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A NOTE ON THE HISTORY OF FORENSIC MEDICINE OF THE
MIDDLE AGES.

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In the fifth century, the Germanic and Slavonian peoples made an irruption into occidental Europe and overthrew the Roman Empire. The *wehrgeld* or price of blood, was the principle of the legislation of the newcomers, Goths, Franks, Alamans, etc. By them murder was not punished in the name of an ideal of justice or of morals, but instead, the author of violence paid to his victim or to the relatives of the latter, a pecuniary indemnity, the importance of which varied with the damage caused, likewise the quality of the person injured. The person who accepted the indemnity should afterwards relinquish all thoughts of further action. When one recalls the great love of the Germanic race for lucre, it will be seen that the legislators had thus found a most excellent means of avoiding perpetual vendettas, which would have distressed the tribes.

The law of the Alamans contains precise anatomical details on wounds; also on the compensation due according to the location and degree of the injury. The same applies to the Salic Law, some of the paragraphs of which I here transcribe.

Si quis alterum voluerit occidere et colpos falierit quid fuerit adprobatum, M M D dinarios qui faciunt solidos LXXX culpabilis iudicetur.

Si quis alterum in caput placaverit ut cerebrum apareat, et exinde tria ossa, quae super ipso cerebro jacent exierint, M. C. C. dinarios.

Si inter costas fuerit aut in ventrem ita ut volvus apareat, et usque ad intrania perveniat M C C dinarios, praeter medicatura, solidos V.

Si quis hominem placeaverit ita ut sanguis in terra cadat, D C dinarios culpabilis iudicetur—

The pregnant female was the object of special protection, to wit:

Si quis feminam ingenuam et gravidam trabaterit, si moritur XXVIIIIM denarios—si vero infantem in utero matris suae occiderit ante quod nomen habeat, quid fuerit adprobatum, IVM dinarios culpabilis iudicetur.

According to Mende, Siebolt and Buchner, competent people (*viri probatae artis*) were permitted to examine and dress wounds and submit a report to the courts.

At the commencement of the IX century, Charlemagne, whose dream was to restore the Roman Empire, endeavored to put some unity in the legislation of the people under his submission. He ordered his bishops to write out and distribute by the *missi dominici*, this compilation of Germanic laws, of ancient Merovingian codes and Roman Law known by the name of the *Capitularies*. Many of its sections

imply a direct intervention of the physician, upon whose opinion the judges are expressly ordered to rely, particularly in cases of blows and wounds, infanticide, suicide, rape, bestiality, and divorce on account of impotency. On the other hand, the epoch appeared to be most favorable for the science of medicine which was at this time one of the foremost studies taught at the Imperial and Palatine schools. Charlemagne himself points out in the *Capitularies* of 805 and 807, that one should be initiated in the healing art from childhood.

A clearer comprehension of law, a general intellectual activity and an undoubted softening of the habits and customs of the people would seem to have been favorable elements for the development of an organization of the science of medical jurisprudence if unfortunately the unity of the Empire had not been entirely factitious. In point of fact, when hardly born, medical jurisprudence underwent the fate of the other institutions of Charlemagne. The Empire was divided up, the feudal regime became established while the local usages and customs reappeared and took back their predominance in law.

Then, aided by superstition, appeared the most absurd procedures in justice, originating from the mystic Germania, and formerly much in honor with the Franks. The supernatural was introduced in all trials and served to cover up all injustice. Both the people and judges were possessed of the same ignorance and passions as if mankind could be wicked only when uneducated. To inquests and investigation founded on reason, judiciary contest was substituted. Resort was also had to proofs (ordalies) by fire, boiling water and cold water.

In the first of these proofs the accused, in order to demonstrate his innocence, was obliged to carry a red hot iron bar in his hand for a given distance. In the second, the accused was forced to withdraw a ring from the bottom of a recipient filled with boiling water; while in the third he was thrown into water with his arms and legs tied. If innocent he sank to the bottom; otherwise his body floated on the surface.

It must be said that all the procedures were not so barbarous. In some instances the pleaders were asked to eat a certain amount of bread and cheese placed on the altar. Nothing abnormal transpired if the accused was in the right, but the guilty vomited the repast with severe convulsions. It was at this epoch that the "preliminary question" was put in practice, and resulted in the conviction of a most innocent person if not mentally strong and to save a guilty one if mentally well equipped.

