

Mr. Fremlin,	Mr. Vaughn,
Mr. Fullford,	Mr. James Watson,
Mr. Garrard,	Mr. W. J. Watson,
Mr. Garrett,	Mr. Wilson,
Mr. Hay,	Mr. Wisdom,
Mr. Henson,	Mr. Withers.
Mr. Hoskins,	<i>Tellers,</i>
Mr. Kerr,	Mr. Webb,
Mr. Kidd,	Mr. Carter.

NOES.

Mr. H. Clarke,	<i>Tellers,</i>
Mr. Pigott,	Mr. Brunker,
Mr. See,	Mr. McElhone.
Mr. Young.	

Question so resolved in the affirmative.

House adjourned at 10 minutes after
2 o'clock a.m.

Legislative Council.

Wednesday, 23 March, 1881.

Quorum in Select Committees—Assent to Bills—State
Children Relief Bill—Matrimonial Causes Act Amend-
ment Bill—Underground Railway—Berrima Coal-mine
Company's Railway Bill—Anatomy Bill (second
reading).

The PRESIDENT took the chair.

QUORUM IN SELECT COMMITTEES.

Message received from the Governor
intimating his Excellency's approval of
new Standing Order agreed to on the
16th March.

ASSENT TO BILLS.

Royal assent to the following Bills
reported :—

Ad Eundem Degrees Bill.

Mount Kembla Coal and Oil Company's
Railway Bill.

STATE CHILDREN RELIEF BILL.

Bill received from Legislative Assembly,
and read the first time.

MATRIMONIAL CAUSES ACT AMENDMENT BILL.

Message received from Legislative As-
sembly intimating agreement of that
House with Council's amendments in the
Bill.

UNDERGROUND RAILWAY.

Mr. C. MOORE asked the VICE-PRES-
IDENT OF THE EXECUTIVE COUNCIL,—Is it
the intention of the Government to have
a survey and estimate prepared for an
underground railway from the Darling
Harbour branch, under York-street, to
the Commissariat Stores, Circular Quay?

Sir JOHN ROBERTSON replied : The
Government have not yet decided upon
the project suggested in the honorable
member's question.

BERRIMA COAL-MINE COMPANY'S RAILWAY BILL.

Bill read the third time, and sent to
the Legislative Assembly.

ANATOMY BILL.

SECOND READING.

Mr. DARLEY, in moving the second
reading of this Bill, said : I think this is
a measure which will commend itself to
the mind of any one who has given the
subject with which it deals careful con-
sideration. The Bill is drafted very much
on the same lines as the English Act, 2
and 3 Will. IV., cap. 75, modified by
Acts of Parliament recently passed in the
neighbouring colonies of Victoria and New
Zealand, "to authorise the establishment
of schools of anatomy, and to regulate the
practice of anatomy therein." It is hoped
that before very long we shall be enabled
to establish a school of anatomy in the
colony. We have at present no such
school, and it is necessary for gentlemen
requiring a medical education to proceed
to some other country to study their
profession. It is therefore deemed advis-
able to establish a school of anatomy
in the colony in order that medical men
may be enabled to learn their professions
here; and it is necessary that before those
schools are established such a Bill as this
should be passed. Having once established
schools of anatomy it becomes absolutely
necessary that those schools should be pro-
vided with the means of study—in other
words, with dead bodies for the purpose of
dissection. It is impossible for a medical
student to learn his profession solely from
books. A man may learn the profession
of the law and he may become a good
lawyer from the study of books alone,
though it is questionable whether he would
be a good advocate. A medical man, how-
ever, must have the means of practising

anatomy. The Act in force in England is the 2nd and 3rd Will. IV., and it is only necessary to read the preamble of that Act to learn the necessity for such a measure. Before it was passed no Act regulating the practice of anatomy was in force, although schools of anatomy existed. There was consequently a demand for human bodies, and that demand was supplied in a way which led to crime—even to the perpetration of murder. At the period when the Act 2 and 3 Will. IV. was passed it was much more usual to recite a history of the circumstances which led to the passing of any measure than it is now. Our Acts are generally passed without any such recital. The preamble of the 2nd and 3rd Will. IV. shows clearly the history of the Act. It acknowledges the necessity for the study of anatomy—that anatomy can be studied only in one way; and points out that crime had resulted owing to there being no law regulating the practice. The crime alluded to in the preamble is the well-known case of Burke and Hare. It was that which drew the attention of the Legislature to the matter, and which was the cause of the Act being passed. In the Bill before the Committee the lines of the English Act are very closely followed. There are some departures which I will point out when the House goes into Committee. They are deemed to be improvements; but I am not very confident that this is the case in all of them; and perhaps some honorable gentlemen, who from the nature of their intimacy have studied the subject more intimately than I have done, may be able to show that the departures from the English Act are really warranted. Dr. Renwick, the honorable member who introduced the Bill in the House of Assembly, stated that it had been framed after a careful consideration of the New Zealand and Victorian Acts. I think the honorable gentleman is to be commended for the introduction of the measure, seeing that the establishment of schools of anatomy is contemplated. Before such schools are allowed it is very necessary that we should pass an Act to definitely regulate the supply of anatomical subjects.

