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Article abstract

*Francis Tumblety, the "Celebrated Indian Herb Doctor," arrived in Saint John in the summer of 1860. He quickly became embroiled in conflict with the established medical community and even stood accused of manslaughter. This article examines Tumblety's brief stay in Saint John as a way of illustrating the contested nature of medical practice in the mid-19th century. Understanding the career of such a practitioner provides insight into the range of therapeutic choices that were available during these years and into the struggle of orthodox medicine to limit these choices.*

# The “Celebrated Indian Herb Doctor”: Francis Tumblety in Saint John, 1860

PETER L. TWOHIG

*Francis Tumblety, le « célèbre docteur spécialiste des herbes indiennes », arriva à Saint John à l'été de 1860. Il fut vite en conflit avec la communauté médicale établie et fut même accusé d'homicide involontaire. Cet article s'intéresse au bref séjour de Tumblety à Saint John comme une façon d'illustrer le caractère contesté de la pratique de la médecine au milieu du 19<sup>e</sup> siècle. La carrière d'un tel praticien jette un éclairage sur l'éventail des choix thérapeutiques qui étaient offerts durant ces années et sur la lutte livrée par la médecine conventionnelle pour limiter ces choix.*

*Francis Tumblety, the “Celebrated Indian Herb Doctor,” arrived in Saint John in the summer of 1860. He quickly became embroiled in conflict with the established medical community and even stood accused of manslaughter. This article examines Tumblety’s brief stay in Saint John as a way of illustrating the contested nature of medical practice in the mid-19<sup>th</sup> century. Understanding the career of such a practitioner provides insight into the range of therapeutic choices that were available during these years and into the struggle of orthodox medicine to limit these choices.*

IN THE SUMMER OF 1860, the “Celebrated Indian Herb Doctor” Francis Tumblety arrived in Saint John, New Brunswick. Advertisements began appearing in the local papers, announcing Tumblety’s arrival from the Province of Canada and the opening of his office in American House on King Street.<sup>1</sup> Francis Tumblety’s arrival in Saint

- 1 The earliest advertisements appear in the following newspapers: *Morning News* (Saint John), 29 June 1860; *The Morning Freeman* (Saint John), 5 July 1860; and *New Brunswicker* (Saint John), 17 July 1860. Francis Tumblety is a rich historical figure. While this paper focuses upon his time in Saint John, he is best known as one of the frequently named suspects in analyses of the “Jack the Ripper” murders in London during 1888. As such, portions of his career are frequently incorporated into the large number of works dealing with these murders. See, for example, Paul Begg, *Jack the Ripper: The Definitive History* (Edinburgh Gate, UK: Pearson Education Limited, 2005), 344-8; Paul Begg, *Jack the Ripper: The Facts* (London: Robson, 2006), 233-59; Maxim Jakubowski and Nathan Braund, *The Mammoth Book of Jack the Ripper* (Philadelphia: Running Press, 2008), esp. 465-6; and Stewart P. Evans and Keith Skinner, *The Ultimate Jack the Ripper Companion: An Illustrated Encyclopedia* (New York: Skyhorse Publishing, 2009), esp. 668-86. Tumblety’s candidacy as a suspect owes its provenance to a letter from J.G. Littlechild, the chief inspector, to journalist George R. Sims (23 September 1913). In that letter, Littlechild names Tumblety as “a very likely” suspect. The Littlechild letter is widely reprinted in Jack the Ripper sourcebooks, and the full text of the letter is also available electronically: [www.casebook.org/official\\_documents/lcletter.html](http://www.casebook.org/official_documents/lcletter.html). Tumblety’s candidacy as the murderer was originally and most fully explored in Stewart Evans and Paul Gainey, *The Lodger: The Arrest & Escape of Jack the Ripper* (London: Century, 1995). Tumblety visited England several times during the 1860s and 1870s, and he was there again during the summer and fall of 1888. But there is no direct evidence that links him to the murders. The only connection between Tumblety and the murders was his presence in London and Littlechild’s suspicions, which were disclosed long after the murders. Significantly, Tumblety’s name is never mentioned in the British press in connection with

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John in the summer of 1860 coincided with the introduction of new legislation in New Brunswick to regulate medical practice – legislation that sought to restrict who could practice. In Tumblety’s advertisements, which appeared in Saint John newspapers throughout the summer of 1860, one can see an active attempt to distinguish his practice from that of orthodox medicine. The middle decades of the 19th century were, in many respects, the apogee for a complex landscape of medical systems. Orthodox medicine (alternatively known as regular, allopathic, or old school) faced stiff competition for patients from botanic practitioners, eclectics, homeopaths, and other practitioners for several reasons.<sup>2</sup> The first decades of the 19th century were characterized by what has been termed “heroic medicine,” wherein interventionist treatments such as bleeding, blistering, and leeching were common and patients were encouraged to vomit or evacuate their bowels and dosed with mercury or other “mineral” agents in an attempt to restore the body’s natural equilibrium. The preparations of the homeopath or the botanic practitioner were considerably less harsh and were welcomed by some of the afflicted while others, who had exhausted the arsenal of heroic medicine, turned to these same practitioners for relief from chronic conditions. Moreover, orthodox doctors had not yet secured the privileges of professional medicine, such as full control over licensure. Thus, while in some respects the life and career of Francis Tumblety are exceptional, it is nevertheless possible to fit his practice within a rich tradition of alternatives to regular doctors and the competition among segments of the fragmented world of medical practice in the mid-19th century.

Not surprisingly, given the attempts by regular doctors to exclude competitors from practice as well as the competition for patients, Tumblety attracted the attention of the local medical community after only a month in Saint John. Undoubtedly drawing on his periods of practice in Montreal and Toronto, each of which was marked by conflict with regular doctors, Tumblety’s earliest advertisements in Saint John had foreshadowed a struggle with the city’s medical establishment. For example, an early notice about Tumblety highlights that he had “established for himself a reputation which no competition can efface nor opposition tarnish.”<sup>3</sup> On 31 July 1860, though, Tumblety was arraigned before a police magistrate on a charge of “falsely and willfully assuming titles which implied that he was a registered or lawfully recognized

the murders, though American newspapers linked him to Jack the Ripper upon his return. I would like to thank the anonymous reviewers of this article for their helpful comments. Research assistance for this project has been provided by Ashley Leopold, Shauna Sears, and Doran Hassett and funded in part by the Canada Research Chair program. Earlier versions of this paper were presented at meetings of the Dalhousie Society for the History of Medicine and the New Brunswick Historical Society. Thank you to everyone who provided me with feedback and comments in those settings.

2 Here, I am avoiding the use of the word “alternative” medicine since, as Roy Porter persuasively argued, practitioners did not present their therapies as “alternatives” (or “complementary”) but rather as superior. Porter has several books that address “quackery.” See, for example, Porter, *Health for Sale: Quackery in England, 1660-1850* (Manchester: Manchester University Press, 1989), and Porter, *Quacks: Fakers & Charlatans in English Medicine* (London: Tempus, 2003). For a recent, if brief, survey, see Roberta Bivens, *Alternative Medicine? A History* (Oxford: Oxford University Press, 2007). For America, see James C. Whorton, *Nature Cures: The History of Alternative Medicine in America* (Oxford: Oxford University Press, 2002), and, for Canada, see J.K. Crellin, Raoul Anderson, and J.T.H. Connor, *Alternative Health Care in Canada: Nineteenth and Twentieth-Century Perspectives* (Toronto: Canadian Scholars’ Press, 1997).

3 *The Morning Freeman*, 10 July 1860.

