Notes from the Underground (Sometimes Aboveground, Too)*

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When I was invited by Savannah Law Review to be a panelist at The Walking Dead Colloquium at Savannah Law School, I thought . . . that’s no crazier than the Bob Dylan and the Law Symposium.¹ I was compelled to accept.

I commented on the scholarship on the Law of the Dead by Colloquium Keynote Speaker, Professor Ray D. Madoff,² as well as my co-panelists on the

*Apology to Mr. Dostoyevsky, who is, hopefully, still underground. FYODOR DOSTOYEVSKY, NOTES FROM THE UNDERGROUND (Dover Publications 1992) (1864).

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panel titled *Regulating the Remains of the Dead:* Professor Susan Etta Keller; Professor Asmara Tekle; and Joshua Slocum, Executive Director of Funeral Consumers Alliance. Professor Tekle’s presentation on composting of human remains specifically touched upon the Urban Death Project, as well as the need for some regulation of human composting operations. I guess I am qualified because of my interest in nineteenth-century Gothic novels, Southern murder ballads, and body snatching (I’m afraid my law school colleagues do not appreciate some of my scholarship). I am not to be taken seriously, but I think you will appreciate some of the poetry I have unearthed, if I may use that expression.

Actually, composting bodies may not be all that strange. Excarnation (defleshing—leaving only the bones) and some form of cremation-as-burial practices probably go back to prehistoric times. Prior to the Civil War, bodies were often defleshed so that the bones could be sent over long distances. Embalming bodies really got started during the Civil War because families of deceased Union soldiers wanted the whole body as intact as possible. Business folks then saw there was money to be made in death—I guess the folks at the Urban Death Project could counter criticism by citing critics of the funeral business.

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5 For some health concerns about the Urban Death Project, see Mike Adams, *Urban Death Project Seeks to Compost Dead Humans to Feed the Crops: Has it Really Come to This?*, Natural News (Mar. 22, 2015), http://www.naturalnews.com/049082_Urban_Death_Project_composting_human_bodies_food_crops.html.

6 Richard Broxton Onians, *The Origins of European Thought: About the Body, the Mind, the Soul, the World, Time and Fate* (1951). Just last year scientists announced the discovery of an ancient hominid they named Homo naledi. The skeletal remains of fifteen individuals of various ages were found in Dinaledi Chamber within the Rising Star cave system in South Africa. The evidence points to ritual behavior and deliberate burial of the dead predating “humans.” *Geological and Taphonomic Context for the New Hominin Species Homo Naledi from the Dinaledi Chamber, South Africa,* eLIFE (Sept. 10, 2015), http://elifesciences.org/content/4/e09561.


8 Id. at 237.

Exposure of dead bodies to the elements has been a practice in many cultures. I offer the examples of the Tibetan “Sky Burial” and the “Towers of Silence” used in the traditional Zoroastrian funeral. Here are the pics to prove it happens:

In the Tower of Silence protocol, bodies are put on top of a tower for the vultures to deflesh. This is still practiced by Zoroastrians in Mumbai, India. Below is a picture I found in an article reporting that practitioners are worried

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11 Sky burial site in Yerpa Valley, Tibet. Photograph: John Hill/Creative Commons.
12 Tower of Silence in Yadz, Iran. Photograph: Julia Maudlin/Creative Commons.
because they are running out of vultures. I never thought that would be a bad thing, but there you are. Maybe the vultures are flying away to jobs on Wall Street.

Of course, the difference that gives me pause in the practice of composting is the lack of ceremony or reverence. If we are to believe Schopenhauer, “[d]eath is the true inspiring genius, or the muse of philosophy.” Unlike the beast, man is, to some extent at least, rational. But the power to reason brought with it knowledge of the certainty of death—and the terror of death. We have religion and philosophy to help us deal with it. The Urban Death Project is more like a science project for what we in the legal trade call enviros. On the other hand, they could add something ceremonial. I must also note that my friends in forensic anthropology have started several “body farms” for scientific work. And I almost forgot about the technique of “unlimited interment” used in the Old Lafayette Cemetery in New Orleans, Louisiana: the body is set into a stack of “vaults,” then the vault is reopened after a prescribed period, and the stuff that is left is either pushed to the rear of the vault or dropped to the bottom.

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15 Id.
16 Mumbai Tower of Silence circa 1890, with vultures awaiting their carnage. Photograph: Alinari Archives/Getty Images.
of the stack. Now we are ready for the next body. “[A]shes to ashes, dust to dust,” all in accordance with the Latin Rite. I guess the enviros would approve.

