

**Remarks of S.H. Tewksbury, M.D. on the bill for the promotion of medical science : also, an appeal to the members of the legislature in behalf of the Maine Medical Association, in the Senate chamber, Feb. 27, 1855.**

**Contributors**

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*Tewksbury for Sec*

REMARKS

OF

S. H. TEWKSBURY, M. D.,

ON THE BILL FOR THE

PROMOTION OF MEDICAL SCIENCE,

ALSO,

AN APPEAL

TO THE

MEMBERS OF THE LEGISLATURE,

IN BEHALF OF THE

MAINE MEDICAL ASSOCIATION,

In the Senate Chamber, February 27, 1855.

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MEMORANDUM

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## REMARKS.

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MR. CHAIRMAN,—

From the position which I hold as Chairman of the Committee of the Maine Medical Association, it may perhaps be expected that I should make some remarks on this bill before you. I shall content myself with offering you a few desultory thoughts for your consideration on this subject, which is one of the most important and momentous questions which concerns our profession. I am aware, Sir, in the outset, that the success of an argument which is to reach the understanding and reason of men, in opposition to their sympathies and natural instincts,—is desperate and almost without a hope; and I can assure those that may be opposed to this bill, that I am by no means insensible to the force of what will be their main objection—founded in the repugnance of many of the people of this State to the dissection and mutilation of the human body after death. I presume we all in some degree participate in this feeling. I am of an opinion, however, that it is greatly overrated, and do know that it is found to exist in widely different degrees in different individuals. I have observed that it is found generally among those that have very little feeling for the living, that so tenderly respect the dead bodies of their fellows! It is a lamentable fact, at the present time in certain communities, where post mortem examinations even are conceded to be useful and necessary, and there are good reasons for believing that they would result in discoveries useful to the living,—this private feeling rises up in opposition, and the most important secrets of disease are



daily allowed to be buried in the grave, because of the idle superstition which sees in these examinations a violation of the supposed sanctity of death. In fact all anatomical research and investigation which has for its object the preservation of life and health, and is the great highway to medical discovery, has been continually baffled and persecuted by society and its rulers. Public sentiment and written laws have always discouraged it; they have regarded it as a kind of irreligious and infernal study,—hateful to God and man, and endangering the souls as well as the bodies of all that were engaged in it.

But however much men may scoff or scorn it in the pride of youth,—of health and strength,—in the hour of need and danger, if they have a limb to save, or a life to preserve, they own its power in alleviating the pain that is almost inseparable from disease, and in restoring to ease and comfort a body that is racked in suffering. It needs but the touch of affliction,—the agony of disease,—the terror of impending death,—to put an end to it at once and forever! It is in reality nothing but a blind and excited impulse, having its origin in ignorance and superstition, and unsanctioned by reason. This feeling of repugnance is entertained most strongly among the illiterate and unreflecting. In highly civilized communities it yields to the just claims of humanity, and a clearer perception of the exigencies of society. “I do not deny but that this prejudice and superstition has its origin in a commendable respect for the dead, but the question is, whether you are not called upon to sacrifice it on the altar of science and humanity.” If by subjecting it to the test of enlightened reason and dispassionate judgment, you find it unsubstantial and infirm, and if upon a careful consideration of the benefits likely to flow from the passage of this bill, they should appear to you of paramount importance, then you are required by the plainest dictates of duty to comply with the request of a large number of your fellow-citizens,—belonging to a numerous and most respectable profession,—who come before you as peti-



tioners for what they regard as a boon of inestimable value to society.

There are three points in the discussion and consideration of this bill, that ought to be noticed :—

*First*,—Is there a necessity for anatomical science?

*Second*,—Can the requisite knowledge in this science be acquired by any other process than by dissection?

*Third*,—Is this bill framed with a due regard to mercy and humanity?

As an evidence of the absolute necessity of anatomical knowledge, I might name almost every disease to which man is subject in the whole catalogue of diseases; and certainly all where surgical skill is required. Not a single step can be made either in medicine or surgery, considered either as an art or science, without it. Its first great object is the study of *man*,—a creature not more wonderfully and fearfully, than mysteriously made. It requires a complete knowledge of every part of the human body,—of the elements even which compose its organization,—then successively all of those solid pieces of framework which give to the body its proportions,—permit or limit its movements,—then by separating these levers or bones of the system, we are enabled to notice its junctures or joints, and the ligaments or fastenings which retain them in their situation,—next trace out the moving powers or muscles, which act on them and enable the animated form to execute those actions necessary for existence. Then dissect out those tubes which distribute that vital and regenerating fluid that repairs the waste of the system,—and lastly examine those organs which communicate sensation, and transmit swifter than lightning, the orders of the will by means of those delicate fibres which establish such intimate relations between us and those bodies by which we are surrounded. This is the first step to a medical education, and on which the whole superstructure must be raised, and which I regret to say the necessity of, is not sufficiently understood.

