

Case No. 14,811.

UNITED STATES v. CLARKE.

[2 Cranch, C. C. 158.]<sup>1</sup>

Circuit Court, District of Columbia.

Dec. Term, 1818.

INSANITY—DEFENCE TO CRIMINAL PROSECUTION.

A prisoner should not be found guilty, if at the time of committing the act, he was in such a state of mental insanity, not produced by the immediate effects of intoxicating drink, as not to have been conscious of the moral turpitude of the act.

The prisoner [Michael Clarke] was indicted for the murder of his wife by shooting her with a musket upon her return home in the evening from church.

Mr. Key, for prisoner, prayed the court to instruct the jury that if they should be satisfied, by the evidence, that the prisoner, from long and settled habits of intemperance, had become disordered, both in body and mind, and subject to fits which affected both his mind and body, and that, by reason thereof, he was generally, and at all times, when not under the influence of liquor, of unsound mind, then the prisoner cannot be found guilty of killing the deceased with malice.

Which instruction THE COURT (nem. con.) refused to give, but instructed the jury that if they should be satisfied, by the evidence, that the prisoner at the time of committing the act charged in the indictment was in such a state of mental insanity, not produced by the immediate effects of intoxicating drink, as not to have been conscious of the moral turpitude of the act, they should find him not guilty.

Verdict. "Guilty." Sentence of death.

{See Case No. 14,810.}

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]