This brings me to a couple of nineteenth-century themes: fear of premature burial (taphephobia), if you are buried alive; and fear of body snatchers, if you’re

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23 In some of the family vaults in Savannah’s historic Colonial Park Cemetery, bodies were put on shelves and shrouded. Over time the remains would decompose, and the bones would be stacked together in the family urn. James Caskey, Colonial Park Cemetery: Fascinating Facts About Savannah’s Oldest Burial Ground, JamesBCaskey.com (Apr. 6, 2014), http://www.jamesbcaskey.com/2014/04/colonial-park-cemetery-fascinating-facts-about-savannahs-oldest-burial-ground/.


24 For some interesting source material on documented premature burials, see Robert Wilkins, Death: A History of Man’s Obsessions and Fears (1996) (recounting unique anecdotes that illustrate how people cope with their phobias and anxieties related to death and dying); Listverse Staff, 10 Horrifying Premature Burials, LISTVERSE (Feb. 2, 2010), http://listverse.com/2010/02/02/10-horrifying-premature-burials/. The theme of being buried alive still excites at least some people. A call for submissions is now open for the 2016 Buried Alive Film Festival in Atlanta, Georgia. Buried Alive Film Festival, FILMFREEWAY, https://filmfreeway.com/festival/BuriedAliveFilmFestival (last visited Mar. 28, 2016). Even stranger was the Buried Alive Festival in West Yorkshire, Great Britain, where an escape artist tried and failed (and nearly died) to escape from a grave six feet deep. He could not do it even though he was not in a casket. The Festival was sponsored by a charity. Damien Gayle, Rescuers Revive Escape Artist After ‘Buried Alive’ Stunt Goes Wrong, GUARDIAN (Sept. 8, 2015), http://www.theguardian.com/uk-news/2015/sep/08/escape-artist-buried-alive-stunt-yorkshire.

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really dead. I did research on this stuff while working on my Great American Novel (naturally, not likely to be published in the near future), and also discussed some of these things in my old Bioethics Seminar.


27 This is a safety coffin—if you wake up you can ring the bell. JOHANN GOTTFRIED TABERGER, Der Scheintod in Seinen Beziehungen auf das Erwachen im Grabe und die Verschiedenen Vorschläge Zu Einer Wirksam und Schleunigen Rettung in Fällen Dieser Art 113 (Hanover, Hahn 1829). For an early work on the prevention of premature burials, see WALTER R. HADWEN, WILLIAM TEBB & EDWARD PERRY VOLLUM, Premature Burial, and How It May Be Prevented, with Special Reference to Trance Catalepsy, and Other Forms of Suspended Animation (2d ed., London, Swan Sonnenschein 1905), http://
Taphephobia did not show up as a medical diagnosis until 1891, when Italian physician Enrico Morselli published *Dysmorphobia and Taphephobia: Two Hitherto Undescribed Forms of Insanity with Fixed Ideas*.\(^\text{28}\) However, fear of premature burial was a popular subject of nineteenth-century Gothic literature.\(^\text{29}\) Below is a picture from the 1825 collection of *Penny Dreadfuls* called *The Terrific Register*.\(^\text{30}\) The story goes that Margaret Dickson was hanged for infanticide in 1728.\(^\text{31}\) Her body was given to her friends to cart her to her burial site.\(^\text{32}\) When her caretakers stopped for a pint at a village inn, the lid of the coffin moved.\(^\text{33}\) The terrified drinkers took off the lid, and Margaret popped up.\(^\text{34}\)

![Image of Margaret Dickson's return from the dead.](www.archive.org/stream/prematureburialh00tebbuoft/prematureburialh00tebbuoft_djvu.txt)

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\(^\text{29}\) For information regarding the difficulty of determining the fact of death in these old days, see Jean-Jacques Bruhier d’Ablaincourt, *The Uncertainty of the Signs of Death, and the Danger of Precipitate Interments and Dissections Demonstrated* (London, M. Cooper 1746) (recounting stories of people mistakenly considered dead who were buried alive).

\(^\text{30}\) *The Terrific Register: Or, Record of Crimes, Judgments, Providences, and Calamities* 721–22 (1825).

\(^\text{31}\) Id. at 721; David Rowland, *You Will Be Hanged Until Dead*, OLD POLICE CELLS MUSEUM (Nov. 4, 2015), http://www.oldpolicecellsmuseum.org.uk/page_id__864.aspx.