In the cadaveric phenomenon known by the term of *cruentation*, one perceived a manifest proof of divine interference. King James of

Scotland, in his work on Demonology, published in 1597, says that after a secret assassination, if the cadaver of the victim is once touched by the murderer, the blood will gush forth in order to call divine vengeance upon the criminal. The proof was carried out as follows: The suspected murderer was placed at a certain distance from the victim, the body being naked and lying on its back. He next walked around the body two or three times and then touched the wounds very lightly with his hands. If, during these manoeuvres, a flow of blood took place, the unfortunate person was convicted of murder. Should the contrary happen, then other proofs were brought into play.

This absurd practice was very extensively resorted to in England and Scotland, much less so in France where, however, we find an example of this kind in the full glow of the XVII century. This affair, recorded by Ranchin,¹ took place on May 3, 1639, in the little hamlet of Mas d'Azil. Upon several other occasions physicians discussed the value of this procedure. In 1594, Labavius, in *De cruentatione cadaverorum*, Blancus in 1547, in *Tractatus de incidiis homicidii*, raised some objections on the subject but did not dare formally to condemn it, while Michel Albertus, who published his *De hemorrhagiis mortuorum et jure cruentationis* as late as 1726, gives us to understand that in the XVIII century, cruentation was still resorted to as a judiciary proof.

However, in spite of the retardation in the progress and development of the law, medical expert examination was still in vigor as is made clear by the ancient texts. It is shown that at the time of judiciary proofs by combats, by water and fire, physicians, surgeons and midwives, were summoned, according to circumstances, to give their testimony under oath before the courts. Thus we find in the edict of Godfrey de Bouillon, also known under the title of the *Assises et bons Usages du Royaum dee Jerusalem*, a passage relative to medical visits ordered by the courts. It is to discover the condition of the disease alleged by the vassal who refuses to appear at the court of his suzerain to plead his case. Let it be recalled that this was a judgment by battle, a type of barrister's speech requiring real vigor. I here transcribe the passage relating to medical expert work in *Assises de la Haute-Cour* Chap. 223.

Le Seigneur doit mander lors che' celui trois de ses homes comme court, un Miege (physician) et un Fisicien (apothecary) et un Serorgien (surgeon). Celui des trois homes qui est la en leuc du Seigneur li doit dire Mostrez vos essoines a cestui Miege, et il le doit faire, et cestui Miege le doit veir et taster son pos, et veir son orine (urine), et se est chose que le Scrorgien doit conistre, il doit mostre sa bleccure (wound) en la presence de trois de ses homes que le Seigneur aura envoye'; et si le Miege dit par son serment, de que il est tenu, que il est essoignes, l'on ne pent a plus mener toul com il on le Serorgien ne

¹Ranchin; Opuscules et traite's divers et curieux en medecine, Lyons, 1640.

connoist en lui aucune chose ou dehait pourquoi il doit demourer d'alles a court, il doit aller est faire droit.²

In the same *Assises de Jerusalem*, it is stated that he who desires to make an accusation of murder must

Faire aporter le cors murtri devant li Hotel du Seigneur on a leuc que il est etabli que l'on porte les murtris aprez doit venir devant le Seigneur et demander Counseill Sire mandez faire veir ce cors qui la vai gist qui este muriri, et le Seigneur y doit lors envoyer trois de ses homes, l'un en son leuc, et deus com Court, et les trois homes que le Signor y envoie doivent aler veir le cors, et puis revenir devant le Seigneur et dire en presence de la Court; Sire, nous avons veu ce cors que vous mandastes veir et avons vehu ce cos qui il a, ils doivent dire quant cos a, et en quel leuc il les a, et de quel chose il lor semble que ils aient este' fais.

