—-

After December 14th, 1894, the writing was on the wall. That was the day the New York State Board of Canvassers released the results of a particularly interesting election.

On the ballot had been the question of whether Brooklyn, Queens and Staten Island should be unified with Manhattan (which had already annexed most of The Bronx). You can probably guess the topline result, given the existence of a New York City comprised of those five boroughs today, but what might be more surprising is just how close we came to Brooklyn refusing to be part of NYC.

By 1894, the city of Brooklyn had annexed the entirety of Kings County, New York, and had become the fourth largest city in The United States—bigger than St. Louis, and barely smaller than Philly. And unlike the Tammany Hall democrats across The East River, Brooklyn was a strongly Republican city.

For Andrew Haswell Green, that must've been part of the appeal. Consolidation of the city was mostly his idea, and he's mostly responsible for getting it done. Green was himself a democrat—a protege of Samuel Tilden, who challenged Rutherford Hayes for president in 1876. But for decades, he'd contested the corruption of Boss Tweed and the New York City democrats through The Central Park Commission—a state-run, Republican-backed board.

Like it says right there in the name, the main job of the CPC was to produce Central Park, a feat Green was mostly responsible for. He was also chiefly the guy behind the creation of The Metropolitan Museum, The American Museum of Natural History, The Bronx Zoo, The Central Park Zoo, and The New York Public Library. He used the broadening authority of the CPC to become the chief urban planner for the city of New York, up until Boss Tweed finally wrangled it away from him.

But Green became comptroller, and started swatting down graft and patronage out of Tammany Hall any which way he could.

The main appeal for consolidating New York City was that the ports and waterways were under a mess of confusing and competing local authorities. But, secondarily, Green must've figured, that dumping a million or so heavily Republican-leaning Brooklynites into the voting pool might dilute the power of Tammany Hall and help root out corruption in the city.

Of course, the city of Brooklyn was no stranger to corruption, either. The mayor (and other powerful local politicos) weren't eager to give up autonomy. They campaigned hard against consolidation, arguing (with varying degrees of subtly) that a unified New York would mean an invasion of Blacks, Italians and Irish into lily-white Protestant Brooklyn.

In the end, however, the vote turned not on racial prejudice, or party power, or harbor management, or even the threat that Chicago would soon surpass New York as the nation's largest city—although a lot of hay was made about that, too. Ultimately, the vote came down to water.

Brooklyn was dangerously close to outgrowing its water supply, and had little opportunity to expand it from within its boundaries. The choice was simple: unify New York, or die of thirst.

64,467 Brooklynites chose thirst. 64,744 chose unity. With 50.1 percent of the vote, Brooklyn's fate was sealed.

But it wouldn't cease to be its own independent city until January 1st, 1898. That gave the city government three more years of lame duck existence. And how better to use it than to line their pockets.

As the sun set on The City of Brooklyn, local electeds and appointees, who had never been the most upright group to begin with, got more and more brazen in their shakedowns and embezzlements.

But as the sun rose on the City of Greater New York, other electeds and appointees began to worry about the birth of America's greatest city being marred by said shakedowns and embezzlements. And the District Attorney decided it was time to put an end to Brooklyn's corruption, just in time to put an end to Brooklyn.

The first two men picked up in the dragnet were Edward Coombs and George Nason. Each of them were elected post-vote, to serve in the final Brooklyn government. As its coroners.

The DA accused Coombs and Nason of a staggering amount of malfeasance. In Brooklyn—and many other places throughout the states—coroners we're not paid a salary. Rather, they earned what basically amounted to a commission, per inquest. A coroner's inquest was supposed to be performed any time someone died under questionable circumstances: if there was a chance of murder, suicide or some other sort of negligence, etc.

But whether an inquest was called for was ultimately up to the coroner, who would only earn money if he decided in the affirmative. This was only one of what we'll soon see was an almost endless list of problems with the system.

In the final year of The City of Brooklyn, its duly elected coroners earned $8.50 per inquest—almost 350 bucks, adjusted for inflation today. Not bad. But each inquest also needed a jury, who also got paid, and pretty often its members were made up of friends, cronies or anyone else you might want to do a favor.

That was when a coroner *actually* held an inquest. What Coombs and Nason were accused of was *not* holding inquests.

According to the district attorney, of the 325 inquests Coombs and Nason had billed Brooklyn for, 128 of them hadn't happened.

The names of the decedents were all of people who had died from natural causes. Most of them were infants and stillborns. The coroners had changed their ages, and pretended their causes of death were at issue. They'd invented fake jurors, complete with phony addresses, and presumably pocketed those fees, too. At trial, prosecutors brought in a train of family members of dead children, to testify that their mourning had been used to line Coombs and Nason's pockets.

The evidence was near bulletproof. The same six phony jurors were listed on dozens of the falsified inquest papers. And all of them had the same signature.

Nason's trial came after Coombs, and his defense proved more convincing. His attornies brought in a handwriting expert who argued that *his* signature had also been faked. It was Coombs who had been behind the whole scheme: Nason was just another victim.

Unlikely. But it was enough to create reasonable doubt, and Nason walked.

Edward Coombs's defense was different. He didn't deny his guilt, exactly. Instead, his lawyers argued for mitigating circumstances. When he and Nason were elected, he said, they were welcomed into the coroner's office and shown the ropes by the old hands who had worked there forever. This was the paperwork for that, that was the procedure for this. And as part of their onboarding, it was explained to them how to fake an inquest and rack up some extra cash. It was just part of the job. Had been a part of the job for decades, maybe centuries. Not just in Brooklyn, but *everywhere*.

Maybe Coombs had taken it a bit too far, knowing that he could only hold his job for two years, and that no one would be following him. But, as far as shenanigans coroners could get up to went, falsifying inquests was relatively harmless.