Physician” in contravention of the Medical Act, which had come into effect only months before. The regular doctors accused Tumblety of representing himself as a “Doctor” and an “M.D.” when he had submitted his application to practice in Saint John to the mayor.<sup>4</sup> The decision in the case came down on the 10 August, and Tumblety was found guilty of “assuming the title of M.D.” and he was fined £20 plus costs. This was, according to the *New Brunswicker*, the first prosecution under the Medical Act and therefore sparked a good deal of interest within the medical community.<sup>5</sup> Tumblety appealed, and Supreme Court judge Robert Parker overturned the decision of the magistrate. Parker wrote the “Magistrate was not warranted in implying that the Defendant by taking and using the name and title of Doctor of Medicine meant to assert and signify that he was duly registered under the Medical Act.”<sup>6</sup> In Tumblety’s subsequent advertisements in the Saint John papers, he does not describe himself as an M.D. – only as “Dr Tumblety.” But his troubles in Saint John were just beginning, and they would become more serious.

Francis Tumblety’s origins are murky, to say the least, but he did not possess any formal medical education. It appears that he was born in Ireland in the early 1830s, and that his family moved to Rochester, New York, while he was still young.<sup>7</sup> Tumblety acknowledged in his memoir that he had spent his formative years in Rochester and that his family remained there. Rochester was a vibrant center of medical pluralism, offering residents a wide variety of options when it came to medical care; indeed, it was a city rife with competition in the medical marketplace

4 *New Brunswicker*, 31 July 1860.

5 *The Morning Freeman*, 11 August 1860. See also *The Morning Freeman*: 14 August 1860, 18 August 1860, 25 August 1860, 28 August 1860, 30 August 1860, 4 September 1860. A notice of the guilty verdict also appeared in the *New Brunswicker*, 11 August 1860.

6 *The Morning Freeman*, 13 September 1860. The magistrate’s written decision, which was also published, was unrepentant. It stated: “I have carefully weighed all the evidence in this case, and consider that the defendant, by his representations and practice, has brought himself within the 22nd section of the Medical Act; that the “Indian Herb” prefixed to the Doctor is nothing but a delusion and fraud, while at the same time the word “Doctor,” and letters “M.D.,” falsely assumed by the defendant are admirably calculated to deceive the weary and unsuspecting.” The proceedings were also published in the *Morning News* on 12 September 1860, but without the magistrate’s condemnation. *The Morning News* also published an erratum to its story on 14 September 1860: “In Judge Parker’s decision in the case of Dr. Tumblety, so called, the word “Dr.” was inadvertently inserted in the 4th line from the commencement, before the words ‘FRANCIS TUMBLETY, Defendant.’ It was not in the manuscript.” Perhaps the paper was merely in the habit of referring to Tumblety as a “Dr” from all the ads they had published during the summer. *The Morning Freeman* had printed the notice correctly.

7 Following the original submission of this manuscript, a biography of Tumblety was released that provides details on his early life. See Timothy B. Riordan, *Prince of Quacks: The Notorious Life of Dr. Francis Tumblety Charlatan and Jack the Ripper Suspect* (Jefferson: McFarland and Company, 2009). In his book, Riordan suggests Tumblety was born in Dublin in 1831, though there is no direct evidence to support the fact (7). Riordan also offers a chronology of Tumblety’s time in Canada and New Brunswick. Rochester city directories and marriage notices contain references to families with the last name of “Tumelty” and there are variations on the spelling in various primary sources. The 1850 federal census lists Margaret Tumathy, aged 62, living in the 8th Ward with her children: Lawrence, Ann, and Francis. The family memorial in Holy Sepulchre Cemetery in Rochester lists Dr. Francis Tumuelty (who is certainly the same person) as dying on 28 May 1903, aged 73. His brother, Lawrence, is also listed (died 14 February 1898, aged 79) as are his parents: James (died 7 May 1851, aged 74) and Margaret (died 27 May 1873, aged 87).

even though orthodox physicians in Monroe County had organized themselves into a medical society in the spring of 1821.<sup>8</sup> David Tower, for example, advertised in early 1830 that he had a variety of botanics available to “friends of” Thomsonian medicine.<sup>9</sup> Supporters of Thomsonian medicine in Rochester organized a society in early 1842, declaring “that the old School or Mineral System of Medical Practice, in theory and medicines are opposed to the principles of animal life, and consequently dangerous in application, often instead of curing diseases producing broken constitutions, incurable chronic diseases and death.” The Rochester Thomsonians viewed the “catalogue of poisonous medicine,” including calomel, opium, morphine, and other agents, to be the cause of much illness and distress such as “cancers, tumors, fever sores, white swellings, decayed teeth, and many other maladies so prevalent in this country.”<sup>10</sup> In 1844, *The Rochester Medical Truth Teller and Monthly Family Journal of Health*, edited by Dr. Justin Gates, also began publishing. Gates, who strictly followed Thomsonian principles, maintained an office and an infirmary on Exchange Street and Edinburgh Street respectively. In 1849, the Eclectics relocated their Central Medical College to Rochester from Syracuse.<sup>11</sup> As Betsy Corner wrote in her 1934 study of medicine in Rochester, “The little [medical] systems had their day and ceased to be, but in homeopathy the regular physicians had a more sturdy rival in popular esteem.”<sup>12</sup> Writing to her husband in 1846, for instance, Elisabeth S.S. Beaton reported “I am told that Homeopathy is steadily gaining in the confidence of this community . . . the *interests of the science* very much requires a first rate Homo. [homeopathic] Physician here. Ladies here prescribe for themselves & families a great deal & need advice.”<sup>13</sup> The organization of the Monroe County Homeopathic Society in the 1880s also demonstrates the long-lasting influence of homeopathy in Rochester.<sup>14</sup>

In 1865, following Francis Tumblety’s arrest but subsequent release as one of the

8 *Rochester Telegraph*, 15 May 1821.

9 *Anti-Masonic Enquirer* (Rochester), 19 January 1830.

10 *Rochester Daily Democrat*, 29 January 1842.

11 Betsy C. Corner, “Early Physicians and Medical Institutions,” in *Centennial History of Rochester, New York, Vol. IV, Jubilee*, ed. Edward R. Foreman, City Historian (Rochester: [n.p.], 1934), 356, 358. On eclectic medicine, see John S. Haller, Jr., *Medical Protestants: The Eclectics in American Medicine, 1825-1939* (Carbondale: Southern Illinois University Press, 1994), as well as Haller, *A Profile in Alternative Medicine: The Eclectic Medical College of Cincinnati, 1845-1942* (Kent: Kent State University Press, 1999).

12 Corner, “Early Physicians and Medical Institutions,” 367.

13 Elisabeth S.S. Eaton to Amos B. Eaton, Rochester 1 August 1846, in *The Rochester Historical Society Publications, Vol. XXI, Part 1 – Letter Postmarked Rochester: 1817-1879. Part II – Selected Articles*, ed. Blake McKelvey (Rochester: The Rochester Historical Society, 1943), Part 1 (n.p.) (emphasis in original).

