift up his quarter of bran.
5. The ability to procreate is from nature.
6. Animals are stimulated to coitus by an abundance of semen.
7. Nature instituted coitus for procreation for the propagation of species.
8. From capacity for coitus is brought forth also the capacity to procreate.
9. Old men are not fit for procreation for many reasons.
10. From the very nature of their condition it usually happens that old men past the age of sixty-five are no longer fit for procreation.
11. From the nature of the flesh of old men is judged the quality of the semen of old men.
12. Semen is blood heated thoroughly.
13. Cauteries are performed to cure diseases and to preserve men from these diseases.

14. In a valetudinarian neither the ability to copulate nor the ability to procreate is presumed.
15. From illness itself men become unfruitful.
16. In very advanced illness a corresponding weakness of the genitals must be presumed.
17. Cauteries carried out over a long period time render men infertile.
18. Cauteries are not suitable for old men. And why?
19. There are grounds for presuming the ability to procreate in an old man and in a man of advanced old age, but in a robust old man, not in weak and sickly one
20. Age is measured not by the number of years but by strength.
21. Strength not presumed in old men.
22. The ability to procreate is present when vigorous strength flourishes and ceases with its decline.

Although the inability to procreate in D. Jo. Baptista Verallus was so obvious that it could only be attacked by sophistry and false suppositions and by the performance of miracles, yet Angela Beverentia did not cease to press for a favourable judgment, bringing forward several claims before the public to support her right.

Since very many arguments which pertain to our case have been understood from silence and from several other cases which have already been discussed more than sufficiently earlier and been made clear, we can easily reduce the case to one of impossibility, bringing forward especially some arguments which, in addition to those

which the scribes have brought forward in favour, can be brought forward anew, that with these arguments the question may be answered with complete satisfaction.

1. And in the first place it could be said that any men whatsoever, I do not speak of men during the time before old age, but of old men themselves, indeed men even in advanced old age, whenever they are fit for Venus are fit also for procreation, as is proved by a thousand examples and daily experiences; from these we know that old men, not only septuagenarians but those of more advanced old age, octogenarians and nonagenarians and men even older, have sired children; and the knowledge that this ability is not anything rare and unusual in the course of nature but rather is something natural and common to many men is not wanting among the best doctors, the kind who investigate carefully and see sharply; 2. and thus together with very many others *Avenz. lib. 2. Thes. tract. 3. cap. 1.* Laurent. Joubert. *lib. 2. Error, Popul. cap. 11.* Felix Plater. *Centur. post b. Quaest. Medic. Paradox. & Endox. In Patholog. num. 21.* & this very belief the Rota admits in *Rom. praetensa filiationis coram Verospio n. 12.* & others which I forebear to enumerate for now.

3. Nor does this seem alien to the condition of man which has no fixed time limit in respect to being born, so common opinion holds; and so too in respect to copulation: as Hippocr. in *epist. ad Damagetum* said, wherefore also in respect to procreation not to have that fixed period of time seems reasonable from nature. Therefore, the old age of Dom. Joannis Baptista Verallus is no obstacle to his being able to procreate children since he had the ability to copulate and met with the said Angela herself for sexual congress, for if he was able to copulate, he could also procreate, as is to be shown clearly below.

4 In the second place, if the words declared in a proverb are considered credible, the proverb which Laurent. Joubert. *loco cit.* mentions will certainly establish the truth of this matter; moreover, that proverb states as follows, that any man can procreate children as long as he is able to lift a quarter measure of bran: this requires no labor so that no matter how exhausted an old man's strength is found to be, yet it suffices for the purpose of lifting a quarter measure of bran. From which adage ought to be deduced without any hesitation the fact that a man even in great old age is naturally fit for procreation: but if this is common to all old men, there is no reason to deny this ability to Dom. Joan. Baptista.

