

## FEIGNED INSANITY.

CASE OF JOHN GAFFNEY, HUNG FOR MURDER FEBRUARY 14, 1873.

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On the 7th of May, 1872, in a drunken quarrel over cards in a saloon in Buffalo, John Gaffney shot and killed one Patrick Fahey. The shooting grew out of a disagreement which had occurred some days previously in a saloon kept by Gaffney. The murderer was arrested, and in August following, was tried, convicted and sentenced to be hung on the 27th of September. His counsel by various legal expedients, unnecessary here to detail, secured a stay of proceedings until the 14th of December, when the prisoner was again sentenced to be hung on February 7, 1873. Then followed most strenuous efforts by counsel and friends to secure a commutation of the sentence to imprisonment for life, but the governor, General Dix, telegraphed on the 29th of December that he should not interfere with the course of the law. Upon receipt of this news the prisoner completely broke down, and on February 3, only four days previous to the one fixed for the execution of the sentence, Gaffney made a full confession to representatives of the Buffalo press, detailing somewhat minutely his past life, and giving a full account of the crime for which he was about to suffer the death penalty, presenting all the extenuating circumstances connected therewith. Up to this time nothing had been said questioning the prisoner's sanity.

On the day following this interview the prisoner was visited by his friends and passed a usually quiet

day. After seeing a friend about noon, Gaffney laid down and slept, or appeared to do so until five P. M., when he got up and almost immediately broke into violent raving, indulging in the most horrible profanity and abuse, directed alike toward friends and those who had been instrumental in his conviction. His remarks were disconnected in the extreme, but were noticeably repetitions of the same ideas, in almost the same language. Through the night he paced his cell, apparently at times imagining himself in a police station, and asking why he had been arrested, again demanding that his friends, whom he said were outside, be allowed to see him, and then playing an imaginary game of cards with bits of paper which he found on the floor.

On the following morning, February 5th, some priests and sisters of mercy were admitted to see him, for the purpose of administering religious consolation, but upon his condition being reported, only the priests entered the compartment where he was confined. Gaffney received his visitors with a volley of oaths and abuse, and after they had retired, took up a crucifix which had been left in his cell and broke it into fragments. He assumed to know no one, and kept up a steady flow of incoherencies, talking about matters entirely irrelevant to topics introduced by those who had communication with him, and when, for the purpose of testing his self-composure, some one said, "Gaffney, do you know you are to be hanged day after to-morrow?" he paid not the slightest heed to the startling assertion. He made no violent demonstrations toward those about him, was not destructive of clothing, and was correct in his habits.

Upon the request of the sheriff, several physicians made an examination of Gaffney, to settle the question of his mental condition, and the majority joined in a

request, forwarded by telegraph to Governor Dix, asking him to grant a respite of a few days to give time for further examination. To this the governor replied by granting a reprieve of one week.

It will be somewhat interesting perhaps, to examine the testimony of the physicians in this case, especially as it illustrates the fact, that general practitioners, when brought face to face with cases of insanity, are frequently at a loss what decision to reach.

It was the privilege of the writer to be present at both of the examinations spoken of in the testimony, and it has never been his lot, nor does he ever expect to meet with a more horrible instance of profanity and abuse. During a portion of the time at each examination the prisoner complained that some one had been poking him in the head with a pole, through the bars of his cell; and that he had been at a cock-fight the night before, and had been hit in the head; claimed that he did not know where he was, or why there should be so many people around him. He had a wild stare, the eyes widely open, and seldom fixed upon anything, but gazing restlessly about. On one occasion, however, while walking by a window which gave a view of the jail yard, in which the gallows was supposed to be in course of erection, the prisoner lost this stony, staring look, and glanced hastily and uneasily about the yard.

When questioned upon his age, situation and number of his family, and his occupation, he either made no reply or gave utterance to remarks wholly foreign to the subject. He was seen upon two occasions, on separate days, by the physicians, and the testimony before the sheriff's jury was given in his presence on the afternoon of the second day.