Et se il ne a cös et se il ya aucun autre entresigne par que il leur semble que il a este' murtri, ils le doivent dire au Seigneur.³

The above is transcribed from the *Assises de la Haute-Cour*, Chap. 85, entitled: *Quel chose est murtre et pourquoi l'on doit savior*. Now, as Ortolan has very properly remarked all the knight-hoods of Christendom, with their men, were represented among the Crusaders, and that the *Assises et Usages* of the new kingdom were derived from those generally distributed throughout Europe, especially in France. It may, consequently, be taken as true, all reference these visits of physicians and surgeons as a common custom of the epoch. Then again, in a *Recueil d'Établissements et Coutumes, Assis et Arrêts de l'Exchiquier de Normandie*:

Relative to the period 1207 to 1245, is to be found the following passage stating that if a person ordered to appear before a court of law invokes an "essoine" resulting from a disease of "Langor," "celle de langor sera vene par leans,

²The Lord should then order three of his subjects to sit as a court, a physician, an apothecary and a surgeon. He of the three who is there in place of the Lord should say: Show your wounds to the physician and he (the plaintiff) must so do, and the physician should examine and palpitate his person, see his urine and examine into everything that the Lord should know. He must expose his wound in the presence of three men sent for that purpose by the Lord; and if the physician, by his oath, which he is obliged to take, finds him injured, he may plead his case before the court for damages.

³"Bring the murdered body before the residence of the Lord or at the place ordinarily used for exposing murdered bodies, after which he must come before the Lord and request a council. "Sire, order that this body which has been murdered be examined" and the Lord must then send three men, one in his place and two to form a court, and these three men must view the body and then return before the Lord and say in the presence of the court: "Sire, we have seen the body that you asked us to view and have examined into the facts and then they must state in what place and what occurrence has taken place and what appears to them to be the facts, and if there does not appear to them to be any cause for suspicion of murder they must so state to the Lord."⁷

⁷"Justice must examine her genitals and wound by midwives and by those who may know whether or not she was taken by force." In the Grand Coutumier of the country and duchy of Normandy it is stated that "experienced men and midwives must proceed to investigate by direct examination and other means of verification; view a man ill (in bed) or with a wound or one that has been killed, or a woman who has been raped. The Coutume of Maine required learned people, free from all suspicion, with juries well informed in such matters."

*seavoir mons (in order to ascertain) se cil qui gist en son lit se faint que it soit malade.*⁵ If a girl complained of having been raped, "La Justice jera veir, la meschin e sa bleccure par preudes femmes (midwives), et leans qui sachent que-noistre se elle a este' prinse de force." In the *Grand Coutumier*⁶ of the county and duchy of Normandy it is stated that "Leans hommes et de preudes femmes procedaient a diverse veues et verifications; veue d'homme en langor, veue de mesfait, veue d'homme occis, et veue de femme despucelle. In the same way, for such forensic medical expert work, the *Coutume de Maine* required "preudes gens, non suspects avec jure's scavants et connoissem's en telles choses."

I would mention also the *Coutume de Paris* or *Etablissement de saint Louis*, 1260, which did away with the judiciary duel, and in its stead required proof by testimonial proofs, thus contributing very greatly to the development of expert medical work.

On the other hand, the Canon Law was about to occupy an increasingly greater power in the jurisdiction of the people. In 1254, Pope Gregory IX collected and published under the name of *Decretales*, the religious decisions of all the Councils which had been held up to that time. Many new questions had been raised therein which of necessity would result in medical expert work. The *Decretales* ordered careful and complete inquests in the case of impotency, from which arose the famous proof by congress. This proof was the object of ardent discussion and violent attacks for centuries. *Impotentia coeundi* has at all times been a motive for divorce in the Church of Rome. The *Decretales* of Gregory IX prescribed in 1254, very minute inquests; it was not enough to make a medical examination of the genital organs and it was considered most logical to resort to the act of coitus itself, accomplished in the presence of witnesses. I here will transcribe what the famous surgeon, Guy de Chauliac, says in 1363, on this subject in his *Grande Chirurgie*:

*Le medecin utoris pae le magistrat examinera le temperamente, la conformation des parties, pas il nommera d'office et choisera uinne matrone savante et experimentee en la matiere; et il ordonnera que le mari et la femme couchent ensemble; cette matrone les exhortera—; elle lem oindra les parties genitales avec un onguent approprie, devant un fen de sarments; elle rapportera fidelement au medecin ce qu'elle aura vu, et celui-ci en fera son rapport; mais qu'il prenne garde de se laisser tromper.*⁸

That this was undoubtedly feared is made evident from the fact that later a commission composed of three physicians, three surgeons and three midwives was appointed in the place of the matron, and it

⁵"He having langor must be examined, in order to ascertain if he who remained in bed is simulating that he is ill."