\(^\text{33}\) Id.

\(^\text{34}\) Id.

\(^\text{35}\) Rendition of Margaret Dickson’s return from the dead. Photograph: Unknown.
As examples of nineteenth-century Gothic literature, let me mention the 1838 biography edited by Charles Dickens (also known as Boz), titled *Memoirs of Joseph Grimaldi*, about the famous clown and alluding to Grimaldi’s father’s fear of being buried alive. Edgar Allan Poe wrote of folks buried alive in his stories *The Premature Burial* and *The Fall of the House of Usher*. My favorite, though, is an obscure short story written by John Galt (not the same John Galt you Rand freaks are thinking of) in 1821. This lurid story combines both themes: a premature burial followed by body snatching and a near dissection before resurrection:

Soon after, a few handfuls of earth were thrown upon the coffin, . . . the shovel was employed, and the sound of the rattling mould, as it covered me, was far more tremendous than thunder. But I could make no effort. The sound gradually became less and less, and . . . I knew that the grave was filled up, and that the sexton was treading in the earth . . . .

. . . I heard a low and undersound in the earth above me . . . .

. . . I felt the hands of some dreadful being working about my throat. They dragged me out of the coffin by the head, I felt again the living air, but it was piercingly cold . . . .

. . .

. . . I learnt that I was that night to be dissected . . . .

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36 Joseph Grimaldi, *Memoirs of Joseph Grimaldi* 7 (Boz ed., London, Richard Bentley 1838) (“Such an effect had this fear [of being buried alive] upon [Grimaldi’s father’s] mind, he left express directions in his will that, before his coffin should be fastened down, his head should be severed from his body, and the operation was actually performed in the presence of several persons.”).


38 Edgar Allan Poe, *The Fall of the House of Usher*, 5 *Burton’s Gentleman’s Mag.* 145 (1839). I have to mention that the characters Roderick and Madeline Usher were probably based on two Lexington, Kentucky, siblings named James and Agnes Usher, who were the children of Noble Luke and Harriet L’Estrange Usher. 2 Mary E. Phillips, Edgar Allan Poe the Man 161–13 (1926). Noble Luke and Harriet were acquainted with Poe’s parents, all actors and actresses respectfully, for a brief time in the theater world. *Id.* It is thought that Poe may have met James and Agnes Usher in Philadelphia. *Id.* The odd behavior of the real Ushers and the fictional Ushers is attributed by modern medical types to carbon monoxide poisoning. *Symptoms Consistent with CO Poisoning in the Stories of Edgar Allan Poe, Multiple Chemical Sensitivity Referral & Resources* (Oct. 24, 2006), http://www.mcsrr.org/poe/symptoms.html. While I am on a roll with Poe, I want to mention his story, *The Facts in the Case of M. Valdemar*, 2 *Broadway J.* 365 (1845). This story was weird even for Poe. It is written as if it were a true account of a hypnotist’s successful suspension of a dying man’s death for seven months. *Id.* When the mesmerist and several doctors try to wake him up, he turns into a pile of loathsome . . . COMPOST! *Id.* at 368. See also, Christopher Dibble, *The Dead Ringer: Medicine, Poe, and the Fear of Premature Burial*, *Historia Medicinae*, http://www.medicinae.org/e16.

Previous to beginning the dissection, [the demonstrator] proposed to try on me some galvanic experiment . . . .

When they had satisfied themselves with the galvanic phenomena, the demonstrator took the knife, and pierced me on the bosom with the point. I felt a dreadful crackling, as it were, throughout my whole frame . . . . The ice of death was broken up — my trance ended.40

A similar account, supposedly a true story, was reported in Erick Larson’s *The Devil in the White City*. He cites a story from the *Chicago Tribune*, dateline March 2, 1890, concerning a St. Louis man who had been buried alive after falling into a deep coma.42 He was exhumed by a team of medical students who wanted the body for dissection.43 The students got a surprise while making the first incision, abandoned the dissection, and dropped the body off at the courthouse where the corpse woke up with a painful and inexplicable slice across the abdomen.44

At least one candidate for an anatomy lecture was not so lucky. There is a report from eighteenth-century Germany, in which the body of a hanged criminal was turned over to the surgeons for use in their anatomy class.45 The doctor noted vital signs, but after reflecting aloud on the cruelty of the crime, he turned to those present and added, “I say, gentlemen, all these things considered, it is my opinion that we had better proceed in the dissection.”46