The judge, it would seem, agreed. Coombs was found guilty of grand larceny, and faced a maximum of 7 years hard time at Sing-Sing. Instead, he was given 19 months in the county jail, and a thousand dollar fine. With good behavior, he walked out after just over a year.

But the crimes of Coombs and Nason got some people thinking. About just how and why death investigations were handled. And how they might be handled better.

—-

This is The Constant: A History of Getting Things Wrong. I'm Mark Chrisler.

Oh yeah. You bet your sweet bippy we're talking about coroners.

If you've been listening for even just a month now, you'll know that I was taken for a ride by a pathologically lying AI agent on this subject. But did I give up? Well, almost.

But, thanks to the help of some of my most wonderful supporters in the constant discord, I have for you the *true* story of the fall of the American coroner system, and the north of the field of the medical examiner.

This is—and I can't believe this is true either, but it is—the *first time* that anyone in the available record has pieces together the events that led to the first medical examiner's office in the world. Why is this story being broken by some midrung podcaster and his Patreon supporters? I really have no fucking clue. But it is! So I am going to do some stuff with this episode that I don't typically do: I'm going to make the transcript of this episode, along with a bunch of the sources, available on our website, Constantpodcast.com

Because this seems like a really important bit of totally neglected history that I've accidentally stumbled upon. And I assume somebody out there might want to know about it.

Maybe that's you! In which case, listen up, to today's episode: **Turning a Coroner.**

—-

King Richard Lionheart was putting his kingdom back together.

He'd spent the early days of his reign crusading throughout the Mediterranean and the Holy Land. On his way back, he'd gotten shipwrecked and escaped Byzantine capture, only to be kidnapped by an Austrian nobleman who accused him of a murder plot too circuitous to waste time with here. Eventually, Richard was transferred to Germany where he was made a captive of Holy Roman Emperor Henry VI.

By the time his ransom was secured, Richard's brother John had formed an alliance with King Philip of France, and rebelled. Richard finally returned to England in 1194, where he was crowned again as King, forgave his brother, and began a campaign to reclaim the lands he'd lost to Philip.

He *also* began building a new system of law in England, where law was sorely lacking. Among his reforms was the "hue and cry:" the duty of anyone who was victim or witness of a crime to make a loud fuss about it, and the duty of anyone who heard that fuss to drop what they were doing and come check it out.

But in addition to demanding everyone be constantly ready to form lynch mobs, Richard required that three knights be elected in every county to serve as "keepers of the pleas of the crown." Or, in Latin: *custodes placitorum coronae*

Coronae, coroner.

The original job of the coroner was… unclear. But eventually it developed some set—if confusing—parameters. For instance, If a whale washed up on English shores? That was the coroner's responsibility. Because all whales in English waters were (and still are, a fact I love a little too much), property of the crown.

The king's subjects, too, were considered like his property. And that meant that if someone died unnaturally it was a matter of state. If, for example, an ox pulling a wagon ran over and killed someone, then the king had been deprived of that person's labor, and the ox and cart might both be forfeited to the crown, by the coroner. A murderer might not only be bodily punished—by imprisonment or death—they might have their assets seized by the coroner for the crown. And the same thing went for suicide: a person who took their own life did injury to the royals, and so their estates could be taken as recompense, by the coroner.

From this… I feel safe saying "stupid idea," the beginnings of something like a justice system began to form and take root all around the world, wherever British colonialism laid its sweet head. Including, of course, in the American colonies.

The procedure differed from place to place and time to time, but generally it required the coroner to assemble a jury whenever a questionable death occurred. That jury was not at all like most juries known to us today. Jurors were neither randomly selected nor expected to be impartial. They were usually made up, instead, of people who not only knew the deceased, but often who had witnessed the deceasing.

If the coroner and jury decided the deceasing was from murder, the coroner could arrest the accused and turn them over to the sheriff for trial.

This system had a lot of shortcomings, and most attempts to address them over the centuries managed to create *new* shortcomings in their place. For instance: the juries being composed of people with interests in the proceedings? Yeah, that's a yikes. But over and over again, when people tried to replace that system, they ended up building up systems of professional coroner's jurors—people who would hang out every morning hoping to serve and make a few bucks. The easiest way to make sure you were picked was to let the coroner know that you'd give whatever verdict he wanted.

Or else, the coroner might dole out juryships as favors, or patronage, or as part of some other corrupt scheme. Corruption and coroners went hand in hand. For starters—like in Brooklyn—most of them were paid per inquest, which created all kinds of perverse incentives. But even if you moved them to a salary system, the opportunities for graft were limitless.

Just take the issue of suicide. By the time of the American colonies, King George wasn't seizing the estates of suicides anymore. And President George sure wasn't either. But whether a death had been suicide or not was still the perview of the coroner, and still of importance to the family.

Whether their loved one could be buried on church grounds, whether the insurance would pay out, or just for the sake of family pride: nobody *wanted* their relatives to be called suicides. And it was a simple enough thing to avoid, since the coroner had essentially unquestionable authority on the matter. Grease his palm just a bit, and Sad Grandpa gets to go to heaven.

Murder wasn't so different. Ultimately, it was a lot of people's jobs to dole out justice to a murderer: a sheriff, constable, police officer; prosecutor, judge, jury. But the determination of whether there was a murder in the first place was entirely up to the coroner. In cases where there was ambiguity, or a lack of witnesses, he could theoretically say whatever he wanted. Cover up a crime, or create one out of whole cloth.

Short of that, there were smaller and less morally contemptible ways for a coroner to get his beak wet. Like falsifying inquests. Or taking kickbacks from undertakers to drive business (and bodies) their way.

Even if a coroner could be trusted to avoid the dozens of temptations that presented themselves, day in and day out—even if a county found the most unimpeachable Cincinnatus in the whole county to take the job, there was a whole other class of issues to reckon with.

