

THE ANATOMY ACT OF 1832

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Delivered at a meeting of the Medico-Legal Society held on 8th August 1970, at 8.30 p.m. at the Royal Australasian College of Surgeons, Spring Street, Melbourne. The Chairman of the meeting was the President, Mr. Peter Balmford.

ALTHOUGH the title of my talk is "The Anatomy Act of 1832" or to give it its proper title *An Act for regulating Schools of Anatomy* (2 and 3 William IV., Cap. 75), I shall be saying little about the Act or its provisions, but rather will deal with the fascinating and almost incredible story of the reason why this piece of legislation became necessary. It will always be to the discredit of the British Parliamentary Institution that the medical profession had to wait until 1832 before legal provision was made for the adequate supply of material for anatomical instruction. Before this the lack of material had always been a problem peculiar to Great Britain and Ireland for no such difficulty occurred in France, Germany, Italy and other European countries where more enlightened conditions prevailed.

The first provision for the supply of bodies for anatomical dissection in Britain was contained in the Seal of Cause to the Barbers and Surgeons of Edinburgh, granted by the Town Council on 1st July, 1505, and ratified by James IV in the following year. By this they sought and were given the right,

anis [once] in the yeir ane condampnit man efter he be deid to mak anatomea of, quhairthraw [where of] we may haif experience, ilk ane [as well as] to instruct vtheris, and we sall do suffrage for the soule.

Another privilege claimed and again granted was the sole right to make and sell whisky: this latter monopoly was, with unusual lack of good Scots foresight, allowed to lapse. Anatomical dissection had been practised in European Universities from the fourteenth and fifteenth centuries, but this is the first time it was officially recognized in Britain. Edinburgh therefore was the cradle of anatomical study in the British Isles. It was not until 1540 that the Company of Barbers of London united with the Fraternity of Surgeons to form the United Company of Barber-Surgeons. In the Charter given by Henry VIII provision for the study of anatomy was made as follows:

the sayd maysters or governours of the mistery and comminaltie of barbours and surgeons of London, and their successours yerely for ever after their said discrecions at their free liberte and pleasure shal and maie have and take without contradiction foure persons condemned adiudged and put to death for feloni by the due order of the Kynges lawe of thys realme for anatomies without any further sute or labour to be made to the kynges highnes his heyres or successours for the same. And to make incision of the same deade bodies or otherwyse to order the same after their said discrecions at their pleasure for their further and better knowlage instruction insight learnyng and experience in the sayd scyence or facultie or surgery (32 Henry VIII, Cap, 42, 1540).

Soon afterwards the Master, Thomas Vicary, approached the Lord Mayor and Aldermen of London for the bodies, but the Court of Aldermen were not sure how to act in the matter. The Minutes of the Court for 14th December 1540 read:

. . . Item, Master Laxton and Master Bowes, Shreves [Sheriffs] of this Citye, prayed the advyse of this howse for and concerning the Delyverye over of one of the dedde bodyes of the Felons of late condemned to dethe within this Citye, And requyred of the seyd Master Shreves by Master Vycary and other surgeons of this Citye for Annotamye, According to the fourme of an Acte of parlyament thereof lately made. And Agreyd that the same Acte be first seen and then Master Shreves to work ther after.

Later still, in 1565, Elizabeth granted the Royal College of Physicians four bodies annually for dissection, but it would seem that the privilege was not often exercised for want of physicians trained in anatomy. At the University of Oxford no formal lectures in anatomy were given before 1624 when the first Reader was appointed.

Having thus officially recognized anatomical dissection in the sixteenth century and made some sort of provision for this to what were then the authorized teaching bodies, officialdom sat back and forgot the whole unsavoury business, turning a blind eye to any irregularities that may occur then or in the future. At no stage did Parliament pass formal regulations governing the use of the anatomical material so obtained. On their part the Company of Barber-Surgeons were zealous in the maintenance of what was later to become their sole monopoly even if they had to personally collect the bodies of the executed felons from the scaffold after unseemly scuffles with the relatives or the public

and provide the hangman with his Christmas box each year.

In spite of this gesture to the hangman it was not always easy for the Beadles of the Company to obtain their bodies as the following entry in the Annals of the Barber-Surgeons shows:

6th March, 1711. It is ordered that William Cave, one of the Beadles of this Company, do make Inquiry who the persons were that carried away the last body from Tyburne, and that such persons be Indicted for the same.

On another occasion it was necessary to obtain soldiers to protect the Beadles.