14 On the Monroe County Homeopathic Society, see *Rochester Union and Advertiser*, 3 February 1881. A curious notice was published under the title “Important Legal Decision as to what Constitutes Medical Quackery” by Moses S. Hotchkiss, who kept an office at 217 Exchange Street and who claimed to be the “Discoverer of the Specific for Disease not Endorsed by the Medical Profession.” The notice, undoubtedly intended to promote Hotchkiss, stated: “Able counsel tells me that to kill by authority of a diploma from a regularly established Medical School is legitimate and scientific, and to cure without such diploma is quackery, and a crime in this State that is punishable with fine and imprisonment.” See *Rochester Union and Advertiser*, 4 April 1881.

conspirators in the assassination of Abraham Lincoln,<sup>15</sup> an article in the Rochester *Daily Union and Advertiser* provided some details of Tumblety's early years:

Tumblety resided in Rochester many years, and is well known here to almost all our citizens . . . . His mother resides here still, and he has other relatives, all respectable citizens. He is of Irish origin and no half breed, and has no Indian blood. He will be remembered by many some fifteen years or more since, as a peddler of books upon the cars, and subsequently in other avocations, not long in any one here in town. He once had an office in Smith's Block where he went by the name of Phillip Sternberg, and treated a certain class of diseases. When one R.J. Lyons, an "Indian Herb Doctor," had an office over the Post Office, Tumblety used to be with him, and he probably picked up the information requisite to start him in his profession there.<sup>16</sup>

Rudolph J. Lyons's self-description as "The Well-Known and Celebrated Indian Herb Doctor" was a characterization that Tumblety would later adopt. Lyons had an

15 A full treatment of the events surrounding Tumblety's arrest as a conspirator is beyond the scope of this paper. However, Tumblety published his own account of his arrest in the *New York Times* on 10 June 1865. Following three weeks imprisonment in the Old Capitol Prison in Washington, Tumblety was "honorably released . . . there being no evidence whatever to connect me with the yellow fever or assassination plot." According to Tumblety, it was a case of mistaken identity promoted by a "licentious sheet published in New York to the effect that the Dr. Blackburn . . . was no other person than myself." Tumblety was accused of using "Dr Blackburn" as an alias and, perhaps, he was confused with Dr. Luke P. Blackburn, who orchestrated the so-called yellow-fever plot. He also denied any association with David Herold, one of the conspirators in the assassination plot who, some papers claimed, had been employed by Tumblety. Herold was with John Wilkes Booth when the latter was shot in Virginia. Herold was subsequently tried and convicted of conspiracy to murder and hung on 7 July 1865 with three others: Mary E. Surratt, Lewis T. Powell (aka Payne or Paine), and George A. Atzerodt. For his part, Tumblety claimed that the organized medical community in St. Louis, Missouri, facilitated his arrest because they were jealous of his popularity and his growing practice. See Francis Tumblety, *A Few Passages in the Life of Dr. Francis Tumblety. The Indian Herb Doctor, including his experience in the Old Capitol Prison, To which he was consigned, with a wanton disregard to justice and liberty. By order of Edwin Stanton, Secretary of War. Also journalistic and documentary Vindication of his name and fame, and professional testimonials respectfully inscribed to the American Public* (Cincinnati, OH: Author, 1866), 30. It is here worth noting that this memoir was, in part, Tumblety's response to his arrest and, perhaps, an attempt to lay the groundwork for a compensation claim against the federal government. He wrote in his memoir: "Compensation for [imprisonment in the Old Capitol Prison] is beyond all price, for health is an inestimable jewel that can not be purchased with gold; and I feel that I shall never again realize the hardy and robust *physique* for which I was distinguished previous to my arrest in St. Louis. But the pecuniary loss I have sustained and the disarrangement of my business, are other matters, for which I have a clear claim upon a government by whose authority I have been so outraged and despoiled" (48) (emphasis in original).

16 *Rochester Union and Advertiser*, 9 May 1865. Tumblety himself acknowledged in his first memoir that he had family in Rochester. See Tumblety, *A Few Passages in the Life of Dr. Francis Tumblety*, 18-9. It is worth noting that Tumblety published two further editions of his memoir. The second was entitled *Narrative of Dr. Tumblety: How He was Kidnapped During the American War, His Incarceration and Discharge* (New York: Russells American Steam Printing House, 1872). The third was *Francis Tumblety, M.D.: A Sketch of an Eventful Career* (Brooklyn: Eagle Book and Job Printing, 1889).



office in the Arcade Hall in downtown Rochester, where he kept regular office days to see local cases. Lyons also traveled throughout northern New York each month to see patients. He advertised his presence in towns such as Albion, Canandaigua, Phelps, Seneca Falls, and Buffalo, where he typically stayed in local hotels. Lyons touted his success in treating a variety of chronic conditions – those that have “baffled the endeavors of Calomel Doctors” – as well as the diseases of women and children. Lyons also highlighted his philanthropic nature, noting that the poor would be “liberally considered” and that he would “never induce any unfortunate invalid to take his medicine without being confident that he can do them good.”<sup>17</sup>

While no firm evidence links Lyons and Tumblety, other than the speculative claims published in Rochester’s *Daily Union and Advertiser* in 1865, the latter clearly followed a pattern of practice similar to that of Lyons. Tumblety went to Canada West from Rochester in either 1856 or early 1857. An advertisement in the *Daily Globe* in January 1857 announced that Tumblety, “after traversing the United States and Canada, has concluded to make Toronto, C.W., his home for the future.”<sup>18</sup> He highlighted his use of “safe and efficacious medicines from Nature’s garden.” From his base in Toronto, Tumblety visited towns in southern Ontario and built a successful reputation. By March 1857, he was routinely seeing patients in a King Street East office building, opposite St. Lawrence Hall. Tumblety advertised himself as the “Indian Herb Doctor,” and offered cures for a wide array of afflictions. His advertisement contains a collective testimonial, attributed to various residents of Rochester, including a mayor and an ex-mayor, a judge, a pastor, and a variety of other respectable citizens. The testimonial suggests that Tumblety was “an esteemed fellow-townsmen” and they wanted to recommend Tumblety as “a gentleman entitled to public confidence.” Young men and women of all ages, married or single, were encouraged to consult Tumblety. A number of other testimonials completed the advertisement. Three were from Toronto, suggesting that he had been practicing in that setting since at least January 1857. Other letters of support came from nearby towns, including Brantford, London, and Hamilton.<sup>19</sup>

By the end of August 1857 Tumblety had established himself in Montreal, opening an office on Great St. James Street, although he had every intention of returning to Toronto.<sup>20</sup> His practice in Montreal was again broad, offering treatment for a wide variety of ailments. These advertisements highlighted that Tumblety would offer “particular attention to all disease peculiar to Females and Children” and that “the poor will be liberally considered.” He also advertised that persons unable to visit his office could, for one dollar, receive a consultation via the post. The advertisements

17 *Rochester Democrat and American*, 10 March 1858.

18 *The Daily Globe* (Toronto), 28 January 1857. This advertisement continued to appear periodically. See, for example, *The Daily Globe*: 3 February 1857, 6 February 1857, 6 March 1857. A different advertisement appeared on 5 January 1857, which places Tumblety at an office on King Street.

19 *The Daily Globe*, 6 March 1857. The advertisements announcing his arrival continued to run. See, for example, *The Daily Globe*, 10 March 1857.