The galvanic experiment is a nice touch, too. Poe and his chums (in a short story) resurrected a mummy with a “Voltaic pile.”47 The Mummy was not amused. Earlier experiments had inspired Mary Shelley.48 You knew that, but I bet you didn’t know that the scene in the old movie *Frankenstein* in which Igor drops the jar with the good brain in it that he replaces with another jar containing

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42 Id. at 404.
43 Id.
44 Id.
45 Id.
47 Id.
48 EDGAR ALLAN POE, *SOME WORDS WITH A MUMMY* (1845).
the brain of a criminal—quintessential C.Y.A. maneuver—was inspired by the fate of Walt Whitman’s brain. But I digress.

We see another reference to things electrical in the sad story of the fate of John Scott Harrison. John Scott was the son of President William Henry Harrison, and the father of President Benjamin Harrison. Despite precautions taken to prevent his body from being stolen by resurrectionists, he ended up at the Medical College of Ohio in Cincinnati. The College’s Dean, Dr. Robert Bartholow, tried to lie his way out of it, but was caught. Benjamin Harrison filed suit, but any records of the case were lost when the Hamilton County Courthouse was burned down in the 1884 “Law and Order Riot.” Apparently four years earlier, this same Dr. Bartholow managed to kill a patient, Mary Rafferty, “by inserting electrodes into her brain in an experiment.”


51 Id.

52 Id.

53 Id. For the story of the riot and other Cincinnati and Lexington trivia, see Richard H. Underwood, Not So Great Moments in Trial Advocacy: Clement Vallandigham, 13 WIDENER L.J. 185 (2003).

54 Drusus, supra note 50.

It was thought that fear of premature burial may have been tied to the cholera epidemics because the dead were buried quickly in large numbers. It is thought that because cholera and arsenic poisoning produce similar symptoms, some unhappy wives may have taken advantage of the epidemics. It is said that premature burials may have taken place in Savannah, Georgia, during an 1820 Yellow Fever epidemic. Yellow fever is a viral disease transmitted by mosquitoes (not to be confused with malaria, which is mosquito born, but caused by a protozoa). The fever can cause coma, which might be mistaken for death. There were mass graves in Colonial Park Cemetery, and supposedly some coffins have been unearthed with scratch marks in the inside of the coffin lids. While we are on that subject, I have to note that our venue, Savannah Law School, is housed in what used to be the Old Candler Hospital, where many Yellow Fever victims ended up during an 1876 epidemic.

Here is another bit of cholera trivia. Harriet Beecher Stowe, who lived in Cincinnati, Ohio, lost her sixth child, young Samuel Charles, to the 1849 epidemic. A year after his death, Congress passed the Fugitive Slave Act of

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57 The nineteenth century cholera epidemics, or pandemics, were worldwide phenomena, thought by some to be linked causally to climate change brought on by the eruption of Mt. Tambora in 1815, which was followed by the year without a summer. See Gillen D'Arcy Wood, Tambora: The Eruption That Changed the World 72–96 (2014). Cholera would inspire another Shelley novel. See Mary Shelley, The Last Man (1826).


61 Id.

62 Id.

63 Id.

64 Laura Caldwell, The Old Candler Hospital, examiner.com (Apr. 5, 2010, 8:36 AM), http://www.examiner.com/article/the-old-candler-hospital; Historic Renovation, Savannah L. Sch., http://www.savannahlawschool.org/about/facilities/ (last visited Apr. 4, 2016). A morgue tunnel was built underground during the Yellow Fever epidemic that runs from the building to nearby Forsyth Park. Caldwell, supra. It was used to transport and dispose of the bodies of those who fell victim to the Yellow Fever. Id. Although this tunnel is now blocked, it would be a good place to house the Associate Dean, who schedules classes on Friday afternoons.