5. In the third place, this very argument is confirmed by the assertion of the jurists who are of the opinion that the ability to procreate is from nature and therefore is presumed always to exist: Alciat. *de Praesumpt.n.1. praesumpt. 41. reg. 1.* Menoch. *cod. tractat. lib. 6. praesumpt. n. 1.* those abilities, moreover, which are from nature are not removed from a subject to whom they belong; whence it cannot be affirmed that this ability ceases in old age, particularly if those properties which are required for its performance are not lacking, especially bodily vigor and fitness for coitus, for it is certain that while the power to copulate remains, the production of semen is strong by nature,

6. since animals are stimulated to coitus and they are fit for it because of an abundance of semen remaining in the body: when nature strives to expel this abundance, so that this expulsion may not be in vain, she arouses the genital parts by an emission transmitted from the heart so that they might properly ejaculate the semen itself into the feminine uterus. Therefore, as often as we see that nature is sufficient in this respect through the erection of the genitals and the ejaculation of semen, of necessity it follows

that such coitus is not in vain, but is of its very nature generative. When, therefore, the aforementioned Dr. Jo. Baptista had carnal commerce with Angela during a period of several years, it should by no means be denied that Angela could conceive from such a union, as she truly did conceive, and bear children, as in fact followed.

7. In the fourth place, the presumption of such an natural ability to procreate in D. J. Baptista is much stronger because he was fertile from his own nature, for although he had had no children from his first and third wives, perhaps because of their fault, from his second he had begotten several children, among them Domina Marchionissa Maria herself; and since Nature has instituted coitus for the procreation of children and from coitus alone is the hope of procreation, certainly it must be supposed that D. Jo. Baptista, who at other times had had the ability to copulate and procreate, still in advancing age was able to achieve the same potency, especially as he was fit for coitus which, as has been said, has procreation as its purpose.

8. These and other arguments of slighter import were able to be brought forward in favour of Angela, from which follows the conclusion that D. Jo. Baptista had the ability to procreate, especially while his ability to copulate remained; and since it may be agreed that he engaged in coitus with this very Angela, of necessity there follows the possibility of the procreation of children from this coitus.

If, however, we consider the matter more deeply and examine the state and condition of D. Jo. Baptista properly, it will be very clearly apparent that at the time when Angela conceived the said children he could not have been fit for coitus much less have been able to procreate, but rather that he had such a great inability to perform either

function that it would have been impossible for him to have been able to procreate in the course of nature.

This fact, as is very clearly evident, ought to be recognized, since from the proceedings it is agreed that Dom. Joan. Baptista was seventy years old, indeed had lived more than seventy-two years when he had intercourse with the said Angela: moreover, he was of a bilious temperament with an abundance of phlegm, his chest not fully open, subject to constant catarrh and with a feeble, almost womanish voice; troubled in such a way by so very many symptoms he led a life of ill health, although he was not yet according to his age in his declining years; for this reason he had taken care to cope with the illnesses he was suffering by means of cauteries, one in each arm and one in each thigh. He had married three wives; neither from the first nor the last did he beget children, but only from the second, with whom, however, at the age of fifty three he stopped procreating. Therefore, if we weigh the conditions of this subject, it will appear clearer than midday that not only all of them taken together but of necessity each of them on its own had rendered him unfit for procreation, but that they had also rendered him completely incapable of coitus. If you should add to these conditions his already very advanced and decrepit age, you will easily deduce what was said above, that procreation on his part was impossible in the course of nature.

9. And that we may say something about age before all else, it is very well known that, for the most part, even if their vigor is unchanged as old age appears, old men are not fit for procreation by reason of age itself, as usually happens when matters proceed in accordance with the order of nature, notwithstanding the fact that sometimes in particular cases, but rarely, this order is not preserved.

10. Moreover, this inability to procreate is derived not just from one but from a number of causes. Naturally then, for the most part, old men do not procreate after their sixty-fifth year; as their natural heat fails, and since because of this deficiency they eliminate more and colder excrement which overwhelms the heat, they have blood deprived of energy and from this material semen either is not generated or semen is produced which is of no value for the task of procreation; thus the semen is small in quantity, liquid, loose and watery in consistency, lacking the usual odour and with no cohesive substance.

Doctors will admit they consider these conditions to be as described; but those who are not doctors will not disagree if they turn their minds to the arguments which I will add. Let us all consider, I beg, any of the actions of these old men, how greatly they are lacking in their earlier ardor, and we will show how greatly their ability to perform the act of copulation and even more the act of procreation must be lacking.

But let us pass over these and over very many other things: we ought to consider only the parts of an aging body, how unfit they are to carry out their functions and certainly we will determine how unfit their genitals must be for those functions for which the greatest vigor of nature is required.