28th May, 1713. Ordered that the Clerk go to the Secretary at War for a guard in order to gett the next Body [from Tyburn].

It was becoming quite obvious that something would have to be done, for with the increase in the number of students seeking training in medicine during the eighteenth century and notably the appointment of Alexander Monro, *primus* to the chair of Anatomy at Edinburgh in 1720 legal provision of bodies became wholly inadequate. This was made most obvious in Edinburgh for the University had claim on few bodies annually. But by far the most important factor was the rise of the private schools of medicine which began to blossom in the early part of the eighteenth century and were flourishing by the end of it. Their function was to train students for examination by the Company of Surgeons (after 1745 when the Surgeons divorced themselves from the Barbers), the College of Physicians, or even the Universities, especially in Scotland. The only way open for these schools to obtain the necessary bodies for anatomical dissection was for the owner of the school and/or his students to help themselves from the many graveyards. As always when the question of supply and demand arises a new form of tradesman emerged one, who for his own gain, was willing to resurrect newly buried bodies and sell them to the anatomists. Provided he stole only the body he ran no risk from the processes of the law, but if he stole the shroud or the coffin then this became a hanging matter. It was not long before the trade became big business with many tradesmen seeking custom from surgeons and anatomists, and with the increase in the business the criminal element was soon taking an active part. It was not an uncommon occurrence for the owners of the private schools to be blackmailed and threatened by the resurrectionists. As an example, Mr. Joshua

Brookes of the Great Blenheim Street School of Anatomy once refused to pay a *douceur* to a resurrectionist at the beginning of a session. The next morning a decomposing body was found at each end of Great Blenheim Street and Brookes had to seek police protection from the mob seeking to wreck his school.

Public reaction to the wholesale removal of bodies from their last resting place was naturally not slow in coming, but on the whole it was similar to that of those in authority—shutting an eye to what was a regrettable, even an evil, necessity. It will be remembered that Shakespeare feared the grave-robber, for as he put on his tomb:

Good friend, for Jesus sake, forbear
To dig the dust incloséd here:
Blest be the man that spares these stones,
And curst be he that moves my bones.

Much later when the public became used to reading almost daily accounts of the desecration of graveyards, the matter became one of levity as witness Thomas Hood's poem written in the early years of last century:

The Invisible girl: Mary's ghost

'Twas in the middle of the night,
To sleep young William tried,
When Mary's ghost came stealing in,
And stood at his bedside.
O William dear! Oh William dear;
My rest eternal ceases;
Alas, my everlasting peace
Is broken into pieces.
I thought the last of all my cares
Would end with my last minute;
But tho' I went to my long home,
I didn't stay long in it.
The body-snatchers, they have come,
And made a snatch at me;
It's very hard them kind of men
Won't let a body be!
You thought that I was buried deep,
Quite decent like and chary,
But from her grave in Mary-bone,
They've come and boned your Mary.
That arm that used to take your arm
Is took to Dr. Vyse;
And both my legs are gone to walk

The hospital at Guy's.
 I vow'd that you should have my hand,
 But fate gives us denial;
 You'll find it there, at Dr. Bell's,
 In spirits and a phial.
 As for my feet, the little feet
 You used to call so pretty,
 There's one, I know in Belford Row,
 The t'other's in the city.
 I can't tell where my head is gone
 But Doctor Carpue can;
 As for my trunk it's all packed up
 To go by Pickford's van.
 I wish you'd go to Mr. P.
 And save me such a ride,
 I don't half like the outside place
 They've took for my inside.
 The cock it crows—I must be gone!
 My William, we must part!
 But I'll be yours in death, altho'
 Sir Astley has my heart.
 Don't go to weep upon my grave
 And think that there I be;
 They haven't left an atom there
 Of my anatomie.

You will recall, too, that one of the characters in Charles Dickens's *A Tale of Two Cities* was Mr. Jerry Cruncher, a resurrectionist by trade:

Mr. Cruncher and his son were walking down the street—"Father", said young Jerry as they walked along, taking care to keep at arm's length and have the stool well between them, "what's a Resurrection-Man?"

Mr. Cruncher came to a stop on the pavement before he answered, "How should I know?"

"I thought you knowed everything, father," said the artless boy.

"Hem! Well", returned Mr. Cruncher, going on again and lifting off his hat to give his spikes free play, "He is a tradesman".

"What's his goods, father?" asked the brisk young Jerry.

"His goods", said Mr. Cruncher, after turning it over in his mind, "is a branch of scientific goods".