1850. Both events, her grief and the grief of slave parents, supposedly inspired her to write *Uncle Tom’s Cabin*.

Now let us turn to the body snatchers. Here is a picture of Chris Baker, “The Ghoul of Richmond,” with medical students at the Medical College of Virginia (MCV):

Chris is at the far left. Chris, an African American, was a janitor at MCV. He was a body snatcher and supplied the students with mostly African-American bodies. Medical students in the nineteenth century often did the dirty work of “resurrection” themselves, but their teachers preferred to hire “professional” men to do the job. In 1832, the medical faculty at Transylvania University in Lexington, Kentucky, passed a rule prohibiting students’ participation in body snatching and charged them a five-dollar fee to pay resurrection men like Baker. The medical students of the day were often very young, and they

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66 Fugitive Slave Act of 1850, 31 ch. 60, 9 Stat. 462 (1850) (repealed 1864).
68 Chris Baker (aka “The Ghoul of Richmond”) with medical students at the Medical College of Virginia. Photograph: Special Collections and Archives, Tompkins-McCaw Library, VCU.
70 *Id.*
71 *Id.*
showed little respect for the bodies they were working with. Below is a photo of medical students playing cards with a cadaver posed with a cigarette in its mouth.

Boys will be boys. It seems that "pranks involving body parts were common. Students courted disaster by throwing pieces of their dissections at visitors, displaying severed limbs in windows, or taking body parts home." The MCV students disposed of the bones of their African American subjects in an old well.

I won’t spend much time on the techniques of the body snatchers. If you want details, I recommend two old pamphlets. The first is styled *Bootlegging Bodies: A History of Body Snatching*, by Alan F. Guttmacher, M.D. The other is *Grave Robbing in New England*, by Dr. Frederick C. Waite. The basic technique involved digging down at the head of the grave, breaking the wooden coffin open, and pulling the body out with an iron hook.

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73 Id. at 83–84.
74 Id. at 83.
75 Medical students’ tomfoolery with human corpse. Photograph: Unknown.
76 SAPPOL, supra note 72, at 84.
80 Id.
If you like things lurid, you might enjoy America’s best seller (excepting the Bible) prior to the appearance of Uncle Tom’s Cabin.\(^8^1\) I am speaking of George Lippard’s The Quaker City, which is a “City exposed”-type novel rather loosely held together by a story of seduction (actually rape), murder of the bad guy by the victim’s brother, and the acquittal of the brother.\(^8^2\) It was based on the so-called “Heberton Tragedy in Philadelphia.”\(^8^3\) Mahlon Hutchinson Heberton was killed by Singleton Mercer in an effort to revenge the disgrace of his sixteen-year-old sister, Sarah Mercer.\(^8^4\) The various subplots of The Quaker City involve the activities of a villain known as “Devil-Bug,” who supplies corpses for dissection.\(^8^5\) In one scene, Devil-Bug wreaks revenge on some medical students by sending them a smallpox-infected body. \(^8^6\) Believe it or not, a famous Cincinnati body snatcher known as “Old Cunny” supposedly sent a smallpox-infected corpse to some students who had played some kind of joke on him, and the students “promptly became infected with the disease.”\(^8^7\)

\(^8^1\) Hedrick, supra note 67.

\(^8^2\) GEORGE LIPPARD, THE QUAKER CITY, OR THE MONKS OF MONK HALL: A ROMANCE OF PHILADELPHIA LIFE, MYSTERY, AND CRIME (Philadelphia, T.B. Peterson & Brothers 1845). You might also enjoy Robert Montgomery Bird’s Sheppard Lee, Written by Himself. ROBERT MONTGOMERY BIRD, SHEPHERD LEE: WRITTEN BY HIMSELF (New York, Harper & Brothers 1836). The main character, Sheppard Lee, is something of an antebellum Forrest Gump. After he is killed in an accident, his spirit migrates into the body of dead Squire Higginson, Esq. Id. He moves from body to body as his adventures unfold. Id. This transmigration stuff is known as metempsychosis. This theme also turns up in Donne, Schopenhauer, Godel, Joyce’s Ulysses, and Nietzsche—also in Poe’s Metzengerstein. But you knew that.


\(^8^4\) Id.

\(^8^5\) Lippard, supra note 82.

\(^8^6\) Id. at 374–75.

\(^8^7\) See LINDEN F. EDWARDS, CINCINNATI’S “OLD CUNNY,” A NOTORIOUS PURVEYOR OF HUMAN FLESH 4 (1955) (citing OTTO JUETTNER, 1785–1909: DANIEL DRAKE AND HIS FOLLOWERS; HISTORICAL AND BIOGRAPHICAL SKETCHES 395 (1909)). The Edwards paper was a pamphlet prepared by the staff of the Public Library of Fort Wayne and Allen County.

