

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1844.

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1844.

TWENTY-FOURTH LEGISLATURE.

No. 29.]

[HOUSE.

REPORT AND BILL

OF THE

COMMITTEE ON ANATOMY.

[WM. R. SMITH & Co....Printers.]

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 20, 1844. }

ORDERED, That 400 copies of the following Report and Bill,
be printed for the use of the Legislature.

WM. T. JOHNSON, *Clerk.*

REPORT.

THE joint select committee, to whom was referred sundry petitions for the encouragement of the study of Anatomy, having had the same under consideration, beg leave to

REPORT:

That in their opinion it needs no argument to prove, that there is much of physical suffering, deformity and premature death in our land; for one has but to look around, and behold the maimed, the halt, the blind, and those afflicted with every disease to which "humanity is heir." As philanthropists—as law makers upon the watch tower to guard the welfare and happiness of the people—to alleviate sorrow and lessen human misery in all its forms, it may well become us, and it is our imperative duty to inquire if there are means to remedy these evils, and if so, to disseminate them as widely as possible.

It is not only true that the "sick need a physician," but it is highly important to the welfare and safety of the patient, that the physician should thoroughly understand his profession. No prudent man would entrust the repair of his watch to a blacksmith, or engage a ship carpenter to construct a piano forte, and surely the human frame is not less complicated than most other machines, or of so much less importance, that a man ignorant of its various parts and their functions can with any propriety undertake to repair it.

Especially is it important that a surgeon should have a minute knowledge of every part of the human system, as no part is exempt from disease or injury. It is true a man who is ignorant of Anatomy may sometimes perform a surgical operation, "rushing on like

the unthinking horse to battle," or proceeding like a blind man in an unknown and difficult path, and be unsuccessful, but such cases are only exceptions to the general rule, and fortunate indeed is it for community, that many as there are who practice medicine, ignorant of the human system, few, very few, make any great pretensions to surgery, without a knowledge of Anatomy and Physiology; and he must have fortitude and rashness by far superior to those possessed by most men, who will undertake an operation which will through his ignorance place the life of a fellow being in imminent and immediate peril.

But if the importance of a knowledge of Anatomy to a surgeon is evident, it must be equally evident, that he cannot have such knowledge without dissection of the human body. In ancient times when darkness and superstition covered the land, from a horror and disgust for human dissection, the body of the brute supposed most nearly to resemble that of man, was substituted, and what errors were thus committed, and how many valuable lives sacrificed, any one may well judge who knows the material differences between the organization and arrangement of the human and brute system.

It is not only necessary that a surgeon should have that general knowledge of Anatomy which he may have gained from dissection during his attendance upon medical lectures—from plates and dried specimens, but in order to perform operations in a skilful and successful manner, he must with unwearied patience devote himself to private dissection. It is no holy-day service to learn to use the surgeon's knife with a master's hand.

There would seem to be a peculiar inconsistency in the laws relating to the practice of medicine and surgery and to anatomy, for while physicians are held responsible for malpractice, they are deprived of the means for gaining that knowledge which will alone properly qualify them for the important and responsible duties of their profession. Therefore the plainest principles of common sense would dictate, that one of the aforesaid laws should be changed. But if you exempt a man from liability for malpractice, you do great injury to community by at once letting loose a class of men,

who may with impunity maim, deform, and even send to a premature grave as many victims as their shrewdness and tact may have drawn within the sphere of their influence. Then the only rational and consistent course is to pass a law giving encouragement to the study of Anatomy. This would obviate the necessity, which many young men of our State feel, for going elsewhere to gain knowledge upon this subject. The promotion of science requires it—the safety of the health and lives of the people imperatively demand it—morality too speaks loudly in its favor.

It is always an evil to violate law, but it may be a still greater evil to be deprived of the benefits which an unjust and oppressive law would forbid. On this ground many surgeons feel perfectly justified in disregarding existing laws upon this subject, for the purpose of gaining knowledge to be used for the good of their fellows. Heinous as may be considered the crime of robbing the sepulchre, it cannot be disguised, that it is frequently done by the best and most honorable and pious physicians. If there were not other facts to this point, their skill in their profession would be sufficient proof. But when they shall be protected as are other professions and pursuits, all pretext for such a course will cease, and it will become unpopular—will be considered disgraceful to violate the sanctity of the grave.

We are perfectly aware, that heretofore there has been a strong feeling in community against human dissection, and that even now the same feeling exists to some considerable extent, and though this may be considered by many as evidence of gentleness and kindness of heart, yet if so, in our opinion it is likewise an evidence of want of proper information or consideration upon the subject. Is there any thing more unpleasant in the thought that a dead body is to be dissected, than that it is to be placed in the earth, in a few weeks or months to moulder and be devoured by filthy worms?

We would, as far as consistent with the increase and spread of useful knowledge and the general welfare of the people, gratify the caprices of those, who are opposed to human dissection, but we cannot give our consent, that the former should be wholly sacrificed

to the latter. But we rejoice that new light upon this subject has sprung up—that most of the superstition which once existed with regard to it has been dispelled by the conviction that the health and happiness of community—the soundness and symmetry of the limbs and of the system generally is intimately connected with it—and we are fully confident that enlightened public opinion would not only justify the enactment of a law for the purpose hinted at in the foregoing report, but loudly calls for it. We would therefore respectfully submit the accompanying bill, bespeaking for it that favor to which, from the importance of the subject, it seems to us justly entitled.

S. B. MORISON, *Per Order.*

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FORTY-FOUR.

AN ACT for the encouragement of the study of Anatomy
and Physiology.

*Be it enacted by the Senate and House of Represen-
2 tatives in Legislature assembled*—as follows :

3 SECTION 1. From and after the passage of this act
4 it shall be lawful for the aldermen of any city, the
5 overseers of the poor of any town, the assessors of
6 any plantation, the warden of the State's prison or the
7 keepers of the county gaols to surrender the dead
8 body of any such person as is required to be buried
9 at the public expense, to any surgeon or physician, to
10 be by him used for the advancement of anatomical
11 science. *Provided however*, that no such dead body
12 shall in any case be so surrendered, if the deceased
13 during his or her last sickness requested to be buried, or
14 if within twenty-four hours after said death any per-
15 son claiming to be of kindred or friend of the deceas-
16 ed, shall request to have the body buried, or if such
17 deceased was a stranger or traveler, dying before

18 making himself known—or if such person shall have
19 secured his residence as a pauper in the town, city or
20 plantation where he or she died, or if the aldermen,
21 overseers of the poor, or assessors of any such city,
22 town or plantation, the warden of the State's prison
23 or the keepers of the county gaols shall have good
24 cause to believe, that such person at the time of his
25 or her death had any relations living within this State.

SEC. 2. Any physician, surgeon or medical student
2 may have in his possession, use or employ, human
3 dead bodies or parts thereof, for the purpose of ana-
4 tomical or physiological investigation or instruction.