It is one in which every man's life is deeply implicated.



The organs on which all of the important functions of the human body depend are concealed from view. There is no possibility of ascertaining their situation, or connections and operations, without the interior of our bodies being inspected. Over the most curious and wonderful operations of the animal economy, so thick a veil is drawn that they never could have been perceived without the most patient and minute research. This should seem self-evident, and need neither proof nor illustration, but I will call your attention to a few cases,—and the first will be a wound in the arch of the foot. “The unlearned physician sees no cause for alarm, and acts accordingly; soon you are taken with a *lock-jaw*, and death is the consequence. But the anatomical physician, from his intimate acquaintance with all of the relative parts and relations of the human system, knows that you may expect the effects of such wounds about the jaws, and from this knowledge, and by timely and judicious treatment, anticipates those effects, and saves your life.” Can any man doubt the incalculable importance of having the medical profession thoroughly instructed in the anatomy of the human body?—and in the safest and best modes of performing the various operations indispensable to the preservation of human life, which are so frequently required at the hands of the surgeon? There is no State in the UNION where bodily risks are more constantly and heedlessly incurred by all classes, and where accidents are so numerous in proportion to the population, as in this. There is none therefore in which skilful surgeons are more needed. We are all liable to accident, for we know not what a moment may bring forth, and all therefore should be deeply interested in the perfection of surgery. Do you know that before to-morrow, perhaps, you may require that skill on your own person to tie an artery, or to amputate a limb? Ask some of the best surgeons there are in this State,—those with whom you are acquainted, and in whom you place the most implicit confidence, and they will tell you that surgery cannot exist except upon *anatomy* as its *basis*, and that in



proportion as the surgeon is skilful, so must his knowledge of anatomy be profound. It is not easy to imagine a more pitiable condition than that of one having just met with an injury so severe as to endanger his life, who is unable to procure the necessary surgical aid. "A doctor he can obtain,—for there are doctors everywhere,—but if he lacks the necessary skill, (as he may do by no fault of his own,) his presence may be anything but a boon, for he may only aggravate the sufferings of his patient without being able to save his life." How frequently do accidents suddenly occur, which require the prompt performance of important and difficult operations, and that unless such operations are performed immediately and with the utmost skill, life is inevitably lost. In many such cases in the country, there is no time to send for assistance. We ask you to imagine what the feelings of a man must be, who is aware of what he ought to do, but who is conscious that his knowledge is not sufficient to authorize him to attempt to perform it, and who sees his patient die before him, when he knows that he might be saved, and that it would have been in his power to save him, had he been properly educated in practical anatomy. We ask you to conceive what your own sensations would be, were an ignorant surgeon with a criminal rashness, undertake to perform an important operation, — of removing a tumor for instance, which turned out to be an aneurism, — or suppose it were a hernia, and in operating, the *avoiding artery* was divided, or the intestine itself cut through or wounded. Suppose it were your mother, your wife, your child, you thus saw perish before your eyes, what would you then think of the prejudice, and that mawkish sensibility, which withholds from the surgeon that information without which the practice of his profession is murder! Let those who rule and guide the public mind, ponder on this subject, and act for themselves like wise men. Be consistent, when you summon to your aid the hand and intelligence of the surgeon. If he errs through ignorance, and the loss of a limb or life is the consequence, what reproaches can be too sharp, or what indig-



nation too severe, for his failure? Yet the fault may be yours, and not his. Will you demand skill, accuracy, and success, when you withhold the only means of obtaining them? Be consistent, that you may be *just*.

In the improvement, then, of that art which has for its object the preservation of life and health, every individual is deeply interested, and it should be defended by the advantages arising to the living from its cultivation; for beyond all other means, it aids in diminishing the amount of human misery, by enabling us to overcome or mitigate those diseases, and relieve those accidents to which we are incident. And in proportion as the structure of the body is better known, so are the chances of relief improved.—The knowledge that is acquired by the examination of the dead, is brought into requisition at the bed-side of the sick. The tables of mortality show how striking is the result. Wherever there is an intelligent practice of medicine, and registers of mortality are kept, you will perceive from time to time, there is an increase in the chances of life. An enlightened physician, and a skilful surgeon, are in the daily habit of administering to the wants of their fellow-men more real good, than can be communicated by any other class of human beings to another. But ignorant physicians and surgeons are the most deadly enemies to the community, for their destruction is silent and secret, and it is while they are looked up to as saviours, that they give speed to the progress of disease, and certainty to the stroke of death.

