

CHAP. CLXXXVII.

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An Act in addition to "An Act more effectually to Protect the Sepulchres of the Dead, and to Legalize the Study of Anatomy in certain cases."

Rail roads, &c.
not to be con-
structed through
any burial
ground.

Penalty.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That hereafter it shall not be lawful to locate or construct any rail road, canal, turnpike, highway, townway, or public easement whatsoever, in, upon, or through any enclosure used or appropriated for the burial of the dead, without authority to that effect, specially granted by law, or the consent of the inhabitants of the town where such enclosure is situated; and any person offending against the foregoing provisions, shall be subject to indictment in any court competent to try the same, and to imprisonment for a term not exceeding one year, or a fine, to the use of the Commonwealth, not exceeding two thousand dollars, or both of said punishments, at the discretion of the court trying the same, and according to the nature and aggravation of the offence. *Provided, nevertheless,* that the enactment shall not apply to any such rail road or other public easement already located.

Penalty for de-
facing tomb,
monument, &c.

SEC. 2. *Be it further enacted,* That if any person shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone, or other structure placed in memory of the dead; or any fence, railing, or other curb for the protection

or ornament of any tomb, monument, grave-stone, or other structure aforesaid, or of any enclosure for the burial of the dead; or shall wilfully destroy, remove, cut, break or injure any tree or shrub, placed for ornament within the limits of any such enclosure; such person so offending shall forfeit and pay, to the use of the Commonwealth, a sum not less than ten, nor more than five hundred dollars, to be recovered by indictment in any court competent to try the same.

SEC. 3. *Be it further enacted,* That it shall be lawful for the board of health, overseers of the poor, and selectmen of any town in this Commonwealth, and for the directors of the house of industry, board of health, overseers of the poor, or mayor and aldermen of the city of Boston, to surrender the dead bodies of such persons as it may be required to bury at the public expense, to any regular physician, duly licensed according to the laws of this Commonwealth, to be by said physician used for the advancement of anatomical science; preference being always given to the medical schools that now are, or hereafter may be by law established in this Commonwealth, during such portion of the year as such schools, or either of them, may require subjects for the instruction of medical students: *provided, nevertheless,* that no such dead body shall in any case be so surrendered, if within twenty-four hours from the time of its death, any person claiming to be kin or friend to the deceased, shall require to have said body interred: or if such dead body shall be the remains of a stranger, or traveller, who suddenly died before making known who or whence he was; but said dead body shall be interred, and when so interred, any person disinterring the same, for purposes of

Board of health, &c. may surrender to physicians the bodies of persons liable to be buried at the public expense.

Proviso.

dissection, or being accessary thereto, shall be liable to the punishment provided in the first section of the act to which this is an addition. *And provided, further,* that every physician so receiving any such dead body, before it shall be lawful to deliver the same to him, shall in each case give to the mayor and aldermen of the city of Boston, or to the selectmen of any town of this Commonwealth, as the case may require, a good and sufficient bond, that each body so by him received, shall be used only for the promotion of anatomical science, and that it shall be used for such purpose within this Commonwealth only, and so as in no event to outrage the public feeling; and that, after having been so used, the remains thereof shall be decently interred.

Bodies not to be surrendered in certain cases.

SEC. 4. *Be it further enacted,* That the body of no person, requesting during his or her last sickness to be interred, shall be surrendered under the provisions of the third section of this act.

Part of former act repealed.

SEC. 5. *Be it further enacted,* That the third section of the act to which this is in addition, is hereby repealed.

[Approved by the Governor, April 1, 1834.]