CLINICAL NOTES AND CASES.

Case of Feigned Insanity. By ALEX. ROBERTSON, M.D., F.F.P.S.G., Physician to the City Parochial Asylum and Hospital, Glasgow.

Physicians who have had experience in doubtful cases of insanity know well how difficult it sometimes is to pronounce decidedly as to the presence or absence of mental unsoundness. On the one hand, the striking differences that are to be met with in intellectual and emotional characteristics within the sphere of mental health, and, on the other, the equally great diversity in the features of the various forms of disordered mind, occasionally render the problem one not easy of solution. Moreover, the decision in such cases often involves serious responsibility. This occurs more particularly when the question arises in relation to grave criminal charges, and where medical opinion is sought to aid in determining if vagaries of conduct and seeming delusions are to be considered evidences of real mental disorder, or are feigned for the purpose of screening the accused from the legitimate penalties of their crimes.

It needs no other fact to illustrate the difficulty that may be experienced in arriving at a correct conclusion in such cases, than the statement by so experienced and accomplished a physician as Dr. Bucknill,* that, when in charge of the Devon County Asylum, he was at first deceived by the dissimulation of a prisoner who was placed under his care, though afterwards he was convinced that the seeming lunatic was really of sound mind, and certified to that effect. From the record of the following case, it will be seen that the prisoner was successful in deceiving his warders and others for a considerable time.

On the 2nd August, 1880, the newspapers bore that on the 31st July, being Saturday, a brutal murder had been committed in Glasgow. Condensing the details which were afterwards sworn to at the trial of the prisoner, the following is the story of the crime, special prominence being given to the conduct of the accused.

About 10 p.m., on the night of the 31st, Edward Devine, a young man of 17, was in company with some friends in a court at the back

* Bucknill and Tuke's "Psychological Medicine," 3rd edition, p. 466.

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of a block of dwelling-houses, occupied by the lower working-classes. They were endeavouring to raise and place on his feet a drunken man who had fallen on the ground. This man was brother-in-law to Thomas Dolan, the criminal in question. While so engaged Dolan came out of an entry, and with an oath asked what they were doing. Devine civilly replied, mentioning whom they were assisting. Thereupon Dolan aided them in their endeavours, and ultimately along with two of the party—Devine not being one—took the helpless drunkard home. Dolan, however, quickly returned, having an open knife in his hand, and, without any provocation, stabbed Devine in the belly. The wound was a severe one, and proved fatal in less than 48 hours. Immediately after committing the act Dolan ran off, and was not captured till four days afterwards. He was apprehended at no great distance from the scene of the crime, though it was ascertained that he had been ten or twelve miles out of the city in the interval.

The day following his apprehension Dolan was brought before the Sheriff-Substitute of the county, and then made the following declaration, which we give in full, so that an idea may be formed of his mental state soon after the fatal assault:—

"My name is Thomas Dolan. I am a native of Ireland, and reside at Middleton Place, Garngad Road, Glasgow. I sometimes am known by the name of D'Arcy. My step-father gives me that name. I did not know Edward Devine, iron-dresser, and I was not aware that he was in a close at Middleton Place, on Saturday night, the 31st of July last. That night I was going out from my own house, 13, Middleton Place, for a glass of beer, and I saw a lot of people standing in the close, 21, Middleton Place. It is a dark close, and the people I have referred to were standing in the dark portion. Some of them asked me if I was going to stand them a glass of beer, and I said I hadn't it on me, except what I was going to get for myself. When I told them this, some of the men in the close knocked me down, and began to kick and batter me, and they called me out of my name, and said they would have the beer out of me if they could not get it to drink—that they would give me a beating for not getting the beer. I tried to protect myself as well as I could, but whether I had a knife in my possession and used it, I cannot say. I do not remember having a knife at all that night. I do not remember that there was a good brother of mine in the close that night. I did not see a drunken man in the close that night, and I did not see anybody going forward as if to lift a drunken man. I saw nobody in the close except those people I have referred to as having assaulted me. There was a lot of people who attacked me, but I cannot say who they were, because the close was dark. Besides, they knocked me so stupid that I could not say who was about me. I was about half drunk that night. I had three or four glasses of whisky, besides ale or porter. All which I declare to be truth. I cannot write."