⁸The physician authorized by the magistrate should examine into the temperament, the condition of the parts, then ex officio he will appoint a midwife, learned and experienced; and then will order the husband and wife to go to bed together; the midwife will then exhort them to coitus—. She shall cover the genitals of both with a proper ointment; she will then faithfully relate to the physician what she observed and he will then make out his report, being careful not to be mistaken.

developed upon it to determine *an facta esset emissio, ubi, quid, et quale esset emissum*. A curtain separated the couple from the witnesses. The judges, both ecclesiastical and laymen, waited in an adjoining room.

Unanimously opposed by all physicians and a large proportion of the clergy, by Ambroise Paré, Tagereau, Guillemeau and Rabelais, among many others, who denounced the indecency and uselessness, the congress still thrived up to the end of the XVII century. It was the object of universal derision and Boileau, in his VIII satire thus expressed himself:

*Jamais la biche en rut n'a pour fait d'impuissance
Trainé du fond des bois un cerf a l'audience
Et jamais juge entre eux n'ordonnant le congres
De ce burlesque mot n'a souille ses anets.*

Finally, the congress received its death blow upon the occasion of the trial of the marquis de Langeais, who was found impotent by the proof, and who, having remarried, had nine children by his second wife. Under pressure of public opinion, it was decided to appoint a commission to examine the value of the procedure, and on February 18, 1677, from the conclusions arrived at by the members of the commission, Parlement forbade all judges from ordering the proof by congress in all cases of divorce for impotency.

The Decretales also required an inquest to be held in cases of abortion and assault with criminal intent. All medico-legal cases which in any way involved the dogmas of the Church were tried before ecclesiastical tribunals, side by side with the regular courts. Thus, according to Hoenser, in 1249, a physician was called by the tribunal of Bologna in order to testify, after examination of the prisoner, in a case of abortion. Before this, a decree of Innocent II, dated in the year 1209, refers to medical examination of wounds as a practice ordinarily resorted to. The case in point was that of a church robber, who had been struck by a spade, and the tribunal desired to know if the blow had been sufficiently slight *ut peritorum judicio medicorum talis percussio assereretur non fuisse lethalis*.

From the year 1200 up to the end of the XVII century religious influence dominated the social morals and mentality, likewise both civil and criminal procedure. The minds of the people were profoundly imbued with the Catholic doctrines and on many points medical jurisprudence became united with the casuistic. Canon Law dominated everything and regulated after its own fashion, questions of separation and witchcraft; it intervened in all civil and criminal cases, particularly those in which morals were involved. It was in theology, in the Bible and the Fathers of the Church, that the physicians looked for the con-

trol of the principles laid down by Aristotle, Hippocrates, Galen and Avicenna. The end of the XIII century must be reached before one finds a trace of an organization of medical jurisprudence having some evidence of being official. The letters patent of Philippe le Hardi, dated May, 1278, offer proof of the existence of sworn surgeons for medico-legal expert work. Philippe le Bel, the legist king, surrounded medical expert work with some guarantees for the regulation that he endeavored to introduce relative to the practice of surgery. This profession had, up to this time, been open to anybody, but the oft quoted Edict of November, 1311, forbade any surgical act to all who had not passed the examinations before the sworn surgeons of the Chatelet. We also learn that sworn physicians, surgeons and matrons were invested in the right to make reports to the courts concerning wounds received, and death occurring on highways. In England, "Edward the Fourth, in the year 1461, granted the charter of incorporation to the barber-surgeons and the barber and the surgeon continued in the same corporation for three centuries.⁹

From the time of the edict of Philippe le Bel, are to be found in some of the criminal records, particularly those of the Chatelet, accounts of testimony given by sworn surgeons and it may not be devoid of interest to quote some of them. The first six are recorded by Desmazes in his *Historie de la medecine legale en France*, Paris, 1868.