"Person's bodies, ain't it, father?" asked the lively boy.

"I believe it is something of that sort", observed Mr. Cruncher.

"Oh, father, I should so like to be a Resurrection-Man when I'm quite grown up!"

By the early years of the last century the number of bodies removed from the graveyards of Britain during the winter session of teaching in the private schools reached quite amazing proportions. It was not unusual for a student to attend the funeral of a relative one afternoon and find the deceased on the dissecting room table a few days later. Quite naturally such a situation did not pass without comment. Should a surgeon require a particular person to be exhumed so that he could obtain an unusual specimen, he merely had to convey his wishes to one of the resurrectionists and pay the appropriate fee. In 1828 Sir Astley Cooper in evidence before the Select Committee on Anatomy quite bluntly stated the position when he said:

... there is no person, let his situation in life be what it may, whom, if I were disposed to dissect, I could not obtain.

... the law only enhances the price and does not prevent the exhumation.

Sir Astley was one of the many surgeons who traded with the resurrectionists and paid out large sums to them even while they were in prison, as an extract from his papers shows:

January, 29th, 1828. Paid Mr. Cock to pay Mr. South half the expenses of bailing Vaughan from Yarmouth and going down £14.7.0. May 6th, 1829. Paid Vaughan's wife 6s. Paid Vaughan for twenty-six weeks' confinement at 10s per week, £13.

The activities of the resurrectionists are well documented in the diary of one of their members covering the years 1811-1812. Written by one Joshua or Joseph Naples who served in the Royal Navy on the *Excellent* off Cape St. Vincent, the manuscript is now in the Royal College of Surgeons of England. Although incomplete it gives a day-by-day, or more correctly night-by-night, account of the work of Naples and his associates working as a gang whose leader was Ben Crouch. It names the members of the gang, the graveyards visited, the number of subjects raised, to whom they were sold and the price received. The document is the only manuscript evidence of the extent of the trade. Those in charge of burial grounds made some gesture towards the security of their graves by the use of guards, enclosing the graves in iron mortsafes, especially in Scotland and notably in Greyfriars Churchyard, Edinburgh, and by other means. To some degree this hindered the work of the resurrectionists, who went further

afield to those graveyards not so protected; naturally the price of subjects increased as a result.

The owners of the private schools of anatomy had on a number of occasions sought legislation for the supply of bodies, if for no other reason than to get them out of the clutches of the resurrection-men, but their endeavours failed mainly because of the power exercised by the Company of Surgeons, later the College of Surgeons, who strove to maintain its monopoly. Finally, however, bowing to demands of the public and the profession, Parliament appointed the Select Committee on Anatomy in 1828 under the chairmanship of Mr. Henry Warburton to report on the teaching, supply of material and any other matters concerned with the problem. The Committee heard evidence from the owners of private schools, the College of Surgeons, hospital boards, even the resurrectionists, and produced an excellent and quite devastating report.

An anonymous resurrectionist, possibly Ben Crouch, gave evidence that in the years 1809 to 1813 his gang had obtained and sold 1211 adults and 179 children to the schools in London alone and received an average of £4.4.0 each for these. They had also supplied subjects to the schools in Edinburgh. Another tradesman revealed that by 1828 it was difficult if not impossible to raise bodies from London graveyards because of the introduction of armed guards; as a result bodies were scarce and the price rose as high as £14.14.0. All surgeons and anatomists stressed the absolute necessity for a legalized supply of anatomical material and offered a number of suggestions as to how this could be done.

Following the Report Mr. Henry Warburton introduced a draft Anatomy Bill to the House of Commons in March, 1829. Passed with slight modifications it was introduced into the House of Lords by Lord Calthorpe but, bitterly opposed by the Archbishop of Canterbury and other peers, it was withdrawn. Something else was needed to shape Parliament in spite of the fact that the public were obviously aware of the increase of grave-robberies and also of the persistent appeals of the anatomists. Moreover, the press exposed the whole business of the resurrectionists to the public and Thomas Wakley in thundering editorials in *The Lancet* drew the attention of the medical profession to the evils; not that they really needed to be told of these.