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My connection with the case began on the 26th November. I was then asked by the Public Prosecutor (Procurator-Fiscal) to visit the prisoner in gaol, and give an opinion respecting his mental state. The Deputy-Fiscal mentioned that two or three days after his apprehension prisoner had begun to act wildly, and had continued that kind of conduct since that time. It was said, that though it was the impression that the man was scheming, he had persisted in his deception—if it were so—so long that the case had assumed a different and more difficult aspect than at first.

My first procedure, on going to the gaol, was to question the officials in charge, the Governor, and the warders who had the immediate oversight of the prisoner, respecting their observations of his behaviour. They all leaned distinctly to the view that he had become insane, and with two exceptions said so without hesitation. This, upon the whole, was also the impression of the prison surgeon, who was good enough to read to me the reports he had made respecting accused from time to time in his journal. I also obtained a very full account of Dolan's conduct from two other prisoners who had been constantly in the cell beside him during the greater part of his imprisonment. At the same time it was borne in mind that the testimony of prisoners, and particularly of untried ones, had little moral weight, and could only be considered of value in relation to the evidence derived from more reliable sources.

Throwing their various statements into narrative form, it appears that four or five days after his apprehension prisoner suddenly became violent, walked up and down his cell, crunching his teeth and rolling his eyes, swore wildly, threw jugs and basins at his fellow-prisoners, and made sudden and dangerous attacks on them. He was also filthy in his practices, for example, putting his feet into the chamber-pot, and messing the floor. Early in his confinement his conduct was so unruly, and he was so unmanageable and dangerous that it was deemed advisable to restrain his arms by strong leather muffs. After about ten days he became quieter, and it was found practicable to dispense with the mechanical restraint to his person. Periods of comparative calm, followed *apparently* by paroxysms of maniacal excitement, necessitating the use of the muffs, followed each other at irregular intervals till the time of my visit. There had been no seeming delusion beyond his declaration that he saw men at the window, who were not

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really there. He was supposed to have made two attempts at suicide by trying to suspend himself from the window of his cell by a handkerchief, and he had also frequently threatened to destroy himself. With respect to the alleged attempts at self-destruction, careful inquiry failed to show that he had actually been hanging by the neck. The medical officer of the prison had also put a bottle filled with coloured water, with poison marked on it, in his cell, and had spoken in his hearing about its dangerous properties. The prisoner had drunk about half its contents.

Throughout his whole confinement Dolan's appetite had been good, indeed, often very keen. For a time he was troublesome at night, and had been getting chloral to induce sleep, but latterly for some weeks this had been omitted. Without medicine he had slept seven or eight hours a night, though sometimes noisy for a short time during its course. For many weeks it had been necessary to take off his clothes by force and remove them from the cell.

As already mentioned, my first visit to the accused was on the 26th November, and three days afterwards I had another interview with him. Next day, the 30th, I stated to the Fiscal my opinion of the prisoner's mental state, and the grounds on which it was based. I shall quote, as nearly as I can recall, the exact words of my deposition :—

On the 26th inst., I found him acting in a very furious manner, swearing wildly and incoherently, with his eyes fixed on the walls of the room, struggling to get his arms free from the leather muffs in which they were secured, and also kicking the wooden stool in the cell. Along with his furious conduct, I noticed that he was able to fix his attention on different subjects to which I referred. Thus, having heard that he had received a blow on his head some years since, I asked him about it. He stopped his noise, and said, as if reflecting, "I don't mind about that blow on the head." I also succeeded in getting him to put out his tongue, and to look at me quietly.

The furious conduct and incoherent swearing manifested by the prisoner during the greater part of the interview were not consistent with his power of fixing his attention and of giving quiet, intelligent answers, supposing the case were one of real insanity.

At my second interview on the 29th inst., I found that Dolan had told another prisoner, named Devlin, who occupies the cell with him, that I had questioned him (Dolan) about an injury to his head, and said that he had really sustained an injury of that kind by a fall down a stair, and further stated to Devlin that I had said that his

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mother had informed me of it—which was correct. In addition, Dolan had told him that I had felt his pulse at the temple (which was true), and on Devlin inquiring of Dolan my reason for feeling it there he had said, "you know he could not feel it at my hand for these things," pointing to the muffs.