In some places, coroners were elected. In others, they were appointed. Either way, the *qualifications* for being made a coroner were basically nonexistent. In some jurisdictions the job fell—automatically or otherwise—to the sheriff, or the justice of the peace. Often times, the position shrugging fell to the local undertaker, since that cut out a middleman or two. But at many times and places, the coroner could be whomever wanted to be coroner. Or, worse, the position itself could be a prize—a piece of patronage handed out by a politician or party as reward or promise for loyal service.

No matter what, coroners didn't have to know anything about, say, anatomy—let alone forensics, which pretty much didn't exist anyway. Even undertakers didn't have any actual expertise in death, beyond the close company they kept with it. If a guy beat another guy to death with a table leg in a crowded pub, that didn't matter. But in any case where the determination requires an *actual* determination—a settling of an open question? There was no reason to think the coroner was capable of making it.

All of these issues—and more besides—were well understood enough. But for centuries, most proposed solutions came down to trying to elect or appoint smarter or less corrupt coroners. But even what that meant was up for grabs.

Because in the early 19th century, a previously unnoticed friction in the coroner's mission was becoming evident: was the job legal, or medical?

Obviously a trick question, right? It's both. The coroner's primary job was to determine whether a crime had occurred—which is definitionally a matter of law. But that determination could only be made *medically*.

That was the position of Thomas Wakley.

Wakley was one of the most celebrated surgeons of the 1800s. He founded and edited The Lancet, which is still among the world's premiere medical journals. But he was also a tireless, aggressive, loud mouthed, social reformer, who took up any number of progressive causes and managed to piss off as many people as he won over.

He was elected to parliament in 1852, where he fought for radical voting reform, for Irish self-governance, for free trade and social safety nets and unions and labor laws. We've talked about him in the past because of his vehement efforts to crackdown on medical quackery. He called supporters of homeopathy "noodles and knaves, the noodles forming the majority and the knaves using them as tools."

He went after the Royal College of Surgeons as being a corrupt and nepotistic club of barely qualified self-dealers. He proposed new and improved standards for medical doctors, many of which were eventually adopted—but only after some bruising public battles.

He also concerned himself, over a period of decades, with fixing the coroner system. To Wakley, the problem and solution were both annoyingly obvious. English coroners were mainly lawyers, when they should be doctors.

Wakley didn't just say that coroners should be doctors. As a doctor himself, he *ran* for coroner. He lost, the first time out. To a lawyer, naturally. Which really got his engine rumbling.

"A lawyer in the shape of a coroner!," he wrote with outrage. "A man who could not apply a plaster to a sore finger, but will explain to you the anatomy and physiology of the brain and the surgical treatment of its various antecedents… let us hope for a speed and effectual reform."

He turned The Lancet into a vehicle for that reform. Arguing himself—and publishing the arguments of others—for what he called "medical coroners." He said that it was nearly impossible for a coroner's inquest to get a doctor or surgeon to perform an autopsy, because they were asked to do so for free. Autopsies we're not only time consuming, but dangerous—especially in a time before sanitation, let alone antibiotics.

In The Lancet, he published letters from physicians telling their stories of turning down inquests, and argued that there should be a regular fee paid so that they would actually provide needed services. This argument worked, and in 1836 parliament passed The Medical Witnesses Act, which asked one guinea be paid to doctors giving evidence at an inquest, and two for an autopsy.

The efficacy of The Medical Witness Act, I should say, is not clear. Wakley's pro-lawyer opponents said that all he had done was make it too expensive to bring doctors to inquests, and

so instead of having physicians turn down coroners, coroners just stopped asking physicians. Wakley, contrastly, touted the act as a big—if insufficient—success.

Insufficient because he still believed that coroners shouldn't just be calling on doctors, but that they should *be* doctors. And in 1839, after the coroner of Middlesex died, he finally got to set the example himself, becoming the first medically qualified coroner in English history.

The example he set was sterling. Wakley conducted himself as coroner with an amount of integrity and impartiality that, as usual, made some people really fuck-off angry. Especially the police and the military. Wakley insisted on holding inquests for people who died in police custody. He ignited a scandal when he placed the blame for the death of dozens of prisoners on the warden for feeding them a poor diet. And he created an even bigger brouhaha when he refused to sign off on an army doctor's conclusion that a young private's death was unrelated to the fact that he'd been whipped a hundred and fifty times with a cat-o-nine-tails.

Having made enemies of the cops and the military, he went a step further: arguing that coroners should investigate all deaths that happen at factories and workhouses and railways, since he held management and poor conditions as often responsible.

On one ocassion—I really like this one—Wakley held an inquest for a worker who had died at a workhouse. The master of the house was apoplectic that he should be brought before a jury for something so routine. Why, the inquest hadn't even put a name to the body. How did they know it was the right guy?

"If this is not the body of the man who was killed in your vat," Wakley responded, "pray, sir, how many paupers have you boiled?"

Wakley's take-no-prisoners attitude made him a lot of enemies. In the papers, his opponents insinuated (and sometimes just outright stated) that he was holding inquests unnecessarily, like Coombs and Nason would do in Brooklyn. Except, according to his detractors, Wakley didn't perform these autopsies out of greed—he simply had a perverse desire to carve up bodies.

Eventually, Wakley more-or-less won. He set an example of the value of having a medically trained coroner—set out, in letter, what he believed a coroner should know and do. And that example was followed. More and more British physicians and surgeons were elected coroners. Until, eventually coroner elections were done away with entirely, and all coroners were finally required to have proper medical training, just as Wakley had said they should.

Wakley was long dead by then, sure. But by 1887, the British coroner was a coroner in name only. The profession had been professionalized, medicalized, into what it more-or-less is today—except in Scotland, which decided to do its own Scottish thing seemingly just because it didn't want to be like England. Which… fair.

Anyway, those are the bones of how pathology and forensics took hold in The UK. That story—the story of Thomas Wakley—is widely known, and widely celebrated.

But in America, we did things a very different way. And for some inexplicable reason, nobody knows why. Until now.