The Report from the Select Committee on Anatomy was presented in June, 1828 and by the end of that year the uneasy calm was broken in a most dramatic manner by the news from Edin-

burgh that a number of persons had been murdered by William Burke and William Hare and their bodies sold to the private school of Robert Knox. Burke and Hare commenced their career as purveyors of anatomical material on 29th November, 1827, when a pensioner named Donald died in Tanners Close, West Port, Edinburgh. He died owing Hare £4 whereupon Hare, assisted by Burke who lodged in the same house, decided to sell his body to the anatomists to recover the money. They were directed to Knox's establishment at 10 Surgeons' Square where they received £7.10.0 for Donald's body. The relative ease by which they acquired the money made them anxious to repeat the performance, but there seemed no future in waiting for other tenants to die, so they decided to entice people to their den, fill them with whisky and kill them. This they did sixteen times throughout the next twelve months. Burke and Hare were not resurrectionists; they were too cowardly to raise bodies from the grave yet they had no compunction in taking on murder as a profession. Only eight of their victims were known by name, as appeared in Burke's confession, and for their year's work they received a total of some £130. Two of their victims occasioned surprise when their bodies were seen by Knox and his assistant William Fergusson (later Sir William, the noted surgeon). One of these was a harmless halfwit named James Wilson but called "Daft Jamie" who made a precarious living as a beggar in Edinburgh and was widely known, and the other was a young prostitute called Mary Paterson, better known to the students. Burke and Hare were assisted in their crimes by "Mrs" Hare and Helen McDougal, Burke's mistress, all of whom being involved in the murder of their last victim, an old woman named Docherty. Her body was seen by two of Burke's former lodgers who told the police. After the four were arrested the police went to Knox's school and found the body of Mrs. Docherty still tied up in a tea-chest; it had not yet been seen by Knox or Fergusson.

The first news that one woman and the later news that a number of people had been murdered for the sale of their bodies caused an immediate sensation in Edinburgh and throughout the United Kingdom. When the full story became known the public reaction was one of intense horror and consternation. Hare having turned King's evidence, Burke and McDougal, his mistress, were brought to trial at ten o'clock in the forenoon of Wednesday, 24th December, 1828, and the trial continued until ten o'clock the following morning. In view of the revulsion of

public opinion and the enormity of the crimes it is to the credit of the legal profession in Edinburgh that Burke and McDougal were defended by the leading figures of the Bar of Scotland.

On Christmas morning the jury returned the verdict of guilty for Burke and "not proven" for McDougal. The sentence of death was pronounced in the usual form, with the customary rider that Burke's body was to be publicly dissected and anatomized. He was hanged in the Lawnmarket of Edinburgh on 28th January, 1829, and some 20,000 people watched him die. When his body was taken to the University of Edinburgh to be dissected by Alexander Monro, *tertius*, a further 15,000 persons filed past the body. Burke's skeleton still hangs in the Department of Anatomy at Edinburgh University.

The public demanded that Knox be punished for his part in the matter. An inquiry by the Procurator-Fiscal of Edinburgh exonerated him from implication in the murders, pointing out that like all anatomists he relied on the resurrectionists for subjects, got them where he could and, provided there were no obvious suspicious circumstances, asked few questions of the suppliers.

Burke's confession published in the *Edinburgh Evening Courant* of 7th February 1829, also clears Knox of any part in the murders, for it ends:

Burk declares that doctor Knox never encouraged him neither taught or encouraged him to murder any person neither any of his assistants that worthy gentleman Mr. ferguson was the only man that ever mentioned any thing about the bodies he inquired where we got that yong woman paterson.

Sined William Burk prisoner

It is of interest to see what effect the Edinburgh murders had upon the supply of anatomical material to Knox's school. After the initial public and press reaction had died down it appears that the supply was not immediately interrupted to any large extent. The daily account books of the school kept by William Fergusson are in the library of the Royal College of Surgeons of England and show quite clearly that supplies of bodies regularly arrived at the school during 1829 and after. Few came from Edinburgh, but they were received from Glasgow, Manchester, Liverpool, Newcastle, other parts of Scotland and even Dublin. From July 1829 until June 1832 no less than £1,826 was spent on 181 bodies. This figure also includes some incidental expenses

concerned with the supply. However, the accounts show that while the session 1829-30 was not affected, that of 1830-31 showed a slight decline in the number of bodies supplied. During the session 1831-32 the number fell to about half that of 1829-30.

Some of this variation could easily have been due to a falling off in student numbers, for although Knox was greatly shaken by the crime of Burke and Hare and subjected to bitter attacks in the press as well as by his colleagues in the profession he was not crushed. A lesser man might have closed his school and left Edinburgh, but Knox stayed on until 1842 when dwindling numbers of students finally forced him to close. His assistant and friend, Fergusson, had resigned in 1836 so that he could attend to his busy surgical practice which was by then fully occupying his time.