20 For Tumblety’s time in Montreal, see Michael McCulloch, “Dr. Tumblety, the Indian Herb Doctor: Politics, Professionalism, and Abortion in Mid-Nineteenth-Century Montreal,” *Canadian Bulletin of Medical History* 10 (1993): 49-66. His advertisements while in Montreal clearly indicate that his stay in the city was going to be temporary.

were also filled with testimonials, drawn principally from Canada West, that highlighted Tumblety's skill. One of the afflicted laboured under a hip disease that had left him lame. He described how in Hamilton he had met Tumblety, "better known as the Indian Herb Doctor, who, report said, was performing some miraculous cures, to which I was a sceptic. At the sollicitation [*sic*] of my wife and friends, and as a last resource, I was induced to submit myself to the Doctor's treatment . . . [and] on the third day . . . I was able to lay aside my crutch and stand perfectly erect and in two weeks was entirely cured." Another had consulted the "best physicians of Toronto" and had taken their best medicine, which provided no relief for her galloping consumption. Hopeless, she sought out Tumblety and "under his skillful treatment I was free from pain in two days, and continued gradually to improve." A man suffering under dyspepsia similarly had "used the prescriptions of the most eminent physicians in Upper and Lower Canada, as well as taken a great many highly extolled medicines, but to no good effect." Tumblety prescribed his "vegetable medicines" and the patient was "now in better health than I have been for the last ten years, and indeed, as well as ever I was in my life."<sup>21</sup>

Tumblety's efforts were described in the advertisements as "miraculous" in one case and "remarkable" in another. All emphasized his skill in treating a wide variety of conditions.<sup>22</sup> Setting aside whether or not the testimonials are real or fictitious, one can discern a number of common elements, including the presence of incurable or intractable conditions, unsatisfactory outcomes with the best practitioners of the area, and full and quick recovery. Tumblety also encouraged patients to "escape the iron grasp of Mercury, and other mineral poisons" while offering instead "only true and safe medicines from Nature's garden," which clearly situated his practice within the rich tradition of botanic practitioners.<sup>23</sup> Only a few days after this advertisement appeared, Francis Tumblety was arrested for attempting to procure a miscarriage.<sup>24</sup> This case was well covered in the Montreal press, in both French and English.<sup>25</sup> The case revolved around Tumblety, an undercover police constable named Jean Baptiste Simard, and a woman named Philomene Dumas, who pretended to be in a relationship with the policeman. Simard went to see Tumblety and, following a brief conversation, returned with Dumas. Tumblety examined the woman and told her she was expecting but that he could provide something that would help. Dumas, however, was not actually pregnant but rather participating in an undercover police operation. Testimony was presented before a police court and Tumblety was charged under new legislation that made it a felony to provide any "poison or noxious thing," with a prison term of not less than two years. The police court found Tumblety guilty and ordered that he be committed to jail until he could be tried before the Court of Queen's

21 *Montreal Gazette*, 18 September 1857.

22 *Montreal Gazette*, 18 September 1857.

23 *Montreal Gazette*, 25 August 1857.

24 *Montreal Gazette*, 23 September 1857.

25 The Montreal newspapers had different views of the case and the conduct of the police. According to McCulloch, the two French-language papers, *La Minerve* and *Le Pays*, were sympathetic to the police while the *Pilot*, *Herald*, and *Commercial Advertiser* all "expressed reservations" about the practice. McCulloch also notes that the French-language papers "gave relatively little coverage" to Tumblety's trial. See McCulloch, "Dr. Tumblety, the Indian Herb Doctor," 57, 59.



Bench. Tumblety's lawyer, Bernard Devlin, immediately petitioned for a writ of habeas corpus, and Tumblety was released on bail on 1 October 1857.<sup>26</sup> By the end of the month, though, the case fell apart.<sup>27</sup> Even so, Tumblety's reputation was badly damaged. He returned to Toronto in January 1858, and then went to Rochester.<sup>28</sup> It is not my intention here to fully explore Tumblety's career in either Toronto or Montreal, only to highlight that in both settings he established practices for short periods and traveled extensively throughout the local area. Indeed, his experience in the Province of Canada highlights how mobile Tumblety was, moving from setting to setting within British North America and back and forth across the border with the United States. After a brief return to the United States, Tumblety once again headed north – this time to Saint John.

During the summer of 1860, dozens of advertisements for Tumblety's services appeared in Saint John's local newspapers. Some of the advertisements were simple notices, with as little as six lines of text, while others were more substantive – sometimes occupying more than a full newspaper column. The first advertisement in the *Morning News* advertised that Tumblety “will describe disease, and tell his patients the nature of their complaints or illness, without receiving any information from them. No charge for *consultation*.”<sup>29</sup> A few days later, a brief notice, reputedly from the *Kingston Herald*, was reprinted. It was effusive in its praise of Tumblety:

We cannot but urge invalids, and all suffering with any form of disease, to hasten and consult Dr Tumblety, the celebrated Indian Herb Doctor, of Toronto, C.W. (see advertisement in another column) whose name has now become as familiar as “Household Words,” and who will always be remembered as one of the greatest philanthropists and benefactors of the present age. The Doctor has, by his indomitable perseverance, in combating and effectually curing thousands of cases of obstinate Chronic Complaints, established for himself a reputation which no competition can efface nor opposition tarnish.<sup>30</sup>

A more elaborate advertisement appeared in early July, containing testimonials

26 *Montreal Gazette*: 23 September 1857, 24 September 1857, 26 September 1857, 28 September 1857.

27 The case against Tumblety fell apart for different reasons, though there is no precise explanation to explain this outcome. It is true that cases frequently were found to be convincing at one stage of the criminal process only to be abandoned at later stages. In this case, Tumblety's lawyer, Bernard Devlin, impugned the credibility of the witnesses, emphasizing that Dumas lived in a brothel and had met Simard during his visits there. Devlin also suggested that the medical elite and the police conspired against Tumblety. McCulloch (“Dr. Tumblety, the Indian Herb Doctor,” 59-60) states that newspapers were divided on the issue of entrapment but that several English-language papers objected to the actions of the police. For many, the trap that had been laid for Dr. Tumblety was an affront to ideas of justice and fair play. While the police and Tumblety's opponents may have been convinced that their case against Tumblety was sound, questions about the evidence, the witnesses, and the action of police undermined it.

28 See McCulloch, “Dr. Tumblety, the Indian Herb Doctor,” 61, and, on his return to Rochester, the *Rochester Union and Advertiser*, 11 March 1858.

29 *Morning News*, 29 June 1860 (emphasis in original).

30 *The Morning Freeman*, 10 July 1860.

allegedly from his time in Quebec City and Montreal in 1857. The testimonials follow similar narrative arcs of seemingly hopeless disease progression and eventual abandonment by medical doctors. Following a consultation with Tumblety, the individual enjoys a return to health and to employment.<sup>31</sup> Regardless of the veracity of the testimonials, it is noteworthy that they should emphasize return to employment, in this case to jobs as a mariner on the St. Lawrence River and to work in a foundry, suggesting that Tumblety's intended audience is the workingman and his family. The emphasis on a return to gainful employment, and through this an escape from dependency or destitution, played on what was likely a common fear among working people suffering from injury or illness in mid-19th century Saint John.

This theme is continued when the first advertisement using local testimonials appeared on 20 July 1860, under the bold banner "Given Up by all the Doctors." This advertisement is larger and more substantial than the earlier notices. The testimonials describe a range of conditions, such as consumption, skin ulcerations, nervousness, and general debility. James Cameron, of Portland Bridge Street, wrote how the "best doctors of St. John told me to go home and die, that they could do nothing for me," and how the treatment provided by Tumblety "checked the disease" without either the use of mercury or bleeding. One of the testimonials, from Mary Carroll, emphasized that "a Vegetable Course of Treatment furnished by Dr. Tumblety has cured my son" of consumption.<sup>32</sup> Another testimonial noted how, during a course of typhus fever, "the efficacy of the Herb Medicine restored me to perfect health without resorting to Bleeding, Calomel, or any other mineral." One final testimony highlighted how it was Tumblety's "vegetable medicine" that relieved him when other doctors could do nothing.<sup>33</sup> Other advertisements for Tumblety proclaimed "Consumption Curable by my Theory and Treatment"<sup>34</sup> and "Pulmonary Consumption Cured in the Last Stage."<sup>35</sup> In another advertisement Tumblety described consumption, one of the archetypal 19th-century diseases, as "the vile destroyer of the parent's hope, this monster devourer of mankind!" He also included a little piece of doggerel:

OUR MOTTO:

We use such balms as have no strife  
 With nature or the Laws of Life;  
 With blood our hands we never stain,  
 Nor Poison men to ease their pain.  
 Our Father – whom all goodness fills,  
 Provided the means to cure all ills;  
 The simple Herbs beneath our feet  
 Well used, relieve our pains complete.<sup>36</sup>

31 *Morning News*, 6 July 1860. This author could find no direct evidence of Tumblety's presence in Quebec City.