The form of furious insanity simulated by Dolan, when real, is associated with some, generally with a considerable disturbance of the general health; but in Dolan there is no indication of disturbance of any of his bodily organs. His skin is soft and cool, his eye is clear and natural, though he rolls the ball much—which is almost never seen in that form of insanity. His tongue is moist and clean, his pulse is calm and regular, his appetite is good, and he is stated to sleep about seven hours at night, besides occasionally during the day. Real insanity of that kind is almost invariably associated with great sleeplessness.

I informed myself of Dolan's conduct, since he was lodged in prison, by enquiring of the warders and others, and their statements confirmed me in the opinion which I had formed from my own independent observations that the prisoner Dolan is feigning insanity.

Though omitted in this deposition, which I dictated to the Fiscal, I noticed that once or twice after very violent demonstrations prisoner cast a furtive glance at me, apparently to see if they were producing an impression of his madness. Further, his general demeanour, notwithstanding his wildness of conduct, wanted sincerity, and seemed that of a man who was acting not very skilfully a part he had assumed.

It may here be remarked that Dolan is about 35 years of age, strongly built, but of low stature, with head rather small, though not ill-formed. His aspect is indicative of a low type of intellect, with considerable cunning and general degradation.

The prosecution now very properly considered it desirable to obtain additional medical opinion in the case, and accordingly asked Dr. Yellowlees, of Gartnavel Asylum, Glasgow, to visit the prisoner. This gentleman first saw him twice alone and afterwards twice along with myself. I learned from Dr. Yellowlees that at his private interviews prisoner was much less demonstrative than during my visits to him. He was also rather quiet and uncommunicative at the first of our joint meetings. At the same time, as Dr. Yellowlees remarked, there was a clear want of truthfulness, a denying of the knowledge of facts which he obviously did know, in some of his replies. The last joint interview was on December 20th, the day before his trial. Before seeing him we met with the Governor of the Prison, who stated that Dolan

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was now quiet and correct in his conduct, and had confessed that he had been feigning madness, explaining that he had been "put up to it" by a fellow-prisoner who occupied the cell with him during the early days of his imprisonment. Dolan repeated this confession to us, as will appear from the medical evidence given at the trial. This we quote from the report in the "North British Mail" newspaper.

"Dr. Robertson deposed that he had visited the prisoner four times in Glasgow Prison. On his first visit he found the prisoner acting in a furious manner. He was walking up and down the cell roaring at the top of his voice, swearing incoherently, and rolling his eyes. He kicked the stool in his cell, and generally acted very wildly. That was his general conduct during the greater part of the interview. Witness asked him questions with the view of testing the state of his mind. On two or three occasions witness observed that he was able to attend and reflect before he answered the questions he put to him. Witness considered that that obvious power of attention and reflection was inconsistent with the furious conduct, the furious type of insanity which was apparent otherwise; further, that furious type of insanity, supposing it to be real, was usually associated with some general disturbance of the system, and witness found there was no disturbance whatever of prisoner's bodily health. In real cases of this kind sleeplessness was very common—almost universal; and witness, on enquiry of prisoner's warders and fellow prisoners, was told that the prisoner slept soundly at night. At the close of his first visit witness was strongly impressed that prisoner was feigning insanity, and at the close of the second visit he came decidedly to the conclusion that prisoner was feigning insanity. At the second visit prisoner's conduct was generally the same as at the first visit, but not so furious. Yesterday prisoner confessed to witness and Dr. Yellowlees that he had been feigning insanity. Prisoner was perfectly calm yesterday.

"Cross-examined by Mr. Dundas (prisoner's counsel)—If he were told that some seven or eight years ago the prisoner received a severe fall, alighted partly on his head, and remained unconscious some time, witness would not be surprised should certain effects remain even at the present time. At the same time he might have had that fall and fully recovered from it. Witness thought prisoner a man of low intelligence, but dogged and cunning.

"By Lord Young (the presiding judge)—When prisoner confessed yesterday that he had been feigning insanity, he said the prisoner Johnstone, who was first confined with him, had advised him to make at the governor, the doctors, and everybody else that came near him, and try to kill them, and if he kept up that till the end he would get what was called 'the Queen's pleasure.' This he clearly understood to be confinement in an asylum."