Or, I mean, until after this ad break.

—-

In the UK, reforms to the coroner system started early and went slow, spearheaded largely by the efforts of one very visible, famous and extremely vocal person, Thomas Wakley.

In The United States, the situation was practically mirrored.

There were barely any efforts to reform coroners here at all until the second half of the 1800s. The first one of any note came from Maryland. In 1850, the state legislature had grown so frustrated and confused by the patchwork of laws that theoretically governed the state that they passed a new one, which declared that a whole new system of unified laws needed to be written and adopted. It took the appointed commissioners 7 years to put it together—and the legislature another three to confirm it—but in 1860 they passed The Code of General Public Laws of Maryland.

In general, the code just simplified, clarified and codified the bramblebush of laws that had previously and inscrutably governed the state. But while they were tidying up, they did make a few improvements. Including to the rules of coroners.

Maryland explicitly made it a crime for a coroner to hold an inquest if one wasn't called for—if the death were obviously accidental or by disease. It set strict guidelines for arrests and forfeitures, likewise designed to hamper corruption.

Most importantly, The Code tried to tackle the same problem that England had in 1836: how to get doctors to participate. Maryland said that during an inquest, if the coroner or any of the jurors had questions, they could call in a physician to examine the body and testify about it. While the 1836 Medical Witness Act in England had been mostly carrot, The Maryland Code was all stick. Rather than pay the doc for his time, it demanded his time, for free, against the threat of criminal contempt charges.

But hey, compared to every other state in The Union, Maryland was at least doing *something*. That was the trouble: there were too many states, with too many counties and cities and townships. Frankly, that's still the trouble today. 29 states today still have coroners, although that is not nearly as useful a number for understanding the situation as it seems at first blush. What defines a coroner varies from state to state and county to county: in some places they need to be physicians, or have some sort of other certification or training in forensics or pathology. But

about a third of the US population lives in a place where coroners don't need to pass qualifications other than being a certain age and not having felony convictions. In some places, coroners are elected, in others they are appointed. Some work under law enforcement (many counties overlap coroners and sheriffs), others have separate government departments.

And even the overall number, 29 states, is misleading, because in 18 of those states, whether or not there is a coroner varies by county. Most counties in Illinois, for example, have coroners—who are elected. But not Cook County, which includes Chicago, and more than 40% of the state's population.

As you should expect, Chicago's coroner's office had been a rat's nest of corruption, extortion and obstruction from the very beginning. During The Civil War, Ernst Schmidt resigned the position in protest of outside interference into his job. He began a not-that-irregular tradition.

At the turn of the century, both New York City and Chicago began seriously considering ditching their coroners. In New York, this was mainly instigated by the arrests and trials of the last Brooklyn coroners. In Chicago, it was spurred on by an insurance scam so ludicrous that I can't even begin to describe it here, so sign up to support the show at Patreon.com/theconstant if you want a bonus episode about that.

In both cities, abolition was slow going. In New York, the coroner's office was finally abolished in 1918, after a concerted effort by political reformers to shed antiseptic daylight into corruption and incompetence. In Chicago, the office was only voted into oblivion in 1976, after a series of fumbles and coverups, particularly around the murder of Black Panther leader Fred Hampton by Chicago Police, which the coroner's jury ruled justified.

Getting rid of coroners offices, be it in Chicago, New York, or dozens of other cities, counties and states across the country, was difficult. Primarily because the very same graft and corruption that made abolition desirable also created powerful forces to oppose it. What wasn't difficult, however, was envisioning an alternative.

A solution to the coroner problem had been worked out in The United States before one came to England. A better solution, too. Medical examiners. The idea and the term came from one man, and was adopted as the result of one story. Which, again—I don't know how this could be true, but it is—has never been told until now.

—-

The characters in this story are newspaper thin. One of them left behind a small legacy of philanthropy and a couple of interesting legal briefs. Another littered his with scams and quackery. But about Clara Fisher, there is next to nothing to tell.

She was a young school teacher—just 25 years old—from suburban Boston, with a high school diploma: not the kind of person that reporters or historians or anyone else paid much attention to. Until she died.

Then, she became the subject of a media and legal firestorm, but who she was—as a person—figured into it in only one sense. The closest thing she received to an obituary was a couple of lines about her friends and family admiring her, written in boilerplate fashion. Even her middle initial varies from source to source.

One thing that is known about Clara Fisher is that, on Wednesday, July 19th, 1876, she underwent a medical procedure at 4 Ferdinand Street, in Boston. What kind of procedure it was… well, I have a strong guess, but give it a minute, because that's an important bone of contention.

Sticking to the known and undisputed, on Wednesday, July 19th, 1876, at 4 Ferdinand Street, between 11 o'clock and midnight, Clara Fisher was anesthetized by Dr. Frederick Vogel, and operated upon by Dr. A.D. Sinclair. The operation, whatever it was, was quick and went seemingly without incident. But as Sinclair was wrapping up, Dr. Vogel checked Fisher's pulse and exclaimed "she is dying!"

"My God, it's impossible!," cried Sinclair. The two attempted to resuscitate Fisher, with the best techniques known in 1876–which unfortunately included squirting water up her nose and cranking her arms back and forth. It was to no avail.

Neither doctor could work out what had gone wrong, other than that something had gone wrong with the ether Vogel had administered.

4 Ferdinand Street was… well, that's disputed, too. But let's say that it was something of a "lying-in hospital", which is to say that it was a private hospital, mainly used for obstetrics. It was run by one Mary S. Ware, who–upon hearing of Fisher's death–asked her husband William to go fetch the departed's sister, Eliza Fisher.

The next day, the doctors and William accompanied Clara's body to an undertaker and wrote up a death certificate so that she could be released to her family. Under cause of death, they wrote that she had died from inhalation of sulphurous ether. It was the only explanation they could come up with. Sinclair said something to the effect of "I'd pay a hundred dollars to have an autopsy." He also said that the death certificate would cause a stir at city hall.

