

Papers relative to the question of providing adequate means for the study of anatomy. I. Introduction by Robert Ferguson. II. An abstract of the Bill recently passed in America to facilitate the study of anatomy. III. Report from the Select Committee appointed by the House of Commons to inquire into the manner of obtaining subjects for dissection in the schools of anatomy. IV. Address from the Council of the Royal College of Surgeons ... V. On the anatomical question, by B.C. Brodie / [Robert Ferguson].

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PAPERS
RELATIVE TO THE QUESTION
OF
PROVIDING ADEQUATE MEANS
FOR THE
STUDY OF ANATOMY.

- I. INTRODUCTION—BY ROBERT FERGUSON, M.D.
II. AN ABSTRACT OF THE BILL RECENTLY PASSED IN AMERICA
TO FACILITATE THE STUDY OF ANATOMY.
III. REPORT FROM THE SELECT COMMITTEE APPOINTED BY THE
HOUSE OF COMMONS TO INQUIRE INTO THE MANNER OF
OBTAINING SUBJECTS FOR DISSECTION IN THE SCHOOLS OF
ANATOMY, &c.
IV. ADDRESS FROM THE COUNCIL OF THE ROYAL COLLEGE OF
SURGEONS TO THE SECRETARY OF STATE FOR THE
HOME DEPARTMENT.
V. ON THE ANATOMICAL QUESTION, BY B. C. BRODIE, ESQ.
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1832.



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1836



This last circumstance has led to a misapprehension on the part of the public. It is very generally believed that the members of the medical profession are a party concerned, and that they have an interest beyond that which others have, in obtaining greater facilities of dissection. This is true as far as it relates to the teachers of anatomy and the students; but the former are very few in number, and the latter are not of sufficient importance, and are too limited in their acquaintance and connexion for their sentiments to be much regarded, or even to be known. It is not true as to medical practitioners generally. They have laid in their store of knowledge. They rarely find it necessary to return to the labours of the dissecting-room; or if they wish to inspect the dead body for the purpose of satisfying themselves as to a particular point, they have ample opportunities of doing so in the post-mortem examinations made for the purpose of ascertaining the cause of a patient's death.

If the existing race of medical practitioners were so narrow-minded as to consult only their own private interests, they would be pleased to see the rising generation brought up in comparative ignorance, inasmuch as it would make it more difficult for themselves to be superseded in their practice as they advance in years. If they have been more active than others in calling the attention of the legislature to the subject, it has been on purely public grounds; not because they expect, or can expect, any benefit to themselves, but because their peculiar situation makes them more competent than other individuals can be, to form a judgment of the mischiefs which may ultimately arise to the community, if nothing be done to remove the existing evil.

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INTRODUCTION.

I.

THE accompanying papers are selected for republication, from various sources, with the view of directing attention to the following points:

- 1st. The paramount importance of anatomy.
- 2d. The evils attendant on the present mode of supplying the dissecting-rooms.
- 3d. The means by which such evils may be remedied, without outraging public feeling.

1. It is hardly necessary to point out the importance of anatomical knowledge, as a foundation of those means by which human suffering is relieved. The great improvements in surgery and medicine have been coeval in all times, and in every country, with the facilities afforded for dissection. Whenever these have been withheld, the power of alleviating the sufferings of our kind has been proportionally diminished. Instead of solid truths, vague and imperfect theories have served to guide medical judgments, and human misery has been fearfully increased by human ignorance. The history of medicine, from the æra of Galen to that of Harvey, proves this to be no exaggerated statement. The false or imperfect notions which regulated the practice of the elder members of our art, warped the judgments of their successors, and extended their pernicious influence to the very threshold of our own times. To say that these notions have been removed by

the diligent prosecution of anatomy, is almost to utter the truism, that the diseases of the body have been better treated as the structures of the body affected by them have been better studied; or, in other words, that the disorders of the machine have been best remedied by those who have understood its workings and its construction best.

2. The evils attendant on the present system of supplying the dissecting-rooms, arise from two sources: 1st, from the illegality of the mode of supply; and 2dly, from the insufficiency of the supply. It is well known, that the dissecting-rooms are almost wholly supplied with bodies which have been unlawfully disinterred. The immediate effect on society of such repulsive means of procuring subjects for dissection, is to degrade and brutalize a portion of the community, and to foster its existence in this state. It was proved in the House of Commons, before the select committee on anatomy, that upwards of two hundred persons were employed in London as exhumators; that the horror which their occupations inspired, necessarily kept them apart from the rest of the community, and forced them to eke out their means of subsistence by thieving; thus preparing them for the commission of the most atrocious crimes. It was also adduced in evidence, before the same committee, that the evil extended its influence to another portion of the public in another mode. The solicitude for the dead, and the horror of exhumation being such, as to induce "individuals of late to dispense with the laws of their country, and to fire upon parties attempting disinterment." Thus have the laws been infringed, no less by those whose good feelings prompted them to watch the remains of the dead, than by those who, from criminal motives, molested them.

The increasing demand for bodies, arising from the increasing number of medical students, and the increasing sense of the necessity of anatomical knowledge, has necessarily raised their price, and this has been further augmented by the risks incurred in exhumating them. "The effect of interpreting and executing the laws with increasing rigour, has been not

to suppress exhumation, but to raise the price of bodies, and increase the number of exhumators.”—(*Report on Anatomy*, p. 8.) The money thus obtainable, has acted in two instances, within three years, as a premium to murder, under circumstances of unparalleled atrocity; and there is reason to fear, that so long as the same causes operate, crimes similar to those of Burke and Bishop, will continue to be perpetrated; probably with more caution and art, and therefore with diminished chance of detection.

Not only are our Anatomical Schools supplied by means which foster crime, but the supply even thus obtained is insufficient for the purposes of medical knowledge and the discharge of a great duty towards the public. It was proved before the Anatomical Committee that each student, during the term of his studentship, dissects on an average only one body annually—a proportion wholly insufficient for the purposes of complete education. Nine tenths of these individuals practise Surgery as well as Medicine; and to them, thus imperfectly educated, the lives of the community must necessarily be intrusted. They supply our army, navy, and our colonies; they are located in our large provincial towns; the health of the rural population is consigned to their charge: they “farm” our workhouses, and become the Medical attendants of our country dispensaries, hospitals, and jails. If in these responsible stations many among them have vindicated their character for science, it has been by patient industry, by experience acquired late and painfully, in the absence of all encouragement, and at the hazard of legal punishment. Nevertheless it cannot be doubted that, as a class, they have not been permitted to acquire that degree of knowledge, which greater facilities for dissection would have ensured to their well-known zeal and industry. Hence our criminal courts annually exhibit the humiliating spectacle of practitioners unprepared for the ordinary exigencies of surgical practice, punished for ignorance, by a legislature which prevents them from acquiring knowledge.

3. But admitting the existence of these evils,—how are they to be remedied? Some have advocated the importation of bodies from abroad. Not to mention that this source of supply may be stopped by war, the plan which has been partially adopted failed, from the bodies on their arrival in this country being unfit for the purposes of dissection. Others would abolish dissections altogether, and would have Anatomy taught by means of models and diagrams. This plan would not only render Anatomical science stationary, but it would be as impossible to become a skilful operator by inspecting plans and models, as to be a skilful mechanic by looking at the adze and plane. The tools must be used; the practical dexterity must be acquired on the dead before the Surgeon shall venture to touch a single fibre of the living frame. The public know nothing of the intense anxiety and thought with which even our best tried hospital Surgeons approach the capital operations of Surgery; they hear of nothing but the facility with which the operation is performed, and do not appreciate the patient study, the long habit of dissection, the unceasing labour, the slow steps by which that dexterity has been acquired.