32 *Morning News*, 20 July 1860.

33 *The Morning Freeman*, 30 July 1860.

34 *Morning News*, 25 July 1860.

35 *Morning News*, 7 September 1860.

36 *Morning News*, 25 July 1860.

Focusing on difficult cases was a useful strategy for a marginal practitioner, even a successful one, in a competitive medical marketplace. Nevertheless, it is important to point out that orthodox medicine did not offer much in the way of answers for many of the conditions highlighted in the testimonials supporting Tumblety.

After a month in Saint John, Tumblety's advertisements in the press were large, sometimes occupying a half-column. Accompanying a large ad on 28 July 1860, replete with testimonials, was a separate block of text:

That vegetable medicines are most natural is evident, and as to their safety and efficacy there can be no doubt. These remedies are compounded upon principles unknown to the mineral doctors and are entirely different in their operation, acting in perfect harmony with the laws of life they are adapted to all constitutions and diseases, and every day adds new evidence of their virtues; their destiny is a virtuous one, possessing not only power over disease, but principles which will continually supercede the whole mineral practice of medicine.<sup>37</sup>

In these two excerpts – the motto and the text on “vegetable medicines” – Tumblety emphasized the natural origin of his remedies, highlighting the “virtues of herb medicine” and thereby positioning them as an alternative to the harsh cures of orthodox practitioners. In doing so, Tumblety is situating his practice squarely within a long and rich tradition both in the Maritimes and elsewhere in North America. Allan Marble argues that “no medical practitioner in [Nova Scotia] was recorded as describing himself specifically as a botanic doctor prior to 1832 and, very few advertised as such prior to 1867.”<sup>38</sup> But there is little doubt that botanics were an important part of the therapeutic regimens of a broad spectrum of practitioners. The heroic therapy of orthodox medicine was commonly characterized by treatments such as bleeding, blistering, and leeching as well as the use of medicines that were, quite literally, hard to swallow.

There was, therefore, a strong market for milder alternatives – especially in the absence of any therapeutic advantage for the harsh medicines offered by orthodoxy. In Nova Scotia, for example, there was a petition in 1850 supporting botanic medicine signed by 161 men. The petition stated that as many who “have tried the medicine have found by personal experience in the Reformed Practice of Bottanic [*sic*] Medicine Superior healing virtues, to any other remedial agents.” Moreover, the petition requested that botanic practitioners be granted self-regulation if they passed an examination “of a Regular Board of Bottanic [*sic*] Physicians.”<sup>39</sup>

37 *New Brunswick*, 28 July 1860. The same advertisement would appear in the *Morning News*, 13 August 1860.

38 Allen Everett Marble, *Physicians, Pestilence, and the Poor: A History of Medicine and Social Conditions in Nova Scotia, 1800-1867* (Victoria, BC: Trafford Publishing, 2006), 100.

39 Petition, 2 February 1850, RG 5, ser. P, vol. 46, #41, Nova Scotia Archives and Records Management (NSARM). This petition was referred to committee, which decided that, under the existing legislation, botanic practitioners could apply “to the Lieut. Governor to appoint a Board of competent persons to examine the Botanic Practitioners, and, if found qualified, to license them to Practice Medicine and Surgery, on the same footing as other Practitioners, and to compel payment for their services, which is the only disability to which they are now subject.” See Nova Scotia, *Journal of the Legislative Assembly*, 2 February 1850, Appendix No. 59 (195).

There were also many practitioners of herbal or botanic medicine who vied for the attention (and the confidence) of the members of the general public. One such example may be found in the petition of Peter Paul Toney Babey, who claimed to be a Mi'kmaw physician and who described himself as a "Physician, Chemist and Alchemist" who "from his youth has turned his attention to the nature of plants, herbs and the various roots of the Country possessing medicinal qualities." Babey contrasted his medicines, "which renovate the system . . . and have a tendency to prolong life," with those of white, orthodox practitioners who used "minerals and noxious Medicines calculated to destroy life."<sup>40</sup> Another example, from October 1856, was the "celebrated Indian Root and Herb Doctor" Dr. Johnson, who opened an office in downtown Halifax.<sup>41</sup> An even more dramatic example may be found in an incident involving Dr. Frederick W. Morris. Morris was a prominent orthodox physician, serving as the vice-president of the Halifax Medical Society and one of the physicians at the Halifax Visiting Dispensary. In 1861, however, Morris began to recommend a Mi'kmaw remedy for smallpox. The remedy was provided by John Thomas Lane, who also aggressively marketed his "Indian Liniment." Testimonials endorsing the medicine were frequently published in the *Novascotian*.<sup>42</sup> In heralding this remedy, Morris wrote that "I can with confidence assure the public, from the astonishing influences of the remedy I have already seen, that I have not the least misgivings as to its efficacy."<sup>43</sup> Morris's praise of this remedy earned him the scorn of his peers and he was subsequently expelled from the medical society.<sup>44</sup>

The presence of botanic practitioners and the example of Frederick Morris are but two illustrations of a much broader, and historically well-documented, competition within the medical community in North America. Allopathic physicians were but one choice, and they were hardly a homogenous group.<sup>45</sup> Nevertheless, there was an effort on the part of regular physicians to organize themselves. In 1854, an elite group of practitioners had founded the Halifax Medical Society. It was aptly named, since only one of the society's executive officers was from outside the city. The effort to organize orthodox medicine was substantially aided in 1856 when the medical act was revised to provide for the registration of doctors. The 1856 act prohibited unregistered

40 Peter Paul Toney Babey, petition, 19 February 1852, MG15, vol. 4a, #126, NSARM. See also Peter L. Twohig, "Colonial Care: Medical Attendance among the Mi'kmaq in Nova Scotia," *Canadian Bulletin of Medical History* 13 (1996): 333-53.

41 *Acadian Recorder* (Halifax), 4 October 1856.

42 The case of Morris has been discussed previously in Twohig, "Colonial Care," and briefly in Colin D. Howell, "Elite Doctors and the Development of Scientific Medicine: The Halifax Medical Establishment and 19th Century Medical Professionalism," in *Health, Disease and Medicine: Essays in Canadian History*, ed. Charles G. Roland (Toronto: Hannah Institute for the History of Medicine, 1984), 106. Testimonials for the remedy may be found in the following issues of the *Novascotian* (Halifax): 18 February 1861, 22 April 1861, 29 April 1861, 6 May 1861. Morris defended his relationship with Lane in the *Novascotian*, 10 June 1861. Lane's description of himself may be found in *Novascotian*, 22 July 1861.

43 *Novascotian* 29 April 1861.