"Dr. Yellowlees deposed that he visited the prisoner four times—

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twice alone and twice with Dr. Robertson. During the first two interviews prisoner was sullen, suspicious, irritable, and would scarcely answer a question other than saying, 'I don't know,' or 'I can't remember.' He was exceedingly restless, and when pressed with questions got angry, and on the third occasion swore a good deal. On the first three occasions that was his demeanour; on the fourth occasion his demeanour was quite different. The general impression produced on witness's mind was that prisoner was a man very decidedly below the average in intelligence—a kind of man who, inflamed by drink, and irritated by the annoyance to which he said he had been subjected, would be likely to get into moods of anger and ungovernable rage. He said he had never behaved in that manner except when he was annoyed by people calling names after him in the street. Witness had been in court during the trial, and he had found in the evidence, which he had heard, no confirmation of the prisoner's own statement that people habitually called him 'Daft Tommy.' Prisoner said people had been calling after him on the night in question.

"Cross-examined by Mr. Dundas—When witness questioned prisoner about the alleged injury, prisoner pointed out a spot on his head, where he said he had fallen."

No proof was led in support of the prisoner and his friends' statement that his head had been injured by a fall six or seven years previously, nor did the evidence bear that his conduct was in any way altered after the time of the alleged fall. There was no distinct mark of injury on his head. The only statement made at the trial which threw any doubt on his previous complete mental capacity was that of one witness, who deposed that prisoner was considered to be of a weak mind. This was not supported by others. The policeman in the district, who had known him for twelve years, said—"He got drunk almost every Saturday. I never thought him to be out of his mind. I always considered him to be very dangerous in drink. We had occasionally to take him to the police office for being drunk and assaulting people."

My own fuller inquiries since the trial confirm the opinion of this witness. The foremen of the work in which he had been employed as a labourer till about a year before he killed Devine stated that he was a drunken, quarrelsome, dangerous fellow, but though regarding him as a low type of a man, they had never thought there was anything wrong with his mind.

At the close of the medical evidence Mr. Dundas said the prisoner was now willing to plead guilty to culpable homicide. The Advocate-Depute, on the part of the Crown, agreed to accept that plea, remarking that although the evidence, in his opinion, had established the sanity of the prisoner, it had at the same time cast the possibility of a doubt as to the strength of the prisoner's mind.

The jury then returned a verdict of culpable homicide in terms of

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the prisoner's own confession, and afterwards Lord Young sentenced him to fifteen years' penal servitude.

Little commentary is required on the case. Though Dolan cannot be regarded as imbecile, his intellect seems somewhat under the average of his class. At the same time, it is abundantly clear that there is much cunning and great persistency in his disposition. When he committed the fatal assault he was to some extent under the influence of alcohol, and it is probable that the drink he had taken was coarse and fiery. But while this would increase his excitability and recklessness, it is obvious from his immediate flight and after conduct that he was keenly alive to the serious nature of his crime and the punishment it involved.

Why, it may be asked, when Dolan had with so much determination of character feigned insanity for about four months, did he not maintain the deception till the trial was past? This in all likelihood was due to the fact that after the warders and his fellow prisoners became aware that medical opinion had been strongly expressed against the reality of his apparent insanity they treated him as an impostor. Then he might probably think that nothing was to be gained by further persistence, and that it would be more in his interest to make a full confession of his attempted imposture, after which he would be free to instruct his agent respecting his defence. Accordingly, as soon as he had made his confession, he asked the governor of the prison to be allowed to see an agent, a request which was at once granted.

It is satisfactory to think that the prisoner's attempt at imposition was exposed. Had it been successful, there would have been a serious miscarriage of justice, and other criminals would have been encouraged to practise similar deception in future cases.

Notes of a Case of General Paralysis at the Age of Twelve. By A. R. Turnbull, M.B., Edin., Assistant Physician, Royal Edinburgh Asylum.*

C. W. was admitted to the Royal Edinburgh Asylum on 12th March, 1879, being then 18 years of age. The most prominent mental symptom was a considerable degree of enfeeblement. He had a silly imbecile expression of face, showed marked confusion of ideas

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