Clara Fisher's body was relinquished to her parents, in Canton, Massachusetts, 15 miles southwest of the city, and her funeral was held at the family home.

To the Fisher family, Clara's death was a world-rending event. But to the rest of that rent world, it would've been nothing but a small, nearly unremarkable tragedy. Except that, by the time the funeral was held, the stir Dr. Sinclair had predicted was spinning up, and the autopsy he wished

for was about to be granted.

Abneil Newton, more frequently referred to as AWK Newton, had been appointed coroner just over a year before Clara Fisher died, and by the time her body was removed to Canton, he had already called for an inquest. He and a Boston detective, A.R. Drew, showed up at the Fisher house before the burial, and took possession of the remains, which were then returned to Boston. Detective Drew testified at the inquest that this was all done with care and sensitivity: that he and Coroner Newton had described the circumstances of the investigation, and the operation as they understood it, and that while the family was upset they understood and released the body. Later, in a lawsuit against Newton, the family and several others would testify that it had been a shakedown, that neither Newton nor Drew had legal authority to go to Canton, and that they had only succeeded in retrieving Clara's remains by threatening to shoot anyone who got in their way.

Every remaining aspect of what the media called The Fisher Case worked this way: there are two sharply divergent versions of each element of the story, and it is impossible to nail down for sure just what is true and what isn't. But while some details are hopelessly muddled, the general arc of things seems clear.

AWK Newton said that 4 Ferdinand Street was not so much a private hospital as an illegal abortion clinic. This does not, on its face, seem like an outlandish claim. Similar "lying-in hospitals" in New York and Chicago both got similar reputations, for one thing. And abortion, being both desirable and illegal, had to take place somewhere. In his testimony before the inquest, Detective Drew said he had spoken to a neighbor who said that 4 Ferdinand Street was a house of ill-repute, that undertakers could be found skulking about the place at night. Often, Drew said she said, they were carrying tiny coffins under their arms. Which sounds damning, but in case you're not already catching the hints: I don't trust Detective Drew very much. I don't trust the early newspaper stories about the inquest, either. And I sure as shit don't trust Coroner AWK Newton. And neither should you.

The thrust of Newton's case was that Clara Fisher had died during or after a botched abortion. Dr. Sinclair, the Fisher Family, and the Wares, on the other hand, said that Clara had suffered from painful, irregular periods, and that that had been the reason for the surgery.

Each side had a number of physicians defending their positions–although exactly how many physicians is… complicated. Leading the autopsy was J.B. Treadwell. He said that it was clear that Fisher had been pregnant, and that she had miscarried maybe a week previous to her death, and not more than a month. Whether that miscarriage was the result of an abortion he could not definitely say, but this–according to Treadwell–was to be expected: if the operation had been performed by a skilled surgeon, like Dr. A.D. Sinclair, then no signs of it would've been left. Later, another doctor–one H.G. Newton–was called and testified that he had been present during the autopsy and concurred with Treadwell's conclusion. At Dr. Sinclair's request, Treadwell also contacted John Call Dalton, the first full-time professor of physiology in The US, and the country's foremost expert on the "corpus luteum", a progesterone-producing gland that

forms temporarily during ovulation. It was mainly due to the presence and condition of a corpus luteum that Treadwell said Fisher must recently have been pregnant. Dalton examined the right ovary, according to Treadwell, and agreed that Fisher had been pregnant–although he figured the miscarriage must've occurred two months prior to death.

In contrast, Clara's sister, Eliza, testified that she had long suffered from painful menstruation. And Clara's regular doctor, FILL IN, said the same. Outside of the inquest, as the matter was being litigated over the course of weeks in the Boston papers, several physicians wrote in to say that they did not agree with Treadwell, et al. In particular, Doctor F.M. Blodgett explained that, while for a long time doctors had considered the presence of a corpus luteum as proof of pregnancy, it was now understood that, quote, "this body may exist in a virgin girl, provided she has previously menstruated." He concluded:

"Since the doctors may and do disagree upon some matters of minor importance, and in view of the sealed lips and imposed silence of the grave, if we cannot absolutely refute the foul imputation, can we not charitably give her the benefit of the doubt?"

Blodgett made a good point. In the very beginning, when the papers first picked up the story, the inquest was supposedly proving that 4 Ferdinand Street was a secret abortionist, that its proprietor–Mary Ware–was a malefactor, and that Clara Fisher had died not just by malpractice, but in the commission of a crime. But by the *end* of the inquest, the jury concluded that Fisher had likely asphyxiated because of the sulphuric ether–exactly as Doctors Sinclair and Vogel had figured. Yes, the jury had figured some comorbid health problems might've played a part in the incident, and they had some questions about whether they had tried well and hard enough to resuscitate her, but there was no finding of wrongful death.

Most of the other details that had been put to the press were totally missing from the final report. Many of those details seem likely to have been falsified, on one or two levels. Some witnesses might've perjured themselves–it does not seem like Professor Dalton actually examined the body, as Treadwell said. And some details–like the skulking undertakers and their tiny coffins–might've been fully invented by A.W.K. Newton and leaked to the press.

That is what Dr. Sinclair, the Fisher family and Mary Ware claimed in their lawsuit against Newton. They claimed that AWK Newton had taken Clara's remains by force, and without legal authority, from Canton to Boston. That he had not properly called an inquest. That, instead of appealing to the constable, he had personally chosen his own coroner's jury. That he had prejudged the situation and concluded, erroneously, that Fisher had been pregnant and died attaining an abortion. That he had directed his handpicked jury towards that conclusion. And that he had leaked fabricated details to the press, insinuating that Mary Ware's hospital was actually an illegal abortionist.

