

History of the anatomy act of Pennsylvania / [William Smith Forbes].

Contributors

Forbes, William Smith, 1831-1905.

Publication/Creation

Philadelphia, 1867.

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Hist. 1867.

HISTORY
OF THE
ANATOMY ACT
OF
PENNSYLVANIA.

BY

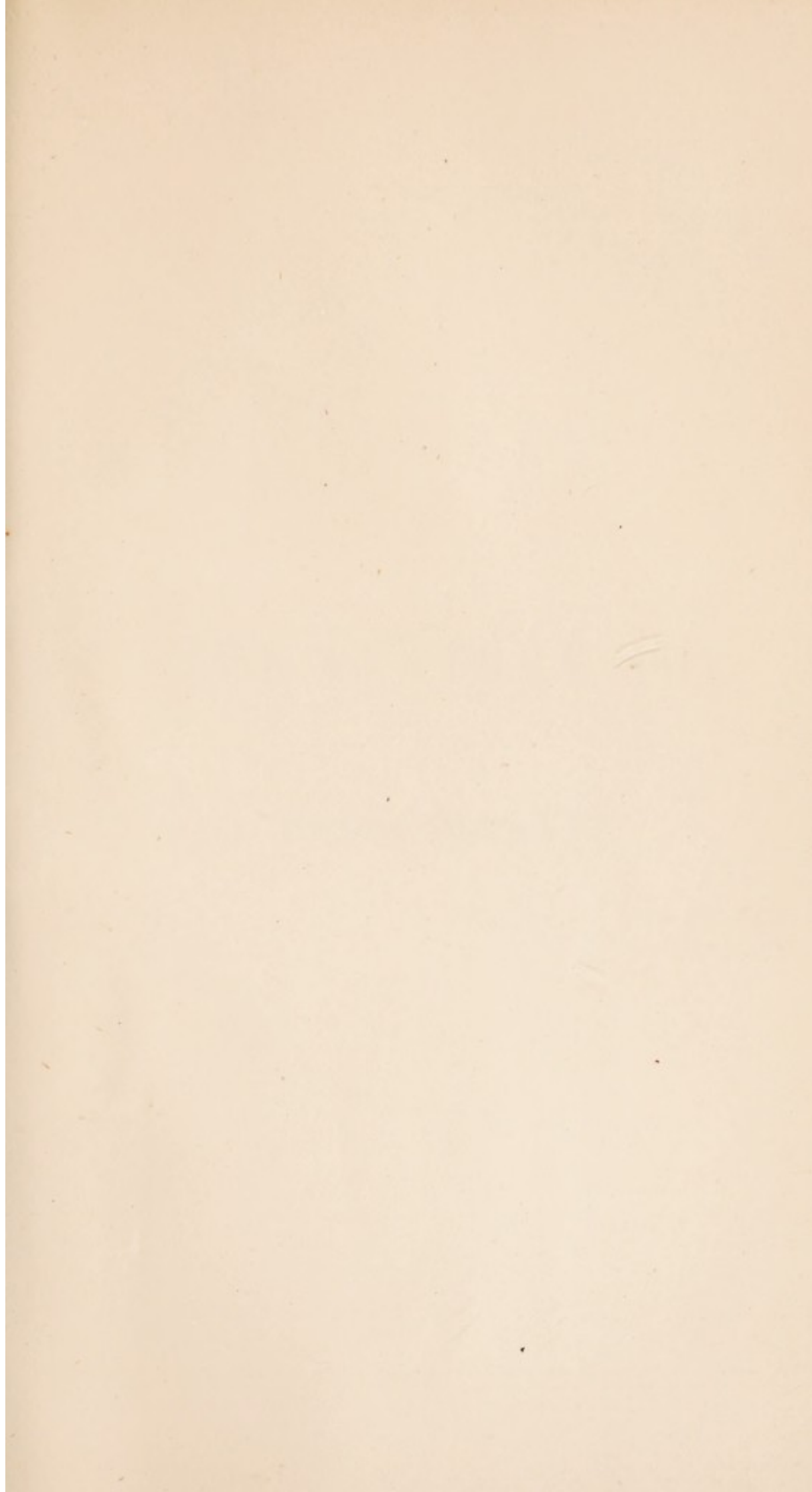