Question resolved in the affirmative.

Bill read the second time.

[*Mr. Darley.*

In Committee,—

Clause 2 (Interpretation).

Amendment (by Mr. DARLEY) agreed to,—

That the following words be inserted:—“The word ‘Governor’ shall mean Governor with the advice of the Executive Council.”

Mr. STEWART pointed out that according to the 13th clause it was not lawful to carry on or to teach anatomy or to receive for anatomical examination any body except at a place authorised for that purpose; and the 19th clause provided a penalty of fine or imprisonment for the offence of practising anatomy except under the authority set up in the Bill. Yet anatomy was being practised every day—comparative anatomy, the dissection of domestic and wild animals; and according to this Bill it would not be lawful to carry it on except in certain authorised places. It surely could not have been intended to interfere with the practice of comparative anatomy. He moved,—

That there be added to the clause the words “The word ‘anatomy’ shall mean anatomy of the human body.”

Mr. DARLEY did not think there was any harm in the amendment, although he did not think it necessary.

Professor SMITH thought it a valuable addition, as there might be schools of comparative anatomy, and it had never been thought necessary to regulate such schools by Act of Parliament.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 4. The Governor with the advice of the Executive Council may grant a license to practise anatomy on such conditions for such period and subject to revocation in such manner as may be therein expressed to any graduate or licentiate in medicine or surgery or to any legally qualified medical practitioner or any medical practitioner in New South Wales or to any legally qualified professor or teacher of anatomy medicine or surgery or to any student attending any school of anatomy on application from any such person for such purpose countersigned by a stipendiary magistrate or by two justices of the peace certifying to their knowledge or belief that such person so applying is about to carry on the practice of anatomy.

Mr. DARLEY explained that the clause gave power to the Governor to grant licenses to practise anatomy to any “graduate or licentiate in medicine or surgery.” The term “teacher of medicine” had been defined to mean any legally qualified medical practitioner for the time

being registered under the provisions of the Acts in force in the colony who is employed or engaged as a professor or teacher of medicine or surgery. He moved, therefore,—

That the words “any medical practitioner in New South Wales or to any legally qualified professor or teacher of anatomy medicine or surgery” be omitted with a view to insert in their place the words “teachers of medicine.”

Sir GEORGE INNES said it occurred to him that it would excite considerable discussion in another place if the Committee struck out the words “any medical practitioner,” because there was a diversity of opinion whether the privileges attached to these schools of anatomy should be confined to legally qualified medical practitioners exclusively.

Amendment withdrawn.

Clause otherwise amended and agreed to.

Clause 6. Every inspector to be appointed by virtue of this Act shall make a quarterly return to the Registrar General of every deceased person's body that has been removed for anatomical examination to every such school of anatomy as aforesaid or that may have been removed to any other place where anatomy is carried on distinguishing the sex and as far as is known at the time the name and age of each person whose body was so removed as aforesaid.

Amendment (by Mr. DARLEY) agreed to,—

That the words “to be appointed by virtue of this Act” be omitted.

Amendment (by Sir GEORGE INNES) agreed to,—

That the words “deceased person's,” be omitted.

Mr. DARLEY moved,—

That the words “or that may have been removed to any other place where anatomy is carried on” be omitted.

From the tenor of the 3rd clause, it was evidently intended that anatomy was to be carried on at schools of anatomy, and nowhere else.

Professor SMITH thought the view just stated by the honorable and learned member did not appear to be very clearly indicated in the Bill, and especially when the provisions of the 4th clause were considered. At the same time he quite agreed that places ought to be licensed for the purposes of allowing the study of anatomy, and that it should be carried on in no other places. Nothing would be more likely to cause a revulsion of feeling in the minds of the public against the practice than the

knowledge that anatomy might be carried on in private houses or wherever parties chose to convey bodies for dissection.

Amendment agreed to.

Clause, as amended, agreed to.

Clause 8. It shall be lawful for any executor or other person having lawful possession of the body of any deceased person and not being an undertaker or other person entrusted with the body for the purpose only of interment to permit the body of such deceased person to undergo anatomical examination unless to the knowledge of such executor or other person such deceased 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. For the purposes of this Act the surgeon of any hospital and the keeper of any gaol shall respectively be persons having the lawful possession of the body of any person who shall die in such hospital or gaol respectively.

