4/14/1999

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Grave Robbers

Sweet were the uses of the Harrison Horror.

The slow move toward modern scientific medicine combined with an almost unlimited proliferation of private medical schools during the 1800s increased the need for cadavers for anatomical instruction. Anatomical dissection was deemed necessary for learning medical skills but religious concepts of burial and of resurrection of the body were powerful and opening a dead body was perceived with almost universal horror. Cemeteries were beginning to develop artistic sepulchral monuments to honor and protect the dead. (1) Laws in England, laws that continued to influence our own, were modified during the 1820s, a time remarkably affected by public interest in Mary Shelly's Frankenstein which was published in 1818.(2) Reflecting this increased interest in anatomy and physiology, judges began to allow the legal dissection of "paupers" as well as the time-honored, court-ordered dissection of murderers, some of whom were said to fear follow-up dissection more than they feared the hanging. These advances, as questionable as they may now seem, still failed to supply enough bodies for the anatomical surgeons who waited close by the gallows. In Ohio, as in England, medical students and anatomy professors were forced to conspire with grave robbers to obtain material for the anatomical dissection tables. Some of the courses of anatomy in Ohio required the medical student to obtain a body to dissect. In Columbus at the center of Ohio, as well as at both the northern and southern extremes of the state, scandals and near-riots resulted.

In the first half of the nineteenth century concepts of scientific medicine spread to the United States from European centers such as Edinburgh in Scotland; and by the second half of the nineteenth century many of the most successful American physicians had received training in Europe. At the same time rumors and fears of grave robbing had spread widely on both sides of the Atlantic. The very name "resurrectionists" for the grave robbers that supplied corpses for medical study conveys not only a hint of levity but a reminder that the bodies in church graveyards were there to await a physical, complete and bodily resurrection and not to suffer violation by either rogues or scholars.

Two particularly famous rogues at the time were William Burke and William Hare in Edinburgh,[3] two who responded to the growing need for corpses for doctors and students to dissect, by advancing from grave robbing to killing with alcohol and suffocation. In nine months they provided 15 very fresh victims to the anatomists for a profit ranging from £8 to £14 but after the disappearance of victim #16 a search revealed the missing person in the cellar of Dr. Robert Knox, the leading anatomist of the time. After Hare offered evidence for the court Burke was convicted and hanged in a well-attended public ceremony on January 28, 1829.(Illustration) Ever since, the verb "Burking" has meant to suffocate, to kill in order to sell a body, or to hush up a crime.

In northern Ohio, at the quiet little town of Willoughby, after an auspicious beginning the new medical center terminated in less than ten years as rumors, and then proof, of the dissection of recently-buried citizens, combined with faculty dissension split the school and ultimately led to the establishment of the medical school at Western Reserve in Cleveland and continuation of the original charter for Willoughby Medical College in Columbus. In 1848 the name of the school in Columbus was changed to Starling Medical College, the ancestor of The Ohio State University College of Medicine.[4]

Before Willoughby Medical School was transplanted to Columbus in 1847, there had been a Botanic Medical School 10 miles north in Worthington, Ohio. According to the scholarly review by J. S. Haller,[5] the school in Worthington was referred to variously as the Reformed Medical College of Ohio, or it was "better known as the Medical Department of Worthington College or simply as Worthington Medical College. (The old Worthington College reopened under a new charter as Kenyon College.)" In 1839, after a decade of troubled existence and faculty dissension not lessened by stories of "resurrection skullduggery" from the former Chair of Anatomy, Dr. R. P. Catley, the school faced failure. When a Mrs. Cramm of Marietta died at the Insane Asylum in Columbus, and her relatives failed to arrive before she was planted in the nearby potter's field, the fate of her body and that of the occupants of two other nearby and quite empty graves became a local cause celebre. A mob expected to find the missing cadavers on the dissection tables in Worthington. As a mob threatened, President T. V. Morrow and his

family were allowed to leave safely before the rioters actually found that the body of Mrs. Cramm truly was on the dissecting table and that there was another body behind the school. Perhaps even more damaging, because more close at hand, were continued whispers of removal of bodies from the cemetery behind the lovely old Episcopal church that still stands on Worthington Square.(illus.) During the first 50 years of the 1800s dozens of similar "dissection riots" or near riots occurred in Connecticut, Vermont, Virginia, Illinois, Maryland and Massachusetts.

