

Paulus Zacchias Quaestiones Medico-Legales Consilium XII

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Argument

Since she was ill before giving birth and was bothered by vomiting and dysentery, Elizabeth, wife of Joannis Baptistae Gattus, having gone into labor, was tormented in a greater manner by the same medical conditions after the birth. For she was constantly spewing substances of a strange color, very unpleasant in smell. She suffered the greatest bodily weakness and emaciation from these symptoms. Elizabeth's husband was accused of poisoning her; thus, it is uncertain whether these symptoms (along with some conjectures provided by the public treasury and adherents) proved with any certainty that poison had been administered to her. In order to resolve the doubt, I have brought forth some points by which the truth of the matter may be made known.

Abstract

1. Women in labor suffer many problems unless they are cleaned well after giving birth
2. Common signs of ingested poison
3. Which symptoms most frequently follow the administration of poison
4. All poisons harm the heart, whether in the short term or in the long term
5. The symptoms of an illness must be proportional to the affected part of the body
6. All symptoms caused by ingested poison can also be generated through an impurity of the body (sepsis)
7. The symptoms of sepsis are so similar to the symptoms of ingested poison, that they are indistinguishable from one another
8. The symptoms arising from sepsis are to be attributed to the sepsis itself, not to ingested poison
9. When we have a certain and evident cause, we seek in vain an uncertain and less evident cause

At first, therefore, it must be presumed, that pregnant women in labor gush forth with such great impurity from the body, that unless they are cleansed through the accustomed procedures and to a sufficient extent and in a sufficient quantity--unless they are liberated from the body's impurity--they may easily slip into any illness and be bothered by any strange and unusual

symptom, in particular diarrhea and dysentery, vomiting, fever (sometimes acute, sometimes chronic), by an aversion to food and by pains of the stomach, womb, and the whole body, along with other similar conditions of that type. Hippocrates explores these: Hippocrat. *Lib. 1. De morb. Mul. et alibi*, And all authors of *Gyneciorum, sive de morb. Mul. cap. De diminut. Puerp. Post. part.* And in particular see Mercat. *Lib. 4. Morb. mul. Cap. 10.* & and Estêvão Rodrigues de Cast *Morb. mul. Lib. 4. Cap. 11. P. 1.*

Secondly, it must be presumed that there are many signs of poisoning, and granted, some are related to others. Nevertheless, all poisons generally have these things in common: perpetual nausea, vomiting, trembling or palpitations of the heart, faintness or dizziness, mental deterioration, and sometimes also fainting, heart pains, acid reflux, nail discoloration, pallor, trouble breathing, swelling, lip discoloration, unquenchable and annoying thirst, and sometimes even jaundice, and many other symptoms that authors on poisons review in depth, among whom in particular must be seen Ardoin. *lib. 1. et maxime cap.4.* & Guainer. *cap.7. Card. lib. 2. rdoin. lib. 1. et maxime cap.4.* & Guainer. *cap.7.* and others, whom I have mentioned earlier *lib. 2. Q. Medico. Leg. tit. 5. q.7.*

Thirdly, it must be presumed that, granted, all symptoms mentioned above may appear in any combination in any poison ingested. However, not all symptoms necessarily appear. But with all poisons, nevertheless, those symptoms which pertain to the heart, and the vital faculty, appear to result more frequently and by necessity. The explanation is that every poison, whether long term or short term greatly harms the heart itself (Conciliat. *diff. 178; et lib. de venen. cap. Guainer. de Venen. respons. ad dub. 4 Cardin. Ponzett. lib. 1. de Venen. cap 4. Fernel. lib 2. de Abd. Per. caus. cap. 15. Matthiol. in praefat. ad lib. 6. Dioscor. de mat. med. Langius lib. 1. Epist 65.*) and others mentioned (*cit.1. 2. Quaest. Medico-Leg. tit.2. quaest.2. num.26*). Indeed, many suggest that each poison indiscriminately attacks the heart immediately due to reasons concerning which Nicol. Florentin. *Summ.4.c.1. Ardoin. De Venen. Lib. 1. Cap. 1* and others themselves discuss.