\(^8^8\) Portrait of George Lippard. Photograph: Unknown.
The public was much alarmed by the work of the body snatchers and surgeons’ dissections. There were no fewer than seventeen “anatomy riots” between 1765 and 1854. Robert Louis Stevenson wrote a short story about Edinburgh body snatchers called, appropriately, *The Body Snatcher*. It was based on the real-life exploits of Burke and Hare, two practitioners who could not wait for nature to take its course. They murdered for bodies. Needless to say, they got their comeuppance. (Actually, Burke, known for the verb “burking,” was hanged, but Hare was not. He turned “King’s Evidence.”) Burke and Hare supplied bodies to the famous anatomist Robert Knox. When they were caught, he was implicated in the body business, but was not prosecuted for any role in crime. Knox penned an apology, or “confession” of sorts, on January 28, 1829, in an effort to placate the mob.

An 1870 biography of Knox written by his pupil Henry Lonsdale, styled *A Sketch of the Life and Writings of Robert Knox, The Anatomist*, tells of Knox’s tenderness for children, which on one occasion led to embarrassment and hurt. When walking with his friend, Dr. Adams, he encountered a pretty little girl of around six years old, to whom he gave a penny. He said, “Now my dear, now you and I will be friends. Would you come and live with me if you got a whole penny every day?” “No,” the girl replied; “you would, may be, sell me to Dr. Knox.” Knox was taken aback, and with tears in his eyes, he walked hastily on.

A variety of devices were invented to deter the body snatchers. The iron “Patent Coffin” was strong and hard to open. Mort safes, iron cage devices

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90 Photograph: The Library Company of Philadelphia.
94 Id.
95 Id.
96 Id.
98 Id.
99 Id.
100 Id.
101 Id.
102 Id.
103 Id.
104 The Fisk Metallic Burial Case was hawked as “preserving in the most secure and appropriate manner, the remains of the dead from [various nasty aspects of decomposition] and
placed around the coffin or over the gravesite, can be found in cemeteries in Edinburgh. A cage over the gravesite was reusable and could be moved to a fresh grave after a sufficient period of time. Recycler fans would approve. A Coffin Collar could be placed around the neck of the corpse, and then bolted to the coffin, making it difficult to pull the corpse from the coffin, and Spring Guns or Coffin Torpedos could be used to blast a careless body snatcher. But what was really most needed, and in the end most effective, was passage of state Anatomy Acts, or “bone bills,” which legalized the use of unclaimed bodies and the corpses of criminals.


Id.


See Lovejoy, supra note 90.

Photograph: Roderick Paul MacLean.
And now for my Poetry Corner:

Here is The Invisible Girl, a poem which appeared in William Gibson’s *Rambles in Europe, in 1839*.\(^{111}\) The reference to Sir Astley is to famous physician and surgeon Sir Astley Cooper.\(^{112}\) The story and poem are also related in William Williams Keen’s address, *A Sketch of the Early History of Practical Anatomy*.\(^{113}\) Keen reported that the ghost of the Invisible Girl haunted Sir Charles Bell’s anatomical room, “where she had been dissected alive on the night preceding that appointed for her marriage.”\(^{114}\)

’Twas in the middle of the night
To sleep young William tried;  
When Mary’s ghost came stealing in  
And stood at his bedside.

Oh, William, dear! Oh, William, dear!  
My rest eternal ceases;  
Alas! My everlasting peace  
Is broken into pieces.

I thought the last of all my cares  
Would end with my last minute,  
But when I went to my last home,  
I didn’t long stay in it.

The body-snatchers, they have come  
And made a snatch at me;  
It’s very hard them kind of men  
Can’t let a body be.

You thought that I was buried deep,  
Quite Christian-like and chary;  
But from her grave in Mary-le-bone,  
They’ve come and boned your Mary.

The arm that used to take your arm  
Is took to Dr. Vyse;  
And both my legs are gone to walk

\(^{110}\) Undertaker advertisement for Fisk’s Patented Metallic Burial Case from the *Chicago Directory* of 1855. Photograph: Northwestern University.
\(^{112}\) Sappol, *supra* note 72, at 128.
\(^{114}\) *Id.*
The hospital at Guy’s.

I vowed that you should take my hand,
    But fate gave us denial;
You’ll find it there at Dr. Bell’s,
    In spirits and a phial.

As for my feet, my little feet,
    You used to call so pretty,
There’s one, I know, in Bedford Row,
    The t’other’s in the city.

I can’t tell where my head is gone,
    But Dr. Carpus can;
As for my trunk, it’s all packed up
    To go by Pickford’s van.