W. S. FORBES, M.D.,

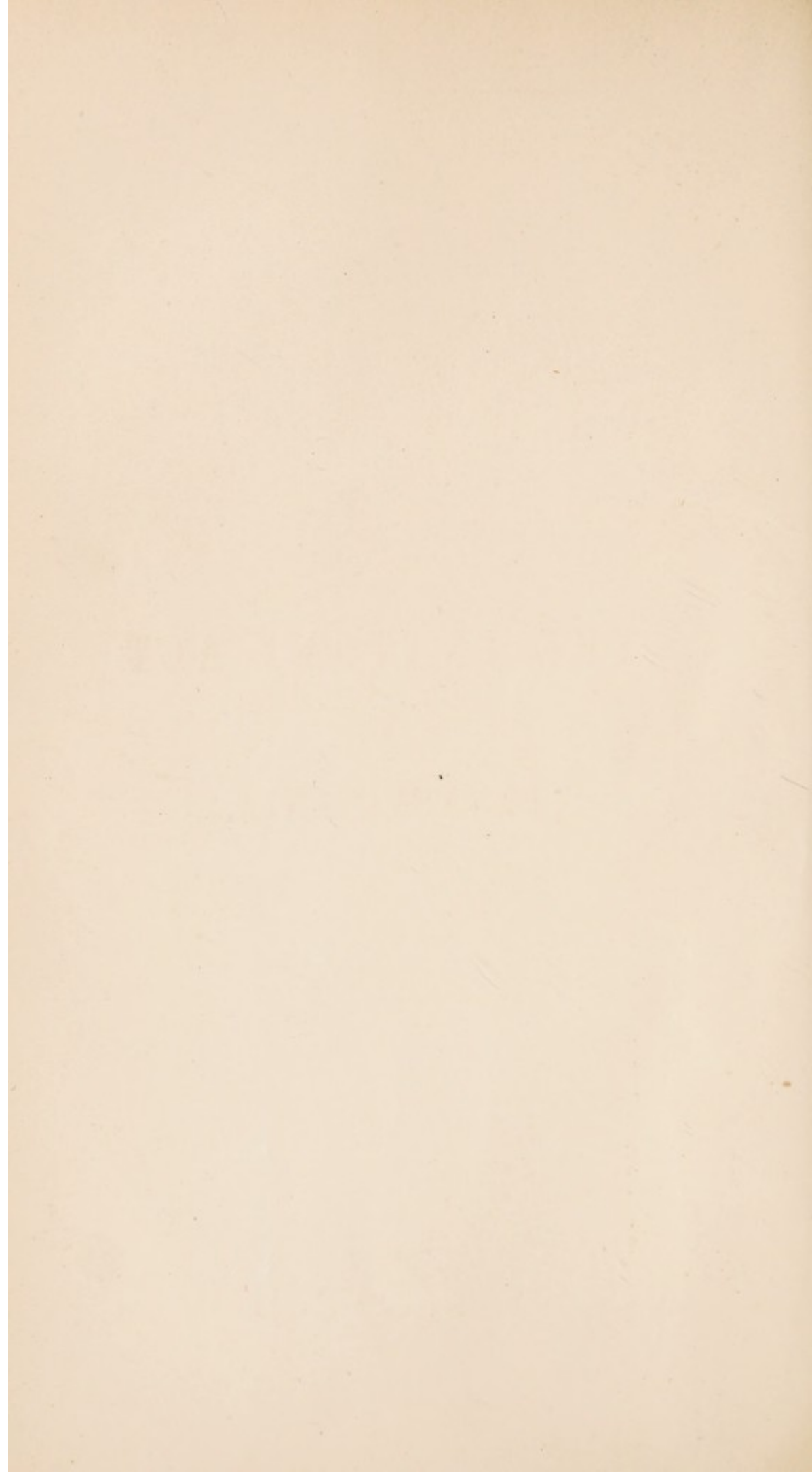
Surgeon to the Episcopal Hospital, Member of the College of Physicians,
Member of the Pathological Society, Member of the
Academy of Natural Sciences, etc., etc.

PHILADELPHIA:

1867.







THE ANATOMY ACT

OF

PENNSYLVANIA.

