

T A S M A N I A.

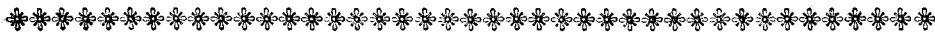


1869.

ANNO TRICESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 23.



AN ACT for regulating the Practice of Anatomy.
[22 October, 1869.]

WHEREAS a knowledge of the causes and nature of sundry Diseases which affect the Body, and of the best methods of treating and curing such Diseases, and of healing and repairing divers wounds and injuries to which the human frame is liable, cannot be acquired without the aid of Anatomical Examination: And whereas it is desirable that provision should be made for the legal supply of human bodies for such Anatomical Examination: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 It shall be lawful for every legally qualified Medical Practitioner to practise Anatomy; and the Colonial Secretary for the time being may from time to time grant a Licence to practise Anatomy to any Student attending any Hospital, on application from such party for such purpose.

Colonial Secretary to grant Licences to practise Anatomy.

2 The Colonial Secretary may appoint such and so many persons as Inspectors as he thinks fit, and may remove any such Inspector, and may appoint another Inspector in the place of the one so removed; and such Inspectors shall have full power to visit, and inspect at any time any place in which anatomy is practised.

Colonial Secretary may appoint Inspectors.

3 It shall be lawful for any Executor or other party having lawful possession of the body of any deceased person, and not being an Undertaker or other party intrusted with the body for the purpose only

Persons having lawful custody of bodies may permit them to undergo

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Anatomical Examination in certain cases.

of interment, to permit the body of such deceased person to undergo Anatomical Examination, unless, to the knowledge of such Executor or other party, such person shall have expressed his desire, either in writing at any time during his life, or verbally in the presence of two or more witnesses during the illness whereof he died, that his body after death might not undergo such examination, or unless the surviving husband or wife, or any known relative of the deceased person, shall require the body to be interred without such examination.

Provision in case of persons directing Anatomical Examinations after their death.

4 If any person, either in writing at any time during his life, or verbally in the presence of two or more witnesses during the illness whereof he died, directs that his body after death be examined anatomically, or nominates any party by this Act authorised to examine bodies anatomically to make such examination, and if before the burial of the body of such person such direction or nomination is made known to the party having lawful possession of the dead body, then such last-mentioned party shall direct such examination to be made, and in case of any such nomination as aforesaid, shall request and permit any party so authorised and nominated as aforesaid to make such examination, unless the deceased person's surviving husband or wife, or nearest known relative, or any one or more of such person's nearest known relatives being of kin in the same degree, requires the body to be interred without such examination.

The body not to be removed from the place where such person may have died without a Certificate.

5 Provided always, that in no case shall the body of any person be removed for anatomical examination from any place where such person may have died until after Twenty-four hours from the time of such person's decease, nor until after Twelve hours notice, to be reckoned from the time of such decease, to any such Inspector, or unless a Certificate, stating in what manner such person came by his death, is previously to the removal of the body signed by the legally qualified Medical Practitioner who attended such person during the illness whereof he died, or if no such legally qualified Medical Practitioner attended such person during such illness then by some such Practitioner who is called in after the death of such person to view his body, and who states the manner or cause of death according to the best of his knowledge and belief, but who is not concerned in examining the body after removal; and that in case of such removal such Certificate is delivered together with the body to the party receiving the same for Anatomical Examination.

Medical Practitioners and Students may receive bodies for Anatomical Examination.

6 It shall be lawful for any legally qualified Medical Practitioner, or for any Student of Anatomy, Medicine, or Surgery having a Licence from the Colonial Secretary, to receive or possess for Anatomical Examination, or to examine anatomically, the body of any person deceased, if permitted or directed so to do by a party who had at the time of giving such permission or direction lawful possession of the body, and who had power in pursuance of the provisions of this Act to permit or cause the body to be so examined, and provided such Certificate as aforesaid was delivered by such party together with the body.

Such persons to receive with the body a Certificate as aforesaid, which shall be transmitted to the Inspector, or a

7 Every party so receiving a body for Anatomical Examination after removal shall demand and receive, together with the body, a Certificate as aforesaid, and shall within Twenty-four hours next after such removal transmit to any such Inspector, or to some legally qualified Medical Practitioner residing at or near the place to which the body is removed, and shall enter or cause to be entered, the aforesaid particulars relating

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thereto, and a copy of the Certificate he received therewith, in a book to be kept by him for that purpose, and shall produce such book whenever required so to do by any such Inspector, or by any Justice of the Peace or Coroner, or by such person as may be appointed by writing in that behalf by any such Justice or Coroner.

Medical Practitioner.

8 It shall not be lawful for any party to carry on or teach Anatomy at any place, or at any place to receive or possess for Anatomical Examination, or examine anatomically, any deceased person's body, after removal of the same, unless such party, or the owner or occupier of such place, or some party by this Act authorised to examine bodies anatomically shall at least one week before the first receipt or possession of a body for such purpose at such place, have given notice to the said Colonial Secretary of the place where it is intended to practise Anatomy: Provided that nothing in this Section shall interfere with the practice of Anatomy at the Public Hospitals in this Colony.

Notice to be given to Colonial Secretary of places where Anatomy is about to be practised.

9 Every such body so removed as aforesaid for the purpose of examination shall, before such removal, be placed in a decent coffin or shell, and be removed therein; and the party removing the same, or causing the same to be removed as aforesaid, shall make provision that such body, after undergoing Anatomical Examination, be decently interred in consecrated ground or in some public Burial Ground in use for persons of that religious persuasion to which the person whose body was so removed belonged; and a Certificate of the interment of such body shall be transmitted to the Colonial Secretary or such person as he appoints in that behalf, within Six weeks after the day on which such body was received as aforesaid.

How bodies are to be removed for examination. Provision for interment.

10 No legally qualified Medical Practitioner, nor any Student of Anatomy, Medicine, or Surgery having a Licence from the Colonial Secretary as aforesaid, shall be liable to any prosecution, penalty, forfeiture, or punishment for receiving or having in his possession for Anatomical Examination, or for examining anatomically, any dead human body, according to the provisions of this Act.

Persons described in this Act not to be liable to punishment for having in their possession human bodies.

11 Nothing in this Act contained shall be construed to extend to or to prohibit any *post mortem* examination of any human body required or directed to be made by any competent legal authority.

Act not to prohibit *post mortem* examination.

12 If any Action or Suit is commenced or brought against any person for any thing done in pursuance of this Act, the same shall be commenced within Six months next after the cause of Action accrued; and the Defendant in every such Action or Suit may, at his election, plead the matter specially or the general issue Not Guilty, and give this Act and the special matter in evidence at any trial to be had thereupon.

Limitation of Actions.

13 Any person offending against the provisions of this Act shall be deemed and taken to be guilty of a Misdemeanor, and being duly convicted thereof, shall be punished by imprisonment for a term not exceeding Three months, or by a fine not exceeding Fifty Pounds, at the discretion of the Court before which he is tried.

Offences against this Act.

14 This Act may be cited as "The Anatomy Act, 1869."

Short Title.