The testimony of the first physician called, a gentle-

man of large experience in general medicine, was that Gaffney presented decided symptoms of insanity; but that this was not his conviction, but only an impression, and that the result of the examination on the second day was to weaken this impression. He said his physical condition was like that of many insane persons. He showed evidence of debility, feebleness of circulation, acceleration of pulse, and his manner and conversation were like that of a person insane. He constantly reiterated one or two questions in a monotonous tone of voice, and dwelt continuously on one or nearly one thing, and an attempt made to divert his attention from that was not successful. He complained that he was arrested, and was in the station house for some trivial matter; that his associates, calling them by name, had badly treated him; that he was not allowed to rest in his cell, but that somebody was continually poking at him with a long stick or pole; and his conversation was interlarded with oaths, every third or fourth word being an oath.

On the second day his pulse, which on the first occasion was one hundred and twenty, was eighty-six. He was not so demonstrative, and his attention was more easily diverted. This gentleman concluded his testimony by saying: "I do not think I could fairly and justly say that I have a fixed opinion in regard to this man's mental condition."

The second physician who testified was a practitioner of some twenty years standing. His evidence in regard to the physical and mental characteristics of the case were much the same as in the first instance. He was willing to state upon his oath that in his opinion Gaffney was insane.

The third witness testified: "I have been a physician for five years. I visited Gaffney first about noon yes-

terday, and stood at the corner of the corridor where he could not see me nor I see him, and heard him talk for some ten or fifteen minutes. He was swearing about being in the station house, about a Dutch dance, a chicken fight, his concert saloon, and Captain Frawley. His physical organization was in a prostrated condition, such as an insane man's might be. I saw him again this morning and heard him talk. He conversed upon the same subject but was not so voluble nor noisy." In the opinion of this witness Gaffney's case was one of acute mania.

The fourth witness was a physician of large experience, with some practical knowledge of the care and management of the insane. He gave substantially the same testimony in regard to the characteristics exhibited by the prisoner, and said: "From my first examination I was wholly unable to satisfy myself of the reality of his insanity. My opinion was, yesterday, that if he feigned it he did it remarkably well. This morning he was more natural, and I was told that he had slept quietly during the night. It is uncommon for a person who has been healthy all his life, to have insanity fully developed at once. His history and physical condition did not indicate to me that he was really insane; his talk did. He did not know anything—and gave no replies to questions which would indicate that he had any knowledge of their nature. He knew too little for an insane man."

The fifth medical witness concluded his testimony by saying: "I am no more prepared to say as a medical man that he is sane than that he is insane."

At the conclusion of the testimony, when the officers removed the prisoner, he walked quietly with them, and asked if they would go down and clear the men out of the saloon. Although the stairways were

perfectly clear, he wanted to know what the crowd of people were there for.

After Governor Dix had granted the reprieve of a week at the request of the Buffalo physicians, he ordered Dr. John P. Gray, of the State Lunatic Asylum, and Dr. S. O. Vanderpoel to proceed to Buffalo, and examine the prisoner. Dr. Gray testified, in substance, to having examined the prisoner on three occasions, with Dr. Vanderpoel, and that there were no evidences of insanity. His physical condition was that of a man in ordinary health, with some loss of color from confinement. His eyes were clear; the skin and its secretions natural. He was not untidy in his habits, but his hair was unkempt, and he kept running his fingers through it keeping it constantly disarranged. Gaffney, he said, was a case of feigned mania, and there was no correspondence between this physical condition and mental manifestations. A genuine case of acute mania would show evidences of physical disturbance in the general condition, the secretions of the eye, the state of the pulse, tongue, skin, loss of flesh etc. He showed none of the earnestness and sincerity, either in manner or utterance, of a real maniac. There was no genuine incoherence. His constant utterances consisted of a lingo or jargon of words, without relation or meaning, which he had evidently prepared, as he scarcely deviated a word in their repetition. They were uttered, sometimes in a low mumbling voice, and again in a loud, but monotonous manner. He constantly tried to avoid a direct glance, but kept his eyes turning from the wall to the ceiling. When pressed rapidly with questions he at times became confused. It was nearly two hours before they were able to break in upon his jargon. Twice during the first examination he went out of the cell to the corner of the corridor to urinate,

