

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

**A. D. 1833.**

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**STATE OF MAINE.**

*In Senate, February 2, 1833.*

The Committee to whom was referred so much of the Governor's Message as relates to legalizing the study of Anatomy, together with sundry petitions on the subject, have had the same under consideration and ask leave to

**REPORT:**

That in the opinion of your Committee it is indispensably necessary, that all who engage in the healing art, should have a correct knowledge of Anatomy. This knowledge cannot be obtained, except very partially, but by human dissection—all that can be obtained by books, plates, and models of the human body, fall far short of the true Anatomical Science.

Nothing is more complicated than the human system; and no study more profound than that of the

medical profession; the foundation of which is, and always must be, a knowledge of Anatomy.

The Physician, as well as the Surgeon, ought to be acquainted with Anatomy. In local affections, by a knowledge of the various organs, and their particular functions, he is able the better to trace the symptoms of disorders to the parts affected, and of course to administer remedies best calculated to remove them.

The Surgeon who is not skilled in Anatomy, is always to be doubted, and in extreme cases, dangerous. If in performing a surgical operation he does right, it is by accident; if wrong, through ignorance of Anatomy.

The medical practitioner who is ignorant of Anatomy, according to the present policy of the State, may be said to be legally ignorant; and on account of that ignorance, is liable to be arraigned before a Judicial tribunal, and lose both character and property, for mal-practice. People by yielding to a false sympathy for the dead, show but little compassion for the living. In the opinion of your Committee, many have lingered long in distress, and have been made invalids for life, for the want of the benefit of that skill, which can never be obtained except by human dissection.

While we would be the last to trifle with the sympathies of the people, or outrage public feeling; with deference we would ask who are suitable objects for commiseration? Is it the dead whose life and sensation are forever gone? or the living who, by a casualty, has received a wound, which must prove fatal, unless a Surgeon of Anatomical Science can be obtained; but on account of the legal re-

strictions to the attainment of that knowledge, no one can be brought to the assistance of the sufferer, and he dies without an attempt to rescue him from a premature grave. Such an one would be a fit object for sympathy and compassion. Such instances have occurred, and will frequently occur in a great community.

Your Committee ask whether it is not an anomaly in the policy of our State, that while all other branches of the useful arts and sciences, are encouraged, and receive the fostering care of the Government, that which is so intimately connected with our health and even our lives, is kept under the lock and key of the Law. Whoever obtains the knowledge of Anatomy, violates the laws of the State, and thereby incurs a formidable and ruinous penalty;—and all who engage in the practice of the healing art, without such knowledge, are liable to prosecution and fine, for mal-practice.

Believing that the time has arrived when the enlightened citizens of Maine, will sanction prudent, and legally guarded provisions, for the study of Anatomy; which, while it will serve to protect more securely the sepulchres of the dead, and outrage the feelings of none living, will enable medical men to obtain that knowledge lawfully, which has for ages been obtained, when obtained at all, in a way repugnant to all people.

Your Committee, therefore, have directed me to report a Bill, which is herewith submitted.

**JOHN BURNHAM, *Chairman.***

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## STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND THIRTY-THREE.

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AN ACT to legalize the Study of Anatomy in  
certain cases, and to protect the sepulchres of  
the dead.

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SEC. 1. *Be it enacted by the Senate and  
2 House of Representatives, in Legislature as-  
3 sembled, That, from and after the passing of  
4 this Act, it shall be lawful for the Selectmen or  
5 Board of Health of any town, or the Assessors  
6 of any Plantation, in this State, or for the Mayor  
7 and Aldermen of the city of Portland, to surren-  
8 der the dead bodies of such persons as may be  
9 required to be buried at the public expense, to  
10 any regular physician, duly licensed according to  
11 the laws of the State, to be by him used for the*

12 advancement of anatomical science; preference  
13 being given to the Medical Schools, now or here-  
14 after to be established, during those portions of  
15 the year in which subjects may be needed in  
16 such schools, for the instruction of medical stu-  
17 dents. *Provided*, always, that no dead body  
18 shall be surrendered, as aforesaid, in any case,  
19 if, within twenty-four hours after its death, any  
20 one or more persons, claiming to be relative or  
21 friend to the deceased, shall require to have said  
22 body inhumed at his or their expense; or if it be  
23 made to appear to said Selectmen or Board of  
24 Health, Assessors or Mayor and Aldermen, that  
25 the deceased was a stranger or traveller, who  
26 died suddenly, without making known who or  
27 whence he was. *And provided*, further, that  
28 every physician, receiving any such dead body,  
29 shall, before receiving the same, give to the  
30 Treasurer of the city, town or plantation, in  
31 which the surrender of such body shall be made,  
32 a good and sufficient bond that said body shall  
33 be used only for the promotion of anatomical  
34 science, and in this State only, and in such  
35 manner as, in no event, to outrage the public  
36 feeling; and that all parts of said bodies, not

37 used for anatomical purposes, shall be decently  
38 inhumed.

SEC. 2. *Be it further enacted,* That it  
2 shall be lawful for any physician, duly licensed  
3 according to the laws of the State, or any medi-  
4 cal student under his authority, to have in pos-  
5 session, use and employ human dead bodies, or  
6 parts thereof, for anatomical inquiry or instruc-  
7 tion.

SEC. 3. *Be it further enacted,* That, if any  
2 person shall, within any town, plantation or city  
3 of this State, without being authorized by the  
4 Selectmen or Board of Health, Assessors or  
5 Mayor and Aldermen thereof, knowingly and  
6 wilfully dig up, remove or carry away any hu-  
7 man dead body, or the remains thereof, or aid  
8 in doing the same, the person so offending, on  
9 conviction thereof, in the Supreme Judicial  
10 Court, shall suffer punishment by fine not ex-  
11 ceeding one thousand dollars, or imprisonment  
12 not exceeding one year.

SEC. 4. *Be it further enacted,* That any  
2 person or persons, accessory to the commission  
3 of the offence specified in the third section of this  
4 Act, whether before or after the fact, shall, on



5 conviction thereof before said Court, suffer the  
6 punishment in said section provided and speci-  
7 fied.

SEC. 5. *Be it further enacted,* That if any  
2 person or persons, authorized by this Act to  
3 surrender any dead bodies for anatomical pur-  
4 poses, shall demand or receive any fee or reward  
5 for any such surrender, he or they, so offending,  
6 shall forfeit and pay a penalty of one hundred  
7 dollars, to be recovered by action of debt; one  
8 moiety thereof to the use of the State, and the  
9 other moiety to the person who may sue there-  
10 for.

SEC. 6. *Be it further enacted,* That an Act,  
2 passed the fourteenth day of February, one  
3 thousand eight hundred and twenty-one, entitled  
4 “An Act to protect the sepulchres of the dead,”  
5 and all other Acts and parts of Acts, inconsis-  
6 tent with the provisions of this Act, be and the  
7 same hereby are repealed.

STATE OF MAINE.

IN SENATE, *February 2, 1833.*

ORDERED, That three hundred copies of the foregoing Report and Bill be printed for the use of the Legislature.

[Extract from the Journal.]

T. J. CARTER, *Secretary.*