

MAINE STATE LEGISLATURE

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1837.

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SEVENTEENTH LEGISLATURE.

No. 33.

HOUSE.

STATE OF MAINE.



HOUSE OF REPRESENTATIVES, }
March 8, 1837.

THE Joint Select Committee, to whom was referred sundry petitions for the encouragement of the study of anatomy and pathological science, have had the same under consideration, and ask leave to

REPORT:

That after mature reflection, they are convinced that the good of community and the welfare of society imperiously demand some legislative act, which shall afford suitable protection and encouragement to the study of anatomical, surgical and pathological science. It is a singular fact, that while we have been pursuing a liberal policy towards other professions, we have withheld from the medical profession that encouragement and those facilities, which are absolutely necessary in order to obtain a correct knowledge of the human system. We deprive them of the only true means for acquiring a competency of skill, and then subject them to the moral and pecuniary liabilities in case of mal-practice. Your Committee are aware of the prejudice that exists in the public mind against human dissections, yet in no other way can that information be

acquired which every surgeon ought to possess ; and whatever may be the prejudices and feelings of any portion of community, in regard to this subject, a plain and palpable truth presents itself, that without the advantages, of the dissection of the human body, no man can be a safe or skilful operator as a surgeon ; and ought not every encouragement to be given to those in whose hands our lives and limbs are so often placed ? It is not for the benefit of the medical profession exclusively that we are called upon to legislate, but for the community and each and every member which compose it ; it is to lessen human misery and alleviate human anguish. Human dissections will take place, it is a fact we cannot close our eyes against. The acknowledged skill in the medical profession in Maine has, we fear, too often been acquired by a violation of the existing law. On whom ought the blame to rest ? Certainly not on the surgeons, for we oblige them to keep pace, in their practice, with the improvements of the age. The *law* is *defective*, there is a singular inconsistency in it ; it forbids dissection and refuses to the profession the only means for acquiring that skill and science which, by the *law* itself is *demanded* of physicians ; and your committee are decidedly of the opinion, that it would be far better to grant your petitioners that protection and encouragement for which they pray, than to continue to hold them responsible to a law, which is unjust, unwise and impolitic in its principles—it makes them felons in performing a duty, which by law they are compelled to do. Other States have taken the lead in a matter of so great importance, and have set us an example in a liberal policy, which if adopted would be of incalculable benefit to the whole community. Under the existing law, students of medicine are under the necessity of leaving the State to pursue their studies, and

seek instruction in those States where dissection is not a crime, and where the best inducements exist to obtain the necessary knowledge to qualify them for future usefulness. And is it not our duty to extend to our citizens equal privileges and equal encouragements to those offered them by our "sister States?" It is due them as an act of justice, that we give them every facility within our power for improvement in so useful a profession as that of medicine.

That profession have complained long and loud that we have not extended to them the same encouragement that we have to others—"every facility (say they) is given to the attainment of honorable distinction in all the other arts and sciences, while that which has for its object a knowledge of the structure of man, with a view to heal the diseases to which he is subject, and to repair the injuries to which he is liable from a thousand casualties, is not only unprotected and unprovided for, but virtually condemned and disgraced." They are now silent, and other men, who know and feel the necessity of a perfect knowledge of the human system in order to ease the tortured fibre and restore the fractured limb, have come forward and asked the Legislature, what in justice ought long since to have been extended to the profession, *suitable* encouragement and protection in the study of anatomical and surgical science; and your Committee would urge the necessity at this time of some legislative enactment to remedy the evils arising from the defects of the present law, which, while it shall have due regard to the tenderest sympathies of human nature and those "innate feelings so common to man, cherished and confirmed by habit and education, which views the dead with an hallowed awe, and desires their removal from the inspection of the living," shall grant a suitable protection and encouragement to those who are

thirsting after anatomical knowledge. In accordance with these views, your Committee have prepared a BILL TO ENCOURAGE THE STUDY OF ANATOMY, which is herewith respectfully submitted.

N. C. FLETCHER, Per order.

STATE OF MAINE.

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

AN ACT to encourage the study of Anatomy and Surgery.

SECTION 1. *Be it enacted by the Senate
2 and House of Representatives in Legislature
3 assembled, That any physician or surgeon may
4 have in his possession human dead bodies, or the
5 parts thereof, for the purpose of anatomical, sur-
6 gical or pathological investigation; Provided,
7 however, That if at any time it shall be proved
8 that any surgeon or physician has unlawfully
9 come into possession of any body or parts of a
10 body, he shall be liable to all the penalties con-
11 tained in an Act entitled "An Act to protect the
12 sepulchres of the dead"—approved February
13 fourteenth, eighteen hundred and twenty-one.*

SECT. 2. *Be it further enacted*, That the
 2 Selectmen of towns, the Board of Health, or the
 3 Mayor and Aldermen of cities, may surrender
 4 the dead bodies of such persons, as are required
 5 to be buried at the public expense, to any phy-
 6 sician or surgeon duly qualified according to law,
 7 to be by him used for the advancement of anat-
 8 omical, surgical or pathological science; or to
 9 the medical school, by law established in this
 10 State, to be used in the instruction of medical
 11 students.

SECT. 3. *Be it further enacted*, That no
 2 such dead body shall in any case, be so surren-
 3 dered, if the deceased person during his or her
 4 last sickness, requested to be buried, or if
 5 within twenty four hours after his or her death,
 6 any person claiming to be of kindred or a friend of
 7 the deceased, and so satisfying the proper board
 8 of officers, shall require to have the body buried,
 9 or if such deceased person was a stranger
 10 or traveller, who suddenly died before making
 11 himself known; but the dead body shall in all
 12 such cases be buried.

SECT. 4. *Be it further enacted*, That every
 2 physician or surgeon shall before receiving such

3 dead body, give to the board of officers, surren-
4 dering the same to him, a sufficient bond, that
5 each body so by him received, shall be used only
6 for the promotion of anatomical, surgical or
7 pathological science, that it shall be used for
8 such purpose within this State only, and so as in
9 no event to outrage the public feeling; and that
10 after having been so used, the remains thereof
11 shall be decently buried.

STATE OF MAINE.

**HOUSE OF REPRESENTATIVES, }
MARCH 9, 1837.**

**Ordered, that 1000 copies of the foregoing Report and
Bill be printed for the use of the Legislature.**

(Extract from the Journal.)

Attest, CHARLES WATERHOUSE, Clerk.