Others again would supply the dissecting room with the body of the executed murderer and the suicide. It is doubtful even if both these sources of supply were resorted to, whether they would be adequate to the demand: but with regard to the bodies of suicides, it is probable that not a single one would be used for dissection. Friends would seek to inter the remains, and there is not an Anatomical teacher in the kingdom who would not shrink from aggravating their distress by a refusal.

Others again would send our students to foreign schools to acquire their knowledge. But these may not always be open to them, and even if they were, a vast majority have neither the time nor the money to resort to them.

There is but one effectual remedy for the evil now operating so injuriously on the public; and that is, to give up the un-

claimed dead for the benefit and use of the living. Dissection is no evil to the corpse, and if there be no kindred nor friends, no injury can be inflicted on the living.

It may be said that the apprehension of being dissected might have an injurious influence on those who are conscious that if they die, they have no friends to protect their remains. To such an objection the conclusive answer is: Let every person have the power of forbidding the dissection of his body.

Let public feeling be respected,—let every barrier be opposed to wanton aggression on its prejudices; by such proceedings the cause of science cannot fail to be strengthened, and the wishes of its cultivators consulted. For the purposes of guarding against the possibility of wounding the feelings of even a single living being, let it be enacted:

1. That no dissection shall take place if the individual have declared, in writing, or orally before two witnesses, his wish to the contrary.

2. That no dissection shall take place if an objection be made by a single relation or friend.

3. That no dissection shall take place on the body of a stranger or traveller who has died in this country.

4. That the funeral service shall be read over the bodies of those to be given up to dissection, and that the remains shall receive Christian burial within a given time.

In order to protect the public from the hazard of crimes similar to those of Bishop and Burke, let it be enacted:

1. That no dissection be carried on except in a place licensed for the purpose by the Secretary of State or the Magistrates at the Quarter Sessions.

2. That a register be kept of every body dissected, stating from whence it has been obtained, &c.

3. That no body be dissected except there be a medical certificate stating the cause of death.

To a plan thus conducted, no reasonable objection, it is hoped, can be made. It has been in practice in every kingdom of the continent, and is now introduced into the United

States. It is true that some have felt that it is unworthy of a free nation, whose laws are made equally for high and low, that the poor and friendless should be dissected, while those who leave kindred and property are consigned to a quiet grave; but let us take the answer from an admirable essay on our subject, written by the late Dr. Gooch. (*Quarterly Review*, No. 83.)

"This view of the subject may produce some effect on the mind, but it will not bear examination. It is a sentimental sophism—an extension of that compassion which is properly directed to the living and sentient man, to his lifeless and insensible remains—his skin, muscles, blood-vessels, and bones. The instant the dead body is considered, as it ought to be, as a mere assemblage of insensible fibres, the sophism must vanish, together with its influence. The poor and friendless man is not more poor and friendless in the grave, than he who during life was surrounded by relatives, "clothed in purple and fine linen, and fared sumptuously every day." Death levels all distinctions: the dead pauper and the dead prince are on a par; a poor and friendless corpse is as much a figure of speech as a wealthy and befriended one."

We may add, from evidence before the anatomical committee, that it is precisely the poorer classes whose bodies are now disinterred and with this aggravation, that surviving friends, under the present state of things, can never feel secure that the remains of the dead are to be left unmolested.

In conclusion, let us state that the evils mentioned, fall exclusively on the non-medical part of the community. It is of little consequence to medical men, in a pecuniary point of view, whether as a class, they are permitted to be well or ill-educated, however grateful it may be to them to have the power and the consciousness of real knowledge. Human nature in its sufferings will always resort to human aid for succour. Whether that shall be administered by incompetent advisers, and unskilful operators, or by competent physicians and expert surgeons, depends on the public to choose.

Queen Street, May-fair.

ROBERT FERGUSON, M.D.

II.

MASSACHUSETTS ANATOMY BILL.

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.*

SECT. 1. Be it enacted by the Senate and House of Representatives in General Council 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 labour for a term not exceeding one year; or shall be punished by a fine not exceeding two thousand dollars to ensure to the benefit of the commonwealth, and by imprisonment in the common jail for a term not exceeding two years at the dis-

cretion 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 the 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 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 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 acquaintance 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 disinterring the same for purpose of dissection, or being accessory, as is described in the second section of this Act to *such* exhumation, shall be liable to the punishments and forfeitures in this Act respectively provided: And provided further, That every physician so

* "Those who receive charity from the overseers of the poor, and die out of the almshouse, or House of Industry, as we term it."

receiving any such dead body, before it be lawful to deliver to him the same, 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 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 outrage the public feeling; and that, after having been so used, the remains thereof shall be decently inhumed.

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.

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.

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.

4.

III.

R E P O R T

FROM THE

SELECT COMMITTEE OF THE HOUSE OF COMMONS.

The SELECT COMMITTEE, appointed to inquire into the manner of obtaining subjects for dissection in the Schools of ANATOMY, and into the State of the Law affecting the Persons employed in obtaining or dissecting Bodies; and to whom several Petitions for the removal of Impediments to the cultivation of the Science of ANATOMY were referred; and who were empowered to report the MINUTES OF EVIDENCE taken before them;—HAVE pursuant to the Order of The House, examined the matters to them referred; and agreed to the following REPORT:

THE peculiar nature of the subject which the Committee were appointed to investigate, has induced them to inquire principally into the practice of the Anatomical Schools of *London*, where, by personal communication with the most eminent surgeons and with the students and principal teachers of Anatomy, it could be fully ascertained that no detriment to their interests was to be apprehended from the publicity to arise out of the present inquiry. With regard to the practice of the provincial schools, to avoid the expense of summoning witnesses from a distance, they have been satisfied with written communications from resident professors or practitioners of eminence, which will be found in the Appendix.

The Committee have inquired into the nature of the difficulties which the Anatomists have here to contend with, whether arising out of the state of the law, or an adverse feeling on the part of the

people ; and into the evil consequences thence ensuing, as well to the sciences of Medicine and Surgery, as to all who study, teach, and practise them, and eventually to the members of the whole community. They have called witnesses to shew in what manner the wants of the Anatomist are provided for in several foreign schools, and to state their opinion, whether similar methods could be applied with advantage in this country, and if applied, would be adequate to remove the present difficulties.

The first origin of these difficulties is obviously to be traced to that natural feeling which leads men to treat with reverence the remains of the Dead ; and the same feeling has prompted them, in almost all times and countries, to regard with repugnance, and to persecute, Anatomy.

As the importance of the science to the well-being of mankind was discovered, the governments of different states became its protectors, and in this country particularly, by the statute of Henry the 8th, protection to a certain extent was given, and intended to be given to it ; but that protection, which at first, perhaps, was fully adequate, owing to the rapid progress of the Science, has long since become wholly insufficient.