It will be noted that the defeat of Warburton's Anatomy Bill by the House of Lords was in March, 1829 well *after* the trial of Burke. Obviously something more than a series of murders in Edinburgh was needed to arouse the Government in London.

The next episode in the drama, and one which was to bring down the curtain, was some time in being acted, but when it occurred it was much nearer home. On 5th November, 1831, John Bishop and James May called on the porter of the dissecting room at King's College, London, and asked him if he wanted anything. When he asked what they had the reply was "a boy of fourteen". First demanding £12.12.0 they finally agreed to accept £9.9.0 and later in the day returned with John Head, alias Thomas Williams and a porter who carried the body in a hamper. Hill, the King's College porter, after one look at the body suspected that the boy had been murdered and called Mr. Partridge, the demonstrator in anatomy, who confirmed this. With considerable presence of mind the latter produced a £50 note and asked the men to wait until he got change. When he returned he was accompanied by the police who arrested Bishop, Williams and May. When the body was properly examined, it was found that the cervical vertebrae had been fractured. All the boy's teeth had been removed and sold to a Mr. Mills, a dentist, for this was a lucrative sideline of the resurrectionists.

The body was that of Carlo Ferrari who made his living by exhibiting white mice. With the true instincts of Sherlock Holmes, Mr. Partridge went to the lodgings in Nova Scotia Gardens of Bishop and Williams with the police and found the cage which held the mice. By exhibiting a piece of cheese the

mice themselves were enticed from behind the wainscoating. The boy's clothes were found buried in the garden and in a well in which the boy had been drowned after being struck on the neck. On 1st December the three men appeared in Old Bailey and were quickly found guilty of murder. All were sentenced to death, but May was respited and then sentenced to transportation. Bishop and Williams were hanged at 8 a.m. on 5th December 1831 outside Newgate, amid the tremendous excitement of 30,000 spectators and their bodies taken to the College of Surgeons where a formal incision was made in each and then the bodies were handed over to a private school (that of Bishop to King's College and that of Williams to the Little Windmill Street School). At the trial it was revealed that they had difficulty in getting rid of the body having tried to sell it at Guy's Hospital and at Grainger's School before coming to King's College. They also confessed to the murders of two others, a woman and another boy whose bodies had been sold.

Mr. Henry Warburton now thought the time was ripe to reintroduce his Anatomy Bill to the House of Commons which he did only ten days after the hanging of Bishop and Williams, and this time he was successful. The Bill passed the House of Commons on 11th May 1832, and shortly after was approved by the House of Lords. As *An Act for regulating Schools of Anatomy* it received the Royal assent on 1st August 1832. It not only provided the proper legal machinery for regulating the study of anatomy, but it allowed for the proper provision of anatomical material, proper certification and provision for the burial of the bodies after dissection. The schools of anatomy were to be under the control of persons licensed by the Secretary of State who also appointed inspectors to see that the terms and provision of the Act were carried out correctly.

At one stroke it did away with the resurrectionists who for centuries had dominated the supply of material for dissection; it also did away with anatomizing as part of the death sentence for murder. The study of human anatomy was now fully legalized in Great Britain and Ireland. There is no doubt that the medical profession owes a very great debt to Mr. Henry Warburton (1784-1858) a timber merchant and philosophical radical, sometimes student of Eton and Trinity College, Cambridge, a Fellow of the Royal Society to which he was elected in 1809, one of the founders of the London University and member of its first council, and member of the House of Commons returned in 1826

representing the borough of Bridport in Dorset. A fighter for any cause that he thought to be correct and with no fear of criticism he was active in the repeal of the duties on newspapers and on corn and supported the introduction of penny postage.

The Anatomy Act of 1832 served as the model for all subsequent Acts in English speaking countries. It was the basis for the early legislation in America and when the medical school was established in the University of Melbourne the British Act formed the text for *An Act for regulating Schools of Anatomy* (25 Victoria, No. 156) passed by the Victorian Parliament on 18th June 1862. This Act modified the original text only in so far as was necessary for the local scene, the terms and provisions being the same. This was the first Anatomy Act to be passed in Australasia and although subsequently repealed its content is incorporated in the various Acts regulating the practice of medicine which were later passed. Mr. Warburton's terms and provisions still form the basis for controlling the study of anatomy in medical schools throughout Australia.

To members of the medical profession and, I suspect, that of law, Henry Warburton is unknown, but it is hoped that this account will at least bring him to mind and do something to repay the debt we owe him.

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