11. But that this matter not be understood from words alone, there should be no reluctance to observe aging flesh itself and from its condition you will ascertain easily the kind of blood and semen old men generate within themselves. If you do this, you will see their genitals are flaccid and withered, the flesh fading in colour or becoming pale, like marble to touch and deprived of all heat, and indeed the quality of flesh corresponds to the quality of the blood generated and the quality of semen corresponds to the quality

of the blood from which it is produced, since blood becomes semen: Galen. *lib. 16. de usu Part, cap. 10. & lib. 1. de semae. 2. & elsewhere.*

12. This same external observation can persuade us of this truth and truly determine that the semen of old men is not only infertile and of no value, but that it no longer preserves the nature of semen. All these things for the most part are true in all old men: if this condition does not exist in certain persons who far surpass the years which constitute old age in others, it must be asserted that these are not yet old men; but even so, in the end who is there who would dare to deny that these men too come to the same state which others reach together, even if it happens later? Inborn heat decreases naturally as time passes and even if this occurs ten or twenty years sooner or later, at last old age, which is nothing else but a manifest loss of heat, is reached, at which point all these problems, which we may say are characteristic of old age, follow.

13. For the rest, if these conditions naturally hold true in old men in general, what must be said of an old man in extreme ill health, as was the case with D. Jo. Baptista when he had intercourse with the aforementioned Angela? For that he was in ill health, indeed I may say completely infirm, do we still need witnesses? Since he underwent four cauteries which are usually called upon to cure are only the most serious illnesses and to prevent them, and if only one or two cauteries bear certain proof of the previous ill health of the person who suffers them, what proof of poor health do four cauteries undergone at one and the same time provide? Therefore, it is more than sufficiently established from these facts that D. Jo. Baptista was a sick man. And so with this established, can we assume that he was able to procreate, if in a sick man the power of copulation is not presumed? Mascard. *de probate. concl. 12. n. 10. vol. 1.*

14. But even if it is given that the ability to copulate could be assumed in him, it is beyond all reason that the ability to procreate can in consequence be presumed, since from illness itself men become sterile : Lud. Merc. *lib.3. de ster. & praeg. aff. c.5. n.373.* and therefore an old man in ill health must be considered incapable of procreation: 15.

Rota in Romana praetensae foliationis. 22. Junii 1657. coram Verospio num. 6.

Accordingly, as a result it is concluded that it is impossible that Angela, concerning whom the case has been brought, has born children from this same D. Jo. Baptista, since not only had he been rendered unable to copulate because of age and ill health, but in him natural vigor must be said to have declined so greatly that it must be affirmed that in that state he experienced no desire nor any stimulus of the flesh; but it ought to be said this happened to him just as to other decrepit old men, concerning whom see *Juven. Sat. 10. vers 104.*

----- *Coitus jam longa oblivia, vel si*

Coneris, jacet exiguus cum ramice nervus,

Et quamvis tota palpetur nolle jacebit.

[Coitus is now long forgotten, or if you try your tiny instrument lies limp and will still

lie there although it is coaxed all night] Translator's note: the quotation begins at*

line 204 and nolle should read nocte.

Rightly, therefore, in Dr. Jo. Baptista, already a very old and sick man, a corresponding weakness of the genitals must be presumed, since through age and ill health we are compelled to admit that in him all of his natural heat, even the slightest spark had been extinguished: whence his ability to procreate is reduced to an impossibility.

16. But this argument should be carried further; for beyond his burdensome old age and a life subject to such illness, factors in themselves most evident causes of infertility, D. Jo Baptista, as we mentioned, endured four cauteries which remained open after much time; and these alone by themselves could have been obvious causes of infertility and of a complete inability to procreate; for when because of cauteries there result constant, daily discharges of humours, it is inevitable that as a result the body and the the blood become completely cold and lose all vigor: for it is well-known among doctors that all discharges, if they have been copious and continuous and constant, and even if not copious, take away spirit and extinguish natural warmth, **17.** but most significantly this is especially true in respect to those discharges which usually result from cauteries because the body weakens significantly; wherefore for this reason cauteries in old men are not approved. **18.** Card. *de san.tuen. l.4. c.5.* But moreover, these render men infertile, or so it is agreed on the authority of Hippoc. *in lib. de Are. Aq. & loc, text.42* : for citing the example of the Sycthians, he has the following: *Scythae omnium hominum minime sunt ad coitum volentes, eo quod humoris detractiones ex perustione cauteriourum semper habent, etc.* [The Scythians of all men are the least willing to perform coitus because they always have losses of fluid because of the burning of cauteries.] But also Lud. Merc. *lib.3. de ster. & praegn. affect. c. 5. n. 375. vers. cujus rei exemplum* attests this very same thing in the clearest words, placing among the evident causes of infertility in men a fontanelle or cautery in the back of the head or in the arms which remains unclosed for a long period and discharges copiously. Also confirming this Fort. Fidel. *lib. 2. de Rel. Medic. c .2 .n.61 valde obaesos.etc.* Therefore, if other men in vigorous age and with the strength of health and fecund from