J. S. Forbes

HISTORY

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gregate near a thousand students, some of them now within the sound of my voice, I may be supposed to know something of the difficulties in the way of obtaining sufficient *material* for purposes of practically teaching so large a number of young gentlemen.

“In view of the fact that our city contains now three-quarters of a million of inhabitants, I think it is idle to suppose there is not an ample number of *unclaimed dead bodies* to satisfy the demands of all who may come for the purpose of cultivating a knowledge of anatomy, both healthy and morbid. In what then is the difficulty?

“I believe it consists entirely in the fact that as there is no law of the Commonwealth by which our physicians can claim these dead bodies, to be used for medical investigation, the authorities in whose hands they are lodged do not feel themselves at liberty to give them up for any purpose, however laudable.

“They are therefore buried, and are afterward obtained surreptitiously by a third party, the so-called ‘resurrectionists,’ who engage in a degrad-

ing traffic, and sell them to the highest bidder, and as it is well known that the anatomists of medical schools in distant States send here every winter to supply their dissecting-rooms, the debasing trade is stimulated, and the practical teachers here and elsewhere find themselves in unworthy competition with each other. Consequently the price demanded, and often obtained, is such as to tempt the resurrectionist to enter private cemeteries and graves, and even to commit murder, as was the case in Edinburgh, in 1829. All tending to bring obloquy on anatomical teaching, to deter the student from pursuing his studies with that degree of diligence which is requisite for his future usefulness, and to the injury of our city as a seat of medical learning.

“During the rebellion, when a surgeon of volunteers, and particularly as Medical Director of the 13th Army Corps, U. S. Volunteers, before and during the siege of Vicksburg, in 1863, I had ample opportunities of being a painful witness in observing the want of a practical knowledge of anatomy, on the part of many surgeons. And I

can attribute this ignorance only to the obstacles in the way of having freely and systematically dissected the dead body during their novitiate and afterwards.

“Believing this to be the case, and with the view of removing one very great difficulty, I drew up the following ‘Act,’ and submitted it last winter to the Legislature of the State:

“‘AN ACT *for the Promotion of Medical Science, and to prevent the Traffic in Human Bodies.*

“‘SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That the Inspectors and Superintendent of any county prison, the Board of Guardians of any City or County Almshouse, the Coroner of any County, or any other public officer having charge thereof or control over the same, shall give permission to any physician or surgeon of the same county, upon his request made therefor, to take the bodies of such persons dying in such prison, almshouse, or county, as are required to be buried at the public expense, to be by him used within the State for the advancement of medical science, preference being given to medical schools, public and private; and said bodies to be distributed to and among the same, equitably, the number assigned to each being proportioned to that of its students; provided, how-

ever, that if the deceased person, during his or her last sickness, of his or her own accord, shall request to be buried; or if any person, claiming to be, and satisfying the proper authorities that he is of kindred to the deceased, shall ask to have the body for burial, it shall be surrendered for interment; or, if such deceased person was a stranger or traveler, who died suddenly, the body shall be buried, and shall not be handed over as aforesaid.

“ ‘SECTION 2. Every physician or surgeon, before receiving any such dead body, shall give to the proper authorities surrendering the same to him, a sufficient bond that each body shall be used only for the promotion of medical science within this State, and whosoever shall use such body or bodies for any other purpose, or shall remove the same beyond the limits of this State; and whosoever shall sell or buy such body or bodies, or in any way traffic in the same, shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term not exceeding five years, at hard labor, in the county jail.’

“ ‘This Act passed the House of Representatives, but in the Senate *a member* objected to it as being unworthy of the age in which we live, and as his influence was of weight in that assembly, it was thought proper to withdraw the ‘Act,’ until a more propitious time.

“ ‘In view of which I now desire to have the sanction of this body, believing that coming from

such high authority, and exerted in so just a cause, there can be but one issue to the event."

The resolution was duly submitted, and the college unanimously passed it.

The committee appointed were,

DR. W. S. FORBES,

DR. S. D. GROSS,

Dr. D. HAYES AGNEW.

