

THE INSANITY PLEA.

COL. GEORGE B. CORKHILL'S THOUGHTS UPON THE SUBJECT.

"Insanity as a Defense for Crime" was the subject of the paper read before the Medico-Legal Society last evening by Col. George B. Corkhill, United States Attorney for the District of Columbia. The paper was a very elaborate one, and was listened to with great attention by the society, over which Clark Bell presided. After referring to the difficulties in the way of properly defining insanity and quoting some of the most eminent medical authorities on the subject, Col. Corkhill said that the defense of insanity has become so common that in almost every case of atrocious and brutal crime it is now presented, and it is remarkable that there is scarcely a criminal who cannot find facts in his own life of physical or mental disturbance, or in some of his blood relatives, from which men of eminence or scientific attainments readily demonstrate to juries that these facts, taken in connection with the atrocious and brutal character of the crime, indicate insanity. This defense is becoming so common that it is not surprising that juries are beginning to look upon it with suspicion and the public with dread. Speaking of the cases in which men who avenge the ruin of their domestic bliss by killing the destroyer, and are acquitted on the ground of emotional insanity, Col. Corkhill said: "Why would it not be more creditable to our juries and more honorable to the administration of justice to let the jury say by their verdict that the justification for the crime was in the character of the act which provoked it, and not encourage and countenance this plea of insanity by a verdict as contrary to their oaths and the law as would be the former? If they must apologize, let it be the more manly apology of open refusal to find a prisoner guilty under such serious provocation, rather than to shield themselves behind a defense in which neither they nor the community which they represent believe."

Col. Corkhill did not think that insanity should ever be allowed as a plea of defense for crime in the trial of the prisoner under the indictment. When a prisoner proposes to defend his crime on the ground of insanity, a jury should be specially chosen for their fitness to try the special plea, and if the prisoner, after trial, is found to be insane, then he should be confined in an insane prison a certain time commensurate with the character of his crime; if, however, the verdict of the jury declare the prisoner to be sane, the plea of insanity should not be allowed on the trial of the cause. It is not a question whether the plea of insanity should be allowed as a defense for crime, but whether some means cannot be devised under the law by which its existence can be rationally and honestly determined. After speaking of "cranks" and declaring that they are fully responsible for their acts, Col. Corkhill said: "Society must be protected, human life must be safe, property must be secure, and the law must punish those who violate the sacred rights of each citizen to life and property. To do this with even justice it will not do to permit a criminal to escape punishment on account of the vagaries of an unbalanced intellect or moral nature. If the disease of insanity really exists, then let that question be determined, not that he may escape punishment, but that the punishment may be tempered in accord with his physical and mental condition." At the conclusion of the paper the subject was discussed by ex-Surrogate Calvin, R. B. Kimball, Dr. O'Sullivan, Dr. Ralph Parsons, Dr. E. C. Mann, Dr. Strube, G. R. Hawes, and others, most of the speakers agreeing with Col. Corkhill that the sanity or insanity of a prisoner should be determined before he was placed on trial criminally.