SENATE.....No. 21.

The Amendments of the House of Representatives are printed in italics.

Commonwealth of Massachusetts.

In the Year of our Lord One Thousand Eight Hundred and Thirty-One.

AN ACT

More effectually to Protect the Sepulchres of the Dead, and to legalize the Study of Anatomy in certain cases.

1 Sect. 1 BE it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any person, not being authorized by the Board of Health, Overseers of the Poor, or Selectmen in any town of this Commonwealth, or by the Directors of the House of Industry, Overseers of the Poor or Mayor and Aldermen of the City of Boston, in said Commonwealth, shall knowingly or wilfully dig up, remove or convey away, or aid and assist in digging up, removing, or conveying away, any Human body, or the remains thereof, such person or persons so offending,
on conviction of such offence in the Supreme Judicial Court of this Commonwealth, shall be adjudged guilty of felony, and shall be punished by solitary imprisonment for a term not exceeding ten days, and by confinement afterwards to hard labor for a term not exceeding one year; or shall be punished by a fine not exceeding two thousand dollars to enure to the benefit of the Commonwealth, and by imprisonment in the common jail for a term not exceeding two years at the discretion of the Court, according to the nature and aggravation of the offence.

Sect. 2. Be it further enacted, That if any person shall be in any way, either before or after the fact, accessory to the commission, by any person or persons of the offence described in the first section of this act, such person or persons shall be adjudged and taken to be principals, and shall be on conviction in the Court aforesaid, subject to the same punishments and forfeitures as are in said first section provided.

Sect. 3. Be it further enacted, That from and after the passing of this Act, 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, Overseers of the Poor, and Mayor and Aldermen of the City of Boston in said Commonwealth to surrender the dead bodies of such persons, except Town Paupers, as may be required to be buried 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 sci-
ence; preference being always given to the Medical
schools that now are or hereafter may be by law es-
tablished in this Commonwealth, during such por-
tions of the year as such schools or either of them
may require subjects for the instruction of Medical
Students: Provided always, That no such dead body
shall in any case be so surrendered, if within thirty-
six hours from the time of its death any one or
more persons claiming to be kin, friend, or acquain-
tance to the deceased, shall require to have said dead
body inhumed; or, if it be made to appear to the
Selectmen or Overseers of the Poor of any town in
this Commonwealth, or to the Mayor and Aldermen or
Overseers of the Poor of the City of Boston, that such
dead body is the remains of a stranger or traveller, who
suddenly died before making known, who or whence he
was; but said dead body shall be inhumed, and when
so inhumed, any person disinterning the same for pur-
poses of dissection, or being accessory as is describ-
ed in the second section of this Act to such exhu-
mation, shall be liable to the punishments and
forfeitures in this Act respectively provided: And
provided further, That every physician so receiving
any such dead body, before it be lawful to deliver
him, the same shall in each case give to the Mayor
and Aldermen of the City of Boston, or to the Se-
lectedmen of any town of this Commonwealth, as
each case may require, good and sufficient bond
or bonds, that each body by him so received,
shall be used only for the promotion of anatomical
science; that it shall be used for such purposes only
in this Commonwealth, and so as in no event to out-
rage the public feeling; and that after having been
46 so used the remains thereof shall be decently inhumed.

1 Sect. 4. Be it further enacted, That from and after the passing of this Act, it shall be lawful for any physician duly licensed according to the Laws of this Commonwealth, or for any Medical Student under the authority of any such physician to have in his possession, to use and employ human dead bodies, or the parts thereof for purposes of anatomical inquiry or instruction.

1 Sect. 5. Be it further enacted, That nothing in this Act, shall be so construed as to give to the Board of Health, Overseers of the Poor, or Selectmen of any town in this Commonwealth, or to the Directors of the House of Industry, Overseers of the Poor, or Mayor and Aldermen of the City of Boston, in said Commonwealth, any power to license the digging up of any dead human body, or the remains thereof, other than was possessed by them before the passing of this Act, or is given them by the third section of this Act.

1 Sect. 6. Be it further enacted, That the Act passed March 2, 1815, entitled "An Act to protect the Sepulchres of the Dead," and also all other Acts or parts of Acts, contravening the provisions of this Act, be and the same hereby are repealed.

House of Representatives, Feb. 11, 1831.
Read three times and passed to be engrossed,
Sent up for concurrence,

P. W. WARREN, Clerk.