AT a stated meeting of the College of Physicians held April 3d, 1867, Doctor Forbes, chairman of the committee appointed to present the views of the college to the Legislature of the State, urging the passage of a law sanctioning the dissecting of dead human bodies, read the following report:

“MR. PRESIDENT:—The committee appointed to present the views of this college to the Legislature of the State, urging the passage of a law sanctioning the dissecting of dead human bodies, respectfully report, that they convened, and concluded to express the views of the college in the form of a statutory act, and ask that it be made a law. Accordingly, the paper drawn up, and read, and shown to the college by the mover of the resolution, appointing this committee on the 6th of February, entitled ‘An Act for the Promotion of Medical Science, and to prevent the

traffic in human bodies,' was approved and placed in the hands of Senator Wilmer Worthington, of Chester, a doctor of medicine, and a gentleman whose high character and influence materially advanced our cause, with the request that he would read it in place, and ask its passage by the Senate. This Act provides that the bodies of all persons to be buried at the public expense shall be given to any physician or surgeon of the same city or county claiming them for the promotion of medical science; and that an equitable distribution of these bodies shall be made, preference being given to medical schools, public and private; and that they shall in no case be taken out of the State, and that no traffic in them whatsoever shall exist. The Senate referred the Act to a committee, which adopted a negative report, and presented it the following day. Senator Worthington then asked the Senate to recommit the Act, and that permission be granted the college committee to appear and explain their views.

“Your committee determined to proceed to Harrisburg for this purpose, and as one of their

number, Dr. Gross, was unable, from professional and other engagements, to accompany them, Dr. Henry Hartshorne was invited to unite with and assist them in their endeavors. Dr. Hartshorne consented, and your committee would acknowledge his services.

“Your committee found the legislative mind opposed to the passage of our Act, and it became necessary to explain its virtues with becoming care, for it was called a ‘Ghastly Act,’ with more temper than wisdom, by leading representatives.

“It was submitted that the Legislature had granted charters to a number of medical institutions which based their instruction on a knowledge of anatomy, and yet there was no law permitting the examination of the human body. That in the courts of the Commonwealth the physician was liable to be arraigned for malpractice, in cases of accident requiring surgical treatment, and yet he was debarred from obtaining the very knowledge he was required to display under heavy penalties.

“That owing to the absence of such a law as

was now presented for their sanction, giving all *unclaimed dead bodies* to the medical institutions, the price demanded and obtained by the degraded and debased creatures who engage in the traffic, known as the resurrectionists, became a temptation to commit murder, as in the case of Burke, who at Edinburgh, in 1829, slew fifteen innocent human beings, for the purpose, as he confessed at his trial, of obtaining four guineas from the medical schools.

“That it was only when the cause of this dreadful crime became known the British Parliament, in view of the necessity of anatomical investigation, passed the so-called Warburton Act, which was found in a measure to subserve the purposes for which it was intended.*

“That graves and private cemeteries were entered, and the dead bodies brought to the dissecting-table here, and frequently sent to distant cities for purposes of anatomical instruction,

* See Lancet, vol. ii., 1831-32. Curious enough, the Warburton Act, while legalizing dissecting, does not prevent the traffic in dead bodies.

were often sought after by sorrowing friends much to the chagrin of the anatomist, and maledictions applied to his pursuit.

“These, with other arguments, were advanced, and finally, it was gravely observed that, as it was impossible in the nature of things to prevent the examination of the dead body of man, and as there was no law of the Commonwealth regulating the matter, it was manifest the bodies of distinguished legislators themselves, after a life full of good works, were no longer safe in their graves, but were liable to be rudely disturbed.

“After this interview the Senate committee presented an affirmative report.

“When called up on its final passage some days after in the Senate, it was objected that unless the provisions of this Act were restricted to Philadelphia, it ought not to pass, on the ground that the views of the constituents of the rural representatives were not known on the subject.

“The chairman of the college committee being present on the occasion, was asked if it would

suit the views of the college to restrict the provisions of the Act to Philadelphia, with the remark that if it did not, the Act probably could not pass. The chairman, being alone at the Capitol at this time, assumed the responsibility of saying that he believed the College of Physicians had the catholic desire of having the benefit of the Act extended to every part of the State, but certainly if it could not be obtained for their neighbors, they would receive it themselves. At the same time he observed it would be well to reflect that from the very title of the Act, 'to prevent the traffic in dead bodies,' if the restriction spoken of was made, while the traffic could not exist in Philadelphia, the converse would be the case in the country, and it would be legal. Yet such was the prejudice against the Act the restriction was made, and when the vote was being taken, a Senator from Allegheny asked to have his district included with Philadelphia, which was done, and the Act passed the Senate.