It must be presumed fourthly, that in any given illness, the symptoms should correspond and be proportional to the body part that has been affected because they depend upon the injury and faculty of the part affected itself, which is widely shown by Galen in *lib de symptom.caus. et differ.*

Et in lib. de loc. affect. et alibi millies, and this is very well accepted by all doctors. But, why should I say by “doctors?” Indeed, even by any idiot, for no one will argue that the stomach has been affected from coughing in itself, nor will he argue that the respiratory parts have been affected from vomiting, but rather on the contrary, he will judge that the stomach has been affected from vomiting, from the pain of the stomach itself, and from nausea, and so forth, by similar things and in the same way regarding the remaining body parts.

Fifthly, it must be presumed that, due to bodily impurity, it may easily happen that humors may be tainted so greatly that some poison is generated in the living body arising from their corruption, bringing all the symptoms of ingested and external poison. (*Galen. comm. 2. in 1. Prorbet. text. 17. Cael. Aurelium. Acutor. lib. 3. cap. 9. exemplo Hydrophobiae. Averr. lib.3. Colleg. cap. 29.*) and quite extensively from more recent authors (*Petr. Salius de affect. partic. cap. 19.*) and among legal scholars (*Bossius in pract. crimin. tit. de. delict. n. 5. Caball. De omnigener. homicid. c. . . . n.261.*).

Sixthly, it must be presumed that there are symptoms which come from sepsis so similar to those which arise from ingested poison that it is impossible to claim with certainty that these symptoms are signs of the one more than the other because this may be distinguished truly in no way. This conclusion has been accepted both by lawyers and doctors, among whom see (*cit. Bossium, & Caball. ubi supra, Guazzin. ad def. Reor. def. 4. cap. 5. lib I.*) and from physicians (*Caesalpin. lib. 3. pract. cap. 2. & lib. eodem cap. 147. Condrinch. in Method. Testis. cap. 17.*) and others whom I have mentioned in (*in Quaest. Med. loc cit. q. 6. per totam.*)

Now that these things have been set forth, it must be said above all that no presumption of ingested poison can be made from the vomiting and dysentery, with which Elisabetha, the wife of Joan Baptist Gattus, was afflicted. First, that if any bad symptoms appear when an impurity of the body dominates, they come to be attributed to the impurity of the body, not to ingested poison--because the same impurity of the body is the more frequent, evident and certain cause of these symptoms. And when we have a clear and evident cause, we seek in vain the less evident and more doubtful cause, (*Rota in novissimis decis. 70. Cap. I.*) And this is obvious through the last point yet it is clear in this woman that the impurity of the body was due to the fact that she was a

woman in labor and she was not well cleaned up from childbirth--and all women in that state without doubt gush with the highest impurity of the body, as is clearly shown through the first point. Therefore, if Elizabetha was seized by the symptoms of which she complained it is no wonder that all these things and many more and worse things could come forth from the aforementioned impurity of the body as we see in others every day. Therefore, they are not to be attributed to ingested poison.

Secondly, that the symptoms by which that woman was afflicted are not corresponding and proportionate to the body part affected, as they ought to be through the fourth point; since in poisons, as is evident from the third point, the heart is always harmed, but vomiting and dysentery do not pertain to the vital faculty or to the heart, but to the natural faculty, and they pertain to natural parts, therefore without any signs appearing which show that the heart has been affected, overall it must be said that each and every symptom in this woman depended on poor humors not, moreover, on the ingested poison.

Thirdly, that even given apparent signs showing harm of poisoning, it can never be asserted with certainty that these have arisen from the ingested or external poison, rather than from something innate and internal, since we know through the fifth point that, due to poor humors, a poison may be generated in the body itself which has all of the symptoms of ingested poison. And also, the symptoms of both internal and external poison are so similar that they cannot be distinguished as was proved in the last point.

Next, it must be said that in the proposed case, an entirely opposite presumption militates: that certainly these symptoms could not have stemmed from poison, but from the low quality of humors. Firstly, because these symptoms are not proportional to those of the ingested poison, since they extend in no way to the heart. Thus, these symptoms are most proportional to an impurity of the body and to the childbearing apparatus arising from an unhealthy retention in childbirth, since in women in labor, these symptoms resulting from such apparatus are quite well known, as is clear through the first point.

It follows that, since it is impossible that the heart would remain unaffected in any way by ingested poison, it was necessary that worse ills would follow from the effect on the heart. As other symptoms of ingested poison persisted, symptoms pertaining to the heart should not only have continued but also have worsened. The lack of these symptoms reveals that the illness cannot be attributed to ingested poison.