Le 31 juillet, 1332, mestre Henri Tristan chirurgien, institue et depute en lieu de mestre Vailli, mire jure, constate le peril hors de mort et mehaing, de Ponce de Canderon, navre d'une playe en teste." This same Tristan declared "avoir ven, viste, teste le corps Tristan Jehannin de Troyes, mort sans casseure, froisseure, blesseure et sans aucun coup, mais enleve par maladie aportee au servel, qui est apelee en l'art de serurgie et de medecine apopleisie, et laquelle s'est expurpee par les narines, oreilles et bouche, puis la mort le 25 aout 1332 apres la Saint-Barthelemy apostre.

On December 10, 1337:

Mestre Pierre de Largentiere, mire chirurgien jure declare avoir ven, visite, taste, regarde, cherche, manie par tous les membres, conduits et entrees du corps, Jehannot Paci, vallet boucher, mort de mort naturelle sans presenter per-seure, froisseur, briseure, casseure et sans aucun sang et playe.

On February 28, 1330, this same sworn surgeon, after having

Ven et visite, regarde en la maniere qu'il appartient a l'art de la chirurgie, Jehan de Meudon, navre en la teste et batu de coups orbes par plusieurs parties du corps entour les yeux et les jambes, rapporte peril hors de mort mais non de mehaing.

On June 14, 1338, the drowned cadaver of Huguelin was exposed under the elm tree, to the people and the sworn surgeon of the court. It had been found in the well of Leberruier,

⁹Cumston, The Charter of the Barber-Surgeons and Holbein's Painting, N. Y. Medical Journal, 1912.

Maistre de Largentiere apres avoir vu, ne trouve aucune playe mortelle de necessite, anicoy estoit mort pour cause du fait de cheoir dedans le puits on il estoit cheu, par quoy la cervelle lui estoit esmeue et froissee.

On December 16, 1337, Richard Langles, a candle maker, was struck a la paniliere, by foot kicks of Picard,

Est gisant au lit, les pieds ne poiwant porter le corps, maistre Pierre de Largentiere, mire jure, rapporte le peril hors de mort mais non sans mehaing.¹⁰

The surgeon was occasionally interrogated as to the nature of the weapon used for the murder as the following shows, which with the second is extracted from the *Registre criminel du Chatelet*, published by Lebrun, Paris, 1861.

Le 14 decembre, 1390,—sur quoy oy maistre Jehan le Conte, chirurgien du roy, qui dict que le playe faite au dit feu Criquetot, en la teste, fu d'une hache, si cumme il croit en sa convicence." On August 10, 1343, was placed under the elm tree "Jehan le Rous, paletrier, rue Quequempois, lequel s'estoit pendu de ses lanieres par le col, et etrangle, estout tout fol et hors de sens.¹¹

On February 23, 1338, Eudelot la Picarde accused her master, Guillaume Damour, of having, two months previously, with force and menace of death, tried to violate her, she being at the time a virgin. As the victim could not prove her case, the accused was not condemned, because she did not appear against the prisoner. The task of examining women in cases of criminal attempt was reserved for the matrons, who retained

¹⁰July 31, 1332, Master Henri Tristan, surgeon, ordered in place of Master Vailli, sworn physician, observes injury not enough to cause death, in the person of Ponce de Cauderon, who received a wound on the head. This same Tristan declared "that he had seen, examined and palpated the body of Tristan Jehannin of Troyes, dead without fracture or wound and without evidence of blows, but killed by a disease of the brain, which is called in the terms of medicine and surgery, apoplexy, and which became expurgated by the nostrils, ears and mouth with death on August 25, 1332, after the apostle Saint Bartholemew.

On December 10, 1337, Master Pierre de Largentiere, sworn surgeon, declares to have seen, examined, palpated, and examined each limb, opening and cavity of the body, Jehannot Paci, butcher's boy, dead from natural causes without presenting evidence of blows, contusions, fracture, and without presenting blood or wound.

On February 28, 1330, * * * after having viewed and examined according to the rules of surgery, Jehan de Meudon, injured on the head and beaten by blows on several parts of the body, around the eyes and legs, reports injury not fatal but not without danger.

On June 14, 1338, * * * Master de Largentiere, after viewing it, found no lethal wound and concluded that death was caused from the fall into the well, which injured the brain.