The most dramatic and well-known episode of grave robbing in Ohio, and the one that may have helped lead to a true solution for the problem in Ohio, is the episode in Cincinnati referred to by Harry J. Sievers as the "Harrison Horror."[6] Benjamin Harrison, the Hoosier politician who was the grandson of a President, an honored Civil War general, and a highly successful lawyer, had spent his early childhood in North Bend, Ohio slightly west of Cincinnati and close to the Indiana state line. In the spring of 1878 the future President Benjamin Harrison came back to North Bend to visit his father, John Scott Harrison, who was the son of President William Henry Harrison and destined to be the father of another President. Scott Harrison, as he was called, was vigorous at 73 and in great demand as a local speaker, having been a congressman and a respected Presbyterian elder. One of the last letters that Scott Harrison wrote to his son recounted a 12 mile trip on horseback to pay respects to Augustus 'Gus" Devin, his daughter's 23 year old nephew who had died, perhaps of tuberculosis, on May 18, 1878. On May 26, 1878 at a time General Harrison, as he continued to be called even after he had become our 23rd president, was preparing a keynote address for the Indiana convention a telegram arrived reporting the sudden death of his father. J. Scott Harrison had died while he was, reportedly, revising a speech extolling the value of childhood training when it is given by Christian mothers. The funeral for J. Scott Harrison was held on May 29 at the Presbyterian church in nearby Cleves,(Illustration) "The Little Church on the Hill" that had been erected with the help of Benjamin's grandfather, William Henry Harrison.(illustration) The Harrison family plot lay on a broad hill nearby with a beautiful view of the Ohio, in the now somewhat neglected Congress Green Cemetery.(illustration) J. Scott Harrison was buried near the vault of his father, William Henry Harrison, Ninth President of the United

States. Reportedly during internment the mourners noticed that the resting place of young "Gus" Devin had been disturbed, and body snatchers were immediately suspected. The men of the family wished to hide the discovery from the widowed mother of Gus, at least until the body could be recovered. They also wished to protect the remains of J. Scott Harrison and the former Congressman's body was encased in a metallic casket in an 8' grave reportedly made secure by cemented marble slabs. Benjamin Harrison returned to Indianapolis immediately after his father's funeral, but his younger brother John continued to search for young Devin's body.

John Harrison went with a constable and friends to the Ohio Medical College (illustration) on the south side of Sixth Street between Vine and Race Streets in Cincinnati, because there were reports that a wagon had recently stopped at 3:00 a.m. at the very place grave robbers, resurrectionists, were known to deposit their merchandise. The janitor, A. Q. Marshall, showed them around, and the 5-man group had almost given up the search until they peered into a deep shaft opening out of the top floor. As they were leaving the policeman noticed a rope attached to a windlass which had been installed in the shaft. The rope seemed tight, and as the windlass was turned the pull increased and finally a body appeared with the head and shoulders covered. John Harrison is reported to have said, "That's an old man, we're after a young man." "Never mind," said Policeman Lacey, "we'll see what it is." It was, in fact, J. Scott Harrison's body with a rope around the neck, suspended in a hole at the Ohio Medical College. John Harrison engaged the local undertaker to care for his father's body, intending to protect his mother's sensitivity, but the news broke in North Bend when three relatives visited the tomb and guessed what had happened.

Within 24 hours after arriving back home in Indianapolis from the burial, General Harrison had heard of the robbery of the body of his father, but not yet of its recovery. He instituted official searches in most of the mid-western cities and started his own private investigation with Pinkerton's Detective Agency. Reports in the Cincinnati *Commercial* newspaper assured that the national press soon picked up the story. Even before General Harrison arrived back in Ohio, his older brother Carter had also arrived at the Ohio Medical College to examine the exact spot where the body had been discovered.

Dr. William Wallace Seely, Secretary of the College and Professor of Clinical Ophthalmology, distressed by criticism of his faculty, apparently remarked to Carter Harrison that, "the affair matters little, since it will all be the same on the day of Resurrection." That comment further incensed the family and the public. The college janitor Marshall was arrested. The faculty rushed to his defense with the medical men posting a $5000 bond for his release on bail. As the saga continued the citizens of Cincinnati became angered at the medical school and its faculty, but vague threats of mob action were strongly vetoed by General Harrison who did publicly criticize the "know-nothing" attitude of those in charge of the medical college. The faculty officially expressed their regret, but claimed complete ignorance of the transaction.