I will call your attention to another illustration of the necessity of anatomical knowledge, and I appeal personally to you. Suppose you were prostrated with strangulated hernia,—relief or death must take place in a few hours. No time is now left for you to send to some far distant place for well skilled medical help,—you call your own physician. In answer to your earnest and agonized inquiries, he says to you,—“The laws of the State of Maine have denied me the only means under Heaven, whereby I might be prepared to save you from the jaws of death; but



sir, a few days since you entombed in your garden, within that splendid railing and under that magnificent marble monument — a son, a daughter, or perhaps a wife, upon whom were centered all your fondest hopes; permit me to open that grave, — dissect that body, and I can save your life.” Feeling the icy fingers of death about your heart-strings, and no time to be lost, you exclaim in anxious haste, — “What are decorated graves and splendid monuments, — what are the remains of kindred, commingling with its mother earth, in comparison with my life? Hasten quickly, — disregard monuments and ceremonies, — raise the remains of that cherished one from the grave; examine its parts, and save my life.” Where now is your holy horror, — your misdirected and misplaced sympathy? Echo answers where! It has gone, — it has vanished!

The necessity for a correct and scientific anatomical knowledge is shown in the every day occurrence of your own life. It is found in your own conduct. When you are laid on the bed of anguish, pain and distress, and perhaps death, do you call on the unskilled or the ignorant? Certainly not. The most skilful and scientific in the land are made to contribute to your relief and restoration. — “You who have wives adorned with all the graces and accomplishments of female character and loveliness, and your sons and your daughters, around whom cluster in rich abundance all your most cherished hopes and fondest anticipations, — when their fair and cherished forms are prostrated with disease, no rude and unskilfull hand is permitted to approach them, — no quack or ignorant pretender can administer to their wants and necessities. The most skilled medical talent in the land is not too good for them.” The conduct of your own lives therefore is proof, as strong as holy writ, that you deem correct anatomical knowledge indispensably necessary to the education of the physician. Make sure then, as far as legislation can do it, that wherever sickness may be found, a good physician can be at hand.

To make provision for the medical man is a matter of



philanthropy, charity, and State concern, — not a party question. It is an object in which, whatever our political opinions may be, we all have the same interest. It commends itself on its own merits, — not to this or that party, — but to the understanding and conscience of each individual. Disease invades us and our families in turn, and takes away one member after another, and sooner or later we have all to come under obligations to medical or surgical skill. Perhaps your family are already deeply indebted to medical skill in treating a malignant and dangerous disease, and arresting you from impending death; or to some accident which might have cost you your life, or left you a cripple for the remainder of your days, but for the skill of some eminent surgeon into whose hands you had the fortune to fall. To you I would say that now is the time to cancel that debt, and aid in putting to right this public wrong. Is it well that laws should exist upon our Statute books, which men in every condition in life, — poor and rich, — the governors and the governed, — unanimously agree must be broken? Is it right you should place the medical man in such a position, where you would not receive his advice unless you knew that he had again and again broken this law?

It may be said that manikins, plates and diagrams will afford this knowledge. On a point so ridiculous and utterly absurd, I do not propose long to dwell. That a knowledge of the intricate and complicated machinery of the human system can be obtained in this way, — where is the man, I exultingly ask, and without fear of successful contradiction, — who with plates and diagrams and study, without ocular demonstration, can understand the most simple parts of man's system? Take for example the circulation of the blood, and the real operations of the two great systems of vessels, — the *arteries* and *veins* could never have been discovered without dissection, and without that knowledge which study on the subject alone could impart. Take all those systems of vessels in which the most important functions of animal life are carried on, — the absorbent



system for instance, and even only that portion of it which receives the food after it is digested, and which conveys it into the blood, is invisible to the naked eye, except under peculiar circumstances. The mere *physical* or *visible* examination of the human body can be carried on only to a certain extent. We are obliged to step from the visible to the *microscopic*, — marvelling at those wonders of construction, which grow more stupendous as we descend into the scale of minuter detail, and every moment introduce to us new phases and conditions, entirely distinct from all that have preceded and all that are to follow, till at last we pause incapable from defect of organs and instruments, of following the chain of mysteries to its end. We can trace the great movements of the great organs. We can fill the gaps that we observe with theory and conjecture, but the *minute tissues* with their wonderful vital properties are lost to us in their littleness. Again I will ask where is the man who with plates and diagrams can take the “wrist, for instance, with its *eight bones*, — arranged in two rows of four each, — and how long without seeing and feeling those bones, with all the assistance he could acquire, to obtain that knowledge of their actual and relative position, — their protuberances and depressions, — their elongations, convexities, and concavities, — in fine, all that knowledge by which you could adjust them, were they displaced. Or take the more simple joint of the little finger, with its round and capsular ligaments, — its lubricating glands, — its concavities and convexities, — and how long think you it would take to understand it, with plates and diagrams?” Why, you may take the young man, filled with all the zeal and ardor of youth, and devote to it the vigor and energy of manhood, — the soundness and discretion of riper years, — the stability and firmness of declining life, — till infirmity has impelled him to the verge of the grave, and he will exclaim the task is *hopeless*. It cannot be done; why “you may as well take the bible from the clergyman, and require him to preach the pure and unadulterated doctrines of the Son of God, as to take



the subject from the physician, and require him to treat diseases judiciously,—for it is his *bible*.” You may as well withhold the Statutes and Commentaries from the lawyer, and require him to administer the law in its purity and force,—you may as well deprive the mechanic of his tools, and require him to build you a house,—for what the statutes are to the lawyer,—the tools to the mechanic,—the subject for dissection is to the physician.