44 Minutes of the Nova Scotia Medical Society, 6 May 1861, RG1, vol. 431, #129, NSARM.

45 It is difficult to suggest a "typical" orthodox physician. Paul Starr suggested that the differences between physicians could be so great "that doctors cannot be said to have belonged to a single social class." See Starr, *The Social Transformation of American Medicine* (New York: Basic Books, 1982), 81, 84.

persons from receiving provincial appointments, established a fine of five pounds for practicing without being registered, and prohibited unregistered persons from suing for fees for services rendered.<sup>46</sup>

New Brunswick had similar legislation. In 1816, the colony passed legislation to “exclude ignorant and unskillful persons from the practice of physic and surgery” but, in common with other examples of early legislation regarding medical practice, it was largely ineffective. Initial attempts to regulate practice floundered because of the variability of education and training standards and attendant difficulties in assessing qualifications, small or non-existent fines for practicing without credentials, and strong demand from individuals for a range of practitioners (among other reasons). In 1827 Saint John physicians drafted new legislation that established the Faculty of Physicians and Surgeons in New Brunswick, which would examine anyone who wished to practice in New Brunswick and register them.<sup>47</sup> Little changed, however, as only a small proportion of practitioners in New Brunswick ever opted for membership and, according to Peter Mitham, “the Faculty had little strength to claim that it accurately represented the opinions of New Brunswick’s medical practitioners.”<sup>48</sup> As in Nova Scotia, registration was hardly necessary to practice.

By the 1850s, New Brunswick’s regular physicians were struggling for greater recognition and it was Robert Bayard, an Edinburgh-educated physician, who was at the center of the struggle. J.C. Peterson, a homeopath, had established himself in Saint John in May 1856 and the following winter he received an appointment to the new dispensary by the Saint John Common Council. This galled Bayard, and the two men embarked on a very public campaign against one another. The regular physicians, under increasing threat from competitors, mobilized and presented a petition for new legislation. This initial effort failed but the organized physicians would not relent and, in 1859, a second petition was presented calling for strengthened legislation to regulate the qualifications of practitioners. In April 1859, new legislation was passed by the Legislative Assembly with the goal of better enabling the public “to distinguish

46 *Revised Statutes of Nova Scotia 1851; Journal of the Legislative Assembly*, petitions of James Dawson and James Chipman, 21 February 1837; *Revised Statutes of Nova Scotia 1857*. Nova Scotia would not pass the Anatomy Act until 1869. In 1872 the assembly passed a new medical bill, “An Act to Regulate the Qualifications of Practitioners in Medicine and Surgery,” which established the Provincial Medical Board to ascertain the quality of education and training of a candidate for licensure. The Dalhousie Faculty of Medicine was founded in 1868, though between 1875 and 1911 medical education was carried out at the Halifax Medical College. The Halifax Medical Society was renamed the Nova Scotia Medical Society in 1861. The development of the medical profession in the 19th century has been dealt with most fully in Colin D. Howell, “Reform and the Monopolistic Impulse: The Professionalization of Medicine in the Maritimes,” *Acadiensis* XI, no. 1 (Autumn 1981): 3-22; Howell, “Elite Doctors and the Development of Scientific Medicine,” 105-22; and Howell and Michael Smith, “Orthodox Medicine and the Health Reform Movement in the Maritimes, 1850-1885,” *Acadiensis* XVIII, no. 2 (Spring 1989): 55-72.

47 Peter J. Mitham, “For ‘the Honor and Dignity of the Profession’: Organized Medicine in Colonial New Brunswick, 1793-1860,” *Canadian Bulletin of Medical History* 13 (1996): 90. See also W. Brenton Stewart, *Medicine in New Brunswick* (n.p.: New Brunswick Medical Society, 1974), 14, 40-1.

48 Mitham, “For ‘the Honor and Dignity of the Profession’,” 91-2.

qualified from unqualified Practitioners.”<sup>49</sup> But a skilful practitioner who lacked qualifications could still carve out a successful practice in spite of the nascent efforts of regular doctors to regulate medical practice, which is exactly what Francis Tumblety did. He carefully deployed his message through his liberal patronage of the press and through relentless self-promotion. But while Tumblety’s career in British North America could survive in the face of medicine’s attempts to regulate practice, he could not survive a final scandal in Saint John.

On Wednesday evening, 26 September, 1860, James Portmore was dying in his home in the Sydney Ward of Saint John. His wife, on the advice of the attending physician Dr. Botsford, summoned the chief of police to the carpenter’s home. When he arrived, Chief Scoullar was asked to arrest Tumblety who, it was claimed, had poisoned James Portmore. The chief did not act in the absence of a warrant, but he did report the details of the encounter the next day. It was too late for Portmore, who died shortly after the chief had left his home.<sup>50</sup> On Thursday, 27 September, the mayor of Saint John asked the coroner to hold an inquest into the death of James Portmore. A jury was summoned and met in the deceased’s home that afternoon, before moving on to the Saint John County Court House. During the inquest, Mrs. Portmore gave details of her husband’s illness. For more than a decade, he had experienced kidney trouble and “gravel,” but he had been feeling better in recent months and was able to continue his work as a carpenter. Nevertheless, the testimonials that had appeared in the Saint John press praising Tumblety had caught Portmore’s attention and he decided to consult the “Indian Herb Doctor.” Tumblety provided him with some medicine and he took a teaspoon of the preparation, with water, three times daily. He apparently did not tolerate the medicine very well, exclaiming that it would “burn the heart out of a man,” but he continued to ingest it for the next nine or ten days. His appetite began to falter and he returned to Tumblety for a follow-up visit. He was given another bottle of medicine that he took in much the same manner. The patient’s discomfort grew and he began to vomit. Ultimately, Portmore grew weak, was confined to bed, and could no longer take any nourishment. Concerned, Mrs. Portmore went to see Tumblety and insisted that he attend to her sick husband. Tumblety arrived at their home only to face the accusations of Mrs. Portmore, who believed that his medicines had caused her husband’s declining condition and said

49 “An Act to regulate the qualifications of Practitioners in Medicine and Surgery and to provide a Medical Council of Health in the Province of New Brunswick,” *Acts of the General Assembly of Her Majesty’s Province of New Brunswick* (Fredericton: John Simpson, 1859), 66-73. The legislation became effective on 1 June 1860 and established “The Medical Faculty of New Brunswick,” which encompassed all persons registered under the act. Eligible persons would possess a medical degree, diploma, or license to practice medicine or surgery from any college or other public institution in Great Britain, Ireland, Canada, France, or the United States, as well as anyone who was in practice in New Brunswick from 1852. Under Section 22 of the act, “Any person who shall willfully or falsely pretend to be, or take or use the name or title of a Physician, Doctor of Medicine, Licentiate in Medicine and Surgery, Bachelor of Medicine, Surgeon, or general Practitioner, or any name, title, addition or description, implying that he is registered under this Act . . . shall, upon a summary conviction . . . pay a sum not exceeding twenty pounds.” Under Section 21, those who falsified their credentials to gain entry to the registry could face a term of imprisonment of up to one year. See also Mitham, “For ‘the Honor and Dignity of the Profession’,” 101-3.