The inquest into Clara Fisher's death had cost the taxpayers of Suffolk County 143 dollars–about 4,600 adjusted for inflation today. The petitioners asked no damages, but that AWK Newton, his jurors and witnesses, be blocked from receiving that money.

Unfortunately, the case was dismissed–the grounds were called too multifarious and the plaintiffs wanting for standing–which means we can't say how the facts might've played out in court. It sure does sound multifarious: he took the body illegally, held the inquest illegally, convened the jury illegally, directed the proceedings illegally, *and* falsified reports to the press?

But there is reason to believe every last allegation. The jury thing is easy: they were clearly handpicked by Newton, since several of them were known associates of his–one of them was his honest to God lawyer. The doctor on the scene who supported Treadwell's autopsy, H.G. Newton? That was Adiel's brother, Horatio, an "eclectic doctor" who I'm not sure was actually licensed or trained at all.

Multiple people said that Newton had caused a fracas over the body at The Fisher home, and the lack of paperwork giving him authority to take it is pretty much self-evident. And multiple witnesses signed affidavits saying that Newton had concluded there was an abortion the second he heard the incident had occurred at 4 Ferdinand Street, and that he had worked backwards from there.

As to seeding stories in the papers… that one is harder to say. Certainly there are a bunch of details in the early reporting–like, again I note, the tiny coffins–which no one who was actually around for the inquest made note of. Whether Mary Ware's lying-in house was actually a place of ill-repute is very tough to say–although I have one reason to think that this, too, was bullshit.

But bullshit to what end? If Coroner Newton had actually gone this far out of his way, what was it for? In the end, the inquest had concluded without charges, anyway. Why would he have done all that, for nothing?

On the other side of the scale, everyone had obvious reasons to lie: Clara Fisher's name had been dragged through the mud–it wasn't enough that her parents had lost a child, that Eliza had lost a sister, but then her name was plastered across every newspaper in Boston as an unwed hussy who'd gotten herself knocked up and decided to take care of it in what was, to most people in 1870s Massachusetts, a deeply abhorrent way. A.D. Sinclair's medical practice was totally besmirched, and so was Mary Ware and her hospital. All of them had motive to go after AWK Newton. But what motive did AWK Newton have to go after them?

The plaintiffs in that dismissed lawsuit thought they knew, and I think I know, too.

According to multiple witnesses, Newton had decided an abortion was at fault the second he heard a woman had died at 4 Ferdinand Street. And, crucially, before he knew who had been performing the operation. I think it's likely that, at that early hour, Newton thought that Mary Ware was attending to Clara. And AWK Newton had a history with Mary Ware.

In October of 1874, not long before he was appointed coroner, Mary Ware had sued AWK Newton. She won, but Newton appealed, and was finally ordered to pay the judgement on the

28th of March, 1876–less than three months before Clara Fisher died.

What was the lawsuit about, you ask? Hoo boy. According to the records, Newton had brought a child to Ware's hospital and left them there, for her to home and board at his expense. If she managed to find someone to adopt them, he'd pay her for that service, too. Who was the child? Why did Newton have them, and why did he bring them to Ware? I couldn't tell you, but I do know one thing: either AWK Newton didn't think 4 Ferdinand Street was such a bad place, or else he really didn't give a shit about that kid.

I can also tell you that he never paid Mary Ware, either for room and board, or for the adoption, until–at least–he was ordered to by the court on March 28th, 1876.

Ware, Sinclair and the Fishers believed that Newton ginned up the whole affair as payback against Mary, or maybe even as a way to get out of paying the judgement. But that wasn't the only legal defeat Newton was facing.

Not long after he'd been appointed, The New England Journal of Medicine had run a piece entitled "How Coroners are Appointed." It did not take a favorable view of the process. As its main example, it pointed to none other than Dr. AWK Newton. He had gotten his job, the article said, by nepotism and chicanery, compiling a list of signatures on his behalf, some of which were political cronies, others of which appeared to have been made up, and plied the governor's office with winks and handshakes. The material basis of Newton's petition was two pronged: one, that the area in which he lived was in need, there being no coroner within a mile of him, and two: that he was the best man for the job, being a respected medical doctor.

The NEJM cast doubt on both points. The record showed at least four and as many as seven coroners living within a mile of Newton. And if he was a medical doctor, the journal could find no signs of that anywhere.

Newton had sued the journal's publisher, H.O. Houghton, for libel, asked for 20,000 hulking dollars of damages. On September 12th, 1876–as the fall out to the Fisher Case was beginning to subside—the two parties met in court.

But apparently it hadn't occurred to our learned coroner that he would have to answer questions under oath. The second Houghton's attorney asked him about his medical training, AWK Newton dropped the case.

The journal did not let this lie. Houghton not only published an editorial, saying that by declining to answer, Newton had all but confessed to fabricating his credentials. That same editorial ran in basically every newspaper in Boston.

AWK Newton had been embarrassed and beaten, three times in a year. Yet, practically speaking, he had faced little consequence, other than a small judgment for Mary Ware and

whatever legal fees he accrued in that case, the one against Houghton, and whatever getting the injunction against his coroner's fees lifted had cost.

His troubles weren't over yet, though.

Bowing to public pressure, a wave of negative press led by Houghton, and a petition written by Clara's father and signed by dozens of Boston physicians and scientists, the state legislature agreed to hold hearings on whether Dr. AWK Newton should be removed from the coroner's office—and whether he was, in fact, a doctor at all.

He was not. The Joint Special Committee on the Revision of the Judicial System held its first hearing about AWK Newton on March 17th, 1877. The attorney for the petitioners, R.D. Smith, opened his case by confirming that, while Newton had claimed in his own petition to be coroner that there were no others holding that position in his area, there were actually seven–one of them, Dr J.H. McCollom was literally around the corner from Newton. Then he went after the coroner's supposed medical bona fides. At the time of this case, every doctor was listed in a directory known as The United States Medical Directory. And, in the directory, there was our man, AWK Newton. It listed him as a graduate of New York Medical College, a member of The National Medical Association, former house surgeon at The New York Hospital on Blackwell's Island (now known as Roosevelt Island) and a former surgeon for the Union Army during the Civil War. It also said that he had done some course work at Yale, and written articles about facial neuralgia and cerebro-spinal meningitis.