I wish now to call your attention to the situation in which the medical profession in this State are placed by our laws. “On one page of our Statute books the physician is made liable to all concerned, for all damages to life or limb, arising directly or indirectly from his want of knowledge and skill. On another page of your Statute books —if he seeks that knowledge and skill by the means only that you afford him, he is made a felon and a candidate for your State’s prison.” The State furnishes him with no means or *material* of becoming a good anatomist or surgeon, and the courts punish him if he is a bad one. A man whose leg has become a little short, or whose hand was twisted a little way round in consequence of a bad fracture, that was not in the power of art to obviate, or what is more commonly the case, no kind of injury or injustice done him, except perhaps that his feelings have been hurt by having his bill presented, sues the physician for damages. The State policy sanctions, and is really the cause of the surgeon’s incompetence and mal-practice, and the courts proceed to punish him for what the State has done. So the State first compels him to be a bungling surgeon, then compels him to be fined. What kind of legislation do you call this? Why, “you may take all the accumulated piles and ponderous volumes of your Statute and common law, and you cannot find a parallel! You cannot find another class of men on all Heaven’s footstool, that are encumbered and weighed down with the same kind of oppression and legal bondage!” Why, I ask, in the name of Heaven, should there be this partiality,—this legal distinction? Can there be even the appearance of *one* good



and satisfactory reason, why this odious distinction and legal bondage should exist, and why it should longer continue? No! The man is not in existence who can give one good and satisfactory reason. Upon what class of men is this legal bondage fastened, — destroying their energy and power, and crippling their usefulness, — “Is it the dregs of society? Is it the refuse and worthless, — the fungus and excrescence of the body politic? By no means. It is the high, the noble, those whose hearts are filled with expansive humanity, — love and benevolence. A class of men with whom you are on terms of association, intimacy and intercourse, — men in whom you repose confidence, — who are admitted to your families and firesides, — men who participate in your hospitalities, — men also who participate in your domestic scenes and afflictions, whether of joy or sorrow. These are the men who when prostrating, sinking disease fastens upon you or your family, like messengers of mercy hasten to your relief; and when death with its cold, icy fingers fastens upon your heart strings, and the silken cord of life is being snapt asunder, and the earth is receding, — the vitrified scales of death obscure your vision, and the last ‘throttle’ of dissolving nature is heard ‘gurgling in your throat,’” — then it is that these men, whose petition you now have, and whose legal bondage you continue to hold and perpetuate, come to you as angels of mercy, and upon whom you lean, above all things, for help, consolation and support. Be just in the estimate and value of the medical profession. Remember that its ranks comprise many of the wisest and best of our fellow-citizens. We can refer you to the annals of our profession, for as many wise, learned and illustrious names, that will not yield by way of comparison to any vocation in society. We can ask you to sum up the good that they are doing to society, — the sufferings they relieve, — the merciful acts they perform, — and you will thereby discover that the medical profession is not much indebted to the community for services. In truth they perform more acts of kindness and benevolence, — more deeds of charity, — and do more un-



paid services, than all other professions in the community. We might present to you the labors of these men, — the self-sacrificing and heroic spirit with which they perform their arduous duties. They encounter with equal fortitude the sun of summer, and the storm of winter. On the same errand, and with the same equanimity of feeling, they pass through the luxurious habitation of the rich, and the “shanty” of the poor. They brave every danger, — endure every storm, whether by night or by day, — in the city, or through the solitude of the midnight forest, — in the cold and piercing blasts of winter, and the jarring elements of summer’s heat, — they administer to and relieve your wants and necessities; and when “sable night has enshrouded earth in its gloomy darkness, and you are enjoying that repose and rest which wearied and exhausted nature demands, they are threading your highways and by-ways administering relief, hope and consolation to the sons and daughters of affliction and want.” When pestilence comes where does it then find them? At their post! The whole career of the physician is necessarily one of peril and danger. His life is a life of exposure to the malignant influences of disease, from which other men fly in terror, but which it is infamy and everlasting disgrace for him to avoid. He is called on to breast the fury of pestilence! He must penetrate its nature, — he must dive into its deadly secrets, and while he studies to combat it, he must give an example of courage to society.

“The great Napoleon in the midst of his panic-struck army, touched with his hand the plague-patients at Jaffa. At the same time, and in view of the same army, his humble physician Desgenettes, took the matter of the plague-sores, — the virus of this mortal distemper, — and *inoculated* himself with it! Which was the greatest hero?” The some frightful experiments have been performed by other medical men, to the sacrifice of life, to establish a medical fact that would be of consequence and importance to the living, of their fellow-creatures. And there are clubs of physicians now being formed in our own country, whose



great and almost sole object is the performance of these dangerous and deadly experiments on themselves! And you refuse the dead body even of the vilest vagabond on earth for the use and instruction of these benefactors of our race.

