

**THE LAW OF CREMATION: AN OUTLINE
OF THE LAW RELATING TO CREMATION,
ANCIENT AND MODERN : TOGETHER
WITH THE RULES AND REGULATIONS OF
VARIOUS CREMATION SOCIETIES AT
HOME AND ABROAD**

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The law of cremation: an outline of the law relating to cremation, ancient and modern : together with the rules and regulations of various cremation societies at home and abroad by Aubrey Richardson

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AUBREY RICHARDSON

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BY
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With the Author's compliments.

PREFACE

SOME three years ago, at the Medical Society of London, a discussion arose on a paper on the subject of Cremation, read by my father, Dr. Benjamin Ward Richardson, F.R.S., whether a person could determine for himself as to the mode of the disposal of his remains after death, and whether or not such disposal was entirely in the hands of his executors.

At the meeting great uncertainty and difference of opinion prevailed, which led the author of the paper to request me to ascertain if there was any method by which a testator could ensure that his body after death would be disposed of according to his own wishes.

The question thus opened widened under inquiry, and I was led therefore to collect information from various authorities in Foreign Countries, all of whom

replied to me with a fulness and courtesy for which I cannot be too grateful. The result left me in possession of material which I have attempted to bring into brief and convenient form, and which I trust may prove useful to the legal profession and the public generally.

49A LINCOLN'S INN FIELDS,

January 1893.

The Law of Cremation.

PART I.

ANCIENT LAW.

IN his exhaustive work, "La Crémation et ses Bienfaits," Monsieur Alexandre Bonneau points out that the history of cremation may be divided into three epochs: 1. The Vedic period, during which the practice spread among all the branches of the Aryan race; 2. The Brahmanic period, that was signalised by the erection of pyres in all parts of India; and 3. The Buddhistic period, when the custom spread to all the peoples of the Turanian race (*i.e.*, the non-Aryan and non-Iranian¹ races), even to the shores of the Pacific Ocean and to America.

The primitive Aryans saw that death deprived all living beings of bodily warmth, and so came to regard heat as the principle of life; they perceived, moreover, that fire is the great purifier, and noted that, while it

¹ One of the earliest great sub-races of the Aryan family that settled in the region now known as Persia.

had power to destroy some forms of matter, upon others it could only work a transformation. These observations led them to place the bodies of their dead before a fire, and to supplicate Agni—the Life-Giver—to reanimate and purify them. At last they adopted the practice of consigning them altogether to the flames, in the belief that by that means alone could the body be transformed into spirit.

Concerning the place of abode of the Aryan race before its division into sub-races and dispersion throughout many lands, Professor Max Müller would still have us believe that it was "somewhere in Asia"; but the view of the larger number of the scholars of the day is, that the great plain of Northern Europe, stretching from the Ural Mountains over Northern Germany and the North of France as far as the Atlantic, formed the cradle of the Aryan family. That the custom of cremation prevailed in that region in pre-historic times we know from the evidence of dolmen and tumulus.¹ These ancient altars and tombs are scattered throughout Europe and in parts of Asia and Northern Africa. The accounts of Caesar, Diodorus of Sicily, and others of the mortuary customs of Gaul and those practised by the Druids, clearly prove that the ancient inhabitants of France and Britain burned their dead; while among the Scandinavians the custom prevailed until the ninth and among the Slavs until the eleventh century. Tacitus gives a description of the crematory process in vogue among the ancient Germans or Goths.² In

¹ "The Origin of the Aryans," by Isaac Taylor, M.A. "The Contemporary Science Series."

² "La Crémation et ses Bienfaits."

course of time all the great nations of the globe came to be in some way influenced by Aryan modes of thought, and cremation was either wholly or partly established in nearly all of them. Only Egypt, Persia, and China resisted the introduction of the practice.

EGYPT.

The strong belief of the Egyptians in personal immortality and their devout expectation of the eventual return of each individual spirit to the "tenement of clay" vacated at death, doubtless led them to ignore the method of sepulture that was not only in vogue in cotemporary European civilisations, but was practised by the Ethiopians and Carthaginians.¹

Monsieur Bonneau, however, shrewdly surmises that scarcity of wood may have had something to do with the staunch adherence of the Egyptians to their invariable custom of embalming.

PERSIA.

Ostensibly, the cause of Persia's resistance lay in the high reverence paid by the followers of Zoroaster to fire. They would not pollute the Life-Giver by feeding it with decomposing substances. The same pious awe of the universal elements led them to refrain from burying corpses in either earth or water. They had, however, less regard for air. Their practice, originally, was to

¹ See article on Cremation in "Encyclopædia Britannica"; also Account of Death of Elissa (Dido), Foundress of Carthage, in "The History of the World," by Justin.