The medical profession as well as the Cincinnati *Daily Gazette* newspaper in its editorial of May 31, 1878 suggested that the "true responsibility for the outrage rests ultimately with the legislature." Where else would bodies come from, if not from the grave? Not for the last time physicians and their supporters waved the flag of malpractice issues, stating, ". . . anatomical knowledge is required of all who practice medicine and surgery. Suits for malpractice are constantly before the courts, and physicians and surgeons are cast into damages for lack of that anatomical knowledge which the law denies them an opportunity to obtain." The college decided to use the issue to bring the case to the public, and Dean Roberts Bartholow in his written statement on June 1, 18787 stated that, "Under existing circumstances bodies necessary for the instruction of medical students must be stolen." The New York *Tribune* was among many that might have been offended at this position as it stated, "If this is the best case the Ohio Medical College can make out for itself, it would have been better for it to have said nothing. As it is, it has said altogether too much. . . heroic doses of the Ohio Penitentiary are the best medical treatment the people of Cincinnati can prescribe for it." General Harrison is reported by Sievers to have been furious and remained so after the press interview by Dean Bartholow on June 1st. In Harrison's widely publicized letter of June 3, 1878 to the citizens of Cincinnati he thanked the city for its sympathy and hoped that all could preserve themselves, "from the taste of Hell, which comes from the discovery of a

father's grave robbed and the body hanging by the neck, like that of a dog, in a pit of a medical college."

J. Scott Harrison was quietly re-interred in the vault of a family friend at Spring Grove Cemetery near Cincinnati. At the same time citizens from Indiana requested permission to remove the remains of William Henry Harrison from Congress Green Cemetery to assure it could be safe, in Indiana, but the family refused. The crowds continued for some weeks to be excited, and they milled in and out of the alley near the medical college, attempting to peer into the celebrated "cadaver chute."

An eight man party headed by the General returned to search the entire Ohio Medical College on June 4th, still looking for young Devin's body, and they did discover the garments in which their father had been buried. Harrison came back again to Cincinnati to lead the prosecution of Marshall. By this time it was known that Harrison's body had actually been stolen from his grave by the renowned resurrectionist from Toledo, Charles O. Morton. The Harrison family publicly exonerated the Miami Medical College, the main competitor of the Ohio Medical College, and on June 6th while General Harrison himself examined Marshall at trial, Marshall's legal support (perhaps the least they could do) came from the medical faculty. The lawyers for Marshall suggested that the warrant for Marshall's arrest as well as the search warrant itself were invalid and that Harrison had acted unfairly in publicly accusing the faculty of The Ohio Medical College. General Harrison insisted on an open public hearing despite threats of a civil suit if he persisted in the case. During the course of the trial the faculty admitted that they indeed had had an annual contract with "certain persons" to supply them with bodies and that, moreover, Cincinnati had actually become a shipping center for this "dead traffic." The commerce involved areas as far away as Ft. Wayne and Ann Arbor. Ultimately the body of young Devin was in fact discovered "pickled in brine" in a charnel house near Ann Arbor. Devin was re-buried in Congress Green Cemetery, four weeks to the day after his first internment on May 18th. On the occasion of the re-internment General Harrison and his wife returned once again to Cincinnati to pay a final tribute. Within five years the criminal and civil laws of Ohio had been changed, and a maximum penalty for body snatching had been imposed. It also became legal to do anatomical dissection after the

Ohio laws of 1879, 1881, and thereafter, made bodies more readily available for the teaching of anatomy.

Columbus' remarkable John F. Baldwin, M.D., founder of Grant Hospital, was Professor of Anatomy at the Columbus Medical College during the time the Harrison experience was being discussed by the faculty of medical colleges throughout Ohio. Baldwin reports that a delegation of representatives of the medical schools, including himself, met with a special committee of the state legislature and all agreed that the colleges needed dissecting material and also that body snatching should become a penitentiary offense with a heavy fine. The laws were changed and body snatching became more than a simple misdemeanor at the same time there was better provision to obtain bodies legally. For decades earlier there had been very little legal risk, except for stealing the clothes. English common law, from which so much of our law derives, did not consider a dead body to be property. The shift in public as well as legal attitudes occurred slowly. The published remembrances of Dr. Baldwin in 1936 [7] reflect a different social sensitivity than our own. He states that an African-American had been lynched by a mob in Athens county for the reported rape of a white woman, and that the body subsequently appeared in the medical college dissecting room in Columbus. The cadaver was so muscular that it was arranged that the college would recompense the students for preparing the bones. The "green bones were sent, including the hyoid bone" to a firm in the east which mounted the skeleton, destined to be used for many years to teach anatomy in Columbus. Baldwin also reports his personal experience in 1878 when the body of a deceased inmate was lifted from the cemetery connected with the Columbus State Hospital. That cemetery had apparently been common ground for the work of resurrectionists for a long time, and this time it was the students of Columbus Medical College that dug up the body. As they attempted to pass it into the basement of the college, a new policeman investigated and arrested the students who told him all they knew about it. Dr. Baldwin's description of the distortion of the face and the maggots in the eye sockets was apparently offered as an illustration of the lack of sophistication of the medical students who chose a somewhat out-of-date body for their specimen. In

general, before embalming became common following the Civil War, resurrectionists worked in winter, not summer.