“It became necessary, on a subsequent visit, to address the same arguments to the members

of the House of Representatives, and they approved the action of the Senate.

“The Governor of the State was seen, and made the occasion of a third visit to the Capitol, and your committee rejoice to announce our Act became a law on the 18th of March, 1867.

“It reads as follows :

“*AN ACT for the Promotion of Medical Science, and to prevent the Traffic in Human Bodies in the City of Philadelphia and County of Allegheny.**

“SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same, That any public officer in the City of Philadelphia or County of Allegheny, having charge thereof or control over the same, shall give permission to any physician or surgeon of the same city or county, upon his request made therefor, to take the bodies of deceased persons required to be buried at the public expense, to be by him used within the State for the advancement of medical science, preference being given to medical schools, public and private; and said bodies to be distributed to and among the

* The States of New York and Massachusetts have passed laws on this subject somewhat similar to this one. See Revised Statutes of New York, 5th edition, vol. ii. page 67; General Statutes of Massachusetts, 1860, page 195.

same, equitably, the number assigned to each being proportioned to that of its students; provided, however, that if the deceased person, during his or her last sickness, of his or her own accord, shall request to be buried; or if any person, claiming to be, and satisfying the proper authorities that he or she is of kindred to the deceased, shall ask to have the body for burial, it shall be surrendered for interment; or, if such deceased person was a stranger or traveler, who died suddenly, the body shall be buried, and shall not be handed over as aforesaid.

“ ‘SECTION 2. Every physician or surgeon, before receiving any such dead body, shall give to the proper authorities surrendering the same to him, a sufficient bond that each body shall be used only for the promotion of medical science within this State, and whosoever shall use such body or bodies for any other purpose, or shall remove the same beyond the limits of this State; and whosoever shall sell or buy such body or bodies, or in any way traffic in the same, shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term not exceeding five years, at hard labor, in the county jail.

(Signed)

“ ‘L. H. HALL,

“ ‘*Speaker of the Senate.*

“ ‘JOHN P. GLASS,

“ ‘*Speaker of House Rep.*

“ ‘Approved March 18th, 1867.

“ ‘JOHN W. GEARY, *Governor.*’

“Such is the law obtained from our Legislature through the action of this college in its corporate capacity.

“A law, the humane provisions of which were first partially established in Edinburgh* in 1505, and yet more extended in France after the revolution of 1798, and under the first empire; and the wisdom of which was observed by the British Parliament in a statute only of late, when a frightful crime revealed its necessity.

“All of which is respectfully submitted.

