

The presumption and suspicion of poisoning or forcible strangulation is excluded in the case of a prisoner who was found dead in prison after he had eaten half-cooked beans and kindled a small charcoal fire because of the cold.

Joseph Tocchus, who had been thrown into prison, was in excellent health. He had eaten some half cooked beans for lunch, and was oppressed by the intense cold resulting from the season (it was a very severe winter), so he had kindled a small charcoal fire on the ground. At sunset he was unexpectedly found dead; he was lying flat on his face, and had vomited some of the beans he had eaten. When experts examined the body, they found no sign of injury in any part of it, or any sign of violent death. Only in his gullet, or in the throat itself, was there said to be a certain quantity of blood outside the veins, but this was not confirmed by dissection. The Fisc claimed that the said Joseph had been suffocated by external force, and, because the Governor of Nocera had thrown Joseph in prison on account of abusive words he had spoken against the Governor, the Fisc blamed him for his death. In the first interrogation the experts testified that Joseph had not died from internal or external poison, or from any violent cause; but soon it seems as if they had changed their minds, and when they were questioned again much later, they affirmed that the said Joseph could have been suffocated by an external act of violence. The Fisc placed great reliance on these words, and accused the said Governor of being guilty of the crime; he was also convinced of this by some other conjectures. When I was asked about the truth of this I responded as follows.

Summary

1. When we suspect someone has been poisoned, the state of the patient's health before the suspected poisoning is a very important argument.
2. Mixed poison is entirely contrary to nature.
3. Every poison has individual and specific signs, as well as the general ones.
4. The signs of the most deadly poisons are extremely clear.
5. When blood that has escaped the veins is found in the throat, it can be attributed to strangulation from internal forces, as well as to strangulation by external force.
6. Signs noted in the corpse of a person strangled by external force.
7. Strangulation produced by external force blocks the paths of the vital spirit, so that the animal suffocates.

The fact that Joseph Tocchus did not die from poison or from any external violent cause can be proved so conclusively that any scruple suggesting otherwise should be eradicated from the minds of the Fisc and of his party. Once we have vouched for this, it can be shown by medical science why he died in such a short space of time, so it will be completely clear that there is no reason to blame the Governor or anyone else for his death.

So I think that it is already not in dispute between the parties that Joseph did not die from either external or internal poison; and this is for very good reasons. No one could even dream that he died of internal poison, because it is clear from the deposition of the experts that not the slightest sign of this kind of poison was found in the body of the deceased. Besides, there is the very important presumption in such cases, Galen, *De locis affectis*, book 6, chapter 5, which is presumed from the state of health of the patient before death. Since Joseph was very well and enjoyed perfect health, no one could imagine that

in a moment of time a poison could arise in his body deadly enough to kill him in a few hours, without any signs suggesting future illness or death - such signs were completely absent - for this is impossible. Fortunato Fedele, *De Relationibus [medicorum]*, Book 4, 15 method[?], chapter 3.

It is equally certain that no poison was administered to him, because when the body was dissected there were no signs whatever that he had been given any particular external poison, whereas signs of this sort always appear necessarily when poison has been administered. The reason is that since poison is a mixed substance which is extremely contrary to nature, and corrupts it violently, as we see from Galen, Avicenna, and [Girolamo] Cardano, *De Venenis*, book 1, chapter 1, and Valerius, Loc. Comm. l.3 c.15, it is impossible for it to give no sign of the violence of its struggle against nature, and for none of the effects of this violence to be apparent in the poisoned body. Thus we see that there are specific and individual signs of every poison, over and above the common signs: on this, see the authors who write about this sort of question, especially [Sante] Arduino, Cardano,¹ and others. Therefore, since no signs of administered poison were observed in Joseph's corpse, we must say without any hesitation that he did not die of this kind of poison.

Moreover, the sequence of events is a very powerful argument for this: at the eighteenth hour Joseph was in excellent health, and he died before sunset, five or six hours later. This could not have resulted from just any poison, but would necessarily have had to come from one that acts immediately and is among the deadliest. See [Antonio] Guamerio, *De Venenis*, chapter 1, Arduino, *De Venenis*, book 1, chapter 3. The signs of poisons of this kind are extremely obvious², and reveal themselves to anyone who looks, as they cannot be hidden because they come on suddenly and violently. Cardano, *De Venenis*, book 1, chapter 2. No signs appeared before death, as Joseph would have screamed and cried for help because of the violent onset of the symptoms, and no signs of this kind of poison were left in his corpse. So it is clear as noontide that he did not perish from this kind of poison. But these comments are redundant, as this has not been called into question.