On December 16, 1337, Richard Langles, a candle maker, was struck on the spine by foot kicks of Picard, and was in bed, the feet not being able to support the body. Master de Largentiere, sworn physician, reported a condition of danger, but not fatal.

¹¹December 14, 1390,—upon having heard this, master Jehan le Conte, surgeon to the King, says that the wound inflicted on the late Criquetot, on the head, was done with an axe, to the best of his knowledge and belief. On August 10, 1343, was placed under the elm tree Jehan le Rous, tailor, living rue Quequempois, who had hung himself by the neck and strangled, being insane and without common sense.

this privilege in France until the Revolution, but in all times the surgeons held them in low estimation on account of their ignorance. *Elles ne doivent etre creues pour leur imperitie*, said Paré in 1575, and later de Blegny says:

*Le chirurgiens ne veulent avoir de relations avec elles, ils aiment mieux delivrer leurs rapports se'parement que de se compromettre avec des personnes qui tombent souvent dans l'erreur par ignorance, malice ou opiniastrete.*¹²

I will here give some examples of the reports given by these matrons. On July 13, Jacqueline la Cyriere was arrested on complaint of her daughter, Jehannette, fifteen years of age, that the former had given to a Lombard. After taking oath, the matrons declared that

*Elles on vu, visite, taste, regarde et manie, bien et diligemment, en la maniere qu'il appartient en tel cas estre fait; laquelle Jehannette fut trovee defloree et percee tout oultre et si vilainement depareillee que c'est et c'estoit chose orrible a regarder, et estoit conompue tout oultre et vilainement blessee, et desiree en toute nature.*¹³

Emmeline la Duchesse, a sworn matron, declared under oath that

*Jehanne Mabillette, se disant grosse d'enfant et batue par Duchemin et Ravel, n'a aucune enfleure au ventre ne signe de grossesse d'enfant.*¹⁴

On January 3, 1392, a woman accused of theft pretended that she was pregnant in order to avoid the ordeal of the torture:

*Agace la Francoise et Jehanne la Riquedonne matrones jurees du roy nostre sire, rapportent qu'elles ont vene et diligement visitee a grant diligence Marion de la Court, prisonniere dessus nommee, taste, mesniee a nu et au mieux qu'elle ont peu et sceu, et ne tiennent en elle acun signe par quoy elles peussent et osassent tesmoigner que elle est grosse d'enfant car elle est moult plat de ventre, et vue l'esmonvance d'elle qui se debat en la vistant et regardant son ventre, tiennent et croient en leurs consciences que elle n'est aucunement grosse ou enchargee d'enfant.*¹⁵

And lastly, here is a report given two hundred years after the above, by four matrons of Paris, recorded by Laurent Joubert in his *Traite des erreurs populaires en medecine*, Lyon, 1534. I would say, however, that the strange vocabulary employed by Joubert, is very difficult to un-

¹²"They should not be believed on account of their ignorance," said Paré in 1575, and later de Blegny says: "The surgeons will have nothing to do with them. They prefer to give their reports separately than to compromise themselves with persons who frequently fall into error on account of ignorance, malice or from obstinacy."

¹³After taking oath, the matrons declared that they had seen, examined, palpated, looked and felt of, carefully and thoroughly, as is proper in such cases; that the said Jehannette was found raped and pierced through and through, and was so fearfully injured that it was horrible to see, and was very ill and terribly wounded, and in every manner injured.

¹⁴Jehanne Mabilette, claiming to be pregnant and beaten by Duchemin and Ravel, has no swelling of the belly nor other sign of pregnancy.

¹⁵Agace la Francoise and Jehanne la Riquedonne, sworn matrons of the King, report that they have seen and carefully examined Marion de la Cour, prisoner above mentioned, palpated and handled naked, as well as they knew how and find no sign by which they could or would dare to say that she was pregnant, because the belly was flat and from the movements of resistance made by the prisoner they could see that the abdomen was normal and truly believe that she is now not large with child.

derstand, but is for all that a most interesting document, and therefore the translation will be omitted.