50 *The Morning Freeman*, 29 September 1860.



that she intended to show the remaining medicine to other doctors.<sup>51</sup>

Tumblety picked up one of the bottles and inhaled. He instructed Mrs. Portmore to place hot water fomentations over the area of the kidneys and indicated that he would go and get a balsam that would settle the patient's stomach, promising to return later in the afternoon. After he departed, Mrs. Portmore noted that the bottles were missing. Despite his promise he did not return that afternoon, instead sending word that he was busy. Two physicians, Dr. Humphreys and Dr. Botsford, did attend to Mr. Portmore, who died that evening. The two physicians also performed a post-mortem examination on the Thursday. The doctors concluded that the "immediate cause of death was acute inflammation of the stomach. . . . They stated also that, according to the highest medical authorities, inflammation of the stomach is rarely if ever idiopathic, or arising from natural causes, but is the result of the introduction of some powerful irritant into the stomach." The coroner told the jury that he concurred with this assessment.<sup>52</sup> While there was no direct evidence that would reveal the nature of concoction administered to Portmore, a local apothecary – Thomas Barker – offered insight into Tumblety's typical purchases from his business. Barker testified that Tumblety purchased large quantities of Irish moss, sarsaparilla extract, and some simple herbs but that he "never got any poisonous mineral acids."<sup>53</sup>

The next witness was Samuel B. Estey, with whom Tumblety had boarded for three months. Estey saw Tumblety Thursday evening, at about nine o'clock, when the herb doctor descended the stairs, lit a cigar, and went out. Estey had not seen him since, though Tumblety's clerk, William Hamilton, settled his account.<sup>54</sup> For his part, Hamilton testified that he had met Tumblety on a steam ferry and worked for him for about three weeks, helping with appointments and the flow of patients. Hamilton had run into his employer between ten and eleven o'clock Thursday evening on St. Andrew's Road. Tumblety was astride a white horse and was wearing a cap, cloak, and grey trousers and accompanied by his dog. They walked and rode together, as Hamilton guided him to the Gate Bridge. When they arrived, the bridge was closed and Tumblety gave his clerk a final set of instructions. Hamilton was to tell the gatekeeper that someone was sick in Carleton and that Rev. Mr. Dunphy had asked Tumblety to come. Hamilton stated that he believed this was the case, but when they were a quarter of a mile from the bridge Tumblety inquired about the road to Calais, Maine. Hamilton was unsure of the way but this did not dissuade Tumblety, who indicated that he was going to find his way to Calais. He gave the clerk some money to settle his bills and told him that he would receive a telegraph as to Tumblety's whereabouts. At the time of the inquest, Hamilton did not know the whereabouts of Tumblety.<sup>55</sup> He had, in fact, fled to the United States.

Hamilton had no role in preparing medicines, nor could he offer insights into them. He had, on occasion, picked up packages of herbs and solutions from Mr. Barker, but

51 *The Morning Freeman*, 29 September 1860.

52 *The Morning Freeman*, 29 September 1860.

53 *New Brunswick*, 29 September 1860.

54 The clerk is identified as William Hamilton in *The Morning Freeman*, 29 September 1860, and as James Hamilton in *New Brunswick*, 29 September 1860.

55 *The Morning Freeman*, 29 September 1860.

he never had a printed order.<sup>56</sup> Nor were there labels on the bottles. Mr. Barker apparently knew what Tumblety had wanted. The inquest then heard from Barker, an apothecary and druggist, who was able to offer some insights into Tumblety's medicines. Barker estimated that Tumblety purchased 70 to 80 pounds of Irish moss, which he purchased in quarter-pound packages. He also purchased a compound extract of sarsaparilla, some mandrake, balsam copaiba, sweet spirits of nitre, several ounces of cayenne pepper (on one occasion) and a variety of "simples" or herbal products. The druggist indicated that Tumblety most often purchased "quarter dollar bottles" of Perry Davis' Pain Killer and Russian Salve, and that he had never purchased ammonia or mineral acids. The report of Barker's testimony ended thusly: "He frequently told persons who enquired of him, that the medicines Dr. Tumblety got would do no harm if they did no good." The coroner's jury was unconvinced that Tumblety's preparations did no harm and, after deliberating for 30 to 40 minutes, found Tumblety guilty of manslaughter.<sup>57</sup>

The *Morning News* reported that "Dr Tumblety Tumble D," noting that his practice in Saint John had collapsed under the weight of the charges and that he had fled the city "for parts unknown." The paper mocked Tumblety:

There was no case complicated enough to baffle the skill of Doctor Tumblety. – Every patient who came along – no matter how long standing, or deep rooted the disease – was led to believe that our Esculapius, having the elixir of life within his grasp, was able to effect a cure. The cost was regulated by the nature and extent of the disease. A person so far gone in decline that all the Doctors had given him up, was of course an expensive patient – that is to the patient himself; but a most profitable one to the Doctor . . . in fact [Tumblety] was performing miracles with his vegetables, where the mineral doctors with all their skill and science had failed. But then as dead men tell no tales, and there was nothing to show from those whom he may have sent to their long account, is not easy to judge of all the harm or good the Doctor ever did in St. John.<sup>58</sup>

Perhaps anticipating criticism, the *Morning News* acknowledged that Tumblety was also a "most profitable patron of the printers." The editors opined that since Tumblety was not doing anything illegal, they could not reasonably decline his advertisements.<sup>59</sup> Others took a more critical role of the press in advancing Tumblety's career. *The British American Journal*, noting that Tumblety had fled to the United States, suggested "that with the assistance of the press, which he subsidizes heavily, he will be permitted again to continue his vocation, reap handsome returns,

56 The newspaper account does not identify Barker further. It was likely T.B. Barker, who often advertised in *The Morning Freeman*. See, for example, 21 June 1860.

57 *The Morning Freeman*, 29 September 1860. Tumblety's legal troubles in New Brunswick attracted attention in Rochester as well. One paper, drawing on reports from New Brunswick, noted that "The Dr Tumblety who resided here when a boy, and who has occasionally visited the city since, has got into trouble in St. Johns [sic], New Brunswick." See *Rochester Union and Advertiser*, 5 October 1860.

58 *Morning News*, 1 October 1860.

59 *Morning News*, 1 October 1860.

and send more unfortunate trusting victims to their graves. Without the assistance of the press, it is impossible that he could have succeeded as he did, and this inquest discloses the fact, that it was in consequence of seeing his advertisements, and believing in them, that the unfortunate man Portmore entrusted his life in his hands and fell the victim of his credulity.”<sup>60</sup> The *Morning News*, on the other hand, asked why, if Tumblety was such a charlatan, did no one ever challenge his claims in the press? The paper suggested that Tumblety “was watched at every turn. He had the whole of the Medical Faculty arrayed against him; because there was not a Doctor in St. John but who was fully impressed with the belief that Tumblety was an Empiric, and was doing an injury in the community, killing or cheating ignorant people.”<sup>61</sup>

The *Morning News* suggested that medical practitioners of all stripes, including homeopaths and allopaths, had aligned themselves against Tumblety and seized the opportunity to bring charges against him under the medical act. This effort, however, had had very little impact, and Tumblety had continued to practice in Saint John. Tumblety’s practice, however, could not escape the consequences of a manslaughter charge. On 3 October 1860, *The Morning News* reported that they received a telegraph from Tumblety, acknowledging that he was aware of the charges and that he intended to return to Saint John “when my business here is finished – earlier if the authorities desire.” Tumblety also proclaimed his innocence of the charges. The newspaper noted that a coroner’s inquest did not return a verdict of manslaughter lightly and that there must have been “unmistakable evidence to support it,” though they did acknowledge that they had no particular insight beyond the proceedings as reported in the press. After fleeing to America, Tumblety did not return to Saint John. The editors of the *Morning News* added that Tumblety indicated that he would return as soon as the circuit court proceedings against him began. He refused to return before that time because he would not be eligible for bail.<sup>62</sup>

Tumblety’s own version of events was published in *The Eastport Sentinel*, a Maine newspaper, and this article was reprinted in the *Morning Freeman*. In his version of the events, Tumblety highlighted the conflict between himself and the city’s medical elite. Tumblety described himself as the “strolling, humbugging Yankee,” demarcating his difference from Saint John’s medical elite, and related how he was fined “for something” (leaving out the detail that he was practicing in contravention to the medical act). Tumblety noted that even though the court decision was reversed, he gave an amount equivalent to the fine to the poor of the city. Tumblety’s own account indicated that he “had triumphed. The rush of the afflicted to his rooms was greater than ever. The city doctors shouted out to the people at every street corner, even on Dr. Tumblety’s doorstep, ‘he is a humbug.’ But this did no good. The people heeded them not. The money still poured into Tumblety’s pocket. They then declared the people were fools, to be thus humbugged.” The article then offers an alternative interpretation of the Portmore affair, noting that regular physicians in Saint John “could not check” Tumblety’s popularity and that “something desperate must next be resorted to.” Tumblety acknowledged that Portmore had died, but claimed that he had

60 *The British American Journal* 1, no. 10 (October 1860): 473-4.