showing his nervous condition. He at length began to manifest a confused appearance and difficulty in maintaining an *apparent* unconsciousness of what was said to him, and finally under the constant press of questions he forgot himself and answered, but instantly attempted to retrieve by uttering his jargon in a louder and more confident tone. Dr. Gray then said, Gaffney you are caught, and Dr. Vanderpoel replied, yes, you are a miserable bungler. He suddenly stopped and attempted to strike Dr. Vanderpoel, but was prevented. He was then told that his conduct was, in all respects, unlike that of an insane man, and that his feigning was too manifest to be mistaken. In the subsequent examinations, he continued the same jargon as at first. They went into the cell and asked him to walk into the corridor, but he kept up a constant rattle of words, as though he did not understand, or was too much absorbed to hear what was said, but finally became confused and stopped his utterances. Dr. Gray then asked him to go on and repeat the same things he had been saying, as he desired to take it down. After looking at the ceiling he commenced again in a low mumbling tone. The visit in the evening was unexpected, and he was lying down on the bed, he commenced talking to himself and made no reply to questions, but endeavored to impress the idea that he did not understand. In the second interview the remark having been made that maniacs looked people in the face, he at times stared at the examiners. In the presence of the sheriff's jury he tried to keep up the apparent inattention and indifference. Dr. Gray pointed this out and referred to his conduct, manner and physical good health, and then called attention to the changing color of his face as evidences of feigning, and that he was fully aware of all that was going on. After the verdict was

rendered Dr. Gray went in to see him, and Gaffney said "well, Doctor, I hope you do not blame me for trying to save myself. If I could live I would lead a better life." He then spoke of the shooting as having been done under the influence of drink, when he did not know what he was about. Still he was able to give an accurate account of it, and spoke of some inaccuracies in the testimony.

Dr. Vanderpoel, in his testimony, said he could simply reiterate the statements of Dr. Gray. In regard to his physical condition there were no evidences of disease. The skin was somewhat pallid, but healthy. The muscles were perfectly co-ordinate, and they learned from those in charge that he had slept eight hours every day, and eaten his meals regularly. His eyes were clear; there was no intentness of gaze, and it was impossible to hold his eye for a moment. After being told that he was feigning he lost self-control. He then uttered a series of oaths. They told him that it was ridiculous, and on the second visit he did not utter an oath. There were, he said, scarcely any forms of mania in which persons will not recognize something, but he paid no attention to anything. The conclusion at which they arrived was that it was a case of feigned insanity.

The medical testimony only has been here presented; it is proper, however, to say that some of his fellow prisoners were produced as witnesses in court to show that Gaffney had, in his remarks to them, admitted that he expected to "fool the Doctors."

The question of insanity is one which has been frequently introduced into the courts, especially of New York, and this case and those of Waltz and Barr, already reported in the pages of this JOURNAL are illustrative of one phase of the subject.



In this instance the plea of insanity was not introduced until all other expedients had been tried, and we have an instance of a man concerning whose mental soundness no question had hitherto been raised, suddenly becoming apparently violently maniacal. The case illustrates what Bucknill and Tuke say of feigned mania: "The feigning madman, in all ages, has been apt to fall into the error of believing that conduct utterly outrageous and absurd is the peculiar characteristic of insanity. \* \* \* In the great majority of cases, feigned insanity is detected by the part being overacted in outrageousness and absurdity of conduct, and by the neglect of those changes in the emotions and propensities, which form the more important part of real insanity. \* \* \* No muscular endurance, and no tenacity of purpose will enable a sane man to keep up the resemblance of acute mania for a long time; nature soon becomes exhausted, and the would-be patient rests and at length sleeps. The constant agitation, accompanied by symptoms of febrile disturbance, by rapid pulse, foul tongue, dry and harsh or pallid clammy skin, and the long continued sleeplessness of acute mania, can not be successfully imitated. The state of the skin alone will frequently be enough to unmask the pretender. If this is found to be healthy in feeling, and sweating from the exertion of voluntary excitement and effort, it will afford good grounds for suspicion. If after this the patient is found to sleep soundly and composedly, there will be little doubt that the suspicion is correct."

At the end of the reprieve, February 14, 1873, the prisoner suffered the death penalty, previously acknowledging that his insanity had been wholly feigned.