I wish you’d go to Mr. P.
    And save me such a ride;
I don’t half like the outside place
    They’ve took for my inside.

The cock, it crows, I must be gone;
    My William, we must part;
But I’ll be your’s in death, although
    Sir Astley has my heart.

Don’t go to weep upon my grave,
    And think that there I be;
They haven’t left an atom there
    Of my anatomy.\footnote{Id.}

Here is Robert Southey’s poem \textit{The Surgeon’s Warning}.\footnote{3 Robert Southey, \textit{The Surgeon’s Warning}, \textit{in The Poetical Works of Robert Southey} 169–76 (Cambridge, Riverside Press 1880).} I am not a Southey fan, but for the purpose of saying something nice, I will note that he was prolific. You can get a bizarre Victorian poster commemorating the poem at MadameTalbot.com, which shows the dead surgeon on the anatomy table surrounded by skeletons who are preparing to dissect him.\footnote{The Surgeon’s Warning Dissection Poster, Madame Talbot’s, http://www.madame talbot.com/pix/posters/surgeonswarming.htm (last visited Apr. 5, 2016).} I have a copy, and I suspect that you want one too.

\begin{quote}
The Doctor whispered to the Nurse,
    And the Surgeon knew what he said;
And he grew pale at the Doctor’s tale,
\end{quote}
And trembled in his sick bed.

“Now fetch me my brethren, and fetch them with speed,”
   The Surgeon affrighted said;
“The Parson and the Undertaker,
   Let them hasten, or I shall be dead.”

The Parson and the Undertaker
   They hastily came complying,
And the Surgeon’s Prentices ran up stairs
   When they heard that their master was dying.

The Prentices all they entered the room,
   By one, by two, by three;
With a sly grin came Joseph in,
   First of the company.

The Surgeon swore, as they entered his door,—
   ’Twas fearful his oaths to hear,—
“Now send these scoundrels out of my sight,
   I beseech ye, my brethren dear!”

He foamed at the mouth with the rage he felt,
   And he wrinkled his black eye-brow:
“That rascal Joe would be at me, I know;
   But, zounds, let him spare me now!”

Then out they sent the Prentices;
   The fit it left him weak;
He looked at his brothers with ghastly eyes,
   And faintly struggled to speak.

“All kinds of carcasses I have cut up,
   And now my turn will be:
But, brothers, I took care of you;
   So, pray, take care of me.

“I have made candles of dead men’s fat;
   The sextons have been my slaves;
I have bottled babes unborn, and dried
   Hearts and livers from rifled graves.

“And my Prentices now will surely come,
   And carve me bone from bone;
And I, who have rifled the dead man’s grave,
   Shall never have rest in my own.”
"Bury me in lead when I am dead,

My brethren, I entreat;
And see the coffin weighed, I beg,
Lest the plumber should be a cheat.

"And let it be soldered closely down,

Strong as strong can be, I implore;
And put it in a patent coffin,
That I may rise no more.

"If they carry me off in the patent coffin,

Their labour will be in vain;
Let the Undertaker see it bought of the maker,
Who lives by St. Martin’s Lane.

"And bury me in my brother’s church,

For that will safer be;
And, I implore, lock the church-door,
And, pray, take care of the key.

"And all night long let three stout men

The vestry watch within;
To each man give a gallon of beer,
And a keg of Holland’s gin;—

"Powder and ball, and blunderbuss,

To save me if he can,
And eke five guineas if he shoot
A resurrection-man.

"And let them watch me for three weeks,

My wretched corpse to save;
For then I think that I may stink
Enough to rest in my grave."

The Surgeon laid him down in his bed;

His eyes grew deadly dim;
Short came his breath, and the struggle of death
Did loosen every limb.

They put him in lead when he was dead;

And, with precaution meet,
First they the leaden coffin weigh,
Lest the plumber should be a cheat.
They had it soldered closely down,
   And examined it o’er and o’er;
And they put it in a patent coffin,
   That he might rise no more.

For to carry him off in a patent coffin
   Would, they thought, be but labor in vain;
So the Undertaker saw it bought of the maker,
   Who lives by St. Martin’s Lane.

In his brother’s church they buried him,
   That safer he might be;
They locked the door, and would not trust
   The Sexton with the key.

And three men in the vestry watch
   To save him if they can;
And, should he come there, to shoot they swear
   A resurrection-man.

And the first night, by lantern-light,
   Through the churchyard as they went,
A guinea of gold the Sexton showed,
   That Mister Joseph sent.

