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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*
2 *Representatives in General Court assembled, and by*
3 *the authority of the same, That if any person, not*
4 *being authorized by the Board of Health, Overseers*
5 *of the Poor, or Selectmen in any town of this Com-*
6 *monwealth, or by the Directors of the House of In-*
7 *dustry, Overseers of the Poor or Mayor and Alder-*
8 *men of the City of Boston, in said Commonwealth,*
9 *shall knowingly or wilfully dig up, remove or con-*
10 *vey away, or aid and assist in digging up, removing,*
11 *or conveying away, any Human body, or the re-*
12 *mains thereof, such person or persons so offending,*

13 on conviction of such offence in the Supreme Judi-
 14 cial Court of this Commonwealth, shall be adjudged
 15 guilty of felony, and shall be punished by solitary
 16 imprisonment for a term not exceeding ten days,
 17 and by confinement afterwards to hard labor for a
 18 term not exceeding one year; or shall be punished
 19 by a fine not exceeding two thousand dollars to
 20 enure to the benefit of the Commonwealth, and by
 21 imprisonment in the common jail for a term not ex-
 22 ceeding two years at the discretion of the Court,
 23 according to the nature and aggravation of the of-
 24 fence.

1 SECT. 2. *Be it further enacted*, That if any per-
 2 son shall be in any way, either before or after the
 3 fact, accessory to the commission, by any person or
 4 persons of the offence described in the first section
 5 of this act, such person or persons shall be adjudg-
 6 ed and taken to be principals, and shall be on con-
 7 viction in the Court aforesaid, subject to the same
 8 punishments and forfeitures as are in said first sec-
 9 tion provided.

1 SECT. 3. *Be it further enacted*, That from and after
 2 the passing of this Act, it shall be lawful for the
 3 Board of Health, Overseers of the Poor, and Select-
 4 men of any town in this Commonwealth and for the
 5 Directors of the House of Industry, Overseers of
 6 the Poor, and Mayor and Aldermen of the City of
 7 Boston in said Commonwealth to surrender the dead
 8 bodies of such persons, *except Town Paupers*, as
 9 may be required to be buried at the public expense
 10 to any regular physician, duly licensed according to
 11 the Laws of this Commonwealth, to be by said phy-
 12 sician used for the advancement of anatomical sci-

13 ence ; preference being always given to the Medical
 14 schools that now are or hereafter may be by law es-
 15 tablished in this Commonwealth, during such por-
 16 tions of the year as *such* schools or either of them
 17 may require subjects for the instruction of Medical
 18 Students : *Provided always*, That no such dead body
 19 shall in any case be so surrendered, if within *thirty-*
 20 *six* hours from the time of its death any one or
 21 more persons claiming to be kin, friend, or acquaint-
 22 ance to the deceased, shall require to have said dead
 23 body inhumed ; or, *if it be made to appear to the*
 24 *Selectmen or Overseers of the Poor of any town in*
 25 *this Commonwealth, or to the Mayor and Aldermen or*
 26 *Overseers of the Poor of the City of Boston, that such*
 27 *dead body is the remains of a stranger or traveller, who*
 28 *suddenly died before making known, who or whence he*
 29 *was* ; but said dead body shall be inhumed, and when
 30 so inhumed, any person disinterring the same *for pur-*
 31 *poses of dissection*, or being accessary as is describ-
 32 ed in the second section of this Act to *such* exhu-
 33 mation, shall be liable to the punishments and
 34 forfeitures in this Act respectively provided : *And*
 35 *provided further*, That every physician so receiving
 36 any such dead body, before it be lawful to deliver
 37 him, the same shall in each case give to the Mayor
 38 and Aldermen of the City of Boston, or to the Se-
 39 lectmen of any town of this Commonwealth, as
 40 each case may require, good and sufficient bond
 41 or bonds, that each body by him so received,
 42 shall be used only for the promotion of anatomical
 43 science ; that it shall be used for such purposes only
 44 in this Commonwealth, and so as in no event to out-
 45 rage the public feeling ; and that after having been

46 so used the remains thereof shall be decently inhu-
47 med.

1 SECT. 4. *Be it further enacted, That from and af-*
2 *ter the passing of this Act, it shall be lawful for any*
3 *physician duly licensed according to the Laws of*
4 *this Commonwealth, or for any Medical Student*
5 *under the authority of any such physician to have*
6 *in his possession, to use and employ human dead*
7 *bodies, or the parts thereof for purposes of anatom-*
8 *ical inquiry or instruction.*

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

1 SECT. 6. *Be it further enacted, That the Act*
2 *passed March 2, 1815, entitled "An Act to protect*
3 *the Sepulchres of the Dead," and also all other*
4 *Acts or parts of Acts, contravening the provisions*
5 *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.