

cred bonds of social union, it becomes a duty incumbent on our Profession to contribute our share towards arresting the propagation, by communicating to the other classes of society, the means which Medical Science possesses of identifying crime and delineating its most obscure features. But as this obligation borrows its importance from the end to which it is applied, it also imposes on us the task of protecting innocence, wherever it may be exposed to fall a victim to malicious and criminal purposes. No consideration, therefore, foreign to this object, will ever deter us from raising our voice in the cause of justice, or influence our judgement whenever truth shall appear to require elucidation.

Such is however the painful task we have to perform with regard to the case of J. B. Drolet, who has been convicted of rape at the last Criminal Term. We say painful, because we conceive that the omission which seems to have determined the verdict of the Jury, is one which the common dictates of justice imperiously call for. We allude to the absence of Medical evidence; and in order to illustrate our assertion, we will only call the reader's attention to a few particular points, by which the veracity of the accuser's account may in some measure be questioned.

It is needless to advert to the gross contradictions which appeared in her testimony, nor to the positive assertion of several credential witnesses, that the prisoner was employed at work with them, at the time that the act is alledged to have taken place. The degree of confidence which may be placed in the contradictory statements on both sides, is also a matter which it is competent for every man to determine. We will not even call in question the fact of the violation having been committed by some person, whether by the prisoner himself or by another; the state of the parts as reported by the women who examined the accuser, appears to place it beyond doubt.

But as we see sufficient reasons to convince ourself of this fact, we also find two particular heads in the young girl's deposition, which confirm our opinion that the act was to a certain degree voluntary on her part, and thereby the prisoner's offence is very materially altered.

The first is the resistance which was opposed on the part of the plaintiff, and which by comparing her physical powers with the age and bodily size of the prisoner, would not leave a great balance in his favour. It is even alledged by the most respectable writers on this subject, that it is physically impossible for the most powerful man to ravish a woman without her consent, unless she has first been thrown into a state of stupor by the action of some very active narcotic. This bears strongly in favour of the prisoner, particularly when the comparative strength of both is taken into account.

The next is the assertion on the part of the accuser, of her having remained in a state of insensibility, during the whole time, which she said was three quarter of an hour. It was never men-