

by putrefaction or decomposition will produce an offensive smell or effluvia, or any other substance of any kind, nature or description, without first obtaining the consent of the owner or occupant thereof in writing, is guilty of a misdemeanor.

§ 2. EMERGENCY.] An emergency is hereby declared to exist, and this act shall take effect and be in force on and after its passage and approval.

Approved March 6, 1905.

MEDICINE AND SURGERY.

CHAPTER 134.

[S. B. No. 72—Taylor.]

PROMOTING ANATOMICAL KNOWLEDGE.

AN ACT to Promote Anatomical Knowledge and the Science of Medicine and Surgery and to Provide for Anatomical Material for Such Purposes, and Penalties for Neglecting to Comply With the Provisions of This Act.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. BODIES OF DECEASED PERSONS WHO ARE BURIED AT PUBLIC EXPENSE TO BE GIVEN TO PHYSICIANS AND SURGEONS TO PROMOTE ANATOMICAL KNOWLEDGE.] That superintendents of penitentiaries, hospitals, insane asylums and poor houses, coroners, sheriffs, jailors, city and county undertakers, and all other state, county, town and city officials who shall have custody of any body, of any deceased person required to be buried at public expense, shall give permission to any physician or surgeon who is a licentiate of the state board of medical examiners, or to any medical school or college, public or private, of any city, town or county within this state, upon his or their request therefor, to receive and remove free of charge or expense, after having given proper notice to the relatives or guardians of the deceased, the bodies of such deceased persons to be buried at public expense, to be by him or them used within the state for advancement of anatomical knowledge and medical science, preference being given to medical colleges or schools, public or private; such bodies to be distributed to, and among the same equitably; the number assigned to each being in proportion to the students of each college or school; provided, however, that any person claiming to be, and satisfying the proper authorities that

he is of kindred of the deceased, shall ask to have, within thirty-six hours after death, the body for burial, it shall be surrendered for interment; and provided, further, that any medical college or school, public or private, or any officers of the same that shall receive the bodies of deceased persons for the purpose of scientific study under this act, shall furnish the same to students of medicine and surgery who may be under their instruction.

§ 2. BONDS TO BE GIVEN.] Any physician or surgeon who is a licentiate of the state board of medical examiners, or any medical college or school, public or private, before receiving any dead body or bodies, shall give to the proper authorities, surrendering the same to him or them, a sufficient bond that said bodies shall be used only for the promotion of medical science within this state; and whoever shall use such dead body or bodies for any other purpose, or shall remove the same beyond the limits of this state, and whoever shall buy or sell any such bodies or body, or shall traffic in the same shall be deemed guilty of a misdemeanor, shall, upon conviction thereof, be fined in the sum of one hundred dollars, and any officer refusing to deliver the remains or body of any deceased person, when demanded under the provisions of this act shall be guilty of a misdemeanor and shall pay a fine of not less than fifty dollars.

§ 3. BODIES REQUIRED TO BE BURIED OR BURNED AFTER HAVING SERVED THE PURPOSE. PENALTY FOR NEGLIGENCE.] It shall be the duty of preceptors, professors and teachers, and all officers of medical colleges and schools, public or private, and all others who shall receive any dead body or bodies in pursuance of the provisions of this act, decently to bury in some public cemetery or to cremate the same in a furnace properly constructed for that purpose, the remains of all bodies after they shall have answered the purposes aforesaid, and for any neglect or violations of the provisions of this act the party or parties so neglecting shall be guilty of a misdemeanor, and on conviction shall pay a penalty of one hundred dollars.

§ 4. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1905.