I need not enumerate instances of courageous charity and benevolence, that the physician habitually and cheerfully encounters, regardless of the "pestilence that walketh in darkness, and the destruction that wasteth at noon-day," for they are so common, — so much a matter of course, — that to perform them is not regarded as praiseworthy. To refuse them alone excites attention, — then to incur censure. I cannot conclude these remarks without a commemorative notice of one among the gallant dead, that has fallen a victim to these appalling dangers, — one who but recently laid down his life while contending against the cholera epidemic, that prevailed somewhat fatally in the town of Lewiston during the past season, and who within the last twelve months held an honorable position as member of the Legislature. His memory is so vivid in your recollection, I presume you need not be reminded that the one to whom I allude is the lamented Dr. Millett. Almost up to the very day in which he was struck down, worn out by toil and its more exhausting cares in the capacity of *physician* and *nurse*, — the cholera-smitten cried aloud to him for help, and their cries never reached his ears in vain. One impulse only inspired him in his visits and offices of charity to these poor and destitute sufferers, — that was the *mission of love*. But his lot is now cast where his christian charities and benevolence will grow and flourish, and he can invoke God's best blessings on those hearts that are now withered, and weeping in remembrance of him. It was by him in the capacity of President of our Association that I was assigned the position I now hold, — to present this subject to you that is now under consideration, — and no greater offering of respect can you contribute to his memory than the passage of this bill now before you, as you will thereby aid in the support and advancement of his most favorite science.



Medical men, both in their individual and collective capacity, are continually rendering services of the greatest importance to the community. They are centers of good in almost every neighborhood where they reside,—they go forth for the relief of the afflicted,—they have contributed as largely as any class of men for all objects of general interest and improvement, to elevate the character and standing of the State to that point where she now stands,—the pride and boast of all her children. They bear a conspicuous part in swelling that mighty tide of “reform,” that has made and will continue to make her the astonishment and admiration of the world. Can you, will you continue to cripple their usefulness, and paralyze their genius, and their every energy and efficiency, as you will do by defeating this bill now under consideration.

I now come to the first great object of this bill,—the suppression of the revolting practices of pillaging the grave, and the traffic in human bodies; and one of the chief objects which the medical profession in this State feel for the passage of this bill, is to be released at once and forever from the bitter necessity of countenancing and resorting to these loathesome and *atrocious* practices. If you, gentlemen, have imbibed the idea that the profession are insensible to all its horrors and degradations, I will assure you that you are widely mistaken. The brutal manner in which these deeds are perpetrated are too shocking for description, and I abstain from attempting it. Suffice it to say that it comprises every element that is the most loathesome, inhuman and repulsive imaginable. Why, “you may select a body of five men, with the most fruitful and vivid imaginations, and the most reckless propensities, and direct them to devise and conjure up the most inhuman and repulsive plan in their power, and it would fall far short of the debasing and disgusting method that now prevails.” Every feeling of the human heart rises up against it, but so long as no means of procuring bodies for dissection are provided, it must and will be tolerated. But in itself it is alike odious to the ignorant and the enlightened,—to the



most uncultivated and the most refined. There is a general feeling and conviction of its necessity, however, among a goodly portion for the advancement of science, and the opposition that is now made, is not so much against anatomy, as against the practice of *exhumation*,—and this is a practice that ought to be opposed. It may be said that subjects for dissection can now be obtained. True, they can; but not by permission of law. The necessities and requirements drive us to violate the law, and thereby for every one thus obtained two distinct crimes are committed. Stealing, which is felony,—and robbing the grave, which is another felony. We do not blame the people for making this practice felony, but we do blame them for stopping here. We maintain that it is absurd, wicked and criminal to make exhumation felony, without providing some other method, for the cultivation of anatomy. The robbing of the grave is the only method by which subjects for dissection can be obtained. They cannot be procured in New York or Massachusetts, as it is generally supposed that the physicians in this State are supplied from this source, for the laws of these States prevent it. [See the last clause in the second section of the New York law: “Whoever shall remove such remains beyond the limits of the State, shall on conviction be adjudged guilty of a criminal offence, and shall be imprisoned in one of the State’s Prisons of this State, for a term not less than one year.”]