61 *Morning News*, 1 October 1860.

62 *Morning News*, 3 October 1860.

told the patient that his case was incurable and that he prescribed “a decoction of parsley tea” to relieve him. According to this alternate account, another doctor (“one of the Faculty”) advised Portmore to discontinue the tea and prescribed a different medicine. The patient subsequently died. The account then details the conspiracy of organized medicine:

Here was a case. The ingenuity of the doctors was employed to use it against their rival. Dr. Tumblety was absent from the city on professional business.

Over their wine the doctors planned. Portmore was dead. He had taken Tumblety’s medicine. These were the materials. A coroner’s inquest was held, presided over by one of the doctors, a bitter enemy of Dr Tumblety’s. Three brothers of the Coroner were on the Jury. . . . Portmore was dead that was certain, [but] what killed him was not so certain but they would charge it to Tumblety. The Coroner, therefore, put on a solemn face, and told the Jury they should bring in a verdict of manslaughter. The Jury knew what they were empanelled for and obeyed.<sup>63</sup>

Although Tumblety never returned to Saint John, he did continue to practice from time to time in settings across the United States and in England for more than another decade.<sup>64</sup> What was the significance of Francis Tumblety’s sojourn in Saint John in 1860? While the “Indian Herb Doctor” left the city under a cloud of suspicion and was quickly vilified in the press as a charlatan, it was still possible to purchase the Perkins Indian Herb Ointment – an illustration of how the medical marketplace remained highly competitive and how regular physicians continued to face stiff competition from several quarters.<sup>65</sup> His troubles in Saint John were also followed in Montreal, where he had previously practiced. *The British American Journal*, reporting on the manslaughter verdict, wrote “We trust that this affair will terminate Tumblety’s exploits in the British Provinces. It is much to be regretted that any latitude whatever should be allowed to such a fellow, or one of his kidney, for the performance of his tricks. But such is the credulity of the public, that it is ever ready to patronize any one who professes to assume something of the marvelous, and the more readily, the more extraordinary or more marvelous the pretension.”<sup>66</sup> And Tumblety continued to cast a shadow over the medical profession in New Brunswick, even after his departure. In 1862, a new medical bill was being considered. During the debate over the merits of the bill, some members of the Legislative Council stated that it would be a good measure to dissuade imposters

63 *The Sentinel* (Eastport, ME), 10 October 1860. This was reprinted in *The Morning Freeman*, 16 October 1860. In introducing the article, the editors of the Saint John paper noted the article was Tumblety’s rendition of his time in Saint John “told by himself.”

64 Riordan, *Prince of Quacks*.

65 Daniel H. Perkins, a Saint John druggist, marketed his “Indian Herb Ointment” as a cure for “scrofula, burns, scalds” and a variety of other conditions. Like Tumblety, he published local testimonials praising this salve. See, for example, *Morning Telegraph*, 11 July 1865.

66 *The British American Journal* 1, no. 10 (October 1860): 473-4.

like Tumblety (who was apparently discussed at length).<sup>67</sup>

Francis Tumblety's Saint John sojourn offers an opportunity to consider the landscape of medical practice, a number of medico-legal issues, and, significantly, how peripatetic practitioners drew upon patient expectations to position themselves in a highly competitive medical marketplace. During this part of his career, Tumblety was able to move freely between British North America and the United States and establish and re-establish a successful practice in different settings. His success illustrates that "regular" medical doctors still could not regulate who could practice medicine despite their very active project of professional uplift, which included strategies such as lobbying for new or better medical acts or establishing medical societies. John Harley Warner has argued that the competitive medical marketplace was symptomatic of the declining status and power of medical orthodoxy, which lacked an effective therapeutic response to most clinical conditions.<sup>68</sup> The inability of regular doctors to offer solutions to most of the clinical ills of the population opened up a space in which homeopaths, herbalists, and others could practice. That prominent regulars such as Frederick Morris turned to natural cures, while others continued to consult with homeopaths or other practitioners, is indicative of the therapeutic uncertainty that characterized allopathic medicine in this period.

Faced with this competition, and in the absence of an effective therapeutic or scientific rationale, regular physicians turned to other strategies to secure markets and gain public confidence. Geoffrey Bilson pointed out many years ago that "the chief means by which regular doctors sought to make theirs an exclusive profession were education, examination and licensing. Some of the major efforts toward achieving professional standing were made between the early 1830s and the later 1860s, but they were made at a time when the doctors were losing public esteem."<sup>69</sup> There is a considerable literature in the context of the Maritimes about all of these strategies from the perspective of organized medicine.<sup>70</sup> What an analysis of Francis Tumblety's career reveals is that a skilful practitioner of unorthodox medicine could carve out a successful practice in spite of the nascent efforts of regular doctors to professionalize. Understanding a practitioner like Francis Tumblety, and his lasting appeal, thus

67 *The Morning Freeman*, 24 April 1862. Tumblety also continued to attract comments from other locales where he practiced. For example, a paper "upon the career of Dr. Tumblety, 'the Indian herb doctor,' which dilated upon his wonderful cures and his wholesale quackery," was read at the 19 May 1881 meeting of the Toronto Medical Society. See editorial, *Canadian Journal of Medical Science* 6, no. 10 (October 1881): 338.

68 John Harley Warner, *The Therapeutic Perspective* (Cambridge: Harvard University Press, 1986), 38-9.

69 Geoffrey Bilson, "Canadian Doctors and the Cholera," in *Medicine in Canadian Society: Historical Perspectives*, ed. S.E.D. Shortt (Montreal: McGill-Queen's University Press, 1981), 122.

70 In addition to the aforementioned legislation in New Brunswick, Nova Scotia passed a revised medical act that prohibited unregistered persons from receiving provincial appointments or suing for the recovery of fees. But the penalties in this act did little to dissuade people from practicing without registration. See *Revised Statutes of Nova Scotia 1857*. The development of all of these areas has been analyzed in Howell, "Reform and the Monopolistic Impulse"; Howell, "Elite Doctors and the Development of Scientific Medicine"; and Howell and Smith, "Orthodox Medicine and the Health Reform Movement in the Maritimes, 1850-1885." See also Marble, *Physicians, Pestilence, and the Poor*, esp. chap. 2.

provides insights into a critical period in the history of medicine when there was no therapeutic or social reason to limit one's choices. While it is certainly possible to focus on the sensational, and sensationalized, aspects of Tumblety's career, understanding the "Celebrated Indian Herb Doctor" in the context of medicine in the mid-19th century is even more revealing.