

# **A NEW CRIME**

MARK TWAIN

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## LEGISLATION NEEDED

THIS country, during the last thirty or forty years, has produced some of the most remarkable cases of insanity of which there is any mention in history. For instance, there was the Baldwin case, in Ohio, twenty-two years ago. Baldwin, from his boyhood up, had been of a vindictive, malignant, quarrelsome nature. He put a boy's eye out once, and never was heard upon any occasion to utter a regret for it. He did many such things. But at last he did something that was serious. He called at a house just after dark one evening, knocked, and when the occupant came to the door, shot him dead, and then tried to escape, but was captured. Two days before, he had wantonly insulted a helpless cripple, and the man he afterward took swift vengeance upon with an assassin bullet had knocked him down. Such was the Baldwin case. The trial was long and exciting; the community was fearfully wrought up. Men said this spiteful, bad-hearted villain had caused grief enough in his time, and now he should satisfy the law. But they were mistaken; Baldwin was INSANE when he did the deed they had not thought of that. By the argument of counsel it was shown that at half-past ten in the morning on the day of the murder, Baldwin became insane, and remained so for eleven hours and a half exactly. This just covered the case comfortably, and he was acquitted. Thus, if an unthinking and excited community had been listened to instead of the arguments of counsel, a poor crazy creature would have been held to a fearful responsibility for a mere freak of madness. Baldwin went clear, and although his relatives and friends were naturally incensed against the community for their injurious suspicions and remarks, they said let it go for this time, and did not prosecute. The Baldwins were very wealthy. This same Baldwin had momentary fits of insanity twice afterward, and on both occasions killed people he had grudges against. And on both these occasions the circumstances of the killing were so aggravated, and the murders so seemingly heartless and treacherous, that if Baldwin had not been insane he would have been hanged without the shadow of a doubt. As it was, it required all his political and family influence to get him clear in one of the cases, and cost him not less than ten thousand dollars to get clear in the other. One of these men he had notoriously been threatening to kill for twelve years. The poor creature happened, by the merest piece of ill fortune, to come along a dark alley at the very moment that Baldwin's insanity came upon him, and so he was shot in the back with a gun loaded with slugs.

Take the case of Lynch Hackett, of Pennsylvania. Twice, in public, he attacked a German butcher by the name of Bemis Feldner, with a cane, and both times Feldner whipped him with his fists. Hackett was a vain, wealthy, violent gentleman, who held his blood and family in high esteem, and believed that a reverent respect was due to his great riches. He brooded over the shame of his chastisement for two weeks, and then, in a momentary fit of insanity, armed himself to the teeth, rode into town, waited a couple of hours until he saw Feldner coming down the street with his wife on his arm, and then, as the couple passed the doorway in which he had partially concealed himself, he drove a knife into Feldner's neck, killing him instantly. The widow caught the limp form and eased it to the earth. Both were drenched with blood. Hackett jocosely remarked to her that as a professional butcher's recent wife she could appreciate the artistic neatness of the job that left her in condition to marry again, in case she wanted to. This remark, and another which he made to a friend, that his position in society made the killing of an obscure citizen simply an "eccentricity" instead of a crime, were shown to be evidences of insanity, and so Hackett escaped punishment. The jury were hardly inclined to accept these as proofs at first, inasmuch as the prisoner had never been insane before the murder, and under the tranquilizing effect of the butchery had immediately regained his right mind; but when the defense came to show that a third cousin of Hackett's wife's

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step— father was insane, and not only insane, but had a nose the very counterpart of Hackett's, it was plain that insanity was hereditary in the family, and Hackett had come by it by legitimate inheritance. Of course the jury then acquitted him. But it was a merciful providence that Mrs. H.'s people had been afflicted as shown, else Hackett would certainly have been hanged.

However, it is not possible to recount all the marvelous cases of insanity that have come under the public notice in the last thirty or forty years. There was the Durgin case in New Jersey three years ago. The servant girl, Bridget Durgin, at dead of night, invaded her mistress' bedroom and carved the lady literally to pieces with a knife. Then she dragged the body to the middle of the floor, and beat and banged it with chairs and such things. Next she opened the feather beds, and strewed the contents around, saturated everything with kerosene, and set fire to the general wreck. She now took up the young child of the murdered woman in her blood— smeared hands and walked off, through the snow, with no shoes on, to a neighbor's house a quarter of a mile off, and told a string of wild, incoherent stories about some men coming and setting fire to the house; and then she cried piteously, and without seeming to think there was anything suggestive about the blood upon her hands, her clothing, and the baby, volunteered the remark that she was afraid those men had murdered her mistress! After— ward, by her own confession and other testimony, it was proved that the mistress had always been kind to the girl, consequently there was no revenge in the murder; and it was also shown that the girl took nothing away from the burning house, not even her own shoes, and consequently robbery was not the motive. Now, the reader says, "Here comes that same old plea of insanity again." But the reader has deceived himself this time. No such plea was offered in her defense. The judge sentenced her, nobody persecuted the governor with petitions for her pardon, and she was promptly hanged.

There was that youth in Pennsylvania, whose curious confession was published some years ago. It was simply a conglomeration of incoherent drivel from beginning to end, and so was his lengthy speech on the scaffold afterward. For a whole year he was haunted with a desire to disfigure a certain young woman, so that no one would marry her. He did not love her himself, and did not want to marry her, but he did not want anybody else to do it. He would not go anywhere with her, and yet was opposed to anybody else's escorting her. Upon one occasion he declined to go to a wedding with her, and when she got other company, lay in wait for the couple by the road, intending to make them go back or kill the escort. After spending sleepless nights over his ruling desire for a full year, he at last attempted its execution—that is, attempted to disfigure the young woman. It was a success. It was permanent. In trying to shoot her cheek (as she sat at the supper table with her parents and brothers and sisters) in such a manner as to mar its comeliness, one of his bullets wandered a little out of the course, and she dropped dead. To the very last moment of his life he bewailed the ill luck that made her move her face just at the critical moment. And so he died, apparently about half persuaded that somehow it was chiefly her own fault that she got killed. This idiot was hanged. The plea of insanity was not offered.

Insanity certainly is on the increase in the world, and crime is dying out. There are no longer any murders—none worth mentioning, at any rate. Formerly, if you killed a man, it was possible that you were insane—but now, if you, having friends and money, kill a man, it is EVIDENCE that you are a lunatic. In these days, too, if a person of good family and high social standing steals anything, they call it KLEPTOMANIA, and send him to the lunatic asylum. If a person of high standing squanders his fortune in dissipation, and closes his career with strychnine or a bullet, "Temporary Aberration" is what was the trouble with HIM.

Is not this insanity plea becoming rather common? Is it not so common that the reader confidently expects to see it offered in every criminal case that comes before the courts? And is it not so cheap, and so common, and often so trivial, that the reader smiles in derision when the newspaper mentions it? And is it not curious to note how very often it wins acquittal for the prisoner? Of late years it does not seem possible for a man to so conduct himself, before killing another man, as not to be manifestly insane. If he talks about the stars, he is insane. If he appears nervous and uneasy an hour before the killing, he is insane. If he weeps over a great grief, his friends shake their heads, and fear that he is "not right." If, an hour after the murder, he seems ill at ease, preoccupied and excited, he is unquestionably insane.

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Really, what we want now, is not laws against crime, but a law against INSANITY. There is where the true evil lies.

END.