It is due therefore to the people of this State, for the protection of their kindred dead, as well as to the profession of medicine, to provide facilities for the acquisition of that knowledge that will be afforded by this bill, unless some other equally efficacious means can be devised, which I presume will not be pretended by the opponents of this measure, for subjects for dissection must be procured, and be the difficulties what they may, *will* be procured. Diseases will occur,—operations must be performed,—medical men must be educated,—anatomy must be studied,—dissections must go on,—and unless some legal means be adopted for affording a supply, whatever be the ~~the~~ or popular



feeling, neither magistrates, nor judges, or juries will or can put an entire stop to the practice. It is one from the absolute necessity of the case must be allowed. What is the consequence? As long as there are no subjects for dissection supplied by law, men of reputation and influence in society must go out in company for the purpose of nightly plunder, — and plunder of the most odious kind, — tending in a peculiar and most alarming measure to brutify the mind, and to eradicate every feeling and sentiment of the heart worthy of a man. And if by some unlucky circumstance they are “caught in the act of the midnight invasion of the grave, they are marched off incessantly to the county jail, with their pick-axe, shovel, and sack! They may then bless the stars that the walls are thick, and the gratings strong, for a mob is howling outside.” These are no imaginative cases; they are realities, and I can assure you of the fact that there has been within the last ten years hundreds of new made graves annually robbed, and there has not been a single conviction; and to my certain knowledge, only one single complaint. Now, as incredible as this statement at first blush appears, a little cool reflection will explain it. The law in one certain sense is a dead letter. It stands out in an irreconcilable antagonism to an urgent and irresistible want of society, and it proves powerless in the contest.

We now come to the great, and of all, the most important object of this bill, — and what is it? It is simply to provide the means by which a supply of subjects may be lawfully obtained, for the purposes of affording useful instruction to a respectable profession, to whose keeping you are obliged by the infirmities of your nature, to entrust your health and lives. Its whole object is man's good, — it aims solely for the relief and diminution of human suffering. The design, I say, of this act is to furnish by law a supply of subjects. “And what is a subject? It is a piece of inanimate clay, — the material remains of past existence, — the tenement of Man, — now subject to chemical laws, to decay, and disorganisation, and from which the spirit



has fled, and from which the vital principle, — whatever that may be, — has gone." We know as well as the most ignorant, that there is no corporeal immortality, — "from dust we came, and to dust we must return." Nature has provided certain agents and causes of destruction, with which no human knowledge can successfully cope. It is our custom, — as well as with all civilized nations at the present time, — to bury the dead. "We make haste to commit them to their mother earth, there to lie in cold obstruction, and to rot." This is our way of manifesting respect for the remains of our dead kindred. The Egyptians resorted to highly artificial means of embalming their dead, and these Egyptian Mummies have now become an article of merchandise and traffic, — to minister to the cupidity and gratify the curiosity of the marvellous, in our country. The Romans and other nations have burned their dead. This appears to us shocking, as our custom does to them; but as repulsive as it now seems to us, it has often yielded to a sense of duty to the living. "An instance of this triumph of common sense over prejudice and superstition, occurred in one of our large cities during the late pestilence, by which many of its inhabitants were destroyed, and a vast number of human bodies were burned up, fearing the atmosphere would be rendered still more pestilential by their effluvia. This was done by the directions of the Municipal Authorities, and with the approbation and concurrence of the entire community." A like disposition, I have been informed, was made of the bodies of the slain, who fell in the battle of "Lundy's Lane." "Here the remains of brave men, who but a few hours before had stood opposed in mortal combat, were heaped together in one mighty pyre, and the whole reduced to : n undistinguishable mass of calcined bones." In both of these cases, we cannot but notice the wise adoption of the very principles of this bill, to-wit: — the sacrifice of the instinctive regard we feel for the relics of mortality, to a profound conviction of what is due to the welfare and security of the living.



Does this bill in disposing of the remains of our dead relatives, deprive us of the right to indulge even in our prejudices? No, not in the least. Its carefully devised limitations are designed to be a sufficient antidote to any such consequences. It merely proposes to intercept, on the road to decay, and to apply to a more useful purpose, the bodies of such persons as die without families or friends to recognise, claim and bury them, in our Alms Houses and Prisons, who while living have been kindly and humanely provided for, entirely at the public expense, and leave behind them no kindred, to exercise, or care to exercise any right or control over them, — no survivor whose sensibilities will be wounded by submitting their remains to scientific examination. This, in brief, is the primary object of this bill. Can there be anything in this to shock a well balanced and impartial mind? To such a mind can it appear to be either immoral or inhuman? Nay; its purpose is as humane and generous, — as disinterested and ennobling, as that which can be boasted by any object under heaven. It involves no invasion of, — no encroachment upon even the least of man's rights and privileges. The exigencies of society then demand and require it as a duty which would be censurable in you to disregard.

