

the sole author of that first edition will smile at the flavour and wit that still shine through: 'Gift horses to a church should always be looked in the mouth, and no gift, however well intentioned, should be introduced without a faculty.' (see p. 126).

Annotations

The inaccuracy at p. 3 as to trees and s.6(1) is corrected at pp. 179 *et seq.* At p. 38, footnote 78, the reference should be to s.31(1); the last sentence of footnote 78 and footnote 79 should both be deleted (cp) footnotes 80 and 81. Page 46 should refer to rr. 14(1) and 22(1) of the new Rules and not to 'rule 10(2) of the F.J.R. 1967' which has been revoked. At p. 64 the reference should be to s.24 of the C.C.M. (*quaere* also whether this is technically a repeal, although it is so called in the marginal note). The apparent view as to not waiting for the D.A.C.'s advice at p. 68 is corrected, no doubt properly, at p. 69. In line 5 of p. 85 'agreement' should read 'disagreement' and line 6 of p. 91 should read 'so essential'. Pages 201-203 should read 'EJM 1963'. There has been a third edition of *The Churchyards Handbook* since 1988.

DAVIES' LAW OF BURIAL, CREMATION AND EXHUMATION

Sixth Edition by DAVID A. SMALE
Shaw & Sons, Kent, 288pp. (Paperback £29.95)

A review by George L. Newsom, Barrister

The first edition of this book was published in 1956. It is now a standard work of legal reference for those professionally concerned with the administration of burial and cremation. David Smale, a former Superintendent and Registrar of Cemeteries, Crematorium and Mortuary Services, Brighton, was thus well placed to edit this edition. His task was to incorporate changes in law and practice since the previous edition published over a decade ago.

The readership of "Davies' " is plainly not intended to be confined to members of the Institute of Burial and Cremation Administration, of which David Smale is a past president. Typical of the practical character of this book is an appendix giving details of several organisations and others associated with the book's subject matter. These include the British Institute of Funeral Directors, the National Association of Funeral Directors, the Cremation Society of Great Britain, the National Association of Memorial Masons, and H.M. Inspector of Anatomy. The Ecclesiastical Law Society is not among those listed, but members of the society would find it a useful work of reference when researching or applying the subject.

This edition is arranged in four parts: the first three are entitled respectively Funeral Arrangements, Burials, and Cremation. The fourth covers exhumation and disused burial grounds.

Earlier parts of the book explain the various certification and registration procedures following death. Many associated subjects are mentioned and considered: these include the removal of organs for medical purposes, reports to the coroner, notifiable diseases, and rights and responsibilities in relation to the deceased's body and in relation to funeral arrangements and expenses. As befits a work which is likely to be consulted by many who do not have a law library to

hand, provisions of statutes and statutory instruments are helpfully set out in many places and connected by a sound and practical commentary. Included also is some material which might not easily be found elsewhere, for example the guidelines, issued by the Institute of Burial and Cremation Administration, enabling decent and reverent disposal of foetal remains of less than twenty-four weeks gestation.

The book deals fully with cremation procedures and the provision and management of crematoria. Cremation now follows almost seventy per cent of deaths in the United Kingdom. An appendix of statistics indicates that, of the mostly non-Asiatic countries listed in the appendix, this percentage is exceeded only in Japan. The text includes the Code of Practice of the Federation of British Cremation Authorities, which establishes standards of conduct and care. The book does not depart far from the practical aspects of administering burial and cremation. There is for example a brief discussion of the responsibilities of employers and employees under the Health and Safety of Work Act 1974. The details go far beyond the scope of this review; but perhaps it should be in the realm of general knowledge that cremation may be refused if a cardiac pacemaker has not been removed: the heat can cause it to explode, possibly resulting in a radioactive incident. It seems that other implants do not have to be removed: any metal found among the cremated remains should be disposed of in aggregate in accordance with the directions of the Cremation Authority.

The present law of cremation is relatively modern. According to Stephen J. in *R v Price* (1884) 12 QBD 247 disposal of bodies by burning was discontinued in this country and in other parts of Europe many centuries ago as being opposed to Christian sentiment. The defendant before him at Cardiff Assizes was an eccentric and litigious octogenarian surgeon who claimed to be the last of the druids. The indictment against Dr Price was that he had attempted on a hill overlooking Llantrissant to burn the body of his deceased five-month old son, whom he had named Iesu Grist. After consulting Lord Justice Fry, Stephen J. concluded that the burning of a dead body was not a misdemeanour, unless done so as to cause a public nuisance. At common law, the way was then clear for the first crematorium to be opened in Woking in 1885 under the auspices of the Cremation Society. Dr Price himself was cremated on the same hill in 1893 in the presence of a crowd of over 20,000. The fire was lit after the parish curate had read a service adapted, with the approval of the bishop of diocese, from that appointed for the burial of the dead at sea.

This edition consolidates the reputation of "Davies". Those concerned with the legal practicalities of burials and cremations will wish always to have a copy available.

CHURCH, STATE, MORALITY AND LAW

by PATRICK HANNON

Professor of Moral Theology, St Patrick's College, Maynooth

Gill and Macmillan Limited, Goldenbridge, Dublin 8

1992. Three impressions. 159 pp.

(Paperback £10.99)

A review by Chancellor George Spafford

This lucid work modestly claims to be concerned simply with how a (Roman) Catholic is expected to vote on issues involving morality and law. It does