Mr. DARLEY drew attention to the last few lines of the clause as a most important part of the Bill, and he desired the opinion of the Committee on the retention of them. The 10th clause provided that in no case should a body be removed for anatomical examination from any place where the person died, until “twelve hours from the time of such person's decease.” So that if a person died in an hospital, the body, twelve hours after the decease, might be given up for dissection to any person demanding it. Yet, in those circumstances, the deceased friends might not know of the death, and within so brief a period after it occurred the body might be handed over. This was not right. A short time ago a gentleman was found in an unconscious state in the street, was brought to an hospital, and, owing to some neglect on the part of the police or of the hospital attendants, he was not found by his friends until some time after his death, although he had been anxiously looked for. He was a man in some position, he had attached friends, and they knew nothing of his death until more than twelve hours after it took place. Yet, under this Bill, his body might have been simply passed from a ward in the hospital to a dissecting-room in the same institution. Such a rapid mode of disposing of a body could not fail to be revolting to the friends of the deceased. The words he took

exception to were not in the English Act ; they had no doubt crept into the Bill from the Victorian or New Zealand Act. The term in the English Act is "forty-eight hours." With a view to test the feeling of the Chamber, he suggested that the words, "the surgeon of any hospital," be omitted.

Sir GEORGE INNES happened to have had some acquaintance with matters in reference to persons who may die in gaol, and he certainly went with his honorable and learned friend in objecting to the surgeon of an hospital having this power, and certainly a gaoler ought not to have it. In many cases friends or relatives might not have the means of knowing of the death of a person within twelve hours of the decease. Generally the keepers of gaols were respectable men, and considerate to prisoners and their friends or relatives ; but to vest an absolute power of this kind in all keepers of gaols throughout the country, was not desirable. He moved,—

That the words "For the purposes of this Act the surgeon of any hospital and the keeper of any gaol shall respectively be persons having the lawful possession of the body of any person who shall die in such hospital or gaol respectively" be omitted.

Mr. LUCAS regarded the clause as objectionable. It would be very easy for a lodging-house keeper to get rid of a dead lodger by handing the body over for dissection. Neither publicans nor lodging-house keepers ought to be regarded as having lawful possession of the body of a person who died in their houses. If they were not excepted from the category of those who had lawful possession of bodies, he did not see why undertakers should be excepted. The clause would probably have to be recommitted, and then he should test the feeling of the Committee on the point.

Mr. STEWART said if the proposed amendment were carried the Bill might as well be laid aside. The measure was to enable students of anatomy to get subjects ; and unfortunately it was supposed, because they obtained dead bodies from gaols and hospitals, that all who died in those institutions went to the dissecting tables. Probably only one subject would be required in a month. Dissections were performed only in the winter months, and if there were a dozen dead bodies on hand

[*Mr. Darley.*

perhaps only one would be taken. Then it was very likely that gaolers would show some discretion in selecting subjects ; they would probably hand over the body of some one who had been abandoned by his friends, one perhaps who did not deserve to have friends, one who perhaps had sacrificed his chance of doing well, one who had fleeced and disgusted friends so that he had none who cared to see him put underground. What harm could there be in dissecting such a subject ? There was no fear that the dead body of a traveller being pounced on and sent to the dissecting-room without the knowledge of his friends. If the surgeons of hospitals and gaolers were not authorised to give up abandoned bodies who was to do it ? The teachers of anatomy could not go to gaols or hospitals and carry them away ; and if they did not make arrangements with the friends of deceased persons to acquire bodies, how could they get subjects except from gaols and hospitals ? It was made manifest in England that some means to provide for subjects for students were necessary, and perhaps it had also been found necessary to save the feelings of the people by wrapping up the provisions of the Act so that they could not be easily understood, and this might account for the imperfections in this Bill.

Sir ALFRED STEPHEN considered that the words had better be struck out, as they drew attention too strongly to what might be the result of dying in prison or in hospital. The clause was quite as effective without them. Yet, in his opinion, a gaoler was in lawful possession of a dead body, the person having died in gaol ; and therefore he would have the power to give it up under the clause, whether the words were retained or omitted. The surgeon of an hospital was in a different position ; it was fairly questionable whether he had lawful possession of the dead body of a person who died in such an institution. He did not think a lodging-house keeper or publican could be considered to have lawful possession of the body of a person who died in his house ; but he did not enter into that question.

Amendment agreed to ; words omitted.

Clause, as amended, agreed to.

Progress reported.

House adjourned at 7 o'clock p.m.