Now, sir, on the last point under consideration, — “Is this bill formed with a due regard to mercy and humanity?” As this, I anticipate, will be the great theme of discussion, and the hinge upon which this question will turn, I propose to examine it somewhat attentively. The opponents of this bill will appeal to the popular prejudices of the poor and the laboring class, and conceal from them the great share of the benefit that this bill is eminently calculated to bestow upon them. They will moan and groan with affected tears, over some fancied wrong or indignity that is now to be offered the senseless remains of the poor, and reject with scorn and disdain the only method by which they can be benefitted, and the dead protected. By what class, I will ask, can the benefits arising from this bill chiefly be felt? To what class among us are accidents



the most common? Is it the man who luxuriously rolls through our streets, and wears away his life in idleness? or is it the laborer who earns his bread by "the sweat of his brow," and if there is any dangerous service to be done, he must do it, though at the peril of life and limb? Nineteenths of all the surgical practice in this State is among that class. "The poor are found everywhere throughout all of the haunts of civilization. Wherever man is found, the poor are found. They navigate our rivers and lakes, — they make our railroads, and dig our canals, — they blast our rocks and work our quarries, — they fell our forests and mow our fields, — they plant our corn and build our houses, — they are far more exposed by their daily avocations and employments to disease, mishaps and accidents, than any other class of men." And when disease and accidents occur, they from their poverty are compelled to avail themselves of such medical assistance as is at hand, and if that medical assistance is ignorant and unskilled, crippled limbs and the loss of life are the consequences and the forfeit. Of what immense, incalculable benefit and importance, especially to the poor, is a well educated and skilled medical community; and this medical skill and knowledge can be obtained in no other way than by a scientific examination of the human system, as contemplated in this bill.

Bring the lights of practical anatomy within the reach of every medical practitioner, and I unhesitatingly insist that the poor are the greatest gainers, — who are the many, — than the rich, who are comparatively few in number. The knowledge which is gathered in the dissecting room, will produce its effects in the railroad shanty, — it will be felt among the wondering mass of emigration, which fringes the advance of civilization, — it will find its way into the sinks of destitution and vice. For the sake of the poor and desolate, then, furnish your colleges and physicians with bodies to dissect. As long as wealth is attended by comforts, and poverty by affliction and suffering, so long will there be a greater demand for the skill



of the physician among the lowly and desolate ; therefore, I cast back that common and infamous assertion, — “ You dissect the poor for the sake of the rich,” when, alas ! the poor are the greatest gainers. These facts and truths should cast a ray of light on the views of the reluctant and timid politician, for the class that is mainly profitted by this bill, are the poor, and his duty is not to flatter the people, but to serve them.

I have spoken of the robbing of the grave, — and upon whom do you suppose these atrocities are committed ? Whence comes the subjects that are now obtained in this State for anatomical study ? From the graves of the rich, and from the men of rank ? By no means ! There are circumstances and conditions which secure him against the “ *burker*.” “ The rich and the noble deposit the remains of their friends in vaults and cemeteries, and surround them with palings and enclosures, — cover them with marble slabs and monuments, and ornament and decorate their graves, so that they cannot be disturbed without detection ; therefore they are not disturbed. It is the sanctity of the simple and unadorned grave of the poor that is invaded by the sacriligious and ruthless hand of the resurrectionist.” The more lonely, the more wretched any human being may be, the more desirable prey is he for the “ *burker*.” It is the man, — the mere naked man, — they pursue, and when dead his body is at once exposed for *Burking*, and perhaps for sale. Pass this bill, and supply the necessary want for anatomical science, and resurrectionism is destroyed, — “ *Othello's* occupation is gone.” The poor are immeasurably benefitted while living, and their graves are protected when dead. This, sir, is the plain, practical, common-sense view of the certain effects of this bill, — effects as certain to follow its passage, as any effects are to follow a cause.

It has often been a matter of surprise to me, when I witness the charity of this State, — the wealth that is so lavishly expended in doing good in behalf of the destitute and afflicted, that so little interest is felt in our Medical



Institution in this State, when, in truth, it is the first among the means of ministering to the physical sufferings of our race. About five hundred physicians are now practising under its diploma, in the various parts of the United States; and it is not invidious to draw the comparison that the educated men that they send forth, for the relief of the afflicted, are the true missionaries to suffering humanity. Here also, at this institution, on certain days of the week, the poor, the helpless, throng to it, to receive advice from the best and most experienced physicians and surgeons in the land, free of charge, and such operations as may be necessary, are performed upon them without the expectation of a reward, with no other object than the good of the poor and the instruction of the medical student. I say that it is the bounden duty of the State to see that they lack nothing needful for their efficiency and usefulness,—not forgetting that it is these institutions alone that can be brought to bear on the waste of human life. The public demands that the medical institutions shall furnish it with good and accomplished physicians and surgeons, yet it has set its face against the only means of obtaining them; but at the present time under its present prosperity and attainment, there is that advancement made in other branches of learning and science,—there is that enlightened policy in legislation upon all matters of general interest and improvement, that we have a right now to expect and to ask for some measure, some means whereby we can procure material for dissection in some legitimate manner, that we may be enabled to make that progress and advancement in our profession that will raise it to that rank and standard that it so nobly bears in other sections of our land.