But when Smith had gone looking for records, they could find nothing to match any of that. No one by Newton's name had ever taken a class at Yale, had ever been surgeon at Blackwell's Island, had ever practiced in the war. Not only did his published articles not exist, but in the directory, AWK Newton had misspelled the word "meningitis," which is, admittedly, not an easy word to spell. However, he had also misspelled "article."

There were no records of him having graduated from New York Medical College, because New York Medical College hadn't graduated *anyone* in the timeframe Newton gave.

Oh don't worry: it gets worse.

In his time as coroner, according to the petitioners, Newton had held just five inquests. In three of them, including Clara Fisher's, he had argued that the decedents were victims of botched abortions. In one case, he stole cash off of a dead servant girl's body. When the administrator of her estate questioned him about the missing money, he presented him with a bill for 120 dollars more. When a young man by the name of Amos French died of Bright's disease, Newton had run a game on his grieving mother: he told her French's life insurance wouldn't pay off because the holder would think the boy had been up to, quote, "something disgraceful." But he could secure the payment, if she turned the policy over to him. When she did so, he charged her an extra 20 bucks and walked away with the insurance money, too.

To all of these allegations, Newton said… nothing. He refused to show up at the hearing. His lawyer–who was also one of his jurors, remember–said he was too sick to appear. On the second day of the hearing, March 21st, when Newton's attorney again said he was too ill to travel to court, the petitioners produced witnesses who testified to having seen Newton galavanting around Boston over the weekend.

Newton then tried to resign, hoping that would put an end to the investigation, but the committee refused to accept his resignation, so that they could keep going.

So they did. They related the case of Clara Fisher–gave evidence showing that Newton had forcibly taken her body from her family, planted stories about a supposed abortion in the newspapers, assembled a jury of cronies and yes-men, all to get back at Mary Ware. They showed a number of people who seemed to be in on various schemes with Newton, including his lawyer–who seems to have promptly quit, leaving AWK's brother, HG, to speak on his behalf. Of course, HG *also* appears to have falsified his medical license, so… what a mess!

In the end, the committee determined that, actually, they didn't have the power to do anything to not-Doctor AWK Newton. But they wrote up a report, accusing him of deep moral, intellectual and professional lapses, and forwarded it to the governor, who–agreeing with their conclusions–removed AWK Newton's appointment.

By then, it was almost too late. At the same time the state legislature had agreed to look into Coroner Newton, they had also begun looking more broadly into coroners, full stop. All coroner systems were deeply flawed, but the one in Massachusetts was particularly ridiculous. While cities like New York and London each had two coroners, Suffolk County alone had more than *forty*. And while Newton's corruption and ineptitude were especially galling, the mess of them were only barely better.

The only question left was what to do about it. One bill was debated that would set the number of coroners in each county to one–appointed by the governor–who would then name deputies, theoretically creating more accountability somehow. This seemed, at best, an imperfect solution–and some lawmakers feared it would create an opportunity for even worse corruption–but several legislators made note of the recent case of Clara Fisher, and of Coroner AWK Newton, and said that given the circumstances, *something* had to be done. Lacking any better option, the bill passed on September 8th, 1876, but with an amendment which basically said "if someone can come up with a better system, we'll do that instead."

Just in time, a better system presented itself, in a speech given to the Department of Health of The American Social Science Association, by one Theodore H. Tyndale.

Tyndale was a successful attorney, who argued a couple of precedent-setting cases. But mostly, he worked in estate law, and it's not at all clear why he, of all people, should've stepped into this particular breach. He was a radical progressive, though–an early abolitionist and a proponent of women's suffrage back when that seemed a cockamamy fantasy–and he spent much of his later

life devoted to acts of philanthropy and education, so maybe that's enough. In his speech, he described once being called upon to serve as foreman of a coroner's jury.

"After the evidence had been heard," he said, "to the utter surprise of one of us, the coroner, who was standing at that moment in another part of the room, said: 'this is all the evidence, gentlemen; the clerk has drawn up a verdict in accordance with the facts, which he will now read to you.' And really that clerk had found our verdict before we had. But then," scoffed Tyndale, "he was an experienced clerk."

"The usefulness of the jury," he continued," when judged by its work, is not apparent. Nurtured in tradition and deriving most of their store from its sources, lawyers are naturally attached to what is old; but for one I do not favor circuitous modes of action where direct ones answer the same end. Now here is an opportunity too good to be lost for straightening a very roundabout road."

He went on to advocate for the abolition of the office. Even leaving aside its ridiculous history, its ample opportunities for corruption, the wanting for expertise, the manifest silliness of the whole endeavor, the root problem, Tyndale said, was the issue which had plagued England since Wakley had come along trying to reform their system. Wakley believed that the coroner's job was medical, while his opponents said it was legal. The real trouble, according to Tyndale, was that it was *both*.

"... the physical examination is the physician's business;" he said, "the passing upon the admissibility of evidence and the laying down of the law is the lawyer's. It would be as absurd and out of place for the latter to undertake to pass upon the very intricate questions of anatomy, physiology, pathology and chemistry involved in the one, as it would be for the former to attempt to decide the equally delicate questions of law including considerations of the competency and validity of evidence, of the limits of self-defense, and of the nature and degree of crimes, which constitute the other. No lawyer is competent to answer the one, and no physician is qualified to answer the other; and a man understanding fully the nature and scope of his own profession ought to shrink from assuming the dangerous responsibility of practicing another."