The greatest source of difficulty was the Fisc's claim that Joseph had died from external force, not involving beating or wounding, but by being strangled with a noose. The Fisc believed that he could prove this conclusively from two indications: first from the blood which was discovered in his throat outside the veins, near the collarbone, and second, from a silk ribbon which was found in the prison, torn up and divided into three parts. The blood discovered around the collarbone could only have been there as a result of forcible strangulation, in the way we see every day in people who are hanged. As a result of the violent squeezing of the throat by a rope or other object, the blood rushes to the collarbone, and shows there that it was forced out of the compressed veins. And so the silk ribbon was obviously the instrument of the strangulation that killed Joseph.

So much for these arguments, which can easily be disposed of by people capable of judging by right reason. The violence of strangulation is not the only reason that blood is found near the collarbone, so it is an equivocal sign, common both to a death brought about by a noose or other external instrument, and to a death proceeding from internal violence, such as very intense vomiting, or apoplexy and other things of that kind. Besides, when blood has been collected there as a result of external force, it is completely impossible that there would be no other very obvious signs denoting death brought about by external violence, whereas these signs are always lacking when death results from internal violence. Therefore, although this blood was observed in Joseph's corpse, this sign on its own does not authorize the deduction that he was suffocated by external violence. On the contrary, this same sign, in the absence of other clearer signs of death by external violence, is a very clear proof that Joseph was suffocated by internal, not external, violence.

¹ Reading Vardanus in the text as a misprint for Cardanus.

² My translation assumes that patientia in the text is a misprint for patentia.

Also, to make each and every fact clearer, it would have been to the point to examine and weigh carefully the signs listed by authorities, so that we could tell more easily whether we can imagine that any of them had been noticed in Joseph's body. These signs are as follows: the rope or noose with which a person was strangled leaves obvious traces on the neck and throat, whether red, black or livid. Moreover, the arms and legs are livid, froth comes from the mouth and mucus from the nostrils, and the lungs themselves are swollen with purulent froth. The eyes protrude, and sometimes one or both comes out of its socket; sometimes the tongue sticks out of the mouth and appears blackened, and the whole body is covered with livid marks. There are numerous other signs: see Ambroise Paré, *Tractatus de Renuntiationibus et cadaverum embammatis*, and Fortunato Fedele, *De Relationibus medicorum*, book 4, chapter 4; I have also listed them in book 5 of *Questiones Medico-legales*, title 2, quaestio ultima, n. 5 and 6. Since all these are very obvious signs, and not one of them was observed in Joseph's corpse, it is obvious that nothing should prevent us from stating freely that Joseph was not suffocated by any external violence.

Moreover, there is a very powerful inference from the vomiting which occurred before death, that refutes all the insistence of our adversaries. If strangling by a noose or any other external force closes off the path for the vital spirits, so that the animal immediately suffocates, how could it not cut off the path for coarse and undigested matter, so that it could not be vomited up? The vital spirit is thinner than the thinnest air, yet strangulation by external force blocks it from moving on its usual paths; how much more would it have made it impossible for the half-cooked beans that Joseph vomited to find a way through his throat.

Finally, the evidence which the Fisc claims to deduce from the silk ribbon is so absurd that it is not only disproved by what I have said, but is refuted by the impossibility and implausibility of the fact itself. How could such a weak instrument be enough to strangle a baby chick, let alone a man? But even if we were to grant that it was strong enough to strangle a man, the same signs as if he was strangled by a heavy rope would necessarily be seen in the corpse, because he would have died with equal violence in either case, if a silk ribbon could strangle a man as effectively as a heavy rope.

So, to clarify the real cause of Joseph's sudden death, we must say that he died of apoplexy induced by the charcoal smoke, and in the throes of his illness his body wanted to relieve itself by vomiting, which made him suffocate much faster. The vomit itself largely closed off the paths of the spirit, and the blood collecting in the gullet and neighboring parts was the result of this violent process; that is what it signified.