

# 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.**

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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, NEW DRAFT.

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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 the deceased, or any of his relatives or*  
20 *friends, during his or her lifetime, have made*  
21 *known to the municipal authorities, where said*  
22 *deceased resided, the wish that his or her body,*  
23 *after death, should not be so surrendered; or*  
24 *if, within twenty-four hours after its death, any*  
25 *one or more persons, claiming to be relative or*  
26 *friend to the deceased, shall require to have said*  
27 *body inhumed at the public expense; or if it be*  
28 *made to appear to said Selectmen or Board of*  
29 *Health, Assessors or Mayor and Aldemen, that*

30 the deceased was a stranger or traveller, who  
31 died suddenly, without making known who or  
32 whence he was. And *provided*, further, that  
33 every physician, receiving any such dead body,  
34 shall, before receiving the same, give to the  
35 Treasurer of the city, town or plantation, in  
36 which the surrender of such body shall be made,  
37 a good and sufficient bond that said body shall  
38 be used only for the promotion of anatomical  
39 science, and in this State only, and in such  
40 manner as, in no event, to outrage the public  
41 feeling; and that all parts of said bodies, not  
42 used for anatomical purposes, shall be decently  
43 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. *Provided, however, that any physician*

8 *or medical student, having in his possession*  
9 *any human dead body for the purpose of dis-*  
10 *section, shall be held liable to the penalties of*  
11 *the third section of this Act, unless he shall*  
12 *have produced evidence, to the satisfaction of*  
13 *the Selectmen or Board of Health of any town,*  
14 *or the Assessors of any plantation in this State,*  
15 *or the Mayor and Aldermen of the city of Port-*  
16 *land, that he obtained such dead body without*  
17 *violating the provisions of this Act, or that he*  
18 *obtained the same without the limits of this*  
19 *State.*

SEC. 3. *Be it further enacted, That, if any*  
2 *person shall, within any town, plantation or city*  
3 *of this State, knowingly and wilfully dig up,*  
4 *remove or carry away any human dead body,*  
5 *or the remains thereof, or aid in doing the same,*  
6 *except for the purpose of re-interment, the per-*  
7 *son so offending, on conviction thereof in the Su-*  
8 *preme Judicial Court, shall suffer punishment*  
9 *by fine not exceeding one thousand dollars, or*  
10 *imprisonment 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 make such surrender contrary to*  
5 *the provisions of this Act,* or shall demand or  
6 receive any fee or reward for any such surren-  
7 der, he or they, so offending, shall forfeit and  
8 pay a penalty of one hundred dollars, to be re-  
9 covered by action of debt; one moiety thereof  
10 to the use of the State, and the other moiety to  
11 the person who may sue therefor.

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  
5 Dead," and all other Acts and parts of Acts,  
6 inconsistent with the provisions of this Act, be  
7 and the same hereby are repealed.



HOUSE OF REPRESENTATIVES, }  
February 11, 1833. }

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

[Extract from the Journal.]

**Attest:** **ASAPH R. NICHOLS,** *Clerk*

**I. BERRY & CO., PRINTERS TO THE STATE.**