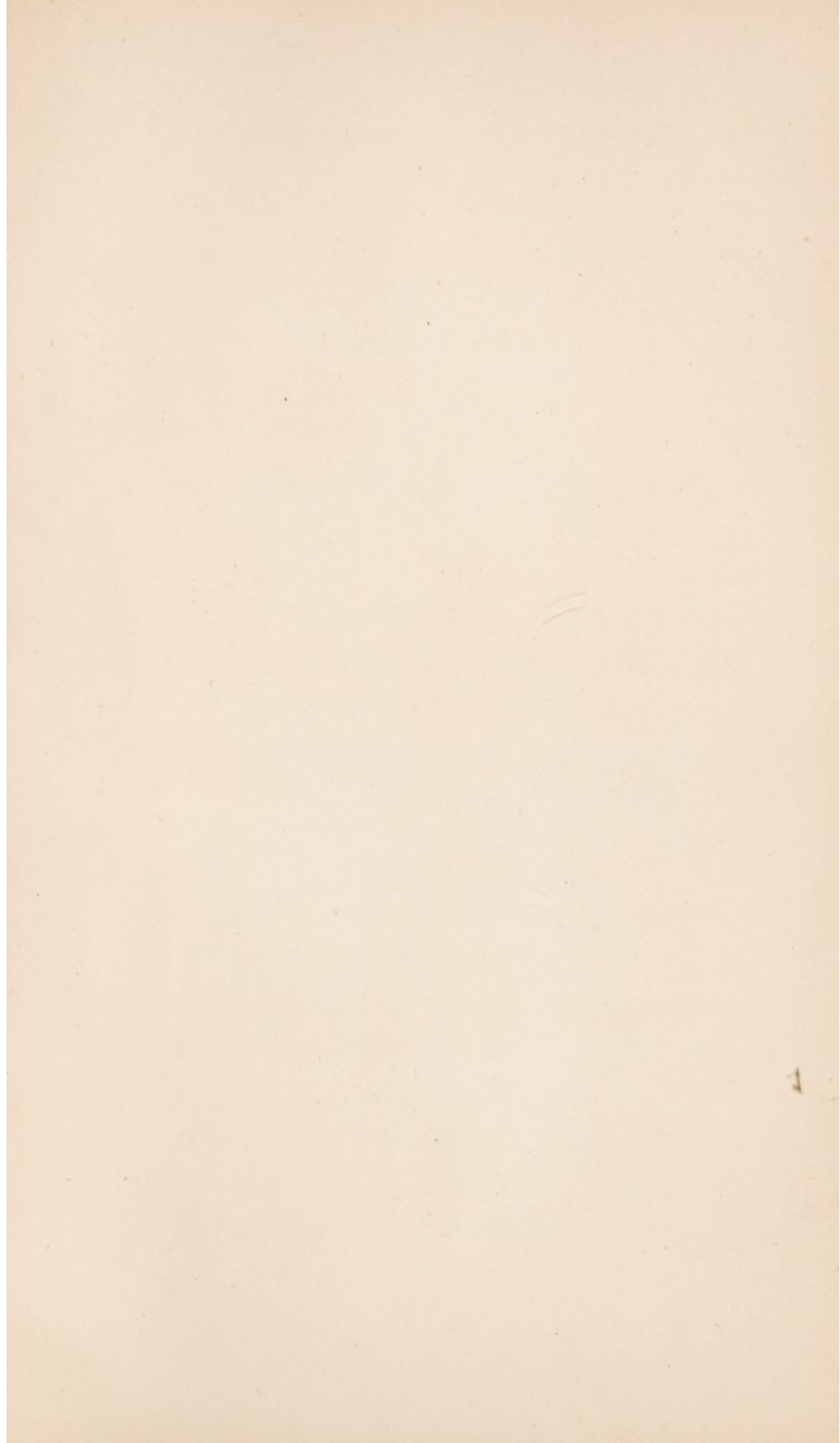
“Signed by the committee.

