

The Legal News.

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CREMATION IN ENGLAND.

In *Regina v. Price*, reported in the April number of the Law Journal Reports, Mr. Justice Stephen expresses the opinion that cremation *per se* is not illegal. In a previous case (*Williams v. Williams*) Mr. Justice Kay, without deciding the question formally, intimated that in his opinion the practice was not legal according to the law of England. Mr. Justice Stephen, whose opinion has great weight, after full consideration, has arrived at a different conclusion.

The *Law Journal* (April 26, 1884,) says: "The drift of Mr. Justice Stephen's argument may be very shortly stated. In the first place, he says that there is no authority for the proposition contended for by the prosecution, which he has been able to discover after the fullest examination. He admits that Courts have sometimes declared acts to be misdemeanors which have never previously been decided to be so, but suggests that those cases all 'involved great public mischief or moral scandal.' "I do not think," he adds, "that it can be said that every practice which startles and jars upon the religious sentiments of the majority of the population is for that reason a misdemeanor at common law." This view is supported by reference to the Anatomy Act, which appears to him to show that burial was not the only mode of disposing of bodies recognized by the Legislature. His decision, therefore, is that cremation *per se* is not illegal, and is not the subject of an indictment unless done so as to amount to a public nuisance."

Since the decision of Mr. Justice Stephen the Cremation Society have issued the following conditions on which the employment of the Crematorium will be permitted by the council:—

I. An application in writing must be made by the friends or executors of the deceased—unless it has been made by the deceased

person himself during life—stating that it was the wish of the deceased to be cremated after death.

II. A certificate must be sent in by one qualified medical man at least, who attended the deceased until the time of death, unhesitatingly stating that the cause of death was natural, and what that cause was.

III. If no medical man attended during the illness, an autopsy must be made by a medical officer appointed by the society, or no cremation can take place.

LAW AND LAWYERS IN BELGIUM.

An English lawyer contributes to the *Law Journal* (London) some notes of a recent visit to Belgium. He praises the advocates' costume. "The robes," he says, "are far superior to our own. The gowns very neat, clean, and fastened in front so as to lie close to the neck instead of falling away from the shoulders in awkward slovenliness, as here; adorned with the pretty white ermine tufts instead of the ugly cowl, and covering the body of the advocate, like our judges' robes, not leaving exposed to view that remarkable variety of shirt front and waistcoat which characterize without adorning the English bar."

The salaries paid to the judges are wonderfully small. The usual stipend is £300 a year, or \$1500, and the highest judge in the country gets only £540, or less than one-half what our chief justices receive.

The following passage might have been written of a visit to the province of Quebec: "The thought occurs, As these good people have a Code, what do they want with volumes of reports? We had business in hand, in fact a commission, and some *avocats* of very great intelligence gave us plenty of law—pages and pages of it. They were asked, 'Was there anything in the Code about it?' 'Well, yes, two lines that perhaps had some bearing on it.' 'Where, then, does all this learning come from?' 'Why, from reported cases to be sure.' A lesson to codifiers. But, of course, a Code can only propound general principles evolved from past experience. But legal decisions are evoked by the infinite variety of mundane circumstances, which are exactly what the wisest can neither foresee nor guard against."