But conscience was tough: it was not enough;
   And their honesty never swerved;
And they bade him go, with Mister Joe,
   To the Devil, as he deserved.

So all night long, by the vestry fire,
   They quaffed their gin and ale;
And they did drink, as you may think,
   And told full many a tale.

The cock he crew, cock-a-doodle-doo!
   “Past five!” the watchmen said:
And they went away; for, while it was day,
   They might safely leave the dead.

The second night, by lantern-light,
   Through the churchyard as they went,
He whispered anew, and showed them two,
   That Mister Joseph sent.

The guineas were bright, and attracted their sight,
They looked so heavy and new;
And their fingers itched as they were bewitched,
And they knew not what to do.

But they wavered not long, for conscience was strong,
And they thought they might get more;
And they refused the gold, but not
So rudely as before.

So all night long, by the vestry fire,
They quaffed their gin and ale;
And they did drink, as you may think,
And told full many a tale.

The third night, as, by lantern-light,
Through the churchyard they went,
He bade them see, and showed them three,
That Mister Joseph sent.

They looked askance with eager glance;
The guineas they shone bright;
For the Sexton on the yellow gold
Let fall his lantern-light.

And he looked sly with his roguish eye,
And gave a well-timed wink;
And they could not stand the sound in his hand,
For he made the guineas chink.

And conscience, late that had such weight,
All in a moment fails;
For well they knew that it was true
A dead man told no tales.

And they gave all their powder and ball,
And took the gold so bright;
And they drank their beer and made good cheer,
Till now it was midnight.

Then, though the key of the church-door
Was left with the Parson his brother,
It opened at the Sexton’s touch,—
Because he had another.

And in they go, with that villain Joe,
To fetch the body by night;
And all the church looked dismally
   By his dark lantern-light.

They laid the pick-axe to the stones,
   And they moved them soon asunder;
They shovelled away the hard-pressed clay,
   And came to the coffin under.

They burst the patent coffin first,
   And they cut through the lead;
And they laughed aloud when they saw the shroud,
   Because they had got at the dead.

And they allowed the Sexton the shroud,
   And they put the coffin back;
And nose and knees they then did squeeze
   The Surgeon in a sack.

The watchmen, as they passed along,
   Full four yards off could smell,
And a curse bestowed upon the load
   So disagreeable.

So they carried the sack a-pick-a-back,
   And they carved him bone from bone;
But what became of the Surgeon’s soul
   Was never to mortal known.\(^\text{118}\)

The following excerpt is from a poem titled *The Ballad of John Funston*,\(^\text{119}\) which is based on an 1825 Ohio murder case.\(^\text{120}\)

The doctors stood round his pulse for to feel,

Thinking at night his dead body to steal;

‘Tis forbidden by law and considered not right

\(^{118}\) Southey, supra note 116, at 169–76.
\(^{120}\) See Local History: The Confession and Death of Young John Funston, TIMESREPORTER (Jul 27, 2015, 3:49 PM) http://www.timesreporter.com/article/20150726/news/150729579.
To steal the dead body of Funston at night.\textsuperscript{121}

Last, there is a poem by E.E. Cummings titled \textit{nobody loses all the time}.\textsuperscript{122} He wrote in lower case to prove he was unpretentious, although it seems to me like he is saying “look at me.” The poem tells of Uncle Sol’s repeated failures at various farming enterprises, and at last succeeding in one:

\begin{verbatim}
i remember we all cried like the Missouri
when my Uncle Sol’s coffin lurched because
somebody pressed a button
(and down went
my Uncle
Sol
and started a worm farm).\textsuperscript{123}
\end{verbatim}

However, at least one deep thinker claimed in a comment on the internet that the poem was more than a good story, but a really serious poem about Uncle Sol as an existentialist hero.\textsuperscript{124} For that, I refer the reader to \textit{The Myth of Sisyphus} by Albert Camus.\textsuperscript{125} As you may have guessed, I am not sold on the interpretation. As Swift would say, “learned commentators view in Homer more than Homer knew.”\textsuperscript{126}

\textsuperscript{123} \textit{Id}.
\textsuperscript{124} \textit{Id}.
\textsuperscript{125} Albert Camus, \textit{The Myth of Sisyphus and Other Essays} 1–123 (Justin O’Brien trans. 1955).
\textsuperscript{126} Maurice Johnson, \textit{Sin of Wit: Jonathan Swift as a Poet} 17 (1966).