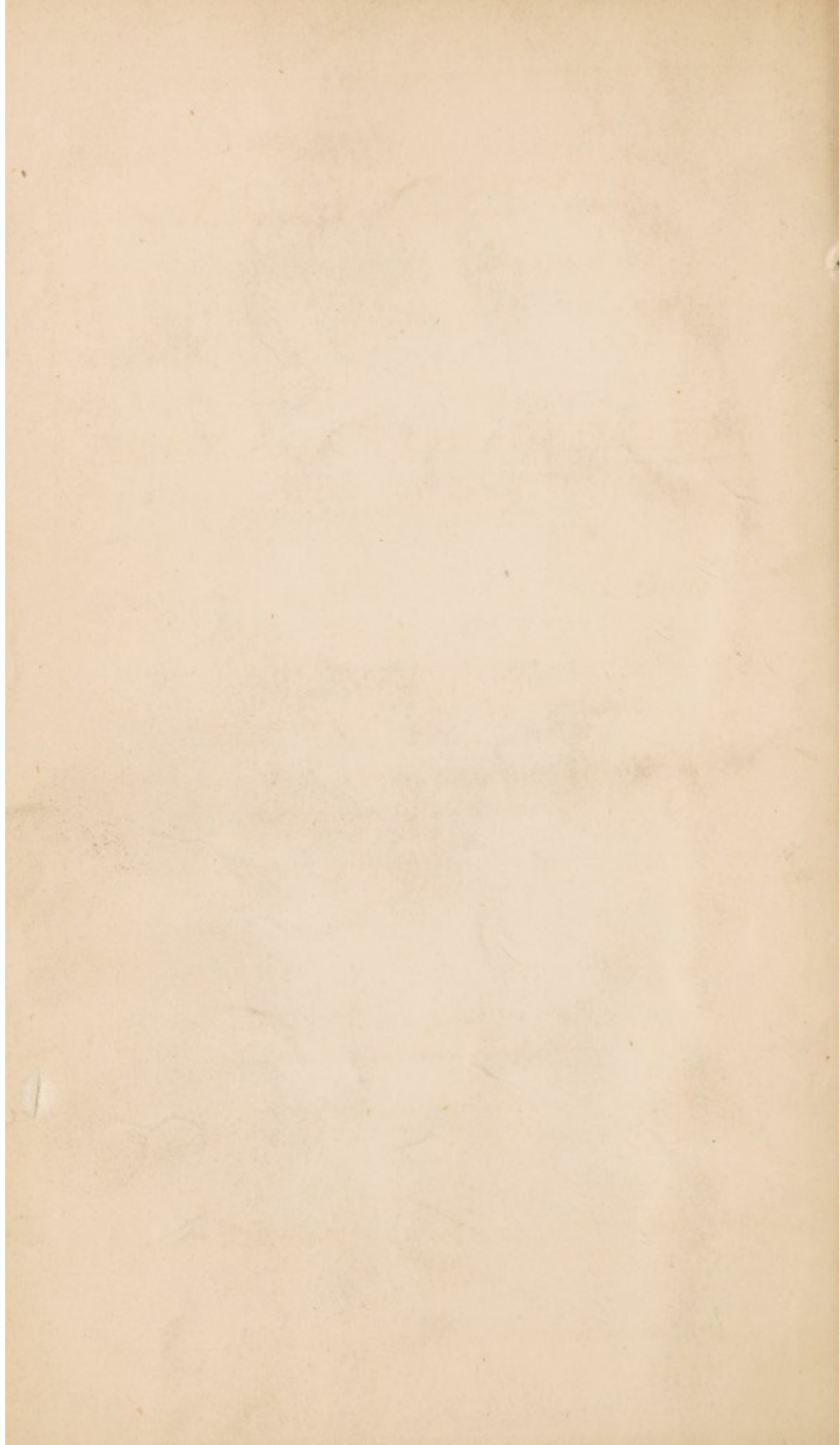
“WM. S. FORBES, M.D., *Chairman.*”

HALL OF THE COLLEGE OF PHYSICIANS, }
Thirteenth and Locust Streets, April, 1867. }

On motion of Dr. Rodman, the College of Physicians unanimously passed a vote of thanks for “the able and successful exertions” made to obtain this law.

* See Edinburgh Medical Journal, Oct. 1866. “Historical Sketch of the Edinburgh Anatomical School, by John Struthers, M.D., F.R.C.S., Edinburgh, Professor of Anatomy in the University of Aberdeen.”





HISTORY
OF THE
ANATOMY ACT OF PENNSYLVANIA.

AT a stated meeting of the College of Physicians, held February 6th, 1867, Doctor W. S. Forbes offered the following resolution :

“ Resolved, That a committee of three be appointed to present the views of this College to the Legislature of the State, urging the passage of a law sanctioning the dissecting of dead human bodies.”

He said: “ In presenting this resolution and asking its adoption by the college, it may be proper to state how legislative enactment, authorizing and regulating dissecting, will enhance the cultivation of the study of anatomy.

“ Two considerations present themselves at the very threshold of the matter. One is general in its nature, representing the broad catholic prin-

ciple of being right in itself, and embraces the very root of everything that is accurate, and useful, and learned in medicine. The other is entirely local in its character, and interesting to us as physicians of a great medical metropolis. Both of them gravely appeal to this body for sanction in its highest corporate capacity, and both of them impel us to ask for legislative action.

“In regard to the first consideration, that of its being right in itself, I am free to confess, in this learned body it would be out of place to do more than announce so manifest a statement.

“I shall therefore address myself at once to the examination of the remaining consideration, namely, that of its being interesting to us as physicians of Philadelphia. And I trust it may not be thought impertinent in me to state, by way of preface, that after having been a teacher of anatomy and operative surgery in this city for ten years,* to classes numbering in the ag-

* Doctor Forbes opened “The College Avenue Anatomical School” at the southeast corner of Tenth Street and College Avenue (now Chant Street above Chestnut), in March, 1857.