"Nous marion Teste, Jeanne de Means, Jeanne de la Guigan, et Magdeleine de la Lippue, matrones jurees de la Ville de Paris, certifions a tous qu'il appartient que le quatorzieme de juin 1532 par l'ordinnance de M. le Prevost de Paris, nous nous sommes transportees en la rue de Frepant, on pend pour enseigne la Pantoufle, on nous avons vu et visite, Henriete Peliciere, juene fille agee de quinze ans, sur la plainte faite par elle en justice contre Simon de Bragard, duquel elle a dit avoir este forcee et defloree. Et le tout vu et visite au doigt et a l'ocil, nous trouvons qu'elle; les barres froissees, le haleron demis, la dame du milieu retiree, le pondeant biffe, les toutons devoyez, l'enchenart retourne, la babbole abbatue," l'entrepont ridde, l'arriere-fosse ouverte, le guilboquet feudu, le lippon recroqueville, le barbidant tout escorche, le lapandis pele, le guilhevard elargi, les balmaus pendans; et le tout vu et visite fenillet, avous trouve qu'il y avait trace de v—

From what has been said it is evident that the sworn surgeons aided the courts with their scientific knowledge, but their reports were of little value in those days when autopsies were not made and the anatomical learning meagre, that of physiology totally unknown. The surgeon could only state in a few words his diagnosis and prognosis—that was all.

Then, too, the judicial mind was undeveloped in the sombre epoch known as the Middle Ages, which extended from the XIII to the XV century. Torture was the means resorted to in order to obtain a confession of the supposed crime. The penalties were ferocious. Sodomy and buggery were assimilated to heresy and the person burned to death. A trial of the cadaver took place in cases of suicide and the *Coutume de Bretagne* says:

Si aucun se tue a son escient; il doit estre pendu par les pieds et traine comme meurtruer, et ses biens meubles acquis a qui il appartient.¹⁶

And a famous juriconsult, Damhouder by name, gravely propounds the question; Is fornication with an infidel to be considered a case of bestiality?

In the Middle Ages the insane ran in the highways without restraint, and mental diseases had a fertile soil upon which to grow in a depressed, superstitious and physiologically miserable people. It is for this reason that the strange epidemics of chorea and hysteria developed, which to the vulgar appear almost supernatural in nature. Then frightened by the extension of demonopathy, Pope Innocent VIII applied potent medicines to great afflictions. In 1484 he issued a bull against witchcraft and medical inquests were ordered in these cases. The physician studied the attacks of the supposed sorcerer, examined the condition of the secretions and excretions, and above all, armed with a

¹⁶If one kills oneself, he should be hung by the feet and dragged like a murderer, and his belongings should be taken by the proper persons.

needle, sought on the surface of the body the sure indication of the presence of the devil, the areas of anesthesia, the *Stigmata diaboli*.

Pierre de Lancre, council of the Parlement of Bordeaux, himself tells us that he was aided by

*Un chirurgien estrange, mais neanmoins pour lors habitant le Bayonne, qui a force de visiter les dits sorciers et rechercher leurs marques y devint merveillement entendu et suffisant.*¹⁷

Linas says;

*"L'il est affligeant de voir un certain nombre de medecines et de chirurgiens imbus des funestes prejuges d'alors, justifier par l'autorite de leur nom et de leur savior, les estranges pratiques des exorcismes et souscrire aux redoutables sentences des inquisiteurs de la foi, on ne saurait oublier a titre de consolation, que c'est du sein du corps medical que se sont elevees les premieres et les plus energiques protestations en faveur des socriers, et que beaucoup de ces malheureux ont du leur salut a l'habile et genereuse initiative des homes de l'art."*¹⁸

¹⁷"by a foreign surgeon, but however, then dwelling at Bayonne, who frequently visiting, the said sorcerers and looking for their marks, became very learned and expert in the matter."

¹⁸"If it is afflicting to observe a certain number of physicians and surgeons imbued with the fateful prejudices of the times to justify by the authority of their name and learning, the strange practices of exorcism and subscribe to the fearful sentences of the inquisitors of the faith, it should not be forgotten as consolation, that it was from the midst of the medical corps that the first and most energetic protests in favor of the sorcerers arose and that many of these unfortunate people owed their life to the crafty and generous initiative of medical men."