Dr. Baldwin also reports that his anatomical demonstrator at Columbus Medical College, Dr. Blesch, and Baldwin himself started early one night to get a body that had been buried near the hospital connected with the Starling Medical School in Columbus (located at St. Francis Hospital.) Shadows approached the two of them while they were digging to obtain the body and one shadow was that of the demonstrator of anatomy at Starling. Dr. Blesch straightened up with a "Good evening, Dr. Frankenberg." Baldwin reports that Dr. Frankenberg burst into tears because he had had so many problems securing bodies and he complained that Dr. Blesch had lots of material while he and his students had none. Dr. Blesch upset Dr. Frankenberg even further by suggesting that if he would help dig he would be given half, if there happened to be two in the same grave.

The publications of Dr. Baldwin are confirmed by the reports of Linden Edwards, Ph.D., Chairman of the Department of Anatomy at the OSU College of Medicine from 1957 to 1961[8] that Dr. Erwin Heyl, "a bright young fellow and a recent graduate of the Medical Department of the University of Pennsylvania," helped one night in November 1878 in the theft of four bodies from a Zanesville cemetery. Dr. Heyl was caught and subsequently sentenced to a year in jail, three months for each body, with a fine of $1,000 for each body. As one of the professors of anatomy, Baldwin was asked to help obtain a pardon for the doctor and eventually Governor Richard Bishop was persuaded to issue the pardon. Baldwin also describes one of the schools in Columbus with a false back on a wooden staircase going down from the dissecting room. By lifting a certain stairstep a trapdoor could be opened and the body could be dumped without evidence of concealment. Finally the stairway was eliminated and replaced by a hoist constructed with a pulley arranged such that in an emergency the dissecting team could thrust in a pen-knife blade and thus a trapdoor would drop to conceal the bodies.

Dr. Edwards reviewed the evolution of the laws in a series of articles in the Ohio State Medical Journal in the early 1950s. "Prior to 1831 there was no statutory provision in Ohio for punishing any person accused of disinterring a human body from its place of sepulcher." In 1831 a special statute was offered with a penalty of one thousand dollars

or imprisonment for 30 days for grave robbing. At least partly because of organized protest by physicians the final bill did not pass the Ohio Senate. The journal of the Senate for December 22, 1845 records that Senator Perkins presented petitions from 336 Ohio citizens "to secure the inviolability of the burial ground." Dr. Edwards has emphasized that consistency during these times was not necessarily characteristic of the legislature. By 1846 an anti-dissection law had been indeed passed, but physicians waited until 1870 for a law legalizing dissection. At a time when the only way for a fledgling doctor to develop familiarity with anatomy was to dissect a body, the law required anatomic knowledge, but at the same time forbade the opportunity to get the knowledge. In 1849 in his introduction to students at Starling Medical College, Dr. R. L. Howard protested that "in this enlightened age, while the community requires of every physician a familiar knowledge of anatomy, it takes from him, by its laws, the only means of acquiring it, and subjects to the severest penalties whoever is detected in procuring, ever so cautiously, the only means of affording that knowledge. The law, everywhere, condemns a man to fines and imprisonment who procures a dead body for dissection; and yet the very community which makes the law, commands him to steal, by their very necessities . . . the medical students is obliged to seek a subject where he can find one, without doing sacrilege to family feelings, or remain ignorant of one of the most important branches by which he is to benefit the human race." Even as late as 1878 Dr. Starling Loving, graduate of the first class at Starling Medical College, its later dean, and its longest survivor, could write: "in Ohio the practical study of anatomy is criminal, yet the courts expect the medical witness to know that as well as other sciences when called upon to decide questions involving life, honor and property."[9] By 1870 the legislature had been showered with petitions to legalize human dissection, but as commented on by the Cincinnati *Daily Gazette* in June of 1878 – after the Harrison Horror – the current "act says that persons dying in hospitals whose bodies are not claimed by friends for burial may be used for anatomical purposes provided that the person had at no time during his life expressed a desire to be buried and provided that his body which is unclaimed is not that of a stranger. In other words the law gives for dissection a sort of body that never

existed – that of a friendless person who never desired to be buried, and who is not a stranger."