How limited were the wants of the Science in the former part of the last century, may be learnt from the lectures of Dr. *William Hunter*, who describes the professors of the most celebrated schools, both at home and abroad, as employing in each course of lectures, not more than one, or at most two, subjects, and as exhibiting the performance of the operations of surgery, not on human bodies, but on those of animals. He represents the students in Medicine and Surgery as never exercising themselves in the practice of dissection, because for such practice they had no opportunities.

For such a system of instruction the provisions of the statute of Henry the 8th might well be adequate, and these provisions, indeed, may now be considered of importance only as a distinct admission of the principle, that the government of this country ought to protect Anatomy. The reformation of this antiquated and imperfect system took place, in this country, in the year 1746, when Dr. *William Hunter*, having a singular enthusiasm for the science, established complete courses of Anatomical Lectures, and opened a regular school for Dissection. The reform thus introduced was complete, and its author exulted before his death in having raised

and diffused such a spirit for dissection, that he should leave behind him many better Anatomists than himself.

Under his immediate pupils, and their successors, this school has gone on increasing. The earliest account that the Committee have met with of the number of anatomical students resorting to London, is that given by Mr. Abernethy, who states that shortly after the breaking out of the war with France, they amounted to 200. One of the witnesses, Dr. Macartney, computes their number in the year 1798 at 300 : and Mr. Brookes, a teacher of Anatomy, in a calculation submitted to Sir Astley Cooper in the year 1823, then reckoned their number to be 1000. It appears from the returns now furnished by the teachers of the different schools in London, that their number at present is somewhat above 800 : the diminution in the number since the year 1823 being the consequence, probably, of the pupils resorting to foreign schools, the advantages of which were less known at the former period than they are at present.

When it is considered what a demand there is for practitioners, as well to meet the wants of an increased population at home, as of an extended empire of colonies and dependencies abroad, this rapid increase of students will not appear surprising ; and if it is considered also, that not only is that demand an increasing one, but that every practitioner, however humble, from that laudable desire for intellectual improvement which characterizes the present age, endeavours, if he can afford it, to obtain a good education, and must regard himself as ill-educated if he has not gone through a course of dissection, the eventual increase of dissecting students can hardly be calculated, should their wants be supplied abundantly and at a cheap rate.

Although the students now attending the schools of Anatomy in London exceed 800, not more than 500 of this number actually dissect. The duration of their studies in London is usually sixteen months, and during that time the number of subjects with which every student in Surgery ought to be supplied, appears from the evidence (although there is some difference on this point) to be not less than three ; two being required for learning the structure of the parts of the body, and one the mode of operating. The total number of subjects actually dissected in the schools of London, in

one year, is stated to be not greater than from 450 to 500, which is after the rate of less than one subject for each dissecting student : a proportion wholly insufficient for the purposes of complete education.

Dissection, on an extended scale, began in this country, before there existed any such general feeling in its favour, founded on an opinion of its utility, that the British government, after the example of some foreign governments, would venture openly to patronize it. Accordingly, when in 1763 Dr. Hunter proposed to build an Anatomical Theatre, and to endow it with his museum and a salary for a professor, provided the government would grant him a site of ground for the institution, and his late Majesty would extend to it his countenance and protection, he met with a silent refusal. It was therefore only by stealth, and by means not recognized by the law, that the teacher was enabled to procure subjects. These means, it is notorious, from the time of Dr. Hunter down to the present time, have been principally disinterment ; though, of late, other illegal modes and contrivances, such as stealing before burial, personation of relatives for the purpose of claiming bodies, &c. have occasionally been had recourse to. For some time after the first establishment of dissecting schools, while the number of teachers and students was small, and the demand for subjects very limited, the means which were resorted to for obtaining a supply, were adequate to the wants of the students, and bodies were obtained in abundance and cheaply. The exhumators, at that time, were few, and circumspect in their proceedings ; detection was rare, the offence was little noticed by the public, and was scarcely regarded as penal ; so that (according to one of the witnesses) long after the decision of the Judges in 1788, that disinterment was a misdemeanor, prosecutions for this offence were not common, and offenders taken in the fact were usually liberated. If this state of things had continued, though the illegality of the practices had recourse to must be conceded, yet they could scarcely be said to occasion evils of such magnitude, as to require a legislative remedy. But the number of students and teachers having greatly increased, and, with them, the demand for subjects and the number of exhumators, detections became frequent, the practice of exhumation notorious, and public odium and vigilance were directed strongly against the offenders. It may be collected from the debates in Parliament which took

place in the year 1796, during the progress of a Bill for subjecting to dissection the bodies of felons executed for burglary and robbery, that, even at that time, the public regarded disinterment with strong feelings of jealousy.

In proportion as the public became vigilant, the laws relating to sepulture were interpreted and executed with increasing rigour; and as the price of subjects rose with the difficulty of obtaining them, the premium for breaking the laws increased with the penalty. The exhumators increased in number, and being now treated as criminals, became of a more desperate and degraded character.

The parties of daring men who now took to raising bodies, did it happen (as was frequently the case,) that while in pursuit of the same spoil, they fell in one with another, actuated by vindictive feeling, and regardless of the caution and secrecy on which the successful continuance of their hazardous occupation must depend, had contests in the places of sepulture, left the graves open to public gaze, or gave information to magistrates, or the relatives of the disinterred, against their rivals. Frequently, with a view to raise the price of subjects, to extort money, or to destroy rivalry, they have proceeded to acts of outrageous violence, tending to excite the populace against the teachers of Anatomy. These, and similar acts of violence or imprudence, have been constantly bringing exhumation to light, and have exasperated the public against both the exhumator and the Anatomist: and this to such a degree, that of late, in many cases, individuals, out of solicitude to guard the dead, have taken upon themselves to dispense with the laws of their country, and have fired upon parties attempting disinterment. Other circumstances, but of minor importance, have been assigned by some of the witnesses as augmenting the difficulty of obtaining subjects in London, or increasing the demand for them; but as regards them, the Committee beg leave to refer to the Evidence itself. The general result has been, with some difference, according to differences of place and season, (sometimes owing to the caprice and mercenary motives of the agents employed, at other times owing to the real difficulty of obtaining a supply,) that of late, subjects have been to be procured, either not at all, or in very insufficient quantity, and at prices most oppressive to the teacher and student.

The price of a subject, about thirty years ago, was from one to

two guineas; the teacher now pays from eight to ten guineas; and the price has risen even to sixteen guineas. The teachers deliver subjects to their dissecting pupils at a lower price than that at which they purchase them, having been compelled to resort to this expedient, lest dissection in London should be abandoned altogether. The loss which they thus sustain, is made good out of the fees which they receive for attendance on their lectures in the Anatomical Theatre. The cost of providing subjects is also enhanced to the teacher, by his being required occasionally to defend the exhumator against legal prosecution, and to maintain him against want, if sentenced to imprisonment, and his family, in case he has one, until the period of his punishment expires.

Nor is it only of a precarious, insufficient, and expensive mode of obtaining subjects that the cultivators of Anatomy complain—it is by the law, not as regards the exhumators, but as it affects themselves, that they are aggrieved.

