

fusion of two and a-half drachms of coffee, in three ounces of water, with sugar *ad libitum*, are suitable proportions.

As regards the effect produced on the activity of the sulphate of quinine, when thus mixed with coffee, these observations would naturally lead us to inquire how far this diminution of solubility could injure the effect of the medicine. It is evident that starting with this general principle, uncontrovertible both in physiology and chemistry, that the activity of bodies is increased in proportion as they are dissolved, or readily acted on by the liquids with which they come in contact; and remarking, on the other hand, what has been proved by actual experiment, that sulphate of quinine, dissolved in acidulated water, acts more promptly and energetically than when in a state of partial solution in pure water, or in pills, we must arrive at the conclusion that the manner of administration, of which we are now treating, is disadvantageous. But, at the same time, sulphate of quinine, being a medicine almost invariably very decided in its action, we believe, that in the majority of cases, notwithstanding the disadvantages resulting from its diminished solubility, this discovery will prove useful to invalids, by enabling them to take what to some is a disagreeable medicine, without perceiving the taste. Still, it is right that the physician should be acquainted with these disadvantages, that in obstinate cases he might either increase a little the dose, or rather have recourse to a more favourable mode of administration, namely solution of acidulated water.—*Journal de Pharmacie*.

MEDICAL JURISPRUDENCE.

We copy from the *Western Lancet* the following instructive case. We perfectly agree with the editor of the *Western Lancet*, that M'Comas was convicted upon insufficient evidence; but, at the same time, we cannot forbear the reflection, that the case was one which could have been clearly and unequivocally determined by medical testimony, had the proper means been employed. It is one of those cases in which the value of the microscope, as adjuvant to the ends of justice, stands brightly forth; and we cannot avoid contrasting the case with a parallel one recorded in the *London and Edinburgh Monthly Journal* for April, 1814, permitting our readers to draw their own conclusions:—

The following case of supposed rape, affords a melancholy comment on the "glorious uncertainties of the law." It is clear, agreeably to the lights of modern medical jurisprudence, that the unfortunate man, who was the subject of the criminal prosecution, whatever may have been his vicious intentions, was convicted upon insufficient, and altogether irrelevant proof. The existence of inflammation, with suppuration, in the exterior genital organs of a girl nine years of age, the *hymen uninjured*, is a most unwarrantable ground of evidence by which to convict a man of the serious crime of rape.

Remarks upon a Case of Rape, tried in the St. Louis Criminal Court. By CHARLES W. STEVENS, M.D.—(*Missouri Med. and Surg. Jour.*)—MESSRS. EDITORS: We have heard much said about the uncertainty of medicine, and also of the "glorious uncertainty of the law." I propose to submit for publication in your valuable journal, a few remarks upon a case recently tried in the Criminal Court of this County, in which were involved some points of law and medicine, or legal medicine; and if I am not mistaken, your readers will perceive that here also there is uncertainty.

A young man by the name of M'Comas was charged with an attempt to violate the person of Mary Young, a child about nine years of age. The testimony went to show, that the prisoner, at two different times, had taken the girl upon his lap and raised her clothing. At one time this occurred in M'Comas's private room, and again when they were riding in a buggy. In both instances the girl sat sideways upon his lap. The mother discovered stains upon the drawers of the child, resembling those made by seminal fluid. She charged the daughter with having permitted some man to meddle with her. When threatened with chastisement, she gave the name of M'Comas. The mother examined the private parts, and found them inflamed, and discharging matter, the discharge still existing [a period of several weeks]. A respectable

medical gentleman of the city, was called to the case immediately after the disease was discovered by the mother. He examined the stains upon the clothing,—thought they might have been produced by seminal fluid; was not certain that such was the case; stains resembling them might be caused by other discharges; young girls were subject to diseases in which there were discharges from the genital organs; found the nymphæ and orifice of the vagina in a state of inflammation.

I was called to visit the girl about eight days after the gentleman above referred to. I did not see the clothing or the stains examined by the other physician; found the labia, nymphæ, and orifice of the vagina inflamed, accompanied by a muco-purulent discharge. Visited her again a few days after; found the parts still inflamed, and the discharge more abundant, and mixed with blood. Saw her again five weeks after my first visit; the inflammation had nearly subsided, but the discharge was still considerable, and somewhat bloody; found the hymen uninjured. The physician regularly employed by the prisoner, testified that he had not been called upon to prescribe for gonorrhœa. In the above, all the prominent or essential points of the testimony relating to the facts of the case, are fairly stated. The prisoner was sentenced to three years' confinement in the penitentiary.

Now, whether justice has been done the prisoner, in this instance, I am unable positively to say; but I was forcibly impressed with the truth of Sir Matthew Hale's remark upon this crime, when he says, "It is an accusation easy to be made, and harder to be proved, but harder to be defended by the party accused, though innocent." Taylor, in his excellent work on Medical Jurisprudence, says, "That for one real case of rape there are ten pretended cases." Our works on legal medicine abound with reports of cases, where persons have been unable to defend themselves against these charges, and have suffered, not only in the loss of reputation, but by imprisonment, and the severest penalties in the powers of the law to inflict, and yet, after developments or disclosures have shown them to be innocent.

The case of M'Comas was one in which but little positive testimony was adduced. It was one of those perplexing cases in which nearly all the witnesses, especially the medical witnesses, expressed their opinion with the greatest caution and reserve; and this of necessity, because unable to arrive at definite conclusions upon the subject. A prominent purpose on the part of the prosecution, after failing by positive testimony to prove connection or an attempt at the same, seemed to be, to convince the jury that the girl was affected with gonorrhœa; and it was upon this point the case hinged, as must have been apparent to all who attended the trial. In fact, I was so informed by one of the jurors after the decision. If it had been fully established that Mary Young was affected with this disease, the jury would certainly have had better reason to conclude that the prisoner had communicated the disease to her. The jury did not convict M'Comas because stains were found upon the drawers, resembling those made by seminal fluid, for the child had at this time a discharge from the vagina, that fully accounted for the stains; they did not find him guilty alone upon the testimony of the child, for she stated that she sat upon his lap sideways, and in no other manner. The jury must have reasoned in this way:—*The girl sat upon the lap of M'Comas; she afterwards was attacked with gonorrhœa; therefore, he attempted to commit a rape upon her, and the charge is sustained.*—Now, leaving out of view the fate of the prisoner, as well as the justice or injustice of the verdict, let us ask the question, can any physician, in a case like this, guided by the best lights in the profession, determine with such certainty as to enable him to testify in a court of justice, whether the disease be gonorrhœa or vaginal catarrh, of some writers, or the muco-purulent discharge which young girls are subject to from a variety of causes?

Trial of John Hamilton for Assault, with intent to Ravish.—Tests for the Seminal Fluid.

In the High Court of Justiciary, at Edinburgh, on Monday, 27th November, 1843, John Hamilton was tried for the alternative crimes of assault, with intent to ravish Elizabeth Braidwood, a child under the age of puberty, and to the grievous and severe injury of her person; or, of using lewd and indecent practices towards the child, to the grievous and severe injury of her person.

The injury here libelled on consisted in the communication of gonorrhœa, with which the prisoner was affected at the time of the alleged offence.