He argued that the duties should be split: that there was already a prosecutor's office in charge of charging, and that the other part of the job necessitated the establishment of a new position, a person who would, quote, "go to the spot where a dead body is found, and should decide in the first place whether or not the death resulted from natural causes, from an inspection and if necessary autopsy of the body, before making which he should call a number of persons to note the position and appearance of the body, which he will disturb by the autopsy. He should make a written statement of his examination–for the sake of greater accuracy and subsequent certainty–and if he should find that death resulted from other than natural causes, he should at once notify the judicial officer, who should thereupon proceed with the further investigation."

He called this new position a "medical examiner."

His speech was carried in the New England Journal of Medicine–natch–on March 1st, 1877. By

May, the legislature had adopted his suggestions wholesale: all coroners in the state of Massachusetts were abolished, replaced by new “medical examiners.”

On May 3rd, The NEJM provided one last crowing editorial, celebrating the change, and thanking the advocates who had made the new system possible. Theodore Tyndale did not get a mention by name. AWK Newton, however, got a backhanded thanks for being so incompetent and vile as to finally give the state a much needed push.

Still, his accidental contribution to the history of science was soon forgotten.

After a bad year, AWK Newton seems to have decided to lay low for a while. Not too long, though. In 1881 he was arrested as part of a massive swindle. One of Newton’s old associates, Gardner Fuller, had convinced a Boston merchant to sail his goods with him, upon a ship called The Western Sea. Once the goods—cotton, timber and wine—were loaded up, Fuller convinced the Western Sea’s captain to go rogue and take the ship elsewhere so that they could sell the stuff themselves and split the profits. The ship was tracked down before they could make good on the scheme, and Fuller and Captain Mosher were arrested. The investigation of the incident led back to—drum roll—AWK Newton. The defrauded merchant, Daniel Goodnow, fingered the disgraced coroner as the guy who had convinced him to entrust his cargo with Fuller, by saying he was an agent of a prominent manufacturing company. Newton, Fuller and Mosher were charged with a raft of crimes. Fuller and Mosher were convicted of them, too. Newton, conversely, argued that gee golly shucks he had no idea anything untoward was going on. He barely knew Fuller and Mosher. This was all a big misunderstanding.

He was acquitted and gave laying low a longer shot the second time around. But he did reappear again, and boy howdy, did he. From roughly 1890 to the year 1900 he pops up in literally hundreds of newspaper articles, all across the country, and on a great variety of subjects: giving medical advice about grippe, rheumatism, insomnia, blood poisoning, depression, heat stroke—you name it. My favorite of the dozens of articles I’ve read is definitely the one about whether smoking is hazardous to the health. AWK Newton suggests it is, but that the ill-effects of tobacco can be counteracted with one simple step: drinking Paine’s Celery Compound.

Paine’s Celery Compound was a patent medicine, consisting of, as the name suggests, celery seed. Less obviously—but quite expectedly—it also contained a little cocaine and a lot of alcohol. It was extremely popular, for reasons I’ll leave you to discern. In almost every one of the roughly three hundred articles I found featuring “Doctor” AWK Newton, he is hocking Paine’s Celery Compound. It seems he made some sort of a living writing up testimonials for Paine’s, ocassionally dipping his toes in other waters—like Tonica Spring Waters, which he also was happy to say cured nearly everything.

By the time he died, in 1904, no one seemed to remember his ignominious part in the abolition of the Massachusetts coroner’s office, or his role in the invention of the medical examiner. No

one seems even to have remembered that he wasn't actually a doctor. His obits spend most of their lengths talking about how he supposedly was friends with The Pope.

Theodore H Tyndale died in 1917, on the courthouse steps where he was still practicing. He was remembered as a good lawyer, successful real estate agent, an art lover and philanthropist. His obituaries make no mention of the fact that he came up with the profession of medical examiner, and changed the course of American criminal law.

But you can at least find mentions of Tyndale—if very brief ones—in books about the history of death investigation in America.

Clara Fisher, and her death, which captivated Boston for a matter of months, disappeared from memory soon after the coroner disappeared from Boston. Her case has, as far as I have found, never been mentioned in print again. Except for once. In August, 1878, Dr. J.B. Treadwell, who had conducted the autopsy and testified that Fisher had been recently pregnant, published a public apology to Clara's father.

It wasn't a good apology. In fact, an editorial in—where else—The New England Journal of Medicine chastised it as wholly insufficient. Treadwell did not admit that he had lied. He did not admit to working with AWK Newton. He did not admit to fixing the outcome of his autopsy. All things that were probably true.

But he did, at last, admit that he was at least wrong: that there was no reason to believe that Clara Fisher had had an abortion, or had been pregnant, or even that she wasn't a virgin. He blamed recent advances in medical knowledge which upset his previous conclusions—The NEJM noted that there had not been any to speak of. Still, he ended his letter "I wish to express my sincere regret for the grief that I have caused you and the other relatives and friends of your daughter by my opinion, which I now believe to be an erroneous one."

With that, Clara Fisher's reputation was ever so slightly restored, just in time for it to be forgotten.

—-

Music for today's episode provided by Epidemic Sound and Blue Dot Sessions.

When I hit a wall trying to put this story together, I turned to the wonderful researchers in The Constant discord for help, and within the hour they (along with, apparently, some folks from the Critical Role fandom of all places) had busted the thing nearly wide open. So an extremely special thanks to out, in particular, to Sandy Cleary and Nerni.

They are part of The Constant discord because they subscribe to this show via Patreon, just like Nicholas Giordano and Avery Boyer, who I'd also like to thank. . If you'd like to help solve the next Constant mystery, you perhaps can, just head to patreon.com/theconstant now and sign up. Or join up at a lower level to get new episodes early and ad-free, as well as monthly bonus content.

Until next time, from Chicago Illinois, home to Peter M. Hoffman, who served as Cook County Coroner from 1904 and 1922, during which time he established the first forensic chemical lab, fought with Chicago Police, and repeatedly called for the abolition of his own office, this has been The Constant.