In Ohio, the earliest statutory reference to regulation of the use of a corpse dates back to February 28, 1846, [10] when the state legislature did pass an act prohibiting opening a grave, tomb or other place of sepulcher for the purpose of surgical or anatomical experiments, dissection, or other purpose without the consent of the relatives of the deceased or the proper local authorities. The penalty for violation of this law was a fine not to exceed $1,000 and/or imprisonment for not more than six months. This act also provided immunity for local authorities, once there was a complaint, to enter, inspect and search for a corpse that was on the premises in violation of the act.

The act which became law on March 25, 1870 was introduced "to protect the graves of deceased persons" but the sponsor, Senator Jenner, changed the title to "An Act to encourage the study of Anatomy." [11] Bodies could now be lawfully devoted to dissection and medical and surgical study when delivered to professors and teachers in medical colleges and schools so long as the remains had not been previously buried or requested for burial by the relatives, friends, or township officers within 24 hours of death. For a body to be delivered to an appropriate academic institution, the consent of the family was required and one who had expressed a desire to be buried could not be delivered for dissection. If a relative or friend subsequently claimed the corpse, the corpse was to be delivered to that relative or friend. Medical and surgical study on bodies from Ohio was to take place only in the state of Ohio, and transporting or trafficking the remains could lead to penalty of not more than one year in jail.

An early reference to Section 7034 of the Revised Statutes can be found in the amendments of 1880, but the overall history and origins of the statutes are found in sections of the Laws of Ohio, Volumes 44 and 67 that form the basis of Section 3763 in the Revised Statutes. Section 7034 spells out the offense of grave robbing, making it unlawful to open graves, disinter bodies, conceal a corpse or to make unlawful delivery of a corpse for dissection. The major modification of Section 3763 of the Revised Statutes occurred in 1884. The new amendment authorized, after the passage of 24 hours from the time of death, authorities of public and charitable institutions who were funded in whole

or in part by the public to transport unclaimed or unidentified corpses to medical colleges for the purpose of dissection and for study. The act also imposed a requirement on the institutions receiving the body to notify the relatives or friends of the deceased person in writing of the situation. In addition, the act outlawed a failure to receive qualifying remains by an institution that had applied to receive them, and also forbade remuneration for delivery of the bodies. These amendments further stated that the bodies of strangers and travelers were not to be delivered for dissection unless the deceased was a "tramp." The legislature retained the previous prohibition that the corpse was to be studied exclusively in the state of Ohio.

In 1926 more formalized procedures about the use of corpses, notification of relatives, and reburial became codified into law (Sections 9984 to 9989.) These sections incorporate the provisions and premises spelled out in all the earlier legislation and include major changes in the statement of the penalties for violations of the sections. Sections 9984 to 9989 were later codified into the Ohio Revised Code Sections 1713.32 to 1713.42.

Following the Harrison incident, and the Zanesville episode that was almost equally publicized, Ohio laws were finally modified to allow legal dissection of unclaimed bodies. Almost more relevant than the changes in the law, there has also been a change in the attitude of society. Some of the change is theological, perhaps, some may reflect the success of scientific medicine. Society's view of death and dead bodies has also changed. Now almost all of the bodies used to teach anatomy in medical schools are donated by the one who once owned it. James King, Ph.D., former Chair of Anatomy at The Ohio State University, stated that essentially 100% of bodies used for dissection at The Ohio State University College of Medicine are donated and that there is a "donor list" of over 5000 potential individuals. Professors of medical schools are included among those donating their body for study.

Two other changes have become apparent. With the amazing modern ability to image the body by magnetic resonance imaging and similar techniques, and with daily surgery at all medical centers which allows human hands to invade parts of the body once considered untouchable during life, the need for bodies for education may have become

less pressing. At the same time, the sacredness of the body, and gratitude for its donation for education, now is confirmed in a memorial service held each year in many medical schools in America. This special memorial service honors the named and unnamed dead whose bodies have helped prepare young doctors to heal other bodies yet unborn. Mocking photographs, gruesome levity, and insensitive banter has become not only politically incorrect, but have vanished from the dissecting rooms just as completely as the grave robbing horrors of just over a century ago have now disappeared. The Harrison Horror supplied much of the impetus for the change in Ohio.

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Grave Robbers References

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