We wish to be relieved from this false and dangerous position, that affixes upon us the stigma of felons, in the acquisition of anatomical knowledge, and all these difficulties and excessive annoyances under which we are labor-



ing, and which we are now obliged to encounter and overcome, to make that progress and advancement in our profession that operates only to favor our more faithful discharge of duty to you. This bill is not framed for the exclusive advantage of the medical man. It seeks no other benefit than that which it wishes all others to enjoy. It is for the common good. Every intelligent man, whether professional or non-professional, cannot but admit that the interests of society imperatively demand the study of practical anatomy. Then why not make a suitable arrangement by law? Is there any reason why we should stand behind New York, Massachusetts, Michigan, and many other States, in an enlightened policy, and this State bear the disgrace of having an example set in this matter by some of her sister States that are younger and feebler both in power and intelligence? Considering the rights of the medical profession in the just and proper estimate of its value, and in comparison with the privileges that are extended to them in other States, remove from your statute books those laws repressing the study of their science — laws that should exist only in darker ages — that now put a barrier in the way almost ruinous to the pursuit of anatomical investigation, and continually threatens and exposes us to a most disgraceful and ignominious punishment; and you, while suffering under sickness, and by accident, are obliged to pay the penalty, by suffering under quacks and ignorant pretenders.

We entreat you, then, who rule and guide the public mind, — to whom are committed our interests, — in the name of our association and the whole body of physicians in this State, to aid and assist us in that object which is for the mutual interest of all, and which this bill is intended to secure.

In what I have said, Mr. Chairman, I believe I have spoken the heart of every true medical man in Maine, and



I can truly say that I know of no subject more extendedly and unanimously asked for than the one under consideration.

In conclusion, sir, although I may already have transcended my limits, I beg leave to call your attention to the nature of the alternative presented to our choice by this bill. The profession, with its friends, present you a bill for consideration and action,—every line of which is big with humanity, and fragrant with mercy,—and a reasonable, sure and practical method of benefitting the great mass of mankind, both poor and rich, while living, and protecting their graves from invasion when dead. Pass it, and you need no longer dread the desecration of the tomb. Thenceforth the medical profession will cease to be the unwilling patrons of grave-robbing, and will gladly ally themselves with their fellow-citizens as its foe. You will thus convert them from the reluctant antagonists of the law, for the protection of the grave, into its most earnest and efficient supporters. While those that oppose it, in their fancied sympathies, and moans and cries of indignation, of injustice and wrong, that is now offered to the poor, will “virtually sanction the enormities against which it is aimed, and the loathsome and unhallowed practice that now prevails. They will thus become the abettors of the grave-robber, and participants in the infamy and wickedness of his infernal trade.” Will you reject it? I trust not.

Mr. Chairman and Gentlemen,—I have spoken to you to-day in a public place, of things which we elsewhere talk of only in whispers and undertones. I have taxed you who have done me the honor to hear my remarks, with injustice and oppression to your physicians, and endeavored to show that you are in the wrong, but then I knew in the intelligence of each of you I had an ally that would fortify every argument, however feebly it might be presented, and that you would respect the profession, at least, that I have attempted faithfully to represent.



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the nature of the assistance presented to our cause by  
this bill. The proposition with its friends present and  
not for legislation and action — every line of which is  
not only beautiful and elegant with interest — and  
interestingly so — and perfectly method of handling the  
great mass of material both good and evil which forms  
and constitutes the present in action when done — that  
I can find no more than the disposition of the  
whole — I know that the method of presentation will be a  
very different one from the present one, and will be  
very different with the following as the first — the  
first, second, third, fourth, fifth, sixth, seventh, eighth,  
ninth, tenth, eleventh, twelfth, thirteenth, fourteenth,  
fifteenth, sixteenth, seventeenth, eighteenth, nineteenth,  
twentieth, twenty-first, twenty-second, twenty-third,  
twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh,  
twenty-eighth, twenty-ninth, thirtieth, thirty-first,  
thirty-second, thirty-third, thirty-fourth, thirty-fifth,  
thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth,  
fortieth, forty-first, forty-second, forty-third, forty-fourth,  
forty-fifth, forty-sixth, forty-seventh, forty-eighth,  
forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third,  
fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth,  
fifty-ninth, sixtieth, sixty-first, sixty-second, sixty-third,  
sixty-fourth, sixty-fifth, sixty-sixth, sixty-seventh, sixty-eighth,  
sixty-ninth, seventieth, seventy-first, seventy-second,  
seventy-third, seventy-fourth, seventy-fifth, seventy-sixth,  
seventy-seventh, seventy-eighth, seventy-ninth, eightieth,  
eighty-first, eighty-second, eighty-third, eighty-fourth,  
eighty-fifth, eighty-sixth, eighty-seventh, eighty-eighth,  
eighty-ninth, ninetieth, ninety-first, ninety-second,  
ninety-third, ninety-fourth, ninety-fifth, ninety-sixth,  
ninety-seventh, ninety-eighth, ninety-ninth, and one hundred.