nature are rendered sterile from one or two cauteries carried out in the arms, what ought to be said of a man in advanced old age and extreme ill health with four unclosed cauteries undergone at one and the same time? In my opinion in truth Angela could more easily have conceived children from a marble statue from this same D. J. Baptista.

19. But so that no objections to the contrary may be left unanswered, it must be said regarding the first argument, which I admit, that men of any age, even of advanced old age are able to procreate and it must be asserted that this is not something rare but natural and usual in respect to old men and even men of advanced age who are strong and in good health, but not in respect to those who are weak and ill: *Rota in. sup.cit. Rom. praetensae filiationis, num 6.* For just as those who are healthy and robust, even those attaining their eightieth year are not in fact old and failing, so those who spend their lives in sickness and are failing in strength before they are sixty must rightly be described as old and in decline; **20.** for as is everywhere established among doctors, age is measured not by the number of years but by strength and shows itself clearly by virtue of actions and energy; and thus the octogenarian or nonagenarian who is able to copulate and procreate, which acts are to be found naturally in robust men, is not in fact failing; but rather the man of fifty unable to perform these acts by reason of bodily weakness is in fact very old, and thus never can it be said with truth that a very old man is able to procreate, since he should not be called very old, nor indeed is the man who has the years which declare other men to be very old, if in comparison with other men his strength is unchanged, but a man is old who in the previously mentioned term of years has already lost his strength, for he is not an old man who has his strength intact, as I said elsewhere, from Galen *lib.1. Method. med. cap. 9.*, because the man who is

deprived of all his strength immediately is an old man: likewise Galen. *lib.de cur. rat. per sang. miss. cap. 9.* in sum naturally with old age robust strength cannot be maintained, so that as long as strength remains vigorous, even if this period may be more than a hundred years, a man is not an old man and should not be called old. Therefore. with natural vigor absent and natural warmth departing one must be truly said to be old; indeed he who has lost strength because of the age of his body is naturally not able to procreate. Wherefore, indeed the argument to the contrary has not been supposed true, namely that a man is able to procreate whenever he may be able to copulate, since the copulations of old men are empty and the ability to copulate is not enough to be able to procreate, but fertile semen with excellent substance and swollen with much spirit is required, such as is not found old men, who, although they may be sometimes stimulated to intercourse, this maybe from an abundance of wind not from the swelling of semen, and so intercourse itself is exceedingly harmful.

21 With a not dissimilar refutation the second instance may be satisfied, for whenever we say that an old man, if he is capable of intercourse is also able to procreate, this is not truly said of an old man who has indeed lost his strength of body with age, but of an old man who, although certainly having the years of old age, yet has the strength of a young man, a firm and robust body and undiminished virility which, as we have said, are certainly not present in truly old men; because they appear young, they are truly not old.

22. To the third objection it must be said that it is indeed true that the ability to procreate is from nature and depends on sufficient strength of body and energy; and when these depart the ability to procreate departs at the same time as do very many other abilities; is it not the truth also that the digestion of foods is from nature and when

heat is vigorous digestion succeeds very well, but when the heat diminishes digestion is also weakened and so for other abilities, and so it does not follow from this that because at other times he was able to procreate and had this ability from nature as other men, Dom. Joann. Baptista must therefore always be presumed to be able to do the same. This response is also able to satisfy the last instance, since, although he was fertile in the years before his old age, either from the fault of his age itself or from other evident causes he was rendered sterile, which reasons lead to the conclusion that these causes indeed rendered him sterile and so unfit for procreation that in the course of nature he was not able to procreate.

From this evidence the impossibility of the deed, namely the fact of conception by Angela from Dominus Joannis Baptista, is seen to remain more than satisfactorily proven.