The first reported case of a trial for disinterment is that of *Rex v. Lynn*, in the year 1788, when the court of King's Bench, on a motion for an arrest of judgment, decided it to be a misdemeanor to carry away a dead body from a churchyard, although for the purpose of dissection, as being an offence *contra bonos mores* and common decency. In this state the law on the subject of disinterment, as interpreted by the Court of King's Bench, appears to have remained, until the present year; when Davies and another were tried and convicted at the assizes at Lancaster, and subsequently received the sentence of the Court sitting at Westminster, for having taken into their possession, with intent to dissect, a dead body, at the time knowing the same to have been unlawfully disinterred. A respectable teacher of anatomy, residing at Liverpool, had been tried and found guilty on a similar indictment at the quarter sessions at Kirkdale, in the month of February in the same year. With these exceptions, magistrates appear hitherto to have taken no cognizance of receiving into possession a dead body, unless there were strict evidence that the receiver was a party to the disinterment; and on this practical view of the state of the law professional men also appear hitherto to have acted. At present, however, a most intelligent magistrate, one of the witnesses, considers that very slight evidence would connect the receiver with the disinterment; and that the purchase from the exhumator

would suffice to send the case to a jury, the knowledge of the fact of disinterment being to be collected from the circumstances, if strong enough to justify the inference. It is stated that there is scarcely a student or teacher of anatomy in England, who, under the law, if truly thus interpreted, is not indictable for a misdemeanour.

According to the opinion of the last-cited witness, to be a party to the non-interment, as well as to the disinterment of a dead body, would render a person indictable for a misdemeanour. Two cases are cited in support of this opinion. In the one, *Rex v. Young*, a non-reported case, but referred to by the Court in the case of *Rex v. Lynn*, the master of a workhouse, a surgeon, and another person, were indicted for, and convicted of, a conspiracy, to prevent the burial of a person who died in the workhouse. In the other, *Rex v. Cundick*, which occurred at the Surrey spring assizes, in the year 1822, the defendant was found guilty on an indictment for a misdemeanour, charging him with not having buried the body of an executed felon, entrusted to him by the gaoler of the county for that purpose; but with having sold the body, for lucre and gain, and for the purpose of being dissected: and on this trial, it was not considered necessary to prove that the body had been sold for lucre, or for the purpose of dissection. The witness infers, from the analogy of all these cases, that to treat a dead body as liable to any thing but funeral rites, is an offence *contra bonos mores*, and therefore a misdemeanour.

This state of the law is injurious to students, teachers, and practitioners, in every department of medical and surgical science, and appears to the Committee to be highly prejudicial to the public interests also.

It is the duty of the student to obtain, before entering into practice, the most perfect knowledge he is able of his profession; and for that purpose to study thoroughly the structure and functions of the human body; in which study he can only succeed by frequent and repeated dissection. But his wants cannot adequately be supplied in this country, except at an expense amounting nearly to a prohibition, which can be afforded only by the most wealthy, and precludes many students from dissecting altogether. From the precariousness or insufficiency of the supply, the dissections and lectures are often suspended for many weeks, during which

the pupils are exposed to the danger of acquiring habits of dissipation and indolence; and, from the same causes, that important part of surgical education is usually omitted, which consists in teaching how to perform on the dead body those operations which the student may afterwards be required to practise on the living. But not only does the student find dissection expensive and difficult of attainment, but he cannot practise it, without either committing an infringement of the law himself, or taking advantage of one committed by others. In the former case, he must expose himself to imminent hazard, and in either he may incur severe penalties, and be exposed to public obloquy. The law, through the medium of the authorities intrusted with conferring diplomas, and of the Boards deputed by them to examine candidates for public service, requires satisfactory proof of proficiency in anatomical science, although there are no means of acquiring that proficiency without committing daily offences against the law. The illegality and the difficulties attending the acquisition of the science dispose the examiners, in some cases, to relax the strictness of their examination, and induce them, in the case of the Apothecaries' Company, to dispense with dissection altogether; the persons to whom certificates are granted by the examiners of this Company being those who, from their numbers* and extensive practice, ought especially, for the safety of the public, to be well instructed. The annual number of certificates so granted exceeds four hundred.

The teacher of anatomy, besides the evils which befall him in common with the student, has to suffer others, arising also out of the state of the law, which affect him with peculiar hardship. The obstacles which impede the study of anatomy in this country are such, and the facilities presented to the study in foreign countries are so great, that those English students who are desirous of obtaining a thorough knowledge of the science, desert the schools at home, and repair to those abroad. Their principal resort is to Paris, where two hundred English students of anatomy are now pursuing their course of instruction. Dissection probably, under these circumstances, would scarcely be followed at home, were it not for the regulations of the College of Physicians, which require

* Computed at ten thousand in England and Wales.

the candidates for the diploma of the College to have learned the practice of surgery in a recognized school within the united kingdom; so that the student, during the period required for learning this practice, in order that he may the sooner become qualified for his profession, employs a part of his time in learning also to dissect. These disadvantages, affecting the teacher, are such, that, except in the most frequented schools attached to the greater hospitals, few have been able to continue teaching with profit, and some private teachers have been compelled to give up their schools. To the evils enumerated it may be added, that it is distressing to men of good education and character, to be compelled to resort, for their means of teaching, to a constant infraction of the laws of their country, and to be made dependent for their professional existence on the mercenary caprices of the most abandoned class in the community.

But it is not only to the student, while learning the rudiments of the science, and to the teacher, while endeavouring to improve it, that dissection is necessary, and the operation of the law injurious. It is essential also to the practitioner that, during the whole course of his professional career, he should dissect, in order to keep up his stock of knowledge, and to practise frequently on the dead subject, lest, by venturing to do so unskilfully on the living, he expose his patients to imminent peril. He is required also, in many important cases, civil and criminal, to guide the judgment of judges and of jurors, and would be rebuked were he to confess, upon any such occasion, that, from having neglected the practice of dissection, he was unable to throw light upon a point at issue in that science which he professed. He is liable, in a civil action, to damages for errors in practice, due to professional ignorance; though, at the same time, he may be visited with penalties as a criminal, for endeavouring to take the only means of obtaining professional knowledge.

Under these circumstances, affecting equally the student, teacher, and practitioner, the Committee were not surprised to find that this inquiry excited considerable interest in all parts of the country, and that numerous petitions from all classes of the profession, connected with the science of anatomy, were laid upon the table of the House, uniformly praying for an amendment of the existing law on the subject.

But, independently of the bearings of the question on the interests of medical practitioners, and on the health of the community, the system pursued is productive of great evil, by training up a race of men in habits eminently calculated to debase them, and to prepare them for the commission of violent and daring offences. The number of persons who, in London, regularly live by raising bodies, is stated by the two police officers examined before the Committee not to exceed ten; but the number of persons occasionally employed in the same occupation, is stated by the same witnesses to be nearly two hundred. Nearly the whole of these individuals, as is admitted by the exhumators themselves who were examined before the Committee, are occupied also in thieving, and form the most desperate and abandoned class of the community. If, with a view to favor anatomy, exhumation should be allowed to continue, it appears almost a necessary consequence that thieves also should be tolerated. It should seem useless, however, with a view to suppress exhumation, to endeavour to execute the existing laws with increased severity, or to enact new and more rigorous ones. The effect of interpreting and executing the laws with increased rigour has been, not to suppress exhumation, but to raise the price of bodies, and to increase the number of exhumators. So long as there is no legalized mode of supplying the dissecting schools, so long the practice of disinterment will continue: but if other measures were devised, which would legalize and ensure a regular, plentiful, and cheap supply, the practice of disinterring bodies, and of receiving them, would, of necessity, be entirely abandoned.

Before advertng to those new methods for obtaining an adequate supply of subjects, which have been suggested by the witnesses who have been examined before the Committee, they will state in what manner, according to the evidence adduced, the Schools of Anatomy at Paris are provided. They have also inquired into the practice of some other foreign schools, for an account of which they beg to refer to the evidence itself; and they dwell upon the practice of the schools of Paris, because it approaches most nearly to the plan recommended by most of the witnesses for adoption in this country.

The administration of all the hospitals at Paris, since the period of the Revolution, has been confided to a public board of manage-

ment. The rule at the hospitals is, that every patient who dies shall be attended by a priest, and that, after the performance of the usual ceremonies of the Catholic church, the body shall be removed from the chapel attached to the hospital, to the dead room, and there remain for twenty-four hours, if not sooner claimed by the relatives. Bodies may be examined after death, by the medical officers attached to a hospital, in order to ascertain the cause of death; but may not be dissected by them. A body, if claimed by the friends after examination, is sewed up in a clean cloth, before being delivered to them. If not claimed within twenty-four hours after death, after being enveloped in a cloth in a similar manner, it is sent, in the manner hereafter described, to one of the dissecting schools.

There are no private dissecting schools in Paris, but two public ones; that of the *École de la Médecine*, and that adjoining the *Hôpital de la Pitié*. These are supplied exclusively from the different hospitals, and from the institutions for maintaining paupers, the supply from certain of these establishments being appropriated to one school, and that from the remaining establishments to the other.

The distribution of subjects to the two schools is confided to a public officer, *Chêf des travaux Anatomiques*. He causes them to be conveyed from the hospitals, at an early hour, in a covered carriage, so constructed as not to attract notice, to a building at the schools set apart for that purpose. They are then distributed by the *prosecteurs* to the students; and after dissection, being again enveloped in cloth, are conveyed to the nearest place of interment.

The students at the *Ecole de la Médecine* consist of young men who have distinguished themselves at a public examination, though the person at the head of the establishment is also allowed to admit pupils to dissect. The school of *La Pitié* is open to students of all nations, who, on entering themselves, may be supplied with as many subjects as they require, at a price varying according to the state in which the body is, from three to twelve francs; priority of choice, however, being given to the *élèves internes* of the different hospitals, and the subjects being delivered to them at a reduced price. English surgeons were here permitted until lately to engage private rooms for the purpose of lecturing on Anatomy to students of their own nation, and to superintend their labours in

the dissecting room. From the protection and facilities which have thus been afforded to the study of Anatomy at Paris, it has become the resort of the medical students of all nations; the practice of exhumation is wholly unknown, and the feelings of the people appear not to be violated.

It is the opinion of almost all the witnesses, that the adoption in this country of a plan, similar in most respects to that which prevails in France, would afford a simple and adequate remedy for the existing evils. They recommend that the bodies of those who during life have been maintained at the public charge, and who die in workhouses, hospitals, and other charitable institutions, should, if not claimed by next of kin within a certain time after death, be given up, under proper regulations, to the Anatomist; and some of the witnesses would extend the same rule to the unclaimed bodies of those who die in prisons, penitentiaries, and other places of confinement. In the hospitals which supply subjects to the Anatomical schools of France and Italy, religious rites are paid to the dead, before giving up the bodies for dissection: in the plan proposed for this country, most of the witnesses recommend that the performance of religious rites should be deferred until after dissection, and they are anxious that the Anatomist should be required, under adequate securities, or a system of effective superintendence, to cause to be administered, at his own expense, to the bodies which he dissects, religious solemnities and the usual rites of burial.

The plan proposed has this essential circumstance to recommend it—that provided it were carried into effect, it would yield a supply of subjects that, in London at least, would be adequate to the wants of the Anatomist. The number of Anatomical students resorting annually to London, and the number of subjects with which they ought to be supplied, have been already stated. It appears from the returns obtained by the Committee from 127 of the parishes situate in London, Westminster, and Southwark, or their immediate vicinity, that out of 3744 persons who died in the workhouses of these parishes in the year 1827, 3103 were buried at the parish expense; and that of these, about 1108 were not attended to their graves by any relations. There are many parishes in and around London, from which at the time of making this Report, returns had not been delivered in; but it may be inferred

from those returns which have been procured, that the supply to be obtained from this source alone, would be many times greater than that now obtained by disinterment; that when added to the supply to be derived from those other sources which have been pointed out, it would be more than commensurate to the wants of the student, and consequently, that the plan, if adopted, as meeting the exigencies of the case, would eventually be the means of suppressing the practice of exhumation.

If it be an object deeply interesting to the feelings of the community that the remains of friends and relations should rest undisturbed, that object can only be effected by giving up for dissection a certain portion of the whole, in order to preserve the remainder from disturbance. Exhumation is condemned as seizing its objects indiscriminately, as, in consequence, exciting apprehensions in the minds of the whole community, and as outraging in the highest degree, when discovered, the feelings of relations. If selection then be necessary, what bodies ought to be selected but the bodies of those, who have either no known relations whose feelings would be outraged, or such only as, by not claiming the body, would evince indifference on the subject of dissection. It may be argued, perhaps, that the principle of selection, according to the plan proposed, is not just, as it would not affect equally all classes of the public; since the bodies to be chosen would necessarily be those of the poor only. To this it may be replied; 1st,—that even were the force of this objection to a certain degree admitted, yet that to judge fairly of the plan, its inconveniences must be compared with those of the existing system; which system, according to the evidence adduced, is liable in a great measure to the same objection, since the bodies exhumated are principally those of the poor; 2dly,—that the evils of this, or of any other plan to be proposed on this subject, must be judged of by the distress which it would occasion to the feelings of surviving relations; and the unfairness to one or another class of the community, by the degree of distress inflicted on one class rather than another; but where there are no relations to suffer distress, there can be no inequality of suffering, and consequently no unfairness shown to one class more than another.

One or two of the witnesses, who appear to be either favorable, or not opposed to the principle of the plan, speak with doubt of its

success, as though it would be found impracticable to reconcile the public to its introduction ; and one in particular, apprehends that religious feelings may impede its adoption. An objection founded on religious feelings, does not apply to the plan in question only, but would be equally valid, generally, against all dissection whatsoever ; and should lead those who urge it, consistently with their own principles, to endeavour to put down altogether the study of practical Anatomy.

Though it may be true that the public are, to a certain degree, averse to dissection, yet it is satisfactory to find several of the witnesses adducing facts to prove that those feelings of aversion are on the decline. They state, that in those parish infirmaries where the bodies of those who die are examined, as the practice has become common, it has been viewed with less jealousy ; that in those hospitals where a similar rule prevails, neither patients themselves are deterred from applying for admission, nor their relatives on their behalf ; that the addition of public dissecting rooms to hospitals has not produced any diminution in the number of applications for relief within the walls of those hospitals ; and that, by reasoning with the friends of those who die, and by explaining to them how important it is to the art of healing that examination should take place after death, they may usually be brought to consent to the bodies of their friends being examined. Hence it is argued that, in involving the subject of dissection in mystery, as has hitherto been the case, the public have been treated injudiciously ; that, with proper precautions, and the light of public discussion to guide them, they may be made to perceive the importance of the study generally, and the reasonableness of the particular measure now contemplated, and that, when they come to regard it as the means of suppressing exhumation, they will receive it with favor, and finally acquiesce in it.

The legislative measure which most of the witnesses are desirous of, in order to enable them to carry the plan into effect, is the repeal of any existing law which would subject to penalties those who might be concerned in carrying the proposed plan into execution : they wish for an enactment, permissive and not mandatory, declaring that it shall not be deemed illegal for the governors of workhouses, &c., and for anatomists, the former to dispose of, the latter to receive and to dissect, the bodies of those dying in such

workhouses, &c., such bodies not having been claimed within a time to be specified, by any immediate relations, and due provision being made for the invariable performance of funeral rites. Some few of the witnesses, indeed, who state that they wish for the success of the plan, contemplate any legislative interference whatever in this matter with apprehension; but they do not appear to have been aware how nearly the cases decided by the courts of law, and already adverted to, would apply to persons engaged in executing the plan in question. In those cases, the bodies for the non-burying of which the defendants were severally convicted, were those of a pauper who died in a workhouse, and of a person who had suffered death as a felon. If these cases apply, as it appears they do, to persons engaged in giving up or in receiving, for other purposes than for burial, the bodies of the inmates of workhouses or of prisons, such impediments to the success of the plan cannot be removed, as these witnesses think they might be, simply by the favorable interference of the executive Government, however disposed to shew indulgence to the profession; but an Act of the legislature can alone provide a remedy.

Amongst the measures that have been suggested for lessening the dislike of the public to dissection, is that of repealing the clause of the Act of Geo. II., which directs that the bodies of murderers shall be given up to be anatomized. It appears from the returns already laid before the House, that, as regards the direct operation of this clause on the supply of subjects, the number which it yields to the anatomist is so small in comparison of his total wants, that the inconvenience which he should sustain from its repeal would be wholly unimportant. As to its remote operation, almost the whole of the witnesses examined before the Committee, and of those whose written communications will be found in the Appendix, are of opinion that the clause in question, by attaching to dissection the mark of ignominy, increases the dislike of the public to anatomy, and they therefore are desirous that the clause should be repealed.

The Committee would be very unwilling to interfere with any penal enactment which might have or seem to have, a tendency to prevent the commission of atrocious crimes; but as it may reasonably be doubted whether the dread of dissection can be reckoned amongst the obstacles to the perpetration of such crimes,

and as it is manifest that the clause in question must create a strong and mischievous prejudice against the practice of Anatomy, the Committee think themselves justified in concluding that more evil than good results from its continuance.

The Committee consider that they would imperfectly discharge their duties, if they did not state their conviction of the importance to the public interests of the subject of their inquiries. As the members of the profession are well educated, so is their ability increased to remove or alleviate human suffering. As the science of Anatomy has improved, many operations formerly thought necessary have been altogether dispensed with; most of those retained have been rendered more simple, and many new ones have been performed to the saving of the lives of patients, which were formerly thought impossible. To neglect the practice of dissection would lead to the greatest aggravation of human misery; since Anatomy, if not learned by that practice, must be learned by mangleing the living. Though all classes are deeply interested in affording protection to the study of Anatomy, yet the poor and middle classes are the most so; they will be the most benefited by promoting it, and the principal sufferers by discouraging it. The rich, when they require professional assistance, can afford to employ those who have acquired the reputation of practising successfully. It is on the poor that the inexperienced commence their practice, and it is to the poor that the practice of the lower order of practitioners is confined. It is, therefore, for the interest of the poor especially, that professional education should be rendered cheap and of easy attainment; that the lowest order of practitioners, (which is the most numerous,) and the students on their first entry into practice, may be found well instructed in the duties of their profession.

Such, on an attentive consideration of the Evidence adduced, is the deliberate judgment of the Committee on the matters submitted to them; and it now remains for the House to consider whether it will not be expedient to introduce, in the course of the ensuing Session some legislative measure, which may give effect to the recommendations contained in the present Report.

22d July, 1828.

IV.

LETTER

ADDRESSED BY THE

COUNCIL OF THE COLLEGE OF SURGEONS

TO THE

SECRETARY OF THE HOME DEPARTMENT.

Royal College of Surgeons in London, Dec. 10, 1831.

THE undersigned members of the Council of the College of Surgeons in London, have the honour of addressing your Lordship on a subject of painful interest to the whole community, but especially to the members of the medical profession.

The Royal College of Surgeons are empowered by their charter to examine certain individuals as to their knowledge of surgery, and they are especially required to institute such examination respecting those who are candidates for the situation of surgeon in the army or navy.

It is not possible that any one should be properly qualified to practise in this department of the healing art, who has not attained a due knowledge of human anatomy, and explored with his own hand the structure of the dead body. Proofs of their having done so have therefore been always required of candidates who have presented themselves for examination.

The Council believed that they could not properly perform their duty to their Sovereign, from whom the College received its charter, nor to the public, for whose benefit it was granted, without insisting on the study of anatomy by dissection, as the most important part of surgical education.

They have, however, been aware that some serious objection might be urged to the course which they thus ventured to take.

In the present state of the common law, as it is construed by the law authorities, the individual who dissects a human body, or even has it in his possession for any other purpose than that of burial, is guilty of a misdemeanor, unless it be the body of a malefactor hanged for murder.

Bodies used for dissection in the anatomical schools have necessarily been procured by illegal means: by the invasion of consecrated ground, and the disturbance of graves, in a way disgusting to society at large, and especially offensive to the friends and relatives of the deceased.

The regulations of the Council have therefore had a tendency to encourage both teachers and students to a direct violation of the law, and to establish, in the procurers of dead bodies, a set of men living by practices which are revolting to the feelings of society, exposed to the hatred and contempt of those around them, and likely, by the joint operation of these causes, to become trained and gradually habituated to the commission of still greater crimes.

The Council felt that they could only do what was, on the whole, for the best, in the dilemma in which they were placed. The circumstances, which have just been enumerated, did not escape their attention, and have continually excited their most deep regret. But, on the other hand, they were called upon to regard the obligations of their charter. They were aware that the want of properly educated surgeons would prove a serious evil to the public. However much they might be inclined to encourage the use of preserved parts and models as subsidiary means of teaching anatomy, they were convinced that these are of themselves quite inadequate to afford that minute, complete, and accurate knowledge which is necessary in surgical practice, and which the student acquires by dissection.

The Council further submit that they have laboured under much embarrassment from the inconsistencies and contradictions of the law itself, which at the same time that it declares the student to be guilty of a misdemeanor if he attempt to attain anatomical knowledge, renders him, when afterwards engaged in practice, liable to a civil action on account of any mistake which his ignorance of anatomy may lead him to commit.

But whatever may have been the extent of the difficulties which have heretofore obstructed the Council in the execution of their duty, they may well be regarded as insignificant when compared with those which they have to encounter at the present moment.

The large prices which have of late been given for anatomical subjects have operated as a premium for murder. If the Council of the College continue to require that those who present themselves for examination shall have studied practical anatomy, who can venture to say that crimes similar to those which have just now filled the public with dismay will not be again committed? More criminals will undoubtedly arise; new victims will be added to the list; and the medical profession will be necessarily degraded from the high station which it ought to hold as having in its relations to society no object but that of conferring benefit on others.

The Council have no expectation while the law remains as it is at present, and surgical students continue to cultivate the science of anatomy, that any means can be contrived which will prevent a repetition of the horrible offences to which they have just alluded.

Attention and constant suspicion on the part of the teachers may effect much, but not all that is requisite. It is vain to imagine it always possible to distinguish the body of a person who has been murdered from that of one who has died a natural death. The very individuals who have lately suffered on the scaffold would probably have escaped detection if they had been more circumspect and wary in their conduct.

Nor can all the precautions with which it is desirable the study of anatomy should be conducted, be adopted under the existing laws. In the other countries of Europe, anatomy is taught only under a licence, and in certain places appointed by the government, and an exact register is preserved of all the bodies consigned for dissection. But it is a contradiction to suppose that any such licence can be granted, or such register preserved in this country, where the study of anatomy is barely tolerated, and where not only the procurers of dead bodies, but the anatomical teachers and students, are alike engaged in illegal pursuits.

In offering this representation to his Majesty's Government, the Council are not without hopes that some plan may be devised by the Legislature calculated to remove the serious evil of which they now complain. At the same time they beg leave to declare on their

own part, and on that of all the other members of their profession who are now in practice, with the exception of the very few who devote themselves to the laborious and often unprofitable task of teaching anatomy, that the question is one in which they have no direct or personal interest. Whether anatomy be taught legally or illegally, or not at all, does not concern the existing race of the practitioners in medicine or surgery, who have completed the period of their education: but it deeply concerns the public; and it is under a strong sense of the evils which society may ultimately experience, and from a desire conscientiously to perform their duties, that the Council of the College have ventured to make this demand on your Lordship's patience and attention, at a moment which, on an occasion of less importance, they should have deemed unseasonable.

Signed.

ROBERT KEATE, ~~Esq.~~ PRES.

JOHN P. VINCENT, ~~Esq.~~ V. P.

GEORGE J. GUTHRIE, ~~Esq.~~ V. P.

~~Esq.~~ WILLIAM BLIZARD, ~~Knt.~~

JOHN ADAIR HAWKINS, ~~Esq.~~

WILLIAM LYNN, ~~Esq.~~

~~Esq.~~ ASTLEY P. COOPER, ~~Barr.~~

~~Sir~~ ANTHONY CARLISLE, ~~Knt.~~

HONORATUS L. THOMAS, ~~Esq.~~

ANTHONY WHITE, ~~Esq.~~

JOHN G. ANDREWS, ~~Esq.~~

SAMUEL COOPER, ~~Esq.~~

THOMAS COPELAND, ~~Esq.~~

JOHN HOWSHIP, ~~Esq.~~

JAMES BRIGGS, ~~Esq.~~

WILLIAM LAWRENCE, ~~Esq.~~

BENJAMIN C. BRODIE, ~~Esq.~~

BENJAMIN TRAVERS, ~~Esq.~~

HENRY EARLE, ~~Esq.~~

~~Sir~~ CHARLES BELL, ~~Knt.~~

JOSEPH SWAN, ~~Esq.~~

V.

OBSERVATIONS

ON THE

ANATOMICAL QUESTION,*

BY B. C. BRODIE, F.R.S. &c.

At present the schools of medicine and surgery are supplied with subjects for dissection which are procured by illegal means; and even this supply not only falls far short of what is really required, but is in danger of being much further diminished.

This is a great evil, which should be remedied, if possible, and for the following reasons:

1. The want of anatomical knowledge among medical, but more especially among surgical practitioners, would lead to very serious results. Even the commonest operation in surgery (that of bleeding) could not be performed with safety, far less those which are more difficult or complicated. An old man, with a strangury from an enlarged prostate, whose life is at present scarcely supposed to be in danger, must be left to die. A man with a strangulated rupture would be in the same predicament; and physicians as well as surgeons must be mere empirics, having no principle to direct them either in the diagnosis or the treatment of diseases. It is true that there may be no great danger of the study of anatomy being altogether abolished; and that there would be always a supply of practitioners skilled in anatomy sufficient to meet the demand made by the higher classes of society. But the poor, and even the middle

* These observations were written between three and four years ago, and were at that time sent in manuscript to some leading members of the legislature.

classes, would suffer. The life of a labourer, or of a person who keeps a chandler's shop, is as valuable to himself and family as that of a nobleman, and it will afford very little consolation to his wife to know, when her husband is no more, that, if he had been of higher condition, his life might have been saved.

2. Such is the importance of anatomy, that those who are engaged in the study of medicine and surgery will always endeavour to learn it, as far as it lies in their power to do so; and if subjects for dissection cannot be procured by legal and decent means, they will be procured by means which are indecent and illegal. The present system of procuring them by the robbery of churchyards, is attended with very great mischief in various ways. It disgusts and alarms not only the surviving friends, but the whole of society. Some are rendered miserable because they know that the bodies of their friends have been stolen from the grave, and carried to the dissecting room, and others because they are apprehensive that the bodies of their friends may be served in the same manner. The men who are employed to exhume bodies are of the very worst description; they are outcasts of society, who, being pointed out as *resurrection men*, are unable to maintain themselves by any honest employment, and are thus driven to become thieves and house-breakers, because when not actually employed in stealing bodies, they can do nothing better.

The price of subjects at this moment is as high as eight, ten, or twelve guineas, and it has been as high as fifteen guineas: but many a person has been murdered for a much smaller sum than the least of these. Here, then, is an inducement to commit actual murder; and, in addition to the mere gain, there is this further inducement, namely, that the murder is committed under circumstances peculiarly calculated to effect its concealment, as the bodies in the dissecting-room soon become disfigured, so that they cannot be recognized, and it is not to be supposed that the teachers of anatomy, except under particular circumstances, can distinguish the bodies of those who are murdered from the bodies of those who die a natural death. This is now proved to be no imaginary evil: but the public need not be surprised that it has occurred. It has been foreseen by medical men whose attention has been directed to these inquiries for some years, and the danger has been pointed

out to many members of the legislature; nor can all the activity of the police, nor all the watchfulness of the teachers of anatomy, prevent it recurring some time or another, if there be no easier method of supplying subjects for dissection than that which is now resorted to, and if they continue, in consequence, to produce the enormous sum which they produce at present.

3. One effect of the existing difficulty of procuring subjects in this country, is, that a large proportion of medical students visit the continent, and reside in Paris, or elsewhere, for the purpose of dissection. It may not be very creditable to us, as a nation, that we should not possess among ourselves the means of instruction in so important a branch of knowledge as anatomy; but there is another and a stronger reason for lamenting this emigration of medical students. There is no class of society in whose honour, and integrity, and good principles, the public are so deeply interested as in those of the medical profession. The members of it are admitted to a degree of confidence which is not given to any other individuals. Circumstances are, of necessity, made known to them which are not intended for the world, and the disclosure of which would, in many instances, destroy the peace of a family. They visit their fellow-creatures labouring under, not only the bodily, but the mental weakness of disease; and a depraved or dishonest person will easily convert these opportunities to some base purpose of self-advancement or self-gratification. We need not insult our neighbours by asserting that there is more vice in Paris than in London. Be that as it may, there is still good reason to suppose that a number of young Englishmen are more likely to fall into vicious and dissipated habits in the former city than in the latter. Even if their parents reside in a distant county, they have in all probability relations, and at any rate they have acquaintances in London; while in London, they are in constant communication with their families in the country, and they are in a greater or less degree under the *surveillance* of their friends. But while they reside in Paris these restraints are removed: they are left entirely to themselves, and that at a period of life when temptations are new to them, when their passions are strong, and when good counsel and good example are of more importance than at any other period, either earlier or later. Can any one regard

this as a favourable condition for young men who, in the subsequent part of life, are to have such trust reposed in them as necessarily must be reposed in medical practitioners?

4. The foregoing considerations relate to the public more than to the members of the medical profession; but surely something is due to the latter. Let us observe what is their situation under present circumstances.

Anatomical knowledge is necessary to a right understanding both of medicine and surgery. But the law declares that the having a dead body in your possession is a misdemeanour; and the judges lay it down as a maxim, that there is only one legal way of possessing a body for dissection, namely, by procuring that of a man hanged for murder. The anatomical students are compelled to deal with people who steal bodies from churchyards, and who are liable to be punished for so doing. But the College of Physicians, the College of Surgeons, and the Company of Apothecaries, all require; that those who present themselves for examination should have attended anatomical lectures, and should have performed dissections. Again, a man dislocated his shoulder. He applied to a surgeon-apothecary, who did not discover the dislocation. Some time afterwards, it was discovered by a surgeon, when it was too late to reduce it. The patient brought an action against the person whom he had first consulted; and the jury, under the direction of the judge, found a verdict for the plaintiff, with one hundred pounds damages. Many such instances have occurred.

Thus it appears that the laws forbid the student to dissect, while the constituted authorities, under the sanction of the laws, require that he should dissect. The medical student in the first instance is persecuted on account of his endeavours to obtain knowledge, and afterwards, when he is engaged in practice, he is persecuted for not having obtained it; and to make the inconsistency still greater, there is not an individual amongst those who make the laws, nor among those by whom they are administered, who hesitates, when his life is in danger, to apply for assistance to those individuals, who would not have it in their power to relieve him, if they had not devoted a considerable portion of their lives to these forbidden studies.

But it is to no purpose to point out the evils which exist, unless

it can be shown at the same time that those evils admit of being removed. The next question then is, how can a more abundant supply of subjects be procured in a manner less offensive to the community?

1st. As the laws are now construed by the law authorities, the possession of a body for the purpose of dissection is in itself a misdemeanor, except it be that of a person hanged for murder. The first thing then to be done is, to declare by an Act of the legislature that dissection, for the purpose of procuring knowledge that may be useful in medicine and surgery, is legal and proper.

2dly. That a dead body should be dissected is of no consequence to the individual who is no more, but a knowledge of it being so may be distressing to the feelings of the surviving friends and relations.

This sufficiently points out what are the proper subjects for dissection; namely the bodies of those who die without any friends or relations. In small towns and villages, probably, there are none who die under these circumstances, but in large cities, and especially in the metropolis, there is a great number. Whoever will take the trouble of referring to the Report of the Anatomical Committee of the House of Commons, will find that, in London, the number of these amounts to many more than would be required for the supply of all the anatomical schools. These bodies are now buried at the expense of the public, and if authorised to do so, the churchwardens and overseers would in most instances readily give them up to the teachers of anatomy.

But it may be urged in opposition to the adoption of the plan proposed, that it will be considered as a very harsh and arbitrary measure on the part of the legislature to point out any particular class of society, as furnishing subjects for dissection, while the other classes are exempt. This objection relates, of course, not to the sense and deliberate judgment, but to the feelings of the public, and it is easily answered. Let it be declared, not who are, but who are not to be dissected. Let it be enacted that dissection is lawful, but that no one is to be dissected contrary to the wishes of his friends or nearest relations. The result will be the same, but the offence to public feeling in this last case will be none at all.

It may be said also, that there are some individuals who have a

horror of being dissected after death, and that it will sometimes happen that a poor man dying in a workhouse, with no friends around him, will have his sufferings much aggravated, if he believes that his helpless and friendless condition is to lead, as soon as he has breathed his last, to his body being conveyed to an anatomical theatre. Undoubtedly, such feelings ought to be respected. It would be cruel to disregard them, and it is very easy to meet the objection that arises out of them. Let it be declared further, that no one is to be made the subject of dissection, who has declared by his last will and testament his wish to the contrary.

Again: it may be considered as wrong, on religious grounds, that any individual should be denied the rites of sepulture, and the performance of the funeral service over his remains, after death. It may be answered to this objection indeed, that these are mere human institutions, concerning which not one word is said in the Old or New Testament. But there is no occasion to meet it thus. After the body has been dissected, let the remains be enclosed in a coffin, and conveyed to the grave in the usual manner, and with the usual ceremonies; or the funeral service may be read over it previous to dissection.

There will be some who will, probably, still urge another objection; namely, that the public feeling is so strongly opposed to dissection, and that the lower orders especially are so much prejudiced against it, that a general clamour will be raised if there be any kind of legislation on the subject. But those who argue thus must have formed their opinions on what they have heard and seen in the country, in villages and the smaller provincial towns, and can know little of the state of feeling in the larger towns, and especially in London. The fact is, that in London there is literally no horror of dissection in the abstract. The thing has become in some measure familiar to the minds of the inhabitants, and especially of those who belong to the lower orders. Persons who reside in the neighbourhood of an anatomical theatre continually see boxes and hampers taken into it, which they know to contain subjects for dissection, and such an occurrence scarcely causes an observation among them. It is only when the bodies of their relatives and friends are exhumed and dissected that their feelings are excited, and, instead of being excited further, these feelings are likely to be allayed by the adoption of a plan for the dissection of the

unclaimed bodies, inasmuch as it would put a stop to the present traffic with the resurrection-men, and the robbery of churchyards.

Nor is the plan proposed to be regarded in the light of a mere experiment. It has been already tried in most parts of the continent of Europe, in Protestant countries as well as Catholic, and it has succeeded perfectly; and surely there is no such peculiarity in the English nation as ought to lead us to believe that that which has succeeded in nations so different as the French and Prussians, the Dutch and the Italians, would not succeed in England also.

Of course, these observations are founded on the supposition that dissection is carried on in a discreet and decent manner, and if it should be recognized by law, and a more abundant supply of subjects should be procured under the sanction of the state, some precautions may be necessary to prevent the evil which would arise from it being too openly practised, or being brought under the notice of the public in a disgusting or offensive shape. It will not be unreasonable to require of the teachers of anatomy that they should preserve a register of all the bodies which they receive for dissection, naming the source from whence they are obtained. It may be proper on all accounts to insist that those who undertake to be teachers of anatomy should prove their fitness for the office by passing a rigid examination before the College of Surgeons of London, Edinburgh, or Dublin, or some other competent tribunal.

This will at any rate limit the number of anatomical teachers in the best possible manner; namely, by the exclusion of uneducated and ignorant pretenders; and by confining this department of medical instruction to men of industry and science. It may be admitted as a question also, whether in addition to these measures it will not be advisable to insist that no one should be permitted to open dissecting-rooms for the admission of students without a licence to do so from the secretary of state, or from some person especially appointed for the purpose, to whom a satisfactory security must be given for the proper regulation and conduct of the establishment.

Of the foregoing observations, there are probably very few which have a claim to the merit of originality; the subject having been so frequently discussed, especially among medical practitioners, with whom the present obstacles